

NOISE CONTROL (GENERAL) REGULATIONS
- CHAPTER 400A

Empowering section VerDate:30/06/1997

(Cap 400 section 27)

[17 February 1989] (L.N. 45 of 1989)

(L.N. 28 of 1989)

REGULATION 1

Citation VerDate:30/06/1997

These regulations may be cited as the Noise Control (General) Regulations.
(Enacted 1989)

REGULATION 2

Completion of forms under regulations 3 and 4 VerDate:30/06/1997

A form prescribed under regulations 3 and 4 shall be-

- (a) completed legibly by the person submitting the form; and
- (b) signed-
 - (i) where the person submitting the form is an individual acting on his own behalf or as a partner on behalf of a partnership, by that individual; or
 - (ii) where the person submitting the form is a body corporate, by an individual authorized in that behalf by that body corporate.(Enacted 1989)

REGULATION 3

Application for construction noise permit for construction work other than percussive piling
VerDate:30/06/1997

(1)An application under section 8(2) of the Ordinance for a construction noise permit for either or both of the following-

- (a) the use of powered mechanical equipment for the purpose of 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;
- (b) the carrying out of prescribed construction work at any place within a designated area between such hours, or at any such time, shall be-
 - (i) in Form 1 in the Schedule; and
 - (ii) submitted to the Authority together with the fee prescribed by regulation 8(1) not earlier than 6 months prior to the date specified in the application for commencement of the construction work unless the Authority agrees to accept submission of the application at an earlier time.

(2)In this regulation and the Schedule, "prescribed construction work" means the construction work prescribed by the Noise Control (Construction Work) Regulation (Cap 400 sub. leg. G) for the purposes of section 6(2) of the Ordinance.
(Enacted 1989. L.N. 28 of 1996)

REGULATION 4

Application for construction noise permit for percussive piling VerDate:30/06/1997

An application under section 8(2) of the Ordinance for a construction noise permit for the purpose of carrying out percussive piling between the hours of 7 a.m. and 7 p.m. on any day, not being a general holiday, shall be-

(a) in Form 2 in the Schedule; and

(b) submitted to the Authority together with the fee prescribed in regulation 8 not earlier than 9 months prior to the date specified in the application for the commencement of the percussive piling unless the Authority agrees to accept submission of the application at an earlier time.
(Enacted 1989)

REGULATION 5

Form of construction noise permit VerDate:30/06/1997

A construction noise permit issued-

(a) in respect of an application referred to in regulation 3, shall be in Form 3 in the Schedule; and

(b) in respect of an application referred to in regulation 4, shall be in Form 4 in the Schedule.
(Enacted 1989)

REGULATION 6

Form of noise abatement notice VerDate:30/06/1997

A noise abatement notice served under section 13(1) of the Ordinance shall be in Form 5 in the Schedule.
(Enacted 1989)

REGULATION 7

Form of notice cancelling a noise abatement notice or varying any requirement therein
VerDate:30/06/1997

A notice served under section 13(4) of the Ordinance-

(a) cancelling a noise abatement notice shall be in Form 6 in the Schedule;

(b) varying any requirement in a noise abatement notice shall be in Form 7 in the Schedule.
(Enacted 1989)

REGULATION 7A

Form of notice requiring a product to be measured, inspected or tested VerDate:30/06/1997

A notice served under section 16(1) of the Ordinance shall be in Form 8 in the Schedule.
(L.N. 425 of 1991)

REGULATION 7B

Form of notice cancelling a notice requiring a product to be measured, inspected or tested, or varying any requirement therein VerDate:30/06/1997

A notice served under section 16(3) of the Ordinance-

(a) cancelling a notice requiring a product to be measured, inspected or tested shall be in Form 9 in the Schedule;

(b) varying any requirement in a notice requiring a product to be measured, inspected or tested shall be in Form 10 in the Schedule.(L.N. 425 of 1991)

REGULATION 8

Fees payable on application for a construction noise permit VerDate:01/07/2008

(1)The fee payable on application for a construction noise permit referred to in regulation 3 shall be \$1000.

(2)The fee payable on application for a construction noise permit referred to in regulation 4 shall be \$910.

(Enacted 1989. L.N. 261 of 1994; L.N. 496 of 1996; L.N. 581 of 1997; L.N. 307 of 2000; L.N. 183 of 2005; L.N. 100 of 2008)

SCHEDULE
VerDate:30/06/1997

[regulations 3, 4, 5,6, 7, 7A & 7B]
(L.N. 425 of 1991)

FORM 1 [regulation 3]

NOISE CONTROL ORDINANCE

(Chapter 400)

SECTION 8(2)

You will be informed of the result of the application within 28 days
GW-CNP

APPLICATION FOR A CONSTRUCTION NOISE PERMIT FOR THE USE OF POWERED
MECHANICAL EQUIPMENT FOR THE PURPOSE OF CARRYING OUT CONSTRUCTION
WORK OTHER THAN PERCUSSIVE PILING AND/OR THE CARRYING OUT OF
PRESCRIBED CONSTRUCTION WORK

A. DETAILS OF APPLICANT

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2. Business Registration No. :

or H.K. Identity Card No. :

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No previous application

B. DETAILS OF LOCATION OF WORK

1. Full address of the construction site, include lot number where appropriate :

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Note : Please provide a suitably scaled site plan (preferably 1:1000) showing the site area, the land uses and the noise sensitive receivers in the surrounding area and the actual positions of items of powered mechanical equipment and the locations of prescribed construction work (in the case of items and/or work which will remain in substantially the same position for the duration of the work).

2. *PART/WHOLE of the site falls *WITHIN/OUTSIDE a designated area. Note : i. "Noise sensitive receivers" in the area surrounding the site include domestic premises, hotels, hostels, temporary housing accommodation, hospitals, medical clinics, educational institutions, places of public worship, libraries, courts of law and performing arts centres but exclude commercial and industrial premises. ii. "Designated area" means an area established under section 8A of the Noise Control Ordinance. Maps showing designated areas are displayed at the Noise Control Authority at the address below.

Please return the completed form and the appropriate fees to the Noise Control Authority at the address below:

C. POWERED MECHANICAL EQUIPMENT FOR WHICH THE PERMIT IS REQUIRED

Reference should be made to Table 3-Sound Power Levels for Items of Powered Mechanical Equipment, contained in the Technical Memorandum on Noise from Construction Work other than Percussive Piling, if applicable.

1. The permit is required for the use of powered mechanical equipment for the following periods of time :

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Note :

Two photographs of each item of equipment applied for must be submitted and, in case of equipment bearing an identification code, endorsed with that code. The photographs may be of the actual piece of equipment to be used or of one essentially the same. (Use separate sheets if necessary)

3. Other information :

Specify any particularly quiet item of powered mechanical equipment or any special noise control measures to be employed on site :

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D. PRESCRIBED CONSTRUCTION WORK FOR WHICH THE PERMIT IS REQUIRED (IN DESIGNATED AREAS ONLY)

Reference should be made to Annex B-Prescribed Construction Work, contained in the Technical Memorandum on Noise from Construction Work in Designated Areas.

1. The permit is required for the carrying out of prescribed construction work for the following periods of time:

Date : From to (inclusive)

date
(Maximum duration NOT exceeding 6 calendar months)

date

Hours: a. General holiday including Sundays

0700-1900 1900-2100

2100-2300 2300-0700 on next day

b. Any day not being a general holiday

1900-2100 2100-2300

2300-0700 on next day

OR : c. State any particular hours during which construction noise permit is required :

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2. List of prescribed construction work to be carried out on site :

Identification code of type of prescribed construction work

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Description of type of prescribed construction work

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Description of special factors@

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@ A method statement completed with site and building plans, elevations, sections, etc. showing the locations at which the prescribed construction work is to be carried out and any building or topographical features which will act as effective acoustic screens/barriers to effectively protect the affected noise sensitive receivers must be submitted. (Use separate sheets if necessary)

E. ADDITIONAL INFORMATION (FOR PARTS C AND D)

1. Specify any unavoidable constraints on working hours or state any important social implications the construction work has :

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2. Give any additional information which is thought to be relevant to this application :

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F. CERTIFICATION

I hereby certify that the particulars given above are correct and true to the best of my knowledge and belief.

Signature of applicant

_____ Date

Tick the appropriate box
* Delete as necessary
(Enacted 1989. L.N. 28 of 1996)

FORM 2 [regulation 4]

NOISE CONTROL ORDINANCE

(Chapter 400)

Section 8(2)

APPLICATION FOR A CONSTRUCTION NOISE PERMIT FOR THE CARRYING OUT OF PERCUSSIVE PILING

Before completing this form read the Note below

To: The Noise Control Authority

1. I hereby apply under section 8(2) of the Noise Control Ordinance for a construction noise permit for the carrying out of percussive piling.
In support of my application I submit the following information and particulars:

2. Details of Applicant 2a. Name (person or company):

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..

2b. H.K. Identity Card No. (if the applicant is an individual):

.....

or Business Registration No. (if the applicant is a company):

.....

2c. Correspondence address:

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2d. Telephone No.:
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3. Construction site where the percussive piling is to be carried out
3a. Full street address:

.....
..... Lot No.:

3b. A plan of suitable scale preferably 1:1000 showing-

(i) either the piling zone, that is, the area within which percussive piling is to take place or the actual pile locations; and

(ii) the noise sensitive receivers in the area surrounding the site including domestic premises, hotels, hostels, temporary housing accommodation, hospitals, medical clinics, educational institutions, places of public worship, libraries, courts of law, performing arts centres or office buildings but excluding industrial premises. 3c. If the applicant wishes the Authority to consider applying the correction for the effect of any barrier, additional cross-sectional drawings showing any substantial barrier should be submitted.

4. Detailed information regarding the application 4a. Details of any previous application for the carrying out of percussive piling in relation to the same site:

Indicate by ticking in the appropriate box whether:

No previous application has been made.

If previous application has been made, indicate whether:

The application was refused.

OR

A permit was issued.

Construction noise permit No.:
.....

Date of expiry:
.....

4b. Duration for which the construction noise permit is required:

Duration:

(Specify days/weeks/months)

Dates: From To (inclusive)

4c. Piling method and pile type combination for which the construction noise permit is required. If applicable, reference should be made to Table 2-Source Sound Power Levels for Percussive Piling, contained in the Technical Memorandum on Noise from Percussive Piling.

Piling method and pile type	No. of units
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5. Additional information 5a. Specify any particularly quiet percussive piling methods or any special noise control measures to be employed on site, or any other special factors or exceptional circumstances which are thought to be relevant.

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5b. Give any additional information which is thought to be relevant to this application.

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Dated this day of 19

Signed:Applicant.

Please note:

1.The applicant is advised to read the Noise Control Ordinance, the Noise Control (General) Regulations and the Technical Memorandum on Noise from Percussive Piling before submitting this application. The Authority shall be guided by the Technical Memorandum in considering an application.

2.Section 8(4) of the Ordinance provides that not later than 28 days after an application is received by the Authority, he shall issue a construction noise permit or serve on the applicant written notice of his refusal to issue the permit, and if at the end of those 28 days he has done neither of those things a permit shall be deemed to have been issued.

3.A construction noise permit that is issued in consequence of misleading, false, wrong or incomplete information furnished by an applicant in connection with the application is liable to be cancelled.

4.The fee payable on submission of this application will not be refunded.
(Enacted 1989)

FORM 3 [regulation 5(a)]

NOISE CONTROL ORDINANCE

(Chapter 400)

SECTION 8(9)

CONSTRUCTION NOISE PERMIT FOR THE USE OF POWERED MECHANICAL EQUIPMENT FOR THE PURPOSE OF CARRYING OUT CONSTRUCTION WORK OTHER THAN PERCUSSIVE PILING AND / OR THE CARRYING OUT OF PRESCRIBED CONSTRUCTION WORK

CONSTRUCTION NOISE PERMIT NO.

To :

.....

This construction noise permit is issued in accordance with section 8 of the Noise Control Ordinance. Permission is granted for the use of powered mechanical equipment for the purpose of carrying out construction work other than percussive piling and/or the carrying out of prescribed construction

work, subject to the conditions set out below. The carrying out of construction work otherwise than in accordance with the conditions may result in the permit being cancelled and in a prosecution for an offence.

CONDITIONS

1. Construction site where the powered mechanical equipment and/or prescribed construction work may be employed :Full address :

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..... Lot No. :

The site boundary, that is, the boundary of the area within which the powered mechanical equipment may be used and the prescribed construction work may be carried out is delineated on the attached plan which forms part of this construction noise permit.

2. *PART/WHOLE of the site falls *WITHIN/OUTSIDE a designated area.

3. Powered Mechanical Equipment

a. Items of powered mechanical equipment which may be used inside the site boundary :

Identification code of item of powered mechanical equipment (if applicable)
Description of item of powered mechanical equipment No. of units

b. Validity of the construction noise permit for the use of the powered mechanical equipment :
Date and time of commencement :

.....
Days and hours :
.....
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.....
.....

This part of the permit expires on : at

c. One photograph, endorsed by the Authority, of each item of powered mechanical equipment described in this construction noise permit is required to be kept on the construction site and made available for inspection by the Authority.

d. Other conditions imposed on the use of the powered mechanical equipment

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.....

4. Prescribed Construction Work a. Type of prescribed construction work which may be carried out inside the site boundary :

Identification code or type of prescribed construction work Description of type of prescribed construction work

b. Validity of the construction noise permit for the carrying out of the prescribed construction work :

Date and time of commencement :
.....

Days and hours :
.....
.....
.....

This part of the permit expires on : at

c. Site layout plan(s), endorsed by the Authority, may be attached with the permit to indicate the locations permitted for the carrying out of prescribed construction work described in this permit. The layout plan(s) is(are) required to be kept on the construction site and made available for inspection by the Authority.

d. Other conditions imposed on the carrying out of the prescribed construction work :

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5. This construction noise permit or a copy thereof must be displayed on the construction site at

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Dated this day of 19

Signed : _____ Authority

* Delete as necessary
(Enacted 1989. L.N. 28 of 1996)

FORM 4 [regulation 5(b)]
NOISE CONTROL ORDINANCE
(Chapter 400)
Section 8(9)
CONSTRUCTION NOISE PERMIT FOR THE

CARRYING OUT OF PERCUSSIVE PILING

CONSTRUCTION NOISE PERMIT NO.

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To:

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This construction noise permit is issued in accordance with section 8 of the Noise Control Ordinance. Permission is granted for the carrying out of percussive piling, subject to the conditions set out below. The carrying out of percussive piling otherwise than in accordance with the conditions may result in the permit being cancelled and in a prosecution for an offence.

CONDITIONS

1. Construction site where percussive piling may be carried out:

Full street address:

.....

..... Lot No.:

The piling zone, that is, the area within which percussive piling may take place is delineated on the attached plan which forms part of this construction noise permit.

2. Percussive piling method and pile type which may be used in the piling zone:

Piling method and pile type No. of units

3. Validity of the construction noise permit:

Date of commencement:

.....

Days and hours:

.....

This permit expires on:

.....

4. This construction noise permit or a copy thereof must be displayed on the construction site at

.....

.....

Other Conditions

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.....

Dated this day of 19

Signed: Authority.

(Enacted 1989)

FORM 5 [regulation 6]

NOISE CONTROL ORDINANCE

(Chapter 400)

Section 13(1)

NOISE ABATEMENT NOTICE

No.

To

.....
.....

(name and address of person who may be served under section 13(1)).

1. TAKE NOTICE that under section 13(1) of the Noise Control Ordinance the Authority being satisfied that noise is emanating from

.....

(specify address of place within meaning of section 13(1)) AND that such noise
..... (specify relevant part of section 13(1)(a), (b) or (c)), does hereby REQUIRE YOU within (specify time) to abate the noise/AND* for that purpose to
..... (specify things considered to be necessary to abate the noise within the time)/AND to*
..... (specify requirement in section 13(2)(a), (b) or (c)).

2. If you fail to comply with any requirement of this notice, you are liable to prosecution for an offence under section 13(6). Upon first conviction, a court may impose a maximum fine of \$100000 and upon second or subsequent conviction, a maximum fine of \$200000 and in the case of any conviction, a fine of \$20000 for each day during which the offence continues. (L.N. 458 of 1994)

3. If you are required under this notice to notify the Authority in writing under section 13(2)(c) that any requirement has been complied with and in so notifying, you make or furnish any statement which you know is misleading or false in a material particular, you are liable to prosecution for an offence under section 13(8). Upon conviction, a court may impose a maximum fine of \$50000.

This notice shall take effect on
.....

Dated this day of 19

Signed:
Authority.

* Delete as necessary.
(Enacted 1989)

FORM 6 [regulation 7(a)]

NOISE CONTROL ORDINANCE

(Chapter 400)

Section 13(4)

NOISE ABATEMENT (CANCELLATION) NOTICE

No.

To
.....

(name and address of person on whom a noise abatement notice has been served under section 13(1)).

TAKE NOTICE that under section 13(4) of the Noise Control Ordinance that noise abatement notice No. dated is hereby cancelled.

Dated this day of 19

Signed: Authority.
(Enacted 1989)

FORM 7 [regulation 7(b)]

NOISE CONTROL ORDINANCE

(Chapter 400)

Section 13(4)

NOISE ABATEMENT (VARIATION) NOTICE

No.

To
.....

(name and address of person on whom a noise abatement notice has been served under section 13(1)).

1.TAKE NOTICE that under section 13(4) of the Noise Control Ordinance the Authority, in respect of noise abatement notice No. dated does hereby vary the requirements specified therein as follows

.....
.....
.....(specify requirements varied, manner of variation and further requirements, if any).

2.If you fail to comply with any requirement of this notice, you are liable to prosecution for an offence under section 13(6). Upon first conviction, a court may impose a maximum fine of \$100000 and upon

second or subsequent conviction, a maximum fine of \$200000 and in the case of any conviction, a fine of \$20000 for each day during which the offence continues. (L.N. 458 of 1994)

3.If you are required under this notice to notify the Authority in writing under section 13(2)(c) that any requirement has been complied with and in so notifying, you make or furnish any statement which you know is misleading or false in a material particular, you are liable to prosecution for an offence under section 13(8). Upon conviction, a court may impose a maximum fine of \$50000.

This notice shall take effect on
Dated this day of 19

Signed:Authority.
(Enacted 1989)

FORM 8 [regulation 7A]

NOISE CONTROL ORDINANCE

(Chapter 400)

Section 16(1)

NOTICE REQUIRING A PRODUCT TO BE
MEASURED, INSPECTED OR TESTED

No.

To:

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.....
.....

(Name and address of person who may be served under section 16(1)).

1. TAKE NOTICE that under section 16(1) of the Noise Control Ordinance the Authority does hereby REQUIRE YOU to-

*produce or make available

.....
.....

(specify the particulars of the prescribed product) on

(specify the date and time on or by which the product is to be produced or made available)
at

..... (specify the
place where the product is to be produced or made available) for measurement/inspection/test.

*cause to be carried out measurement/inspection/test

.....

(specify the particulars of the prescribed product) in the presence of the
Authority and to present the results of

.....

.....

(specify the information required) to the Authority on or by

(specify date).

2. If you fail to comply with any requirement of this notice, you are liable to prosecution for an offence under section 16(5). Upon first conviction, a court may impose a maximum fine of \$100000 and upon second or subsequent conviction, a maximum fine of \$200000.
(L.N. 458 of 1994)

*3. The product produced or made available to the Authority shall be available for collection within 72 hours.

Dated this day of 19

Signed:Authority.

* Delete as necessary.
(L.N. 425 of 1991)

FORM 9 [regulation 7B(a)]

NOISE CONTROL ORDINANCE

(Chapter 400)

Section 16(3)

CANCELLATION NOTICE REQUIRING A PRODUCT
TO BE MEASURED, INSPECTED OR TESTED

No.

To:

.....
.....
.....

(Name and address of person on whom a notice has been served under section 16(1)).

TAKE NOTICE that under section 16(3) of the Noise Control Ordinance Notice No. dated requiring a product to be measured, inspected or tested is hereby cancelled.

Dated this day of 19

Signed:
Authority.
(L.N. 425 of 1991)

FORM 10[regulation 7B(b)]

NOISE CONTROL ORDINANCE

(Chapter 400)

Section 16(3)

VARIATION OF NOTICE REQUIRING A PRODUCT TO BE MEASURED, INSPECTED OR TESTED

No.

To:

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.....
.....

(Name and address of person on whom a notice has been served under section 16(1)).

1. TAKE NOTICE that under section 16(3) of the Noise Control Ordinance the Authority, in respect of notice No. dated requiring a product to be measured, inspected or tested does hereby vary the requirements specified therein as follows

..... (specify requirements varied, manner of variation and further requirements, if any).

2. If you fail to comply with any requirement of this notice, you are liable to prosecution for an offence under section 16(5). Upon first conviction, a court may impose a maximum fine of \$100000 and upon second or subsequent conviction, a maximum fine of \$200000.

(L.N. 458 of 1994)

Dated this day of 19

Signed :Authority.

(L.N. 425 of 1991)

"Noise sensitive receivers"

"Designated area"