Tel No. : 3919 3101 Fax No. : 3529 2837

## **MEMO**

To

CCS(2)2

From

CCS(1)1

Ref

CB1/PL/EA

Date

29 October 2013

## Control over the noise of street arts performances

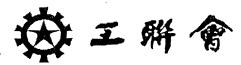
At the instruction of Hon Cyd HO Sau-lan, Chairman of the Panel on Environmental Affairs ("EA Panel"), I forward a letter dated 6 June 2013 from Hon KWOK Wai-keung and Hon TANG Ka-piu expressing concerns about the control over the noise of street arts performances (Chinese version only) (LC Paper No. CB(1)1274/12-13(01)). The two Members are concerned that the control provided under section 5(1)(b) of the Noise Control Ordinance (Cap. 400) is unclear and may restrict the right of street arts performers to perform.

- 2. The EA Panel Chairman is of the view that the issues raised by the Members should more appropriately be dealt with in the wider context of the Government's policy on street performance, which is under the purview of the Panel on Home Affairs, and hence the Members' views and suggestion should be referred to the Panel on Home Affairs for consideration.
- 3. I should be grateful if you would bring this to the attention of the Chairman of the Panel on Home Affairs.

(Ms Miranda HON) CCS(1)1

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Encl.









Chan Yuen Han Wong Kwok Kin

Wong Kwok Hing

劉家彪

郭偉強

Mak Mei Kuen

Tang Ka Piu Kwok Wai Keung

立法會議員聯合辦事處

Joint Office of the HKFTU's Legislative Councillors

香港特別行政區

立法會環境事務委員會何秀關主席 (煩請環境事務委員會秘書韓律科女士轉交)

CB(1)1274/12-13(01)

何主席:

## 建議討論對街頭藝術表演之噪音管制

最近,有街頭音樂表演者在旺角行人專用區進行表演,因其表演聲浪過大, 遭警方以違反<<噪音管制條例>>票控。

根據現時香港法例第 400 章, <<噪音管制條例>>第五條(1)(b)中規定,任何 人於任何時間,在住用處所或公眾地方因使用揚聲器、傳聲筒或其他擴音裝置或 器具而發出噪音,而該噪音對任何人而言是其煩擾的根源,即屬犯罪。

我們關注到現時條例對於有關噪音情況之管制相當含糊、無法以一個清晰之 標準,衡量他們之表演是否會違反有關條例。同時,有關條例條文有相當的主觀 性,令到他們時常需要與執法省爭拗有關音量標準問題。此外,由於條文沒有客 祝標準或指引,表演者很容易因被個別人士投訴而堂礙了他們進行藝術表演的權 利。

就此,我們希望邀請相關政策局及部門派員出席會議,並就有關事宜進行討 論,有勞之處,不勝銘感,如有查詢,與請致電 2537 9618 聯絡本人助理李先生。

立法會議員

郭偉強

鄧家彪

2013年6月6日

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