

Contractor for Wan Chai commercial building redevelopment project convicted for causing noise nuisance

CR Construction Company Limited, the contractor for the redevelopment project of commercial building One Hennessy in Wan Chai, repeatedly contravened the Noise Control Ordinance (NCO) and caused noise nuisance to nearby residents. The contractor was convicted and fined a total of \$33,000 at Eastern Magistrates' Courts on October 10, 2018 and today (January 25).

The Environmental Protection Department (EPD) received a complaint from a member of the public in November 2017 about the noise generated by the construction work at One Hennessy, 1 Hennessy Road, Wan Chai on a Sunday. Upon investigation by EPD staff, it was confirmed that unapproved prescribed construction work, which involved loading, unloading and handling of steel bars, was carried out at the construction site on a Sunday (i.e. restricted hours), which violated the requirements of the construction noise permit (CNP). The EPD immediately revoked the CNP of the construction site and initiated prosecution against the contractor.

In January 2018, EPD officers re-inspected the site at night-time and found that although its CNP had been revoked, construction work was carried out after 7pm with the use of powered mechanical equipment. After evidence collection, the EPD again prosecuted the contractor and construction workers for violation of the NCO.

The EPD has requested the contractor concerned to step up its site management to ensure that construction work is conducted legally. Subsequently, EPD staff conducted various follow-up inspections at the site concerned and no violation of the NCO was detected.

The NCO aims to protect the public from disturbance of rest. The EPD spokesman stressed that construction work should be carried out during daytime and non-general holidays as far as possible to minimise disturbance to the nearby residents. If prescribed construction work (such as erection or dismantling of formwork or scaffolding; loading, unloading or handling of rubble, wooden boards, steel bars, wood or scaffolding material and hammering) or use of powered mechanical equipment has to be conducted during restricted hours (between 7pm and 7am on the following day, or at any time on a general holiday), a permit must be obtained from the EPD. The construction work must be carried out in accordance with the permit conditions, including the implementation of noise mitigation measures, to minimise noise impact, otherwise it constitutes an offence. First-time offenders are liable to a maximum fine of \$100,000. A maximum fine of \$200,000 may be imposed on second or subsequent convictions.