

Guidelines on Requesting for Construction Noise Permit during long holidays for reinstatement of flushing water supply

Introduction

A salt water pipe burst in Lei Muk Shue Estate, Kwai Chung during the Lunar New Year holiday in 2007 and it had resulted in 4-days stoppage of flushing water supply to 30 thousands residents. Under the Construction Noise Permit (CNP) system, contractors carrying out repair works to the burst salt water pipe during a long holiday (i.e. within restricted hours) are required to have valid CNP. This paper is a result of the review by Environmental Protection Department (the Authority) on the CNP system after the incident and offers guidelines on request for CNP in the event that similar repair works (i.e. construction) are urgently needed during a long public holiday for reinstatement of flushing water supply.

The CNP system

2. The mandate of the Noise Control Ordinance (NCO) is to protect the environment particularly at the small sensitive hours of a day. The NCO was developed, after balancing all interests, for free construction (except percussive piling) between the hours 0700 and 1900 on a non-holiday from Monday to Saturday. For any other times (i.e. the restricted hours), a CNP has to be applied from the Authority except for emergency cases whereby having no construction to be carried out immediately will incur life injury, property damage or serious disruption to public transport system. In simple words, the CNP system in place is to guard against any unnecessary construction in an uncontrolled manner which may cause noise disturbance to residents in the vicinity of a construction site.

Emergency cases

3. The NCO offers a defence to proceedings for carrying out construction without a valid CNP in place for emergency cases. For gas pipe leakage or breakdown of mains for fire fighting, it is definitely a top priority needing immediate repair works regardless of the time of incident or the involvement of breaking up boulders at night. For short supply of fresh water, electricity main to residential estate, particularly involving thousands of household units, immediate repair works to reinstall the systems are definitely understandable. Therefore, they are emergency cases. However, for reinstalling underground

telephone main, salt water flushing supply (not causing flood to disrupt road transport) and cable TV networks are arguably not justifiable needing immediate repair works in particular major construction like road breaking up during night time is involved. Furthermore, those latter mentioned services (telephone, salt water flushing supply and cable TV) do have alternatives which may at most cause inconvenience to some residents in their absence temporarily.

Desperate but not emergency construction works

4. It is always the intention of the NCO to control construction carried out during the restricted hours. The Authority is to protect the likely affected residents from noise disturbance unnecessarily in the vicinity of a construction site. Other than emergency cases, construction in connection with other repair works regardless of their desperate urgency will still require a CNP from the Authority.

5. There are, however, special case considerations in the relevant Technical Memorandum that a CNP will be granted by the Authority even if high noise levels are generated by the works for averting serious disruption (e.g. long stoppage) to the supply of flushing water to a large community of residents. The role of the Authority is then to ensure that the quietest practicable working methods are being employed during the construction. From the spirit and intention of the Technical Memorandum, reinstatement of flushing water supply at night will be granted a CNP with practicable noise reduction measures as conditions.

A CNP for urgent reinstatement of flushing water supply

6. After the review, a special “Long Holiday Permit for Reinstatement of Flushing Water Supply” is developed following the concept of “Blanket Permit” being issued to Works Departments or public utilities/transport companies (e.g. KCRC, MTRC). The “Long Holiday Permit” will be construction type specific and only granted to contractors being responsible for the routine maintenance of flushing water system of the concerned housing estate. This is because specific conditions will be built into the “Long Holiday Permit” holding the specific contractor responsible (for instance concentrating and setting higher priority for daytime works, using the best quietest construction method and equipment to lower the noise disturbance as much as possible, etc.) even though long hours of construction are involved.

Considerations eligible for Long Holiday Construction Noise Permit

7. It is in the interest of the contractors to be fully aware of the following before making application for Long Holiday Construction Noise Permit for reinstatement of flushing water supply system.

- The permit is only applicable for reinstatement of flushing water supply in long holidays. A long holiday shall mean a period of 2 or more consecutive public holiday. A weekend containing only 1 Sunday public holiday is not considered as a long holiday.
- The permit is not for territory-wide use but specific for the housing estates, falling within the boundary of a Regional Office of EPD, which the contractor is charged with the responsibility for flushing water supply maintenance. The permit will be time limited.
- The estate management, owners incorporate and the contractor concerned should have a clear mind on why, what will the construction activities involve and how affecting they will be on the residents in the vicinity of the construction site should noisy repairs works be carried out within the restricted hours, particularly at night. It should therefore be expected that concentration and priority of construction accorded to daytime; the quietest practicable construction method; and as minimum number of silenced equipment will be imposed as conditions in the permit.
- The permit will likely require the contractor to liaise with the estate management/owners incorporation in issuing notice to affected residents prior to commencement of the construction explaining the need in carrying out construction within the restricted hours and providing a hotline complaint/enquiry number for affected residents' follow up.
- The contractor shall, soon upon the commencement of construction, write and fax the Authority at concerned Regional Office a letter indicating the construction involved and the noise mitigation measures taken for the carrying out of immediate repair works during the restricted hours.

Subsequent review

8. The Authority will review the above procedure regularly and check for need of any procedure change and abuse of the CNP system. Updated arrangement will then be uploaded onto the EPD website for general reference of the public, contractors as well as estate management/owners incorporation.

Contact of Regional Offices

9. For additional information with respect to Long Holiday Construction Noise Permit for reinstatement of flushing water supply, please contact the concerned Regional Offices.

Addresses, facsimile and telephone numbers of Regional Offices

Regional Offices	Areas covered	Address	Local Hotline	
			Facsimile number	Telephone number
Regional Office (East)	Sai Kung, Kwun Tong, Wong Tai Sin, Kowloon City & Yau Tsim Mong	5/F Nan Fung Commercial Centre, 19 Lam Lok Street, Kowloon Bay, Kowloon.	2756 8588	2755 5518
Regional Office (South)	Hong Kong Island & Islands	2/F Chinachem Exchange Square, 1 Hoi Wan Street, Quarry Bay, Hong Kong.	2960 1760	2516 1718
Regional Office (West)	Tuen Mun, Tsuen Wan, Kwai Tsing & Sham Shui Po	8/F Tsuen Wan Government Offices, 38 Sai Lau Kok Road, Tsuen Wan, New Territories.	2411 3073	2417 6116
Regional Office (North)	Yuen Long, Shatin, Tai Po & North	10/F Shatin Government Offices, No.1 Sheung Wo Che Road, Shatin, New Territories.	2685 1133	2158 5757

Environmental Protection Department

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