

30 May, 2013

Hon Cyd Ho Sau-lan
Chairman
Subcommittee on Issues Relating to Air, Noise and Light Pollution
Panel on Environmental Affairs
Legislative Council
Legislative Council Secretariat
Legislative Council Complex
1 Legislative Council Road
Central, Hong Kong

By email & fax

Dear Ms Ho,

**Re: Current legislation and administrative measures on the control of noise pollution and the associated public expenditure, as well as cases of noise pollution and mitigation measures
LegCo EA Panel Discussion on 31 May 2013**

Civic Exchange understands that the Subcommittee will meet tomorrow (i.e. 31 May 2013) to discuss the administration's paper, prepared by the Environment Bureau (ENB) and Environmental Protection Department (EPD), "Current Legislation and Administrative Measures on the Control of Noise Pollution and the Associated Public Expenditure". Civic Exchange would like to take this opportunity to share with the Subcommittee its views on the issues mentioned in the paper.

1. **Construction Noise:** Other than percussive piling, the Construction Noise Permit (CNP) practice does not control noise from construction work and domestic renovation work during the day on weekdays (7am to 7pm). Civic Exchange suggests the government extend the "restricted hours"¹ controlled by the CNP in order to minimise the impacts of construction noise. Civic Exchange also suggests the government take actions to further curb construction noise levels, such as:
 - a) A total ban on percussive piling;
 - b) Quality Powered Mechanical Equipment (QPME) should be mandated as they are quieter than normal Power Mechanical Equipment (PME); and
 - c) Legislation on the control of the use of percussive PME in domestic renovation works. This could reduce the disturbance to neighbourhoods close to the units under renovation.
2. **Industrial and Commercial Noise:** This kind of noise is currently handled on a "complaint basis" and controlled by the Noise Abatement Notice. Civic Exchange suggests the government proactively control these noise sources through introducing new standards and tightening the existing standards. More stringent forms of punishment, such as higher fines, should be in effect where the Noise Control Ordinance has been violated. The Buildings Department's Building Innovation Unit should consider noise reduction to be one of its main objectives of designing green buildings, along with increasing energy efficiency of building services.
3. **Noise from Domestic Premises and Public Places:** Similar to the ways of handling industrial and commercial noise, noise from domestic premises and public places is also handled on a "complaint basis" but without issuing a Noise Abatement Notice. According to the EPD, the number of warnings or letters² of advice issued dropped from 3,015 in 2002 to 359 in 2009. However, the

¹ "Restricted hours" refers to 7pm to 7am (the following day) or on public holidays.

² A warning or letter of advice is issued only if the police reasonably considers the noise is an annoyance, but these considerations are subjective (without any references or objective standards).

figure bounced back to 847 in 2011. This may imply that the public awareness of noise being generated within domestic places is not enough. More public education on reducing noise generation is needed. The police should enforce the law more stringently and follow up on the complaints. Training should be provided to the staff, in particular the front-line staff, of property management companies so that they can better handle complaints about neighbourhood noise.

4. **Aircraft Noise:** Mitigations have been adopted to reduce aircraft noise annoyance to the public along the flight paths. These include air traffic control of flight paths, aircrafts' descending procedures and banning noisy aircrafts entering Hong Kong by adopting the "Chapter 3" standard developed by the International Civil Aviation Organisation (ICAO). As ICAO has adopted the latest noise standard of "Chapter 4" to aircrafts as of June 2001, the Civil Aviation Department is strongly encouraged to catch up with the ICAO's noise standard of "Chapter 4".
5. **Road Traffic and Vehicle Noise:** The HKSAR Government has installed a number of noise barriers and enclosures on existing roads, as well as resurfaced roads with low-noise materials in order to minimise road traffic noise since November 2000. The Government has planned to further these initiatives, but the schedule is not publicly available. The Government is encouraged to speed up the installation and further improve the quality and effectiveness of noise barriers, enclosures and low noise road surfaces. The Government should also continue to resurface high-speed roads and low noise road surfaces should be extended to low-speed roads in order to further reduce traffic noise. The timeline or schedule of the above initiatives should be made available to the public. It is also essential to encourage strategic planning and collaborative efforts among different government departments, such as EPD, Transport Department, Highways Department, Planning Department, relevant public bodies and/or land developers.

Today, vehicle noise is only controlled by the examination of vehicles when they are first registered in Hong Kong. There is no further noise examination or test on vehicles thereafter. Civic Exchange suggests, in addition to the normal operation of vehicles, mandatory annual examination of noise emissions and regular on-street noise inspections are needed. The HKSAR Government has encouraged the use and development of quieter transportation, such as electric and hybrid vehicles. Waiving the First Registration Tax for electric and hybrid vehicles, and reducing their Annual License Fee may provide more incentives for people to purchase and use these quieter transportation.

6. **Railway Noise:** Noise barriers and other mitigations have been used in only some parts of the railway lines. MTR Corporation Limited (MTRC) explained that there are practical difficulties and technical constraints in installing noise abatement facilities in some other parts. In areas where these mitigations are not installed, the public is still suffering from railway noise. MTRC should communicate with the public about the practical difficulties and technical constraints when they retrofit those noise abatement facilities. More advanced mitigation measures should be developed and adopted to further reduce railway noise. In order to have an overview of railway noise impact on Hong Kong residents, comprehensive studies on railway noise in the vicinity of the rail lines, including trams and peak tram, should be conducted.
7. **Marine Traffic Noise:** A Code of Practice has been issued under the Merchant Shipping (Local Vessels) Ordinance about installing silencers or an expansion chamber to reduction noise from engine's exhausts. The inclusion of marine traffic noise under the Noise Control Ordinance would be the next logical step in controlling this noise source. With reference to the aircraft noise certificate system, similar legislations and measures should be introduced in the marine sector to regulate noise from marine vessels travelling within Hong Kong waters and at berth. The HKSAR Government should also consider including the harbour, navigating vessels, and vessels at berth, into the scope of controlling industrial and commercial noise.

A comprehensive territory-wide study should be conducted in order better understand the level of noise pollution in Hong Kong. Marine traffic noise should also be included in this study. Through this initiative, appropriate and effective mitigations could then be established in consultation with the public in Hong Kong.

Thank you for your attention.

Yours sincerely,



Yan-yan Yip
CEO