

LEGISLATIVE COUNCIL BRIEF

Noise Control Ordinance (Chapter 400)

NOISE CONTROL (GENERAL) (AMENDMENT) REGULATION 2000 NOISE CONTROL (AIR COMPRESSORS) (AMENDMENT) REGULATION 2000 NOISE CONTROL (HAND HELD PERCUSSIVE BREAKERS) (AMENDMENT) REGULATION 2000

INTRODUCTION

In accordance with section 27 of the Noise Control Ordinance, the Secretary for the Environment and Food has, after consultation with the Advisory Council on the Environment, made the Amendment Regulations at Annexes A to C to revise the fees payable under the -

- (i) Noise Control (General) Regulations;
- (ii) Noise Control (Air Compressors) Regulations; and
- (iii) Noise Control (Hand Held Percussive Breakers) Regulations.

BACKGROUND AND ARGUMENT

2. It is Government policy that fees should in general be set at levels sufficient to recover the full cost of providing the services. Most Government fees and charges have been frozen since February 1998 as an exceptional measure to ease the burden on the community at a time of economic setback. The Financial Secretary decided in June 1999 to continue the fee revision moratorium until the year-on-year quarterly Gross Domestic Product growth rate turned firmly positive. Taking into account the current state of economic recovery, the Administration consulted the Legislative Council Panel on Financial Affairs on 13 April 2000 on proposals to revise various fees that would not directly affect people's livelihood or general business activities. In view of the diverse nature of the fees involved, Members suggested and the Legislative Council House Committee agreed on 14 April 2000 that the Administration should consult the relevant subject Legislative Council Panels on whether and if so how the fees under their respective purview should be adjusted.

3. In this connection, we consulted the Legislative Council Panel on Environmental Affairs on 2 June 2000 on the proposals to revise, among others, the fees related to the Noise Control Ordinance. Members of the Panel did not raise any objection to the proposed fee revision. The existing and proposed fees are summarized in Annex D.

4. The fees were last revised in January 1998. A costing review conducted at 2000-01 prices showed that the cost recovery rate of the fees under the Noise Control (General) Regulations was only 21% and 26% while those under the other two Regulations were 62%. The cost computation is shown at Annexes E to G.

5. For this revision exercise, we propose to:

- (i) increase the fees payable under the Noise Control (General) Regulations by 20% with a view to phasing in their full cost recovery over the next four years; and
- (ii) increase the fees payable under the other two Regulations by 15% with a view to phasing in their full cost recovery over the next two years.

THE REGULATION

6. The Amendment Regulations seek to revise the fees as set out at Annex D with effect from 22 December 2000.

PUBLIC CONSULTATION

7. The Legislative Council Panel on Environmental Affairs was consulted on 2 June 2000. Members did not raise any objection to the proposed fee revision. The Advisory Council on the Environment was consulted on 30 October 2000 and Members did not raise objections.

BASIC LAW IMPLICATIONS

8. The Department of Justice advises that the Amendment Regulations are consistent with the Basic Law.

HUMAN RIGHTS IMPLICATIONS

9. The Department of Justice advises that the Amendment Regulations have no human rights implications.

BINDING EFFECT OF THE LEGISLATION

10. The Amendment Regulations will not affect the current binding effect of the Noise Control Regulations.

FINANCIAL AND STAFFING IMPLICATIONS

11. The implementation of the new fees will generate additional Government revenue of about \$445,000 per annum. There are no staffing implications.

ECONOMIC IMPLICATIONS

12. The cost impact of the proposed increase in fees under the said Ordinance on the trades concerned should be minimal.

EFFICIENCY INITIATIVES

13. To provide a more efficient service to the public, the Environmental Protection Department will continue to undertake necessary measures to -

- (a) contain costs by continuing to implement the Enhanced Productivity Programme and taking other improvement measures; and
- (b) review whether it is still necessary to provide the various services that require payment of fees and charges.

PUBLICITY

14. The Amendment Regulations will be published in the Gazette on 10 November 2000. A press release will be issued on the same day. A spokesman will be available to answer media enquiries.

ENQUIRY

15. For any enquiries on this brief, please contact Miss Agnes Kwan, Assistant Secretary for the Environment and Food, at 2136 3326.

Environment and Food Bureau
November 2000

Noise Control Ordinance (Chapter 400)

**NOISE CONTROL (GENERAL)
(AMENDMENT) REGULATION 2000
NOISE CONTROL (AIR COMPRESSORS)
(AMENDMENT) REGULATION 2000
NOISE CONTROL (HAND HELD PERCUSSIVE BREAKERS)
(AMENDMENT) REGULATION 2000**

ANNEXES

- Annex A - Noise Control (General) (Amendment) Regulation 2000
- Annex B - Noise Control (Air Compressors) (Amendment) Regulation 2000
- Annex C - Noise Control (Hand Held Percussive Breakers) (Amendment) Regulation 2000
- Annex D - Comparison of the existing and proposed fees
- Annex E - Cost computation under Noise Control (General) Regulations
- Annex F - Cost computation under Noise Control (Air Compressors) Regulations
- Annex G - Cost computation under Noise Control (Hand Held Percussive Breakers) Regulations

NOISE CONTROL (GENERAL) (AMENDMENT) REGULATION 2000

(Made under section 27 of the Noise Control Ordinance (Cap. 400)
after consultation with the Advisory Council
on the Environment)

1. Commencement

This Regulation shall come into operation on 22 December 2000.

**2. Fees payable on application for
a construction noise permit**

Regulation 8 of the Noise Control (General) Regulations (Cap. 400 sub. leg.) is amended -

- (a) in subregulation (1), by repealing "\$575" and substituting "\$690";
- (b) in subregulation (2), by repealing "\$530" and substituting "\$635".

Secretary for the Environment
and Food

6 November 2000

Explanatory Note

This Regulation increases the fees payable for applications for construction noise permits in respect of percussive piling and other construction works.

NOISE CONTROL (AIR COMPRESSORS) (AMENDMENT) REGULATION 2000

(Made under section 27 of the Noise Control Ordinance (Cap. 400)
after consultation with the Advisory Council
on the Environment)

1. Commencement

This Regulation shall come into operation on 22 December 2000.

2. Application for the noise emission label

Regulation 8 of the Noise Control (Air Compressors) Regulations (Cap. 400 sub. leg.) is amended -

- (a) in subregulation (1), by repealing "\$350" and substituting "\$405";
- (b) in subregulation (2) (c), by repealing "\$350" and substituting "\$405".

3. Schedule 3 amended

Schedule 3 is amended in Note 4 of Form 1 by repealing "\$350" and substituting "\$405".

Secretary for the Environment
and Food

6 November 2000

Explanatory Note

This Regulation increases the fee payable for an application for a noise emission label for an air compressor.

**NOISE CONTROL (HAND HELD PERCUSSIVE BREAKERS)
(AMENDMENT) REGULATION 2000**

(Made under section 27 of the Noise Control Ordinance (Cap. 400)
after consultation with the Advisory Council
on the Environment)

1. Commencement

This Regulation shall come into operation on 22 December 2000.

2. Application for the noise emission label

Regulation 8 of the Noise Control (Hand Held Percussive Breakers) Regulations
(Cap. 400 sub. leg.) is amended -

- (a) in subregulation (1), by repealing "\$350" and substituting "\$405";
- (b) in subregulation (2) (c), by repealing "\$350" and substituting "\$405".

3. Schedule 3 amended

Schedule 3 is amended in Note 4 of Form 1 by repealing "\$350" and substituting "\$405".

Secretary for the Environment
and Food

6 November 2000

Explanatory Note

This Regulation increases the fee payable for an application for a noise emission label for a hand held percussive breaker.

Comparison of the existing and proposed fees

	<u>Existing Fee</u>	<u>Proposed Fee</u>
	\$	\$
<u>Noise Control (General) Regulations</u>		
(1) Application for a Construction Noise Permit (General Works) (Regulation 8(1))	575	690
(2) Application for a Construction Noise Permit (Percussive Piling) (Regulation 8(2))	530	635
<u>Noise Control (Air Compressors) Regulations</u>		
(3) Application for a Noise Emission Label - Air Compressors	350	405
<u>Noise Control (Hand Held Percussive Breakers) Regulations</u>		
(4) Application for a Noise Emission Label - Hand Held Percussive Breakers	350	405

COST COMPUTATION

ENVIRONMENTAL PROTECTION DEPARTMENT

Fees under the Noise Control (General) Regulations
(Cost at 2000-01 Prices)

	(1) \$	(2) \$
Staff Costs	7,339,098	726,598
Departmental Expenses	408,020	39,401
Accommodation Costs	322,882	31,375
Depreciation	2,513	249
Cost of Services Provided by Other Departments	13,192	1,306
Central Administrative Overhead	199,763	19,777
Total Cost	<u>8,285,468</u>	<u>818,706</u>
Estimated number of cases	3,000	400
Unit Cost at 2000-01 prices (\$)	2,762	2,047
Existing fee (\$)	575	530
Proposed fee (\$)	690	635

Legend

- (1) Construction noise permit (general work) under Regulation 8(1)
(2) Construction noise permit (percussive piling) under Regulation 8(2)

COST COMPUTATION

ENVIRONMENTAL PROTECTION DEPARTMENT

Fees under the Noise Control (Air Compressors) Regulations
(Cost at 2000-01 Prices)

	(1) \$
Staff Costs	141,306
Departmental Expenses	7,786
Accommodation Costs	5,706
Depreciation	48
Cost of Services Provided by Other Departments	254
Central Administrative Overhead	3,846
Total Cost	158,946
Estimated number of cases	280
Unit Cost at 2000-01 prices (\$)	568
Existing fee (\$)	350
Proposed fee (\$) (Note)	405

Legend

(1) Noise emission label for air compressor under Regulation 8

COST COMPUTATION

ENVIRONMENTAL PROTECTION DEPARTMENT

Fees under the Noise Control (Hand Held Percussive Breakers) Regulations
(Cost at 2000-01 Prices)

	(1) \$
Staff Costs	262,426
Departmental Expenses	14,460
Accommodation Costs	10,596
Depreciation	90
Cost of Services Provided by Other Departments	472
Central Administrative Overhead	7,143
Total Cost	295,187
Estimated number of cases	520
Unit Cost at 2000-01 prices (\$)	568
Existing fee (\$)	350
Proposed fee (\$) (Note)	405

Legend

(1) Noise emission label for hand held percussive breaker under Regulation 8