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## **ACE Paper 6/2008**

*For advice*

### **Proposed Additional “Designated Areas” under the Noise Control Ordinance (Cap. 400)**

#### **PURPOSE**

This paper seeks Members’ views on the proposal to establish newly identified areas in the territory as “Designated Areas” under the Noise Control Ordinance (NCO) (Cap. 400).

#### **BACKGROUND**

2. Under the NCO, a Construction Noise Permit from the Noise Control Authority is required for general construction work to be carried out using powered mechanical equipment between 7 pm and 7 am, or at any time on a general holiday. Since noise generated in populated built-up areas will affect more people than the non-built-up areas, the Secretary for the Environment has established by notice published in the Gazette certain “Designated Areas”. If an applicant for Construction Noise Permits proposes to carry out within the “Designated Areas” any “prescribed construction activities” (e.g. noisy work such as hammering, erection or dismantling of formwork or scaffolding, etc.) or use “specified powered mechanical equipment” (i.e. handheld breaker, bulldozer, handheld vibratory poker, dump truck and concrete lorry mixer), the Noise Control Authority will apply more stringent criteria when assessing the applications.

3. The “Designated Areas” were first established in January 1996 by

notice in the Gazette under the NCO. In 2001, taking into account the developments over the years since the “Designated Areas” were first established, the then Secretary for the Environment and Food expanded, by way of notice in the Gazette, the “Designated Areas” to the existing coverage marked red on the map at **Annex**.

4. In view of the developments in Hong Kong over the past years, it is necessary to further expand the coverage to include newly built-up areas since the last update in 2001 and areas of active development. Other populated built-up areas which are currently not part of the existing "Designated Areas" have also been identified for updating.

## **THE PROPOSAL**

5. We propose that the locations marked blue on the map at **Annex** be established as “Designated Areas”. By adding new “Designated Areas”, the proposal takes account of the developments since the last exercise and extends the existing coverage to other populated built-up areas in the territory. It will provide communities in the new “Designated Areas” with the same protection against construction noise under the NCO as those in the existing “Designated Areas”.

## **CONSULTATION**

6. We have consulted the trades concerned (including trade associations, public utility companies and railway operators) and professional bodies on the proposal. They were generally supportive.

7. The Hong Kong Construction Association Ltd had no objection to the proposed additional “Designated Areas” but suggested that construction works in the new “Designated Areas” should be exempted if the contracts involved had already been awarded or tenders closed before the implementation date. The Mass Transit Railway Corporation (MTRC), while expressing support for a quiet environment, sought clarification on the methodology and demarcation for “Designated Areas”. MTRC also

considered it premature to establish as “Designated Areas” those locations where active development was only expected to take place in the next few years. The Hong Kong Institution of Acoustics welcomed the proposal, but expressed concern over the impact on ongoing construction works.

8. We have carefully considered these views and have responded separately to the concerns/suggestions raised. We propose to establish the new “Designated Areas” marked blue at **Annex** with effect from January 2009 so as to give the construction industry a grace period. Moreover, we have excluded from the new “Designated Areas” those locations where the population intake of new residential blocks is not expected within the next few years. These should address the concerns raised by the stakeholders without compromising the well-being of residents.

## **WAY FORWARD**

9. Our plan is to consult the Legislative Council on the proposal in April 2008.

## **ENVIRONMENTAL IMPLICATIONS**

10. The proposal will provide residents in the new “Designated Areas” with the same protection as those in the existing “Designated Areas”. It is estimated that more than 280,000 residents will benefit from the implementation of the proposal.

## **PUBLIC REACTION**

11. As the proposal will mitigate construction noise impact on residents, the community at large is expected to welcome the proposal.

**ADVICE SOUGHT**

12. Members' views are sought on the proposal in paragraph 5.

**Environmental Protection Department  
February 2008**