

Three construction contractors convicted of contravening Noise Control Ordinance

Three construction contractors used powered mechanical equipment to carry out construction works at night and on a holiday without a construction noise permit (CNP) or without meeting the requirements of a CNP. The three construction contractors were convicted and fined a total of \$38,000 at Kwun Tong Magistrates' Courts and Eastern Magistrates' Courts on October 24 and today (October 28) respectively for contravening the Noise Control Ordinance (NCO).

A spokesman for the Environmental Protection Department (EPD) said that, during follow-up actions on complaints from members of the public and proactive inspections from March to June, the EPD successfully detected construction contractors of three construction sites in the Kai Tak Development Area (KTDA), on A Kung Ngam Village Road and on Tung Wong Road in Shau Kei Wan using powered mechanical equipment, namely a bored piling drill, a scissor lift, an electric drill and a forklift truck, to carry out works with a high noise level at night or on a holiday without a CNP or without meeting the requirements of the relevant CNPs. The EPD immediately revoked the CNP for one of the construction sites with remaining works. In addition, after investigation and collecting evidence, the EPD prosecuted the contractors involved, namely Tysan Foundation Geotechnical Limited, Hip Shing Decoration Company and Ka Fai Engineering Consultants Limited, under the NCO. In August, Tysan Foundation Geotechnical Limited was also convicted of an offence of the same kind in relation to another construction site in the KTDA.

The spokesman said that the NCO aims to protect the public from disturbance of their rest. Construction contractors should arrange for construction works to be carried out during daytime and non-general holidays as far as possible to minimise disturbances to nearby residents. If powered mechanical equipment has to be used during restricted hours (between 7pm and 7am on the following day, or at any time on a general holiday) to carry out construction works, construction contractors must obtain a CNP from the EPD in advance. Such construction works shall only commence when a CNP is granted upon completion of an assessment that supports its compliance with statutory provisions. When carrying out construction works, construction contractors should only use specified powered mechanical equipment with noise mitigation measures in place within the period stipulated in a CNP. Otherwise it constitutes an offence. Offenders are liable to a maximum fine of \$100,000 on first conviction. A maximum fine of \$200,000 may be imposed on a subsequent conviction.