

**Code of Practice on Good Management Practice  
to Prevent Violation of the Noise Control Ordinance (Chapter 400)  
(for Construction Industry)**

**Preamble**

1. This Code of Practice provides general guidance to the construction industry on good management practice to prevent violation of the Noise Control Ordinance. It is issued in respect of section 28A(3) of the Noise Control Ordinance which relates to the establishment of a defence by a person charged under section 28A(1) to a charge brought under any provision (other than sections 6(1)(a), (2)(a) or (3)(a)) of the Noise Control Ordinance. Compliance with this Code of Practice is voluntary. Non-compliance with this Code of Practice is not an offence by itself. The Top Management of body corporate is free to establish its own management system and practice to prevent violation of the Noise Control Ordinance by the body corporate.

**Management Practice for the Top Management**

2. The Top Management shall apply the following practices in managing the operation or activity of the body corporate:

2.1 Prepare and issue a policy statement ratified by the board of directors or equivalent governing body of the body corporate committing all staff to:

- (a) compliance with all relevant provisions of the Noise Control Ordinance; and
- (b) prevention of noise pollution.

2.2 Establish, put in operation, and at least once annually review a management system to address issues related to the Noise Control Ordinance.

2.3 Establish noise management responsibility for different levels of staff, and identify member(s) of the Top Management with specific responsibility as appropriate with an organization chart, job and duty description, for co-ordination, policy implementation and adherence to statutory noise control requirements, including the provision of regular noise control performance reporting.

2.4 Ensure that the officer, who coordinates the noise control activities required under paragraphs 2.2 and 2.3, remains current with regard to statutory requirements and at least once quarterly keeps the Top Management up to date on noise control activities affecting the body corporate.

2.5 Include at least once quarterly an item for noise control matters on the agenda of an appropriate meeting of the Top Management that addresses the performance of any project.

2.6 Establish a regular meeting to review construction noise incidents and the operation and effectiveness of the associated noise control activities. Ensure that construction noise incidents and issues are reported to the Top Management.

2.7 Regularly check and review via reports or personally that noise control activities are being carried out on each project to ensure compliance with statutory requirements.

2.8 Ensure that a report is prepared for the personal attention of those who are part of the Top Management advising whether each project is properly addressing noise concerns raised by Government Agencies and other concerned parties.

2.9 Establish a notification system for those construction noise incidents which may lead to violations of the Noise Control Ordinance, or have resulted in warning or prosecution by the Noise Control Authority to ensure that persons who are part of the Top Management are personally advised immediately and in any case within 3 working days of such construction noise incidents occurring on a project.

2.10 Take actions to correct any construction noise incidents as referred to in paragraph 2.9 which are not forthwith satisfactorily rectified or effectively prevented from recurrence.

2.11 Ensure that a report is prepared for the personal attention of those who are part of the Top Management that the necessary corrective action related to the construction noise incidents as referred to in paragraph 2.9 has been taken to their satisfaction.

## **Interpretation**

### **“Noise Control Ordinance”**

All references to the “Noise Control Ordinance” include the Ordinance and its subsidiary legislation.

### **“Top Management”**

The “Top Management” are persons in a body corporate described under section 28A(1) of the Noise Control Ordinance, i.e.

any person who is -

- (a) a director concerned in the management of the body corporate;
- (b) a director who has delegated his authority for the management of the body corporate to an officer;
- (c) an officer mentioned in paragraph (b); or
- (d) an officer -
  - (i) concerned in the management of the body corporate; and
  - (ii) acting under the immediate authority of a director of the body corporate.

### **“management system”**

A “management system” includes, but is not limited to:

- establishment of responsibility;
- prevention, review, report and rectification of noise incidents; and
- performance reporting.

### **“noise control activities”**

“noise control activities” are activities which shall be adopted to:

- prevent violation of the Noise Control Ordinance; or
- rectify any non-compliance with the management system.

### **“construction noise incidents”**

“construction noise incidents” are incidents which:

- have generated or may generate complaints;
- may lead to violations of the Noise Control Ordinance; or
- have resulted in warning or prosecution by the Noise Control Authority.

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