

Code of Practice on Good Management Practice
to Prevent Violation of the Noise Control Ordinance (Chapter 400)
(for Industrial/Commercial Operations)

Preamble

1. This Code of Practice provides general guidance to industrial and commercial operations 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 the 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 periodically review a management system to address issues related to the Noise Control Ordinance.

2.3 Establish management responsibility for the relevant staff in the body corporate for co-ordination, policy implementation and adherence to statutory noise control requirements.

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 noise control requirements and keeps the Top Management up to date on noise control activities affecting the body corporate.

2.5 Ensure that persons who are part of the Top Management are personally advised whether concerns on noise pollution raised by Government Agencies and other concerned parties have been or are being properly addressed.

2.6 Establish a regular meeting to review noise incidents and noise control activities.

2.7 Ensure that those noise incidents which may lead to violations of the Noise Control Ordinance, or have resulted in warning, serving of Noise Abatement Notice, or prosecution by the Noise Control Authority, and issues are reported to the Top Management immediately and in any case within 3 working days of such noise incidents.

2.8 Take actions to correct any noise incident as referred to in paragraph 2.7 which are not forthwith satisfactorily rectified or effectively prevented from recurrence and ensure that persons who are part of the Top Management are personally advised that the necessary corrective action 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 (e.g. by identifying potential noise problems and, in particular when a noise problem is being identified, adopting measures to abate the noise and maintain those associated operations/equipment in proper conditions); or
- rectify any non-compliance with the management system.

“noise incidents”

“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, serving of Noise Abatement Notice, or prosecution by the Noise Control Authority.

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