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(ACE 45/95)
for advice

Further Control of Construction Noise

INTRODUCTION

This paper seeks Members' advice on a proposal to tighten noise controls on construction work carried out in noise sensitive areas during the "restricted hours", that is between 1900 and 0700 hours of weekdays and all day during general holidays including Sundays. It is proposed that this would be achieved by statutory designation of the noise sensitive residential areas and then placing a virtual ban on noisy construction work in these areas.

BACKGROUND

2. On the advice of the then Environmental Pollution Advisory Committee (EPCOM paper 8/93-94 for meeting on 22.3.93), an amendment to the Noise Control Ordinance was enacted on 14.1.94 to provide a legal framework for tightening construction noise controls in noise sensitive residential areas during the "restricted hours". Members also endorsed the proposal for providing a six-month transitional period to the industry for the proposed controls. This paper sets out the detailed subsidiary legislation required to effect the tightened controls.

PROPOSED FURTHER CONTROLS

3. There are already controls through requirements for a Construction Noise Permit (CNP) where Powered Mechanical Equipment (PME) is used for construction works during the "restricted hours". To further reduce the construction noise disturbance, the new control proposal aims to ban virtually all noisy construction activities in noise sensitive residential areas, to be known as "designated areas", during the "restricted hours" which are not essential for reasons such as unavoidable constraints on working hours (e.g. the carrying out of the work in daytime could cause serious disruption to traffic and/or utility supplies).

4. The new legislation would:

a) tighten control on the following 5 "Specified" items of noisy PME (abbreviated as SPME) :

- . bulldozer;
- . concrete lorry mixer;
- . dump truck;
- . hand-held breaker;
- . vibratory poker; and

b) designate and introduce control on 3 types of noisy manual construction work, to be known as Prescribed Construction Work (PCW) :

- scaffolding; . erection and dismantling of formwork and
- . loading, unloading and handling of rubble, wooden boards, steel bars, wood and scaffolding material; and
- . hammering.

5. The controls will follow the existing CNP system. To effect the controls, it is necessary to :-

- i) issue a Notice specifying the "designated areas" for which the controls will apply;
- ii) issue a new Technical Memorandum on the control of the SPME listed in para. 4 (a) so as to make the decisions of the control authority as transparent as possible;
- iii) introduce regulations for the control on PCW listed in para. 4 (b); and
- iv) amend the Noise Control (General) Regulations to specify the procedures for permit application and the new forms to be used.

The draft legislation (Notice and Regulations) and the new Technical Memorandum are described in the following paragraphs for members' consideration.

Noise Control (Construction Work
Designated Areas) Notice (Annex 1)

6. The various "designated areas", for which the controls in para. 4 will apply, are depicted in the maps referred to in the Notice. Designated areas cover generally residential districts in Hong Kong, Kowloon and the new towns where noise sensitive receivers are concentrated and the possibility and extent of annoyance will be high. Industrial and other non-noise sensitive areas are not included.

Technical Memorandum (TM) on Noise From
Construction Works in Designated Areas (Annex 2)

7. The new TM for "designated areas" sets out the steps which must be taken to enable the Noise Control Authority to issue a permit. The TM in effect makes the action of the control authority transparent.

8. The assessment method for SPME in the new TM is the same as in the existing TM for the assessment of the PME, but with much more stringent noise limits. If these noise limits are not met, a permit will not be issued. Permits may be issued in special circumstances such as work having justifiable constraints on working hours, important social implications or using particularly quiet items of equipment.

9. Permits for the carrying out of PCW will not normally be granted except for the special circumstances mentioned in para. 8 above, or those employing particularly quiet construction methods.

Noise Control (Construction Work) Regulation (Annex 3)

10. The Regulation sets out the types of noisy manual construction works (or PCW) to be controlled.

Noise Control (General) (Amendment) Regulations (Annex 4)

11. The minor amendments proposed to the Regulations are to :-

- i) provide a new form for CNP application;
- ii) provide a new form for CNP; and
- iii) extend Regulation 3, which governs the application procedures, to cover the new controls on PCW.

IMPLEMENTATION

12. As with existing controls, the new legislation would be enforced both by the Police and the Environmental Protection Department. The Administration has committed to give a 6-month transitional period to the industry. However, contractors will be able to apply for a CNP for works involving the use of SPME and the carrying out of PCW, 6 months before the commencement of the controls.

CONSULTATION

13. The overall response from our consultation with the various trade associations, public utility companies, rail operators and professional bodies was supportive. There had been some concerns raised by the relevant trade associations over some technical aspects of the proposed controls, the scope of control, the control approach and noise limits adopted, but they have all been addressed by the EPD and no further comments have been received.

ECONOMIC IMPLICATION

14. The proposed further controls will have economic implications in that a virtual ban will be placed on all noisy construction work within the "designated areas" during the "restricted hours", except those that are essential for reasons such as unavoidable constraints on working hours. However, these noisy construction works can be rescheduled to other hours with insignificant cost implications. The Housing Department has implemented a holiday ban for construction work since 1989 without any apparent adverse effects.

15. It has been more than 4 years since we commenced consultation with the industry on the proposed controls. With the Noise Control (Amendment) Bill gazetted on 30.4.93, and a 6-month transitional period to be given prior to the operation of controls, the industry will have had effectively 3 years' notice. It is considered that this long notice period will have helped to minimize any impact on the industry.

PUBLIC REACTION

16. As the controls will effectively ban noisy construction activities in noise sensitive residential areas during the "restricted hours", they should be very much welcomed by the general public.

ADVICE SOUGHT

17. Members are invited to endorse
- (i) the introduction and making of the Noise Control (Construction Work Designated Areas) Notice at Annex 1;
 - (ii) the Technical Memorandum on Noise from Construction Work in Designated Areas at Annex 2;
 - (iii) the Noise Control (Construction Work) Regulation at Annex 3; and
 - (iv) the amendment of the Noise Control (General) Regulations at Annex 4;

with a view to implementing the controls in May 1996.

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