

Hong Kong Retail Management Association
Submission on Proposed Amendments to the Noise Control Ordinance (Cap. 400)
5 October 2023

The Hong Kong Retail Management Association (“HKRMA”) supports the Government’s initiatives to improve Hong Kong’s environment. Over the years, the community has achieved significant success in this regard. In response to the proposed amendments to the Noise Control Ordinance (Cap. 400), the HKRMA would like to present members’ key concerns and the related recommendations as follows.

Key Concerns

HKRMA believes the proposed amendments relating to the prohibition on the use of loudspeakers, megaphones, or other sound-magnifying devices for peddling in or near public places is overly broad. In particular:

- The proposed prohibition is not limited to the use of loudspeakers for hawking products immediately outside of premises. It would apply to the use of speakers for peddling inside premises, if they are at all audible from any public place, such as streets (for example, street-facing retail outlets).
- There is no specified threshold for the sound level, meaning that even if the sound from the speakers inside premises does not have any impact on the public, so long as it is audible from any public place, it would still be considered a violation and subject to a fixed fine of HK\$10,000.
- In practical terms, this would likely require all retail outlets, particularly those at ground levels facing the streets, to cease using speakers to promote any goods or services. The proposed definition of peddling (叫賣) is very broad and would encompass any message intended to attract attention to goods or services.

Proposed Recommendations

HKRMA calls on the Environmental Protection Department to consider a relatively practical approach, as illustrated below:

- limiting the prohibition on the use of loudspeakers for peddling specifically in public places, rather than “in or near” public places;

- implementing a threshold where the use of loudspeakers would only be deemed an infringement if it causes annoyance to the public and/or if a certain noise level threshold measured in decibels (dB) is met; and/or
- for the first alleged infringement, a warning notice should be issued instead of an immediate penalty notice.

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