

**立法會**  
**Legislative Council**

LC Paper No. CB(1)1210/20-21(06)

Ref. : CB1/PL/EA

**Panel on Environmental Affairs**

**Meeting on 23 August 2021**

**Background brief on management of noise from  
public places and domestic premises  
prepared by the Legislative Council Secretariat**

**Purpose**

This paper provides background information on the management of noise from public places and domestic premises in Hong Kong. It also gives a brief account of the major views and concerns expressed by Members when related issues were discussed by the relevant committees of the Legislative Council ("LegCo") in recent years.

**Background**

Noise control in Hong Kong

2. Noise from public places and domestic premises are often referred to as general neighbourhood noise. The former includes noise from loading/unloading activities, hawkers, street performers and loudspeakers, etc. while the latter includes noise produced by sources such as television sets, air-conditioners and pets. According to the Administration, the number of complaints received by the Environmental Protection Department ("EPD") against noise emanated from public places and domestic premises has increased from 373 in 2016 to 1 139 in 2020.

3. Currently, most forms of environmental noise are under statutory

control.<sup>1</sup> Noise from domestic premises and general public places is controlled under the Noise Control Ordinance (Cap. 400) ("NCO") with the following provisions:<sup>2</sup>

- (a) section 4 of NCO is a general provision to control noise of this nature which is causing annoyance to any person at night (11 pm to 7 am) or on a general holiday;
- (b) section 5 of NCO provides control over particular noise sources (in public places or domestic premises) at any time of the day or night including animals and birds, musical instruments, loudspeakers, games, trades or businesses and air conditioners, etc; and
- (c) any person who commits an offence in relation to noise from public places and domestic premises under NCO shall be liable to a maximum penalty of \$10,000.

4. Enforcement work against noise from domestic premises and general public places is mainly carried out by the Police. Upon receipt of relevant noise complaints, EPD will approach the complainants to understand the situation, explain the regulatory arrangements of NCO to them, and refer the cases to the Police for follow-up enforcement as appropriate. EPD will also provide the contact telephone number of the police station in the district concerned to the complainants to facilitate their contact with the Police for follow-up when necessary.

### **Major views and concerns expressed by Members**

5. At the policy briefing-cum-meeting of the Panel on Environmental Affairs ("EA Panel") on 30 October 2017, Members expressed concern on the noise problems arising from street performances. The Panel on Housing discussed issues relating to complaints on noise nuisance in public rental housing ("PRH") estates at the meetings on 6 May 2019 and 4 May 2020. Issues related to noise nuisance from domestic premises and public places were also brought up during the examination of the Estimates of Expenditure in recent years. Members' major views and concerns are summarized in the ensuing paragraphs.

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<sup>1</sup> For instance, the Noise Control Ordinance (Cap. 400), the Civil Aviation (Aircraft Noise) Ordinance (Cap. 312) and the Road Traffic Ordinance (Cap. 374) contain provisions for the control of environmental noise from relevant sources.

<sup>2</sup> Under NCO, the term "domestic premises" applies to individual dwellings or household units and not to an entire building, which may have mixed commercial and residential uses or even industrial activities on lower floors. Noise from the non-residential parts of such buildings is controlled under section 13 of NCO.

### Noise from peddling by shops and street performances

6. Members expressed concerns on the rising number of complaints against noise from peddling by shops in nearby public places (i.e. from 146 in 2016 to 427 in 2020), as well as the potential noise nuisance caused by busking in public places such as the Central Piers and Tsim Sha Tsui Pier. They urged the Administration to step up efforts to address the problems, including implementing further regulatory measures if necessary.

7. The Administration advised that although it was not possible to specify acceptable noise levels or noise measurement procedures for assessing the acceptability of noise from peddling by shops in various districts, the shop keepers would be advised to contain the volume of their peddling activities, such as the playing of promotional recordings, within their store areas as far as possible to avoid causing noise nuisance to nearby residents. EPD had stepped up routine inspections and strengthened enforcement against excessive noise from peddling by shops in various districts, including taking joint enforcement actions with the Food and Environmental Hygiene Department and the Police. Apart from prosecuting non-compliant shops, EPD also prosecuted their directors in accordance with the law, with a view to strengthening the deterrent effect.

8. The Administration further advised that EPD and relevant government departments had also been closely monitoring the noise problems caused by street performances in public places. In general, the Government and residents were taking a tolerant attitude towards street performances which were not causing complaints over noise, environmental hygiene, street obstruction or public order. EPD would provide professional advice and support for the relevant departments with a view to facilitating effective implementation of enforcement and control measures by the departments in accordance with NCO.<sup>3</sup>

### Noise nuisance in public rental housing estates

9. Members considered the Administration's current practice of deploying estate staff to follow up complaints on noise nuisance in PRH estates ineffective. They urged the Administration to explore a scientific method for identifying noise sources and collecting evidence.

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<sup>3</sup> For instance, the Leisure and Cultural Services Department is responsible for taking enforcement actions in its public pleasure grounds to regulate noise nuisance primarily under section 25(3) of the Pleasure Grounds Regulation (Cap. 132BC) which stipulates that "A person must not carry out in a pleasure ground a music activity to the annoyance of any other person unless the first-mentioned person has obtained the Director's written permission to carry out the activity there".

10. The Administration advised that for noise nuisance generated within domestic premises (including PRH estates), anyone affected should firstly bring the matter to the attention of their property management agents/companies (i.e. the Housing Authority ("HA") in the case of PRH estates). HA adopted a "reasonable man approach" in determining whether there was noise nuisance in PRH estates and the enforcement efforts would focus on noise nuisance occurred between 11 pm to 7 am. HA might offer suggestions to households concerned for minimizing their noise nuisance to neighbours. Penalty points under the Marking Scheme for Estate Management Enforcement in Public Housing Estates could be allotted to PRH households causing noise nuisance when applicable. For residents causing noise nuisance repeatedly, HA might refer the cases to the Police for enforcement under the relevant legislation.

### Enforcement work

11. Members enquired about the division of work between EPD and the Police in handling noise complaints in general and suggested the Administration enhance noise complaint handling procedures and lower the prosecution threshold so as to deal with excessive noise from public places and domestic premises more effectively.

12. The Administration explained that enforcement against noise emanated from public places and domestic premises was carried out by the Police while EPD was the enforcement authority in relation to annoying noise from peddling by shops. Taking into account the transient nature of noise from domestic premises and general public places, EPD would approach the complainants and explain the regulatory arrangements, and refer the cases to the Police for follow-up enforcement. As regards annoying noise from peddling by shops, EPD conducted regular inspection in a targeted manner and took follow-up enforcement actions as necessary. EPD also operated a 24-hour hotline to receive public complaints against noise problems. The Administration assured Members that it would continue to review the procedures for handling noise complaints.

### **Council questions**

13. Members raised questions about noise nuisance caused by street performances at several Council meetings in the Sixth LegCo. The questions and the Administration's replies are hyperlinked in the **Appendix**.

### **Latest development**

14. At the meeting on 23 August 2021, the Administration will brief EA Panel on the existing legislation and management practices in controlling noise nuisance caused by shop keepers crying their wares in public places and noise nuisance from domestic premises, as well as the application of innovative technologies to improve the efficiency of environmental noise management by EPD.

### **Relevant papers**

15. A list of relevant papers is set out in the **Appendix**.

Council Business Division 1  
Legislative Council Secretariat  
16 August 2021

**Management of noise from  
public places and domestic premises**

**List of relevant papers**

<b>Date of meeting</b>	<b>Event</b>	<b>Paper</b>
30 October 2017	Policy briefing cum meeting of the Panel on Environmental Affairs	Administration's paper on "2017 Policy Address - Policy initiatives of Environment Bureau: Environmental protection" (LC Paper No. <a href="#">CB(1)75/17-18(01)</a> )  Minutes of meeting (LC Paper No. <a href="#">CB(1)399/17-18</a> )
17 April 2018	Special meeting of the Finance Committee ("FC") for examination of Estimates of Expenditure 2018-2019	Written question raised by Member and the Administration's reply (Reply serial number: <a href="#">ENB304</a> )  <a href="#">Report</a> on the examination of the Estimates of Expenditure 2018-2019
9 April 2019	Special meeting of FC for examination of Estimates of Expenditure 2019-2020	Written questions raised by Members and the Administration's replies (Reply serial numbers: <a href="#">ENB059, 091, 268, 340</a> )
6 May 2019	Meeting of the Panel on Housing	Minutes of meeting (LC Paper No. <a href="#">CB(1)1304/18-19</a> )
4 May 2020	Meeting of the Panel on Housing	Minutes of meeting (LC Paper No. <a href="#">CB(1)907/19-20</a> )

Date of meeting	Event	Paper
13 April 2021	Special meeting of FC for examination of Estimates of Expenditure 2021-2022	Written question raised by Member and the Administration's reply (Reply serial number: <a href="#">ENB158</a> )  <a href="#">Report</a> on the examination of the Estimates of Expenditure 2021-2022

**Hyperlinks to relevant Council questions:**

Date	Council Question
24 May 2017	<a href="#">Press release</a> on Council question (written) on management of the Mong Kok Pedestrian Precinct
8 May 2019	<a href="#">Press release</a> on Council question (written) on noise nuisance caused by music performances in parks
26 June 2019	<a href="#">Press release</a> on Council question (written) on management of streets

**Other relevant documents:**

Government department	Document
Environmental Protection Department	<a href="#">A Concise Guide to the Noise Control Ordinance</a>  <a href="#">Dealing with noise nuisance</a>