

For discussion on
14 December 2007

Legislative Council Panel on Home Affairs

Nuisances Caused by Holiday Flats to Residents Nearby

Purpose

This paper briefs Members on the measures taken by relevant government departments to tackle noise-related nuisance caused by users of holiday flats.

The Issue

2. At present, there are 137 licensed holiday flats in Hong Kong. According to the records of the relevant government departments¹, noise-related nuisance caused by users of holiday flats largely concentrated in five blocks of holiday flats at Wang Tong, Mui Wo, representing some 67% and 55% of all complaints in 2006 and 2007 (up to September 2007) respectively. The statistics of the complaints received are set out at the Annex. The relevant departments have taken measures to tackle noise nuisance caused by holiday flats in rural areas and in light of the concentration of complaint cases, paid special attention to those at Wang Tong.

Measures Taken to Tackle the Problem

Measures taken by the Islands District Office

3. The Islands District Office (DO) has met with the relevant parties including the complainants, the operator of the holiday flats concerned and the Mui Wo Rural Committee. DO staff have reminded the operator of its responsibilities, as the licence holder, of exercising vigilance in monitoring the proper use of holiday flats. The operator has taken the following measures –

- (a) advise users of holiday flats not to make loud noise, in particular during the night;

¹ These include the Home Affairs Department, Environmental Protection Department and the Police.

- (b) distribute leaflets to users of holiday flats advising them not to cause nuisance to the residents nearby;
- (c) warn users of holiday flats once complaint was received; and
- (d) provide a contact telephone number to holiday flats users.

Measures taken by the Police and Environmental Protection Department

4. Sections 4 and 5 of the Noise Control Ordinance (Cap.400) regulate noise from domestic premises and public places. On receipt of a complaint, the Police will deploy officers to the scene. If a case is established, the Police will give either advice or warning to the relevant parties. If the advice is not heeded, the Police will consider initiating the prosecution process through issuing summonses to the relevant parties. Any person who commits an offence shall be liable to a maximum fine of \$10,000 on conviction. In 2007 (up to September), the Police issued 64 verbal warnings against noise nuisance associated with holiday flats. As the complainers made improvements immediately after the warnings, no summons was issued.

5. Regarding noise nuisance at Wang Tong, Mui Wo, the Police issued 32 verbal warnings to users of holiday flats at Wang Tong during the said period. The Environmental Protection Department also issued a letter to the relevant licence holder reminding him of the need to ensure compliance with the relevant provisions in the Noise Control Ordinance.

Measures taken by the Office of the Licensing Authority

6. The Office of the Licensing Authority (OLA) has reminded the licence holder of the holiday flats of the need to comply with the Noise Control Ordinance. In this regard, the operator has been advised to state clearly in the hire conditions that users of holiday flats are not allowed to make noise nuisance after 11 p.m. In particular, users of holiday flats should be advised not to engage in any outdoor activities after 11 p.m. which are prone to create noises, such as group games, barbecues and singing. Notices for these purposes should be posted in prominent positions inside and outside the holiday flats to remind users.

7. The OLA has stepped up enforcement action against unlicensed holiday flats at Wang Tong. During the inspections, a case of unlicensed holiday flat was found in August 2007. A warning letter was issued to the operator. The holiday flat concerned ceased to operate since then. The OLA will continue to conduct regular inspections.

Conclusion

8. Rental of holiday flats is part and parcel of the economy in rural areas, and many of the holiday flat operators are small operators. These economic activities not only generate income for flat owners and provide employment opportunities in the areas concerned, but also bring about recreation and entertainment to the general public. The Administration will continue to take measures to ensure that the operation of holiday flats will meet the prevailing legislative and administrative requirements regarding noise nuisance, so that holiday flats and the nearby residence can coexist harmoniously.

Home Affairs Department
December 2007

Statistics on Noise-related Complaints Against Holiday Flats

	2006	2007 (up to 30.9.2007)
Home Affairs Department The Office of the Licensing Authority	0	7 (all complaints were made by a complainant or related persons against five blocks of holiday flats at Wang Tong, Mui Wo)
Environmental Protection Department	2	0
Police		
(i) Holiday flats at Wang Tong, Mui Wo	100 (70 complaints were made by two complainants or related persons against five blocks of holiday flats at Wang Tong, Mui Wo)	56 (37 complaints were made by two complainants or related persons against five blocks of holiday flats at Wang Tong, Mui Wo)
(ii) Other locations	50	51