

Guidelines on the Applicability of the Noise Control Ordinance (Cap. 400) to the Operation of Concrete Batching Plant, Public Filling Area, Public Fill Stockpiling Area, Barging Point and Landfill

1. Introduction

On occasion operators of concrete batching plants, public filling areas, barging points, public fill stockpiling areas or landfills may have doubts on whether construction noise permits from the Environmental Protection Department (EPD) are required for the operation of their plants. To avoid ambiguity, the ensuing paragraphs provide guidelines on the applicability of relevant provisions of the Noise Control Ordinance, Cap.400 (NCO) to these plants. These guidelines are for general guidance only. One should consider each case on its own merits and when in doubt seek advice from the appropriate Regional Office of the EPD. The addresses and telephone numbers of the Regional Offices are shown in Appendix 1.

2. Applicability of the NCO

Noise from a construction site is controlled under section 6 of the NCO. A Construction Noise Permit (CNP) is required for the use of powered mechanical equipment for carrying out general "construction work", or within a "designated area" for carrying out "prescribed construction work", during the restricted hours (i.e. between the hours of 7pm and 7am and at any time on a general holiday including Sunday). The definitions of "construction work" and "prescribed construction work" in the NCO are extracted for easy reference in Appendix 2.

Noise from commercial or industrial premises is controlled under section 13 of the NCO. A Noise Abatement Notice will be served to require the owner or the operator of commercial or industrial premises emitting excessive noise to abate the noise to within relevant noise limits within the specified period. Operation of these premises does not require a CNP.

3. Classification of plant operation

The operation of a plant whether classified as a kind of "construction work" or "industrial/commercial activity" is dependent on its nature, purpose and direct connection to any particular construction site or project. The operation of a plant set up for a particular construction site or project is most likely a kind of "construction work". A plant for production of products for sale to different clients, sites or projects is similar to other factories of industrial nature. The following provides an analysis on different plants under different scenarios.

Concrete batching plant

The production of concrete in a concrete batching plant for sale or supply to clients of different construction sites is similar to other industrial processes and its noise emission is controlled under section 13 of the NCO. On the contrary, if a concrete batching plant is established for supplying concrete to a particular construction site or project, its operation is a kind of "construction work" and its noise emission is controlled under section 6 of the NCO. A typical example is the concrete batching plants set up for supplying concrete to the "West Rail" project.

Public fill stockpiling area

A public fill stockpiling area is set up for handling and storage of public fill consist of inert materials such as excavated earth asphalt, building debris, broken rock and concrete. Its operation is not directly connected to any particular construction site or project and is of industrial nature. Its noise emission is controlled under section 13 of the NCO.

Public Filling Area

A public filling area, normally a reclamation site, is a facility for the handling and disposal of public fill of inert materials. Under section 2 of the NCO, any work in connection with or for the reclamation of any foreshore and sea-bed is defined as "construction work". Therefore, the operation of a public filling area for reclamation is a kind of "construction work" and its noise emission is controlled under section 6 of the NCO.

Barging Point

A public filling barging point is a transfer station for interim collection and handling of public fill of inert materials that will finally be disposed of in a public fill stockpiling area or a public filling area. It collects and handles public fill from different construction sites. It is in general not established for providing public fill for a particular site and is of industrial nature. Its noise emission is controlled under section 13 of the NCO.

However, the operation of a barging point that is established for provision of public fill exclusively to a particular construction site or project is a kind of "construction work" and its noise emission is controlled under section 6 of the NCO. Similarly, if a barging point is established by the operator of a particular construction project for collection and handling of construction and demolition materials exclusively for the project, say, under the waste management plan of the project, it belongs to a part of the construction site of the project and its operation is a kind of "construction work".

Landfill

Landfill is a waste disposal facility that handles thousands of tones of waste from business, industry and residences everyday. Waste is spread and compacted by using steel wheel compactor in the landfill and a layer of fill (usually excavated materials) will cover the exposed surface of the waste at the end of the working day. The collection, handling, deposition and compaction of waste are of industrial nature and noise emission from these processes is controlled under section 13 of the NCO. However, the operation of a landfill may involve the use of powered mechanical equipment for excavation of trenches and construction of embankments, which fall into the definition of "construction work" in the NCO. A CNP is required for carrying out such construction activities in a landfill in the restricted hours.

Addresses and contract telephone/fax number of Regional Offices

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

**A. Definition of “Construction Work”
(An extract from s.2 of the NCO)**

"Construction work" includes:

- (a) any work in connection with or for the construction, demolition, reconstruction, shoring, alteration, maintenance or repair, of the whole or any part of any building, arch, bridge, chimney, dock, hoarding, shelter, tunnel, wall, pier, wharf or other structure or any road, slope, embankment, street, railway, tramway, airport, channel, drain, service lane, sewer, water conduit, lighting or public utility;
- (b) any work in connection with or for the extraction from the earth of any matter whatsoever;
- (c) any work in connection with or for the reclamation of any foreshore and sea-bed;
- (d) dredging or any work in connection with dredging;
- (e) piling or any work in connection with piling;
- (f) any work involved in preparing for any operation of the type referred to in paragraph (a), (b), (c), (d) or (e); and
- (g) the use of machinery, plant, tools, gear and materials in connection with or for any operation referred to in paragraph (a), (b), (c), (d), (e) or (f);

B. Construction work prescribed for the purpose of section 6(2) of the NCO (An extract from the Schedule of the Noise Control (Construction Work) Regulation, Cap 400G)

1. Erection or dismantling of formwork or scaffolding.
2. Loading, unloading or handling of rubble, wooden boards, steel bars, wood or scaffolding material.
3. Hammering.