

LEGISLATIVE COUNCIL BRIEF

Noise Control Ordinance (Chapter 400)

Noise Control (Construction Work Designated Areas) (Amendment) Notice 2008

INTRODUCTION

Under section 8A(1) of the Noise Control Ordinance (Cap. 400) (the “Ordinance”), the Secretary for the Environment has made the Noise Control (Construction Work Designated Areas)(Amendment) Notice 2008 (the “Amendment Notice”), at **Annex 1**, to update the designated areas under the Ordinance.

BACKGROUND AND JUSTIFICATIONS

Background

2. Noisy construction activities conducted in populated built-up areas would affect more people than conducted in less populated areas. The Ordinance provides for the Secretary for the Environment to establish an area as a designated area by notice published in the Gazette.

3. Under the Ordinance, construction works using powered mechanical equipment can be carried out between 7 pm and 7 am, or at any time on a general holiday (the “restricted hours”) only with a valid construction noise permit (“CNP”). However, for CNP applications to conduct construction works using any specified powered mechanical equipment¹ in the designated areas, the noise limits will be 15dB(A) more stringent than those required in non-designated areas.² For prescribed construction work such as

¹ The specified powered mechanical equipment includes handheld breaker, bulldozer, handheld vibratory poker, dump truck and concrete lorry mixer.

² The noise limits are set out in the relevant Technical Memoranda issued under section 9(1) of the Ordinance, namely the Technical Memorandum on Noise from Construction Work other than Percussive Piling and the Technical Memorandum on Noise from Construction Work in Designated Areas.

hammering, erection or dismantling of formwork or scaffolding, etc., they can be conducted during the restricted hours in the designated areas with valid CNPs, which normally can be obtained only with the use of quiet construction methods or substantial barriers to protect the affected noise sensitive receivers from construction noise.

4. The designated areas were first established in January 1996. In 2001, taking into account the developments over the years, the then Secretary for the Environment and Food expanded the designated areas to the existing coverage as marked in red on the map at **Annex 2**.

The Proposal

5. In view of the developments in Hong Kong since 2001, it is appropriate now to further expand the coverage of the designated areas to include newly developed populated built-up areas; areas where development has been actively taking place and population intake is expected to commence within the coming few years; and other populated built-up areas in the territory not yet covered. Some areas adjoining the existing designated areas which form parts of the communities have also been identified for inclusion.

6. We propose that the locations marked in blue on the map at **Annex 2** be established as designated areas in addition to the existing ones. The proposal will provide communities in the new designated areas with the same protection against construction noise under the Ordinance as those in the existing designated areas.

THE NOTICE

7. The Amendment Notice has been issued by the Secretary for the Environment under section 8A(1) of the Ordinance. The Amendment Notice establishes the new designated areas and updates the list of designated areas in the Schedule to the Noise Control (Construction Work Designated Areas) Notice (Cap. 400 sub. leg. L). The updated designated areas are shown (hatched and enclosed in bold lines) at **Annex 3**.

LEGISLATIVE TIMETABLE

8. The legislative timetable is as follows :-

Publication in the Gazette	16 May 2008
Tabling at the Legislative Council	21 May 2008
Commencement	1 January 2009

IMPLICATIONS OF THE PROPOSAL

9. The proposal is in conformity with the Basic Law, including the provisions concerning human rights, and will not affect the current binding effect of the Ordinance. It has no financial and staffing implications. It also has no significant economic and sustainability implications. As regards environmental implications, the proposal will provide residents in the new designated areas with the same protection against construction noise as those in the existing designated areas. It is estimated that more than 280,000 residents will benefit from the implementation of the proposal.

PUBLIC CONSULTATION

10. We have consulted the trades concerned (including trade associations, public utility companies and railway operators) and professional bodies on the proposal. They were generally supportive.

11. The Hong Kong Construction Association Limited had no objection to the proposed designated areas but suggested that construction works in the new designated areas should be exempted if the contracts involved had already been awarded or tenders closed before the implementation date. The Mass Transit Railway Corporation Limited ("MTRCL"), while expressing support for a quiet environment, sought clarification on the methodology and demarcation for the designated areas. MTRCL also considered it premature to establish as designated areas those locations where active development was only expected to take place in the next few years. The Hong Kong Institution of Acoustics welcomed the proposal, but expressed concern over the impact on ongoing construction works.

12. We have carefully considered these views and have responded separately to the concerns and suggestions raised. We propose that the new designated areas will come into effect from 1 January 2009 so as to allow time for the construction industry to get prepared. Moreover, to address the concerns raised by some stakeholders with regard to new developments, we have only included as new designated areas those locations where the population intake of new residential blocks has already taken place or is expected to take place in the next few years.

13. The Advisory Council on the Environment was consulted on 14 February 2008 and supported the proposal. The Legislative Council Panel on Environmental Affairs was consulted on 18 March 2008. Members had no objection to the proposal.

PUBLICITY

14 A press release on the proposal will be issued when the Amendment Notice is published in the Gazette on 16 May 2008. A spokesman will be made available to answer media enquiries.

ENQUIRIES

15 For any enquiries about this brief, please contact Mr. Maurice K. L. YEUNG, Principal Environmental Protection Officer, Environmental Protection Department, at 2835 1581.

Environmental Protection Department
May 2008

**NOISE CONTROL (CONSTRUCTION WORK
DESIGNATED AREAS) (AMENDMENT)**

NOTICE 2008

(Made by the Secretary for the Environment under section 8A(1) of the
Noise Control Ordinance (Cap. 400))

1. Commencement

This Notice shall come into operation on 1 January 2009.

2. Designated areas

The following areas are established as designated areas –

- (a) the areas of Hong Kong Island and Lamma Island hatched and enclosed in bold lines in Plan No. EPD/AN/HKI-01 signed by the Secretary for the Environment and deposited in the Land Registry;
- (b) the areas of Kowloon West, Kwai Chung, Tsuen Wan and Tsing Yi hatched and enclosed in bold lines in Plan No. EPD/AN/K & NT-01 signed by the Secretary for the Environment and deposited in the Land Registry;
- (c) the areas of Kowloon East and Tseung Kwan O hatched and enclosed in bold lines in Plan No. EPD/AN/K & NT-02 signed by the Secretary for the Environment and deposited in the Land Registry;
- (d) the areas of Yuen Long, Tin Shui Wai, Mai Po, Shek Kong and Kwu Tung hatched and enclosed in bold lines in Plan No. EPD/AN/NT-01 signed by the Secretary for the Environment and deposited in the Land Registry;
- (e) the areas of Tai Po, Fanling, Sheung Shui and Sha Tau Kok hatched and enclosed in bold lines in Plan No.

- EPD/AN/NT-02 signed by the Secretary for the Environment and deposited in the Land Registry;
- (f) the areas of Tuen Mun, Sham Tseng and Ma Wan hatched and enclosed in bold lines in Plan No. EPD/AN/NT-03 signed by the Secretary for the Environment and deposited in the Land Registry;
 - (g) the areas of Sha Tin, Ma On Shan and Sai Kung hatched and enclosed in bold lines in Plan No. EPD/AN/NT-04 signed by the Secretary for the Environment and deposited in the Land Registry;
 - (h) the areas of Lantau Island West hatched and enclosed in bold lines in Plan No. EPD/AN/NT-05 signed by the Secretary for the Environment and deposited in the Land Registry; and
 - (i) the areas of Lantau Island East, Peng Chau and Cheung Chau hatched and enclosed in bold lines in Plan No. EPD/AN/NT-06 signed by the Secretary for the Environment and deposited in the Land Registry.

3. Schedule substituted

The Schedule to the Noise Control (Construction Work Designated Areas) Notice (Cap. 400 sub. leg. L) is repealed and the following substituted –

“ SCHEDULE

[s. 2]

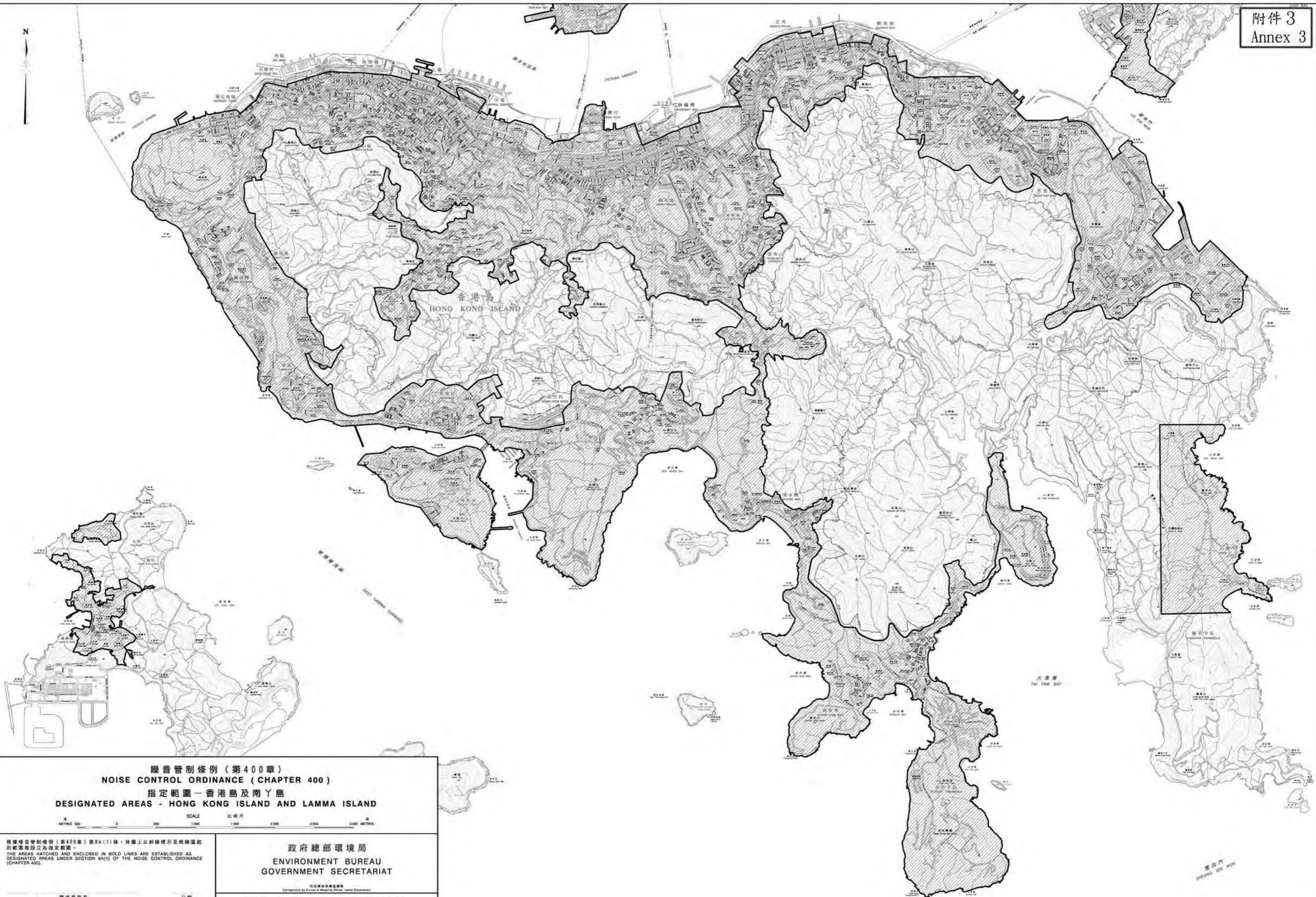
1. The areas of Hong Kong Island and Lamma Island hatched and enclosed in bold lines in Plan No. EPD/AN/HKI-01 signed by the Secretary for the Environment and deposited in the Land Registry.

2. The areas of Kowloon West, Kwai Chung, Tsuen Wan and Tsing Yi hatched and enclosed in bold lines in Plan No. EPD/AN/K & NT-01 signed by the Secretary for the Environment and deposited in the Land Registry.
3. The areas of Kowloon East and Tseung Kwan O hatched and enclosed in bold lines in Plan No. EPD/AN/K & NT-02 signed by the Secretary for the Environment and deposited in the Land Registry.
4. The areas of Yuen Long, Tin Shui Wai, Mai Po, Shek Kong and Kwu Tung hatched and enclosed in bold lines in Plan No. EPD/AN/NT-01 signed by the Secretary for the Environment and deposited in the Land Registry.
5. The areas of Tai Po, Fanling, Sheung Shui and Sha Tau Kok hatched and enclosed in bold lines in Plan No. EPD/AN/NT-02 signed by the Secretary for the Environment and deposited in the Land Registry.
6. The areas of Tuen Mun, Sham Tseng and Ma Wan hatched and enclosed in bold lines in Plan No. EPD/AN/NT-03 signed by the Secretary for the Environment and deposited in the Land Registry.
7. The areas of Sha Tin, Ma On Shan and Sai Kung hatched and enclosed in bold lines in Plan No. EPD/AN/NT-04 signed by the Secretary for the Environment and deposited in the Land Registry.
8. The areas of Lantau Island West hatched and enclosed in bold lines in Plan No. EPD/AN/NT-05 signed by the Secretary for the Environment and deposited in the Land Registry.
9. The areas of Lantau Island East, Peng Chau and Cheung Chau hatched and enclosed in bold lines in Plan No. EPD/AN/NT-06 signed by the Secretary for the Environment and deposited in the Land Registry.”.

Secretary for the Environment

Explanatory Note

This Notice establishes the new designated areas for the purposes of the Noise Control Ordinance (Cap. 400) and updates the list of designated areas in the Schedule to the Noise Control (Construction Work Designated Areas) Notice (Cap. 400 sub. leg. L).



噪音管制條例 (第400章)
 NOISE CONTROL ORDINANCE (CHAPTER 400)
 指定範圍—香港島及南丫島
 DESIGNATED AREAS - HONG KONG ISLAND AND LAMMA ISLAND

SCALE 1:50,000
 METRES 500 1,000 1,500 2,000 2,500 3,000 METRES

根據噪音管制條例(第400章)第8A(1)條，地圖上以斜線標示及粗線圍起的範圍被設立為指定範圍。
 THE AREAS HATCHED AND ENCLOSED IN BOLD LINES ARE ESTABLISHED AS DESIGNATED AREAS UNDER SECTION 8A(1) OF THE NOISE CONTROL ORDINANCE (CHAPTER 400).

政府總部環境局
 ENVIRONMENT BUREAU
 GOVERNMENT SECRETARIAT

環境局局長
 SECRETARY FOR THE ENVIRONMENT

日期
 DATE

圖則編號 Plan No. EPD/AN/HKI-01



根據噪音管制條例(第400章)第8A(1)條,地圖上以斜線標示及粗線圍起
 的範圍被設立為指定範圍。
 THE AREAS HATCHED AND ENCLOSED IN BOLD LINES ARE ESTABLISHED AS
 DESIGNATED AREAS UNDER SECTION 8A(1) OF THE NOISE CONTROL ORDINANCE
 (CHAPTER 400).

噪音管制條例(第400章)
 NOISE CONTROL ORDINANCE (CHAPTER 400)
 指定範圍—九龍西、葵涌、荃灣及青衣
 DESIGNATED AREAS - KOWLOON WEST, KWAI CHUNG, TSUEN WAN AND TSING YI

SCALE 比例尺
 METRES 000 0 500 1000 1500 2000 2500 3000 METRES

環境局局長
 SECRETARY FOR THE ENVIRONMENT
 日期
 DATE

政府總部環境局
 ENVIRONMENT BUREAU
 GOVERNMENT SECRETARIAT

此圖由地政總署繪製
 Cartography by Survey & Mapping Office, Lands Department
 圖則編號 Plan No. EPD/AN/K&NT-01



根據噪音管制條例(第400章)第8A(1)條，地圖上以斜線標示及粗線圍起的範圍被設立為指定範圍。
 THE AREAS HATCHED AND ENCLOSED IN BOLD LINES ARE ESTABLISHED AS DESIGNATED AREAS UNDER SECTION 8A(1) OF THE NOISE CONTROL ORDINANCE (CHAPTER 400).

噪音管制條例(第400章)
 NOISE CONTROL ORDINANCE (CHAPTER 400)
 指定範圍—九龍東及將軍澳
 DESIGNATED AREAS - KOWLOON EAST AND TSEUNG KWAN O

SCALE 比例尺
 METRES 0 300 600 900 1200 1500 1800 2100 2400 2700 3000 METRES

環境局局長
 SECRETARY FOR THE ENVIRONMENT

日期
 DATE

政府總部環境局
 ENVIRONMENT BUREAU
 GOVERNMENT SECRETARIAT

地政總署測量及繪圖處
 Geographical Survey & Mapping Office, Lands Department

圖則編號 Plan No. EPD/AN/K&NT-02



后海湾 (深圳湾)
DEEP BAY (SHENZHEN WAN)



根據噪音管制條例 (第400章) 第8A(1)條，地圖上以斜線標示及粗線圍起的範圍被設立為指定範圍。
THE AREAS HATCHED AND ENCLOSED IN BOLD LINES ARE ESTABLISHED AS DESIGNATED AREAS UNDER SECTION 8A(1) OF THE NOISE CONTROL ORDINANCE (CHAPTER 400)

噪音管制條例 (第400章)
NOISE CONTROL ORDINANCE (CHAPTER 400)
指定範圍—元朗、天水圍、米埔、石崗及古洞
DESIGNATED AREAS - YUEN LONG, TIN SHUI WAI, MAI PO, SHEK KONG AND KWU TUNG

SCALE 比例尺
METRES 公尺
0 500 1000 1500 2000 2500 3000

政府總部環境局
ENVIRONMENT BUREAU
GOVERNMENT SECRETARIAT

圖則編號 Plan No. EPD/AN/NT-01

環境局局長 SECRETARY FOR THE ENVIRONMENT
日期 DATE



插圖
INSET

沙頭角
SHA TAU KOK

新灣水塘
FLOVER COVE RESERVOIR

托老灣
TOLO HARBOUR

根據噪音管制條例(第400章)第8A(1)條,地圖上以斜線標示及粗線圍起的範圍被設立為指定範圍。
THE AREAS HATCHED AND ENCLOSED IN BOLD LINES ARE ESTABLISHED AS DESIGNATED AREAS UNDER SECTION 8A(1) OF THE NOISE CONTROL ORDINANCE (CHAPTER 400)

噪音管制條例(第400章)
NOISE CONTROL ORDINANCE (CHAPTER 400)
指定範圍—大埔、粉嶺、上水及沙頭角
DESIGNATED AREAS - TAI PO, FANLING, SHEUNG SHUI AND SHA TAU KOK



環境局局長
SECRETARY FOR THE ENVIRONMENT

日期
DATE

政府總部環境局
ENVIRONMENT BUREAU
GOVERNMENT SECRETARIAT

圖則編號 Plan No. EPD/AN/NT-02



根據噪音管制條例(第400章)第5A(1)條,地圖上以斜線標示及粗線圍起的範圍被設立為指定範圍
 THE AREAS HATCHED AND ENCLOSED IN BOLD LINES ARE ESTABLISHED AS DESIGNATED AREAS UNDER SECTION 5A(1) OF THE NOISE CONTROL ORDINANCE (CHAPTER 400).

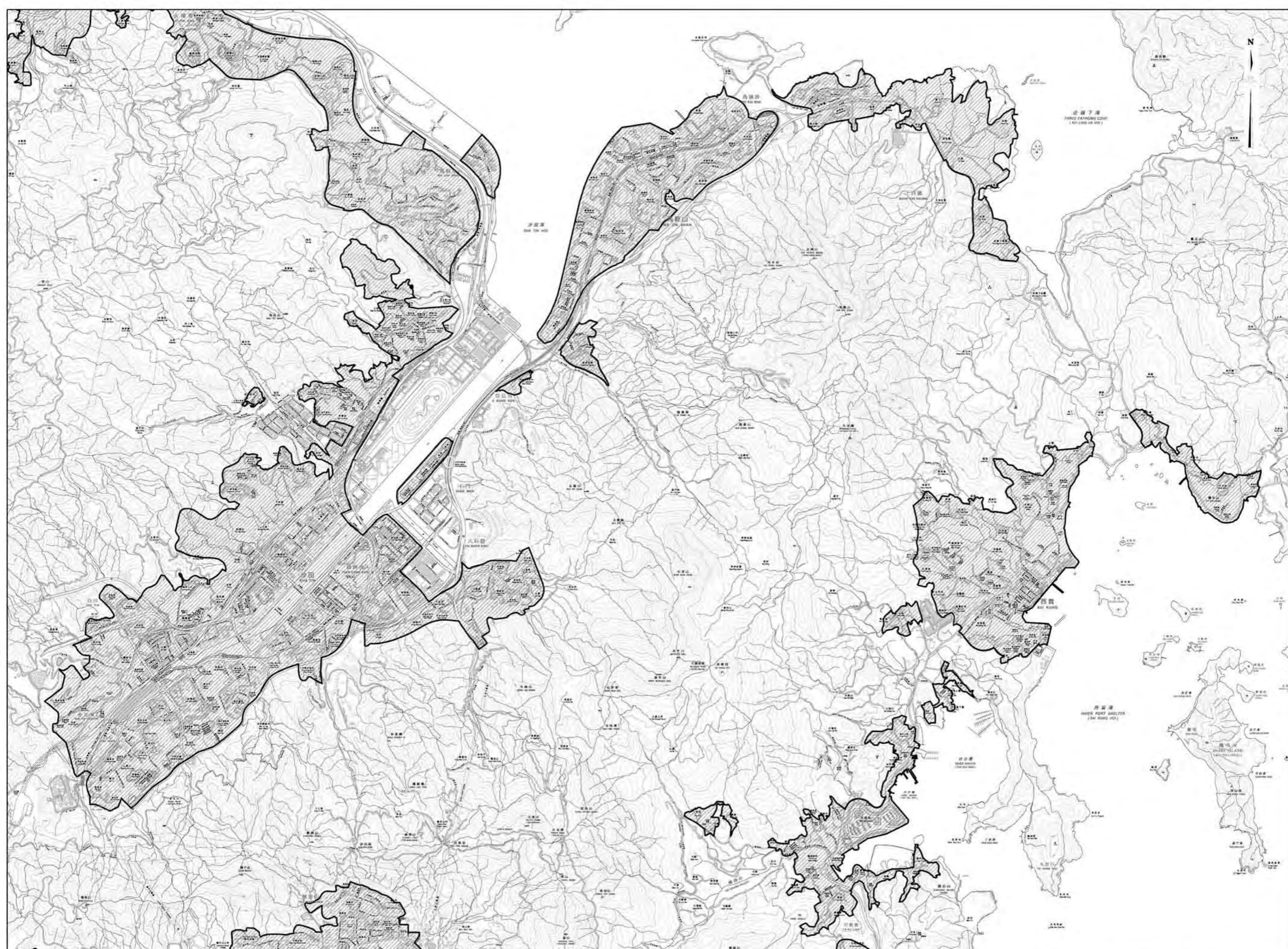
環境局局長
 SECRETARY FOR THE ENVIRONMENT

日期
 DATE

噪音管制條例(第400章)
 NOISE CONTROL ORDINANCE (CHAPTER 400)
 指定範圍—屯門、深井及馬灣
 DESIGNATED AREAS - TUEN MUN, SHAM TSENG AND MA WAN
 SCALE 比例尺
 METRES 0 500 1000 1500 2000 2500 3000 METRES

政府總部環境局
 ENVIRONMENT BUREAU
 GOVERNMENT SECRETARIAT

圖則編號 Plan No. EPD/AN/NT-03



根據噪音管制條例(第400章)第8A(1)條，地圖上以斜線標示及粗線圍起的範圍被設立為指定範圍。
 THE AREAS HATCHED AND ENCLOSED IN BOLD LINES ARE ESTABLISHED AS DESIGNATED AREAS UNDER SECTION 8A(1) OF THE NOISE CONTROL ORDINANCE (CHAPTER 400).

噪音管制條例 (第400章)
 NOISE CONTROL ORDINANCE (CHAPTER 400)
 指定範圍—沙田、馬鞍山及西貢
 DESIGNATED AREAS - SHA TIN, MA ON SHAN AND SAI KUNG

SCALE 比例尺
 METRES 0 100 200 300 400 500 600 700 800 900 1000 METRES

環境局局長
 SECRETARY FOR THE ENVIRONMENT
 日期
 DATE

政府總部環境局
 ENVIRONMENT BUREAU
 GOVERNMENT SECRETARIAT
地政總署測量處編繪
 Cartography by Survey & Mapping Office, Lands Department

圖則編號 Plan No. EPD/AN/NT-04



根據噪音管制條例(第400章)第8A(1)條,地圖上以斜線標示及粗線圍起的範圍被設立為指定範圍。
 THE AREAS HATCHED AND ENCLOSED IN BOLD LINES ARE ESTABLISHED AS DESIGNATED AREAS UNDER SECTION 8A(1) OF THE NOISE CONTROL ORDINANCE (CHAPTER 400).

噪音管制條例(第400章)
NOISE CONTROL ORDINANCE (CHAPTER 400)
 指定範圍—大嶼山東、坪洲及長洲
DESIGNATED AREAS - LANTAU ISLAND EAST, PENG CHAU AND CHEUNG CHAU

政府總部環境局
ENVIRONMENT BUREAU
GOVERNMENT SECRETARIAT

環境局局長
 SECRETARY FOR THE ENVIRONMENT

日期
 DATE



圖則編號 Plan No. EPD/AN/NT-06