

**ENVIRONMENTAL PROTECTION DEPARTMENT
PRACTICE NOTE FOR PROFESSIONAL PERSONS**

Noise from Construction Activities - Statutory

In the course of project planning, programming and execution, consideration should be given to minimise the effect of noise from construction activities on nearby residential premises, schools and other noise sensitive receivers. These include selection of quieter demolition, construction and piling methods. In particular, noisy construction activities should be properly scheduled to comply with the present legislative controls. The following notes describe the legislation in force to control noise from construction activities.

2. At present, the following construction activities are subject to control under the Noise Control Ordinance (NCO) :

- percussive piling;
- construction work other than percussive piling using powered mechanical equipment (PME) between the hours of 7 p.m. and 7 a.m. or at any time on a general holiday (i.e. restricted hours);
- the use of hand-held percussive breakers and air-compressors.

Percussive Piling

3. Percussive piling between the hours of 7 p.m. and 7 a.m. or at any time on a holiday is generally prohibited. A Construction Noise Permit (CNP) is required for percussive piling between 7 a.m. and 7 p.m. on any day that is not a general holiday.

4. Applications for CNPs for percussive piling are processed by the Noise Control Authority (the Environmental Protection Department) and assessed in accordance with the Technical Memorandum on Noise from Percussive Piling. Depending on the noise

criteria in the relevant TM, percussive piling may be restricted to 12, 5 or 3 hours per day. The permitted operating hours may be scheduled outside school hours as far as possible to further reduce noise disturbance. Provisions are available to allow for special noise control measures to be adopted in such piling operations and to make exceptions for percussive piling operations which have important social implications.

5. CNPs for percussive piling operations must be issued within the statutory time limit of 28 days. The decision or requirement of the Authority relating to such a permit is subject to appeal under the grounds specified in the NCO.

Construction Work other than Percussive Piling

6. There is, in general, no legal restriction on the noise generated by construction activities during day time on week days. Project planners are, however, expected to take all reasonable steps to avoid creating a noise nuisance to nearby premises.

7. The use of any PME for carrying out any construction work other than percussive piling during the restricted hours requires a permit. Applications for CNPs for the use of PME for carrying out general construction work are processed by the Authority and assessed in accordance with the Technical Memorandum on "Noise from Construction Work other than Percussive Piling". A CNP will not be issued if the noise from the proposed PME exceeds the noise criteria in the relevant TM. Provisions are available, subject to conditions, to allow construction work which :

- adopts special noise control measures;
- has unavoidable constraints on working hours (e.g. road/rail maintenance);
- has important social implications (e.g. Airport Core Projects).

8. The CNP applicants will be notified of the results of their applications within 28 days. The NCO stipulates that no appeal can be made in relation to the issue of a CNP for the purposes of carrying out construction work during the restricted hours.

Use of Hand-held Percussive Breakers and Air-compressors

9. In 1992, new regulations were introduced under the NCO to control the noise emission of hand-held percussive breakers and air-compressors. Hand-held percussive breakers heavier than 10 Kg and air-compressors used for construction work are required to comply with specified noise emission standards and to affix a Noise Emission Label (NEL) when being operated. The Authority may serve a notice requiring such prescribed equipment/products to be measured, inspected or tested.

10. Applications for NEL are processed by the Authority and require the submission of noise certificates or noise testing reports demonstrating compliance with the noise emission standards.

11. The NEL applicants will be informed of the results of their application within 28 days. There is no appeal against the issue of NELs but appeals can be lodged against the service of notice by the Authority under the grounds specified in the NCO.

Emergency Works

12. There are provisions in the NCO to cover genuine emergency works which are needed to prevent injury or to save life or to prevent damage to property.

Enforcement

13. The above controls are enforced by the Police mainly in response to complaints and spot checks during routine patrols. Verbal warning would normally be given first followed by summons action if necessary.

14. The noise control staff of EPD carry out special surveillance checks mainly in response to complaints. When breaches of the NCO are found, prosecution action will be taken immediately. Where breaches of CNP conditions are detected, the CNP will normally be cancelled.

15. The maximum fine on first conviction is \$50,000 and \$100,000 on second or subsequent conviction. There is provision for a fine of \$10,000 for every day during which the offence continues.

Enquiries

16. All applications and enquiries can be made to the Noise Control Authority (EPD) at 45/F, Revenue Tower, 5 Gloucester Road, Wan Chai, Hong Kong (Telephone No. 594-6533).

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Addendum to the ProPECC Practice Note PN 1/93

Original	Amendments
<p>Para 16</p> <p>“All applications and enquiries can be made to the Noise Control Authority (EPD) at 45/F., Revenue Tower, 5 Gloucester Road, Wan Chai, Hong Kong, (Telephone No. 594-6533).”</p>	<p>“All applications and enquiries can be made to the Regional Offices of Environmental Protection Department.”</p>