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**(ACE Paper 11/96)**  
for advice

**Noise Control (Amendment) Bill 1996 -  
Control of Noise from Intruder Alarm Systems**

**INTRODUCTION**

This paper seeks Members' advice on the amendment to the Noise Control Ordinance (Cap. 400) for the control of noise from intruder alarm systems.

**BACKGROUND**

2. At the 6th meeting of the Advisory Council on the Environment held on 20.6.94, members endorsed in principle a proposal to control noise from vehicle burglar alarms (more correctly referred to as "intruder alarms"). This paper now seeks Members' formal advice on legislative proposals which will ensure that intruder alarm systems installed in vehicles do not cause unnecessary disturbance. The opportunity is also taken to repeal certain provisions in the Summary Offences Ordinance (Cap.228) for control of noise from intruder alarm systems in premises, and to re-provide them in the Noise Control Ordinance so that the public can clearly see the controls in one place.

**THE PROPOSED LEGISLATION**

3. The draft amendment Bill is attached at the Annex for members' consideration. The essence of the legislative proposal is to limit the sounding of vehicle alarm systems to no more than 5 minutes. The opportunity is also taken to make some changes of a "house-keeping" nature. How the various provisions achieve this purpose is described in paragraphs 4 to 12 which follow.

**AMENDMENT TO THE NOISE CONTROL ORDINANCE**

**Noise from Intruder Alarm Systems (Clause 3)**

4. Two new sections will be added to the Ordinance. One (s.13A) will serve simply to move existing controls of intruder alarm systems installed in premises from the Summary Offences Ordinance to the Noise Control Ordinance. The other (s.13B) will provide the new control of vehicle alarm systems which is the subject of this paper.

**New section 13A - Intruder Alarm System installed in any Premises**

5. This provision is essentially the same as the existing provision in s.14A of the Summary Offences Ordinance. However, there are several minor changes :

- (a) in s.13A(1) the clause "installed in any premises" is amended to read "installed in, over, under or in the vicinity of any premises" to provide for comprehensive control. At the same time, the term "the system" is changed to "the intruder alarm system" as defined in the new provision;

- (b) in s.13A(2), "the fine of \$5,000" in the original provision will now be changed to "a fine at level 3", which at present represents a fine between \$5,001 and \$10,000 under the Criminal Procedure Ordinance (Cap. 221). The fine has been adjusted in line with inflation and expressed in a new standard format for fines not exceeding \$100,000; and
- (c) in s.13A(3), a new clause is added to facilitate any future changing of the time limit (currently set at 15 minutes) without the need to amend the principal Ordinance.

New section 13B - Intruder Alarm System installed in any Vehicle

6. S.13B(1) provides that every registered owner of a vehicle, who has an intruder alarm system installed in it, has to ensure that the system

- (a) shall not emit any audible signal caused otherwise than by an act of direct physical contact with the vehicle, whether that act is intentional or not; and
- (b) upon activation, shall not sound for more than 5 minutes.

Part (a) is to tackle "over sensitive" systems which are prone to give false alarms, while part (b) puts an "absolute limit" to the sounding period, so as to limit the noise disturbance, but still provide sufficient time for the Police to attend to the vehicle in question.

7. S.13B(2) further requires that owners of vehicles that are first registered after a certain date (to be specified by notice in the Gazette) to ensure that systems installed in vehicles shall not emit further audible signals subsequent to any initial triggering of the alarm without first manually resetting the alarm.

8. The purpose of this "manual reset" requirement is to further reduce possible noise nuisance caused by second or subsequent activations of the alarm. It applies only to the audible part of the system, so that other security features such as immobilizers and flashing lights are not affected. This control is only to be applied to newly registered vehicles, as it is not considered practicable to require modification of all existing systems.

9. S.13B(2) makes an exception for situations where doors or bonnets or boots or tailgates of vehicles are opened. This allows systems to re-arm in such cases so as to guard against unauthorized entry.

10. S.13B(3) creates a penalty which is in line with the maximum fine level for other neighbourhood noise offences (i.e. fine at level 3) under s.4 & 5 of the Ordinance.

11. S.13B(4) has the same effect as s.13A(3), which is to facilitate future changing of the time limit (initially set at 5 minutes) without the need to amend the principal Ordinance.

Application to Crown (Clause 4)

12. This provision makes it clear that the proposed control will also bind the Government.

CONSEQUENTIAL AMENDMENT TO THE SUMMARY OFFENCES ORDINANCEProvision of Alarm Systems with a Cut-off Device (Clause 5)

13. As the control is to be provided under the Noise Control Ordinance (s.13A of Clause 3), the corresponding provision (s.14A) in the Summary Offences Ordinance is to be repealed.

ENFORCEMENT

14. The Police will continue to act as the enforcement agent for the provisions.

IMPLEMENTATION

15. It is planned to introduce the amendment Bill into the Legislative Council in May this year. In order to allow reasonable time for the public to comply with the controls, it is intended that the controls will come into operation approximately 3 months after the enactment of the Bill. It is also proposed that the "manual reset" requirement will become operational 6 months afterwards (i.e. about 9 months after enactment of the Bill).

CONSULTATION

16. The Accident Insurance Association of Hong Kong and the Motor Traders Association and several major importers and/or agents of vehicle burglar alarm systems have been consulted. All of them indicated a general support for the proposal.

PUBLIC REACTION

17. According to Police figures, noise from intruder alarm systems is a persistent nuisance - some 50 to 60 complaints have been received every month over the past two years. The public should therefore welcome the proposed control.

ECONOMIC IMPLICATIONS

18. The proposed controls will have no major financial implication for owners of the vehicle alarms. Only those vehicle alarms suspected to be causing a problem would need to be checked and modified. In fact, most of them would simply require adjustment of the sensitivity level of the alarm system.

ADVICE SOUGHT

19. Members are invited to recommend the draft Noise Control (Amendment) Bill to the Executive Council with a view to its introduction to the Legislative Council in May 1996.

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