

HOW TO APPLY FOR A CONSTRUCTION NOISE PERMIT

Environmental Protection Department
Hong Kong Special Administrative Region

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1. Introduction

This booklet is intended to outline the provisions of the Noise Control Ordinance which control noise from construction sites and to describe the procedures for the application of a construction noise permit. In case of doubt, the reader is advised to consult the Ordinance, the Regulations and the relevant Technical Memoranda. Copies of the Ordinance and the Regulations are on sale at the Government Publications Centre, whilst the Technical Memoranda are available from the Environmental Protection Department at the addresses given in Appendix 1.

For the purposes of the Ordinance, the Director of Environmental Protection has been appointed to be the Noise Control Authority.

Enquiries concerning the provisions of the Ordinance, the Regulations or the Technical Memoranda may be made to the Environmental Protection Department.

2. What is a Construction Noise Permit?

A Construction Noise Permit is a statutory document issued under section 8 of the Ordinance. It permits, subject to appropriate conditions where necessary:

- (a) the use of powered mechanical equipment for the purpose of carrying out construction work other than percussive piling between the hours of 7 p.m. and 7 a.m. or at any time on a general holiday (including Sunday); or
- (b) the carrying out of prescribed construction work (e.g. erection or dismantling of formwork or scaffolding; hammering; loading, unloading or handling of wooden boards, steel bars, wood or scaffolding material) within a Designated Area between the hours of 7 p.m. and 7 a.m. or at any time on a general holiday (including Sunday); or
- (c) the carrying out of percussive piling between the hours of 7 a.m. and 7 p.m. on any day not being a general holiday (including Sunday).

Designated Areas covers generally residential districts in Hong Kong, Kowloon and the new towns and are depicted in the maps referred to in the Noise Control (Construction Work Designated Areas) Notice. Plans showing all Designated Areas within the territory of Hong Kong are available for inspection at the Land Registry or the Regional Offices of the Environmental Protection Department (see addresses in Appendix 1).

No permit will be issued for the carrying out of percussive piling between the hours of 7 p.m. and 7 a.m. or at any time on a general holiday (including Sunday).

The conditions imposed may include permitted hours of operation, type and number of equipment items allowed to be used and noise control measures to be adopted.

A permit may be issued to an applicant who is a developer, architect, engineer, contractor or any person or company.

3. How to Apply for a Construction Noise Permit?

An application for a Construction Noise Permit should be in Form 1 (for construction work other than percussive piling) or Form 2 (for percussive piling) prescribed in the Noise Control (General) Regulations. The application should be accompanied by a cheque of the prescribed fee and made to the Authority in person or by post to the appropriate Regional Office in respect of the location of the construction site or other offices included in Appendix 1. A boundary map of the Regional Offices is shown in Appendix 2. Cheques should be made payable to "The Government of the Hong Kong Special Administrative Region" and crossed. Prescribed Forms 1 and 2 can be obtained from the Authority's offices.

Generally, applications for permits shall be made no earlier than 6 months prior to the date of commencement in case of construction work other than percussive piling or no earlier than 9 months in case of percussive piling.

Permit applications will be assessed using the appropriate criteria laid down in the Technical Memorandum on Noise from Construction Work other than Percussive Piling [http://www.epd.gov.hk/epd/english/environmentinhk/noise/guide_ref/files/tm_nonpp.pdf], Technical Memorandum on Noise from Construction Work in Designated Areas [http://www.epd.gov.hk/epd/english/environmentinhk/noise/guide_ref/files/book4_2.pdf] or the Technical Memorandum on Noise from Percussive Piling [http://www.epd.gov.hk/epd/english/environmentinhk/noise/guide_ref/files/tm_pp.pdf], where appropriate.

It is a statutory requirement for the Authority to notify the applicant of the outcome of his application within 28 days after an application is received. If the Authority fails to do so, a permit shall be deemed to have been issued.

4. Will there be a Right of Appeal?

If an applicant is aggrieved by a decision made by the Authority or the imposed requirement relating to a Construction Noise Permit for the carrying out of percussive piling, he may appeal to an independent Appeal Board within 21 days after service of the decision of the Authority on any of the following grounds:

- (a) that the refusal to issue a permit is not justified by the terms of the Ordinance or the Technical Memorandum;

- (b) that the conditions imposed, amended or varied in relation to a permit are not justified by the terms of the Ordinance or the Technical Memorandum;
- (c) that refusal to issue or cancellation of a permit or compliance with permit conditions would cause the appellant economic hardship seriously prejudicial to the conduct of his business; or
- (d) that the cancellation of a permit is not justified by the terms of the Ordinance or the Technical Memorandum.

The contents of any Technical Memorandum shall not be called into question in any appeal.

The notice of appeal should be made in Form 1 prescribed in the Noise Control (Appeal Board) Regulations and sent to the Chairman of the Appeal Board and a copy be sent to the Authority at the addresses given in Appendix 1. This prescribed form can be obtained from the Authority. An appellant is advised to read the Noise Control Ordinance, the Noise Control (General) Regulations and the Noise Control (Appeal Board) Regulations before lodging a notice of appeal.

The Appeal Board may confirm, reverse or vary the decision or requirement of the Authority. The Appeal Board may also make an award in respect of costs involved in the appeal.

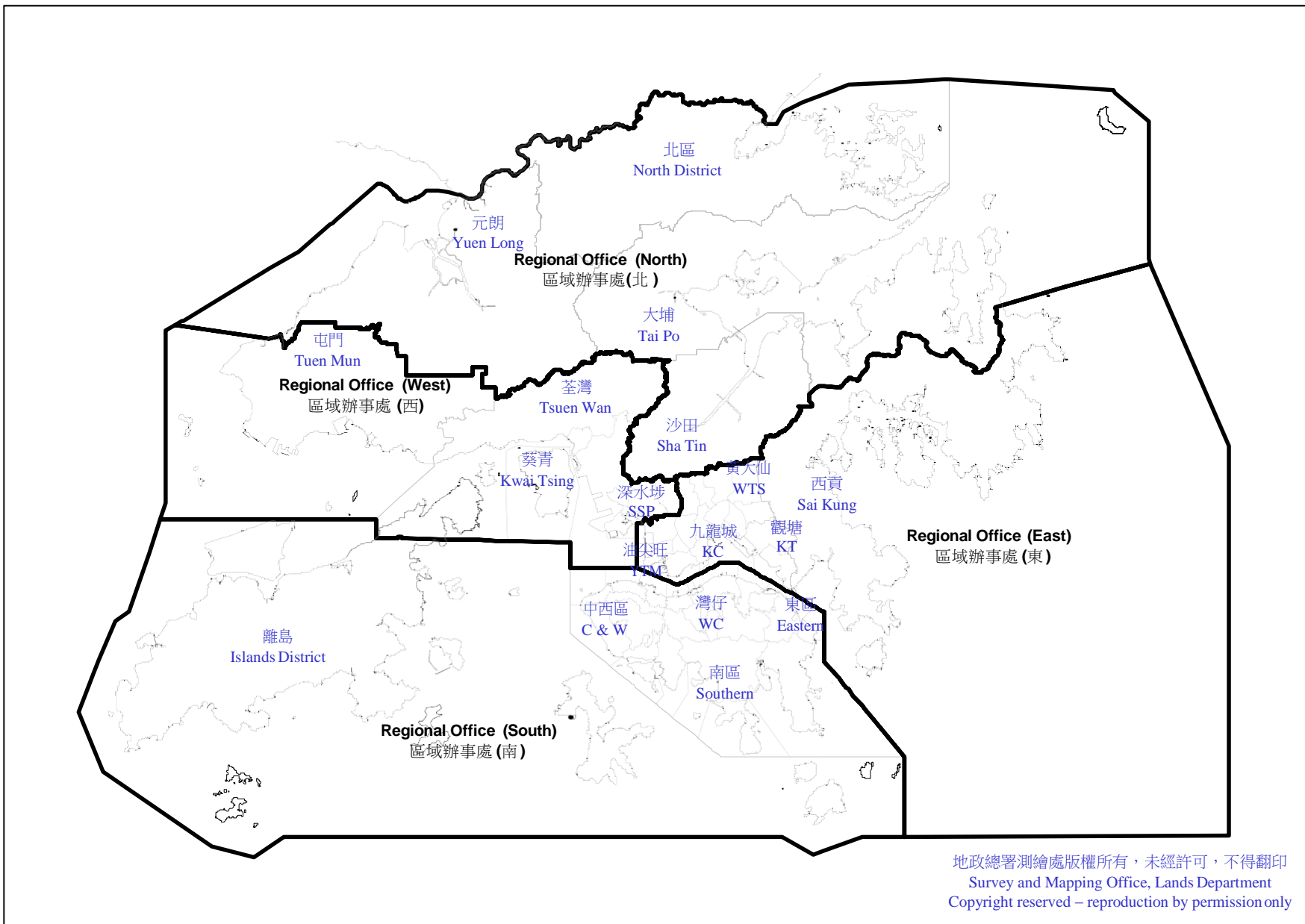
*** Please note that there is no provision in the Ordinance allowing for appeal against the Authority's decision to refuse the issue of, amend conditions imposed in or cancel a Construction Noise Permit for the use of powered mechanical equipment to carry out construction work other than percussive piling and/or the carrying out of prescribed construction work within a Designated Area.**

5. What are the Penalties for an Offence?

Any person who carries out, or causes or permits to be carried out, the construction works as described in Section 2 above without a valid Construction Noise Permit or fails to comply with any condition of a permit commits an offence and shall be liable to a fine of up to \$100,000 on first conviction and to a fine of up to \$200,000 on a second or subsequent conviction and in any case to a fine of up to \$20,000 for each day during which the offence continues.

Appendix 1 Addresses and Telephone Numbers of Noise Control Authority

EPD office	District Covered (following District Council Boundary)	Address	Enquiry Telephone No.
Regional Office (East)	Kwun Tong, Wong Tai Sin, Sai Kung, Yau Tsim Mong & Kowloon City	5/F, Nan Fung Commercial Centre, 19 Lam Lok Street, Kowloon Bay, Kowloon.	2755 5518
Regional Office (South)	Hong Kong Island & Islands	2/F, Chinachem Exchange Square, 1 Hoi Wan Street, Quarry Bay, Hong Kong.	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.	2417 6116
Regional Office (North)	Yuen Long, Sha Tin, Tai Po & North	10/F, Sha Tin Government Offices, 1 Sheung Wo Che Road, Sha Tin, New Territories.	2158 5757
Revenue Tower Office		33/F-34/F & 46/F-48/F, Revenue Tower, 5 Gloucester Road, Wan Chai, Hong Kong.	2824 3773
Cheung Sha Wan Office		8/F, Cheung Sha Wan Government Offices, 303 Cheung Sha Wan Road, Kowloon.	2402 5200



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