

LEGISLATIVE COUNCIL BRIEF

Noise Control Ordinance
(Chapter 400)

NOISE CONTROL (GENERAL) (AMENDMENT) REGULATION 2016

**NOISE CONTROL (AIR COMPRESSORS) (AMENDMENT)
REGULATION 2016**

**NOISE CONTROL (HAND HELD PERCUSSIVE BREAKERS)
(AMENDMENT) REGULATION 2016**

INTRODUCTION

Section 27(1) of the Noise Control Ordinance (Cap. 400) (“Ordinance”) empowers the Secretary for the Environment, after consultation with the Advisory Council on the Environment (“ACE”), to make regulation under the Ordinance. In accordance with section 27(2) of the Ordinance, any regulation made under section 27(1) relating to the payment of fees may provide for different fees to be charged according to different circumstances.

2. In exercise of this power, the Secretary for the Environment has made the Amendment Regulations at Annexes A to C to revise the fees specified in the respective subsidiary legislation listed below –

A – C

- (a) Noise Control (General) Regulations (Cap. 400 sub. leg. A)
- (b) Noise Control (Air Compressors) Regulations (Cap. 400 sub. leg. C)
- (c) Noise Control (Hand Held Percussive Breakers) Regulations (Cap. 400 sub. leg. D)

BACKGROUND AND JUSTIFICATIONS

3. The fees specified in the said regulations are for the processing of applications for Construction Noise Permits (“CNPs”) and Noise Emission Labels (“NELs”) for the purpose of controlling noise from construction activities and from the use of noisy construction equipment respectively.

4. Since 2008, we have not proposed any upward adjustment of these fees. The fees of all items are below the full cost recovery levels. In line with the “user pays” principle, it is government policy that fees and charges payable to the Government should in general be set at levels sufficient to recover the full costs of providing the goods and services. As such, we decide to increase the fees to achieve full cost recovery in one-go.

D 5. The existing and proposed fees are summarised at Annex D.

THE AMENDMENT REGULATIONS

A – C 6. The Amendment Regulations at the Annexes A to C revise the fees concerned. It is proposed that the new fees will come into effect on 1 July 2016.

LEGISLATIVE TIMETABLE

7. The legislative timetable is as follows –

Publication in the Gazette	15 April 2016
Tabling at the Legislative Council	20 April 2016
Commencement	1 July 2016

ECONOMIC IMPLICATIONS

8. The revision of the fees should have minimal cost impact on the sector concerned and negligible impact on consumer prices.

FINANCIAL AND CIVIL SERVICE IMPLICATIONS

9. If the proposed fees revision is implemented, the estimated increase in revenue is about \$8.3 million per annum. There is no civil service implication.

OTHER IMPLICATIONS

10. The Amendment Regulations do not affect the current binding effect of the Ordinance and the subsidiary legislation. They are in conformity with the Basic Law, including the provisions concerning human rights. The proposal has no family, sustainability, productivity, environmental and gender implications.

PUBLIC CONSULTATION

11. On 27 November 2015, we consulted the Legislative Council Panel on Environmental Affairs (EA Panel) on our original proposals to gradually increase the fees. Considering that the fees would have minimal impact on the sector, Panel members urged the Government to revise the fees to achieve full cost recovery in one-go.

12. After considering the views of Panel members, we decided to revise our proposals. In February 2016, we consulted construction trade associations, construction equipment suppliers, and applicants for CNPs and NELs on the proposed revision of fees based on full cost recovery. They had no strong views against the proposed fees revision.

13. On 14 March 2016, we consulted the ACE and gained their support on the proposed increase in fees.

PUBLICITY

14. The Amendment Regulations will be published in the Gazette on 15 April 2016 and a press release will be issued on the same day. A spokesperson will be available to answer media and public enquiries.

ENQUIRIES

15. For any enquiries on this brief, please contact Mr. Mark Ma at 2835 1147.

Environmental Protection Department
March 2016

List of Annexes

- Annex A Noise Control (General) (Amendment) Regulation 2016
- Annex B Noise Control (Air Compressors) (Amendment) Regulation
2016
- Annex C Noise Control (Hand Held Percussive Breakers)
(Amendment) Regulation 2016
- Annex D Comparison of the Existing and Proposed Fees

Noise Control (General) (Amendment) Regulation 2016

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

1. Commencement

This Regulation comes into operation on 1 July 2016.

2. Noise Control (General) Regulations amended

The Noise Control (General) Regulations (Cap. 400 sub. leg. A) are amended as set out in section 3.

3. Regulation 8 amended (fees payable on application for a construction noise permit)

(1) Regulation 8(1)—

Repeal

“\$1,000”

Substitute

“\$2,610”.

(2) Regulation 8(2)—

Repeal

“\$910”

Substitute

“\$1,980”.



Secretary for the Environment

2016 . 04 . 05

Explanatory Note

This Regulation amends the Noise Control (General) Regulations (Cap. 400 sub. leg. A) to increase the fee payable on an application for a construction noise permit as set out below—

- (a) section 3(1) increases the fee payable on an application for such a permit for either or both of the following purposes—
 - (i) using powered mechanical equipment for 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;
 - (ii) carrying out prescribed construction work at any place within a designated area between the hours of 7 p.m. and 7 a.m., or at any time on a general holiday; and
- (b) section 3(2) increases the fee payable on an application for such a permit for carrying out percussive piling between the hours of 7 a.m. and 7 p.m. on any day, not being a general holiday.

Noise Control (Air Compressors) (Amendment) Regulation 2016

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

1. Commencement

This Regulation comes into operation on 1 July 2016.

2. Noise Control (Air Compressors) Regulations amended

The Noise Control (Air Compressors) Regulations (Cap. 400 sub. leg. C) are amended as set out in sections 3 and 4.

3. Regulation 8 amended (application for the noise emission label)

(1) Regulation 8(1)—

Repeal

“\$490”

Substitute

“\$530”.

(2) Regulation 8(2)(c)—

Repeal

“\$490”

Substitute

“\$530”.

4. Schedule 3 amended

Schedule 3, Form 1, Note 4—

Repeal

“\$490”

Substitute

“\$530”.



Secretary for the Environment

2016 .04.05

Explanatory Note

This Regulation amends the Noise Control (Air Compressors) Regulations (Cap. 400 sub. leg. C) to increase the application fee for a noise emission label for an air compressor.

**Noise Control (Hand Held Percussive Breakers)
(Amendment) Regulation 2016**

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

1. **Commencement**
This Regulation comes into operation on 1 July 2016.
2. **Noise Control (Hand Held Percussive Breakers) Regulations amended**
The Noise Control (Hand Held Percussive Breakers) Regulations (Cap. 400 sub. leg. D) are amended as set out in sections 3 and 4.
3. **Regulation 8 amended (application for the noise emission label)**
 - (1) Regulation 8(1)—
Repeal
“\$490”
Substitute
“\$530”.
 - (2) Regulation 8(2)(c)—
Repeal
“\$490”
Substitute
“\$530”.
4. **Schedule 3 amended**
Schedule 3, Form 1, Note 4—

Repeal

“\$490”

Substitute

“\$530”.



Secretary for the Environment

2016.04.05

Explanatory Note

This Regulation amends the Noise Control (Hand Held Percussive Breakers) Regulations (Cap. 400 sub. leg. D) to increase the application fee for a noise emission label for a hand held percussive breaker.

**Comparison of the Existing and Proposed Fees under
the Noise Control Ordinance**

<u>Description of Fee Items</u>	<u>Full Unit Cost at 2016/17 price level</u> (HK\$)	<u>Existing Fees</u> (HK\$)	<u>Proposed Fees</u> (HK\$)
<u>Noise Control (General) Regulations (Cap. 400 sub. leg. A)</u>			
1. Application fee for a construction noise permit for construction work other than percussive piling	2,606	1,000	2,610
2. Application fee for a construction noise permit for percussive piling	1,980	910	1,980
<u>Noise Control (Air Compressors) Regulations (Cap. 400 sub. leg. C)</u>			
3. Application fee for a noise emission label for air compressor	532	490	530
<u>Noise Control (Hand Held Percussive Breakers) Regulations (Cap. 400 sub. leg. D)</u>			
4. Application fee for a noise emission label for hand held percussive breaker	532	490	530