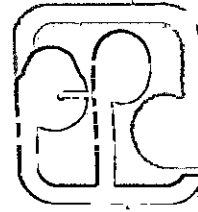


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CB(1)1366/12-13(02)

21 June 2013

Secretary General  
Legislative Council Secretariat  
Legislative Council Complex  
1 Legislative Council Road  
Central, Hong Kong  
(Attn: Ms Miranda HON)  
Email: [mpoon@legco.gov.hk](mailto:mpoon@legco.gov.hk)

Dear Ms HON,

**Panel on Environmental Affairs**  
**Subcommittee on Issues Relating to Air, Noise and Light Pollution**  
**Follow-up to meeting on 31 May 2013**

I refer to your letter of 4 June 2013 on the captioned. Please find our responses in the ensuing paragraphs.

**Information on the household selected for interview in “The Study of Health Effects of Transportation Noise in Hong Kong”**

As outlined in the paper CB(1)381/12-13(01) for discussion in the captioned Subcommittee meeting held on 11 January 2013, the potential impact of environmental noise on public health is a subject still under research internationally. Environmental noise may cause annoyance and sleep disturbance, however, there has not yet been any conclusive international research results showing that environmental noise causes other health problems directly. The Environmental Protection Department (EPD) completed a study on the health effects of transportation noise in Hong Kong in early 2012. The main objectives of the study were to review non-auditory health effects, namely annoyance, sleep disturbance and cardiovascular diseases, based on the literature available from the WHO, EU and USA and other published scientific papers; and to study the annoyance effects due to transportation noise in Hong Kong, with the help of a thematic survey of over 10,000 households on environmental noise issues. It also looked into the applicability and relevance of

overseas study results to the Hong Kong situation. The thematic survey was conducted by a random sampling approach.

(a) The characteristics of the living environment of the sampled households

- (i) types of living quarters (public / private) – 52% / 48%;
- (ii) floor levels of living quarters (low / medium / high)<sup>1</sup> – 43% / 29% / 28%;
- (iii) household sizes (1-2 / 3-4 / 5 or more persons) – 26% / 53% / 21%;
- (iv) district of residence – The survey was conducted by a random approach to ensure adequate uniform coverage for the whole of Hong Kong and hence district specific information is not available;
- (v) levels of noise exposure at place of residence (high / medium / low) – Please refer to Annex A showing the exposures. However, it should be noted that the study adopted an equal probability sampling design, covering the whole of Hong Kong, embracing the urban and rural areas, the city as well as the countryside. This sampling design was akin to random sampling. While such an approach can give an estimate of parameters for the Hong Kong population as a whole, it cannot give adequate uniform coverage on the concerned geographic locations to allow for a reliable estimate of parameters to be made for each of the 18 districts. Therefore, no breakdown or analysis was made for parameters at district levels in the study.

(b) The demographic features of the respondents of the sampled households

- (i) gender (male / female) – 47% / 53%;
- (ii) age (18-44 / 45-65 / above 65) – 43% / 38% / 19%;
- (iii) education attainments (primary / secondary / tertiary / others) – 20% / 54% / 18% / 8%;
- (iv) occupation (managers and administrators / professionals / clerks / service industry workers / skilled workers / others) – 14% / 18% / 18% / 20% / 16% / 14%.

(c) The physical and mental health status of the respondents of the sampled households

A self-reported health status approach was adopted in the study. With respect to physical health, the majority of respondents reported fair to very good

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<sup>1</sup> Low / medium / high floor-level refers to Ground to 9th / 10th – 20th / 21st and above

health while about 9% respondents reported a poor to very poor health. For establishing meaningful relationship between environmental noise and health conditions, data analysis referring to clinical conditions would be necessary. Mental health information was not collected in the survey as this was outside the scope of the study.

### **Enforcement of the Noise Control Ordinance (NCO) in exercising control over the noise level of traditional cultural activities such as lion dance**

Noise from traditional cultural activities such as lion dance mainly arises from musical instruments (drums and cymbals), sound magnifying devices, human noises, etc, and is controlled under the NCO. Depending on the location where the activity is performed, Sections 4, 5 and 13 of the NCO may be applicable as given in detail below.

#### Public Places Control under Section 4 and 5 of the NCO

Noise at public places can be dealt with under Section 4 and Section 5 of the NCO. Generally speaking, these provisions provide that any person who at any public place makes any noise which is a source of annoyance to any person commits an offence. The NCO defines "annoyance" as annoyance that would not be tolerated by a reasonable person. Thus, the assessment on whether there is "annoyance" is subject to an objective "reasonable man test" on whether a reasonable person in the circumstances would tolerate the annoyance. Subjective assessment by a person that the noise is a source of annoyance will not be sufficient to prove annoyance for the purpose of the NCO.

Similar to other countries and places, the provisions under Sections 4 and 5 are enforced by the police. The police officer does not have to use sound measuring device but can rely on his judgment to enforce the law, taking into account the level of the noise, its characteristics, time of occurrence, the lasting time, the background noise level and the location where the noise is generated to decide whether a reasonable man can tolerate the noise. If prosecution action is taken, the court will need to be satisfied that a reasonable person in the same circumstances will not tolerate the annoyance, and this can be supported by circumstantial evidence.

#### Control under Section 13 of the NCO

Section 13 deals with noise emanating from places other than domestic premises, public places or construction sites and the provisions are enforced by the Environmental Protection Department. These premises include schools, commercial buildings and industrial buildings. Normally, noise assessment is required at representative locations such as the complainant's premises to determine whether the noise concerned would exceed the statutory noise requirement. If the assessment indicates exceedence of the respective noise limits stipulated in the NCO, a Noise Abatement Notice will be issued to the owner of the premises or the noise producer requiring the abatement of the noise within a reasonable period, failing which prosecution would be initiated.

Yours Sincerely,

A handwritten signature in black ink, appearing to read 'Maurice Yeung', with a long horizontal stroke extending to the right.

(Maurice YEUNG)

Principal Environmental Protection Officer  
for Director of Environmental Protection

Encl. Annex A

c.c. P(RA) (w/e)

Levels of Noise Exposure at the Place of Residence

The figure below shows the distribution of  $L_{10,1hAM}$  road traffic noise of the most exposed side of the sampled households.

