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For discussion on 13 July 2026

**Dedicated Legislation to Accelerate the Development of
the Northern Metropolis – Environmental Protection Related Matters**

PURPOSE

This paper seeks Members' views on the legislative proposals in relation to environmental protection matters to be taken forward under the proposed Northern Metropolis (NM) Development Bill as follows:

- (a) Construction Noise Control Proposal: the proposed streamlining of procedures and requirements for construction noise permits (CNPs) for construction within the NM; and
- (b) Cross-Boundary Flows Proposal: the proposed facilitation of the use of construction equipment in cross-boundary infrastructure construction.

LEGISLATIVE PROPOSALS

2. The CE announced in his 2025 Policy Address that dedicated legislation would be introduced to accelerate the development of the NM. The Development Bureau (DEVB) submitted a Legislative Council (LegCo) paper on 24 March 2026 proposing dedicated legislation to accelerate the development of the NM. The proposal comprises primary legislation setting out the overall legal framework, with powers delegated to the Chief Executive in Council (CE in C) to make subsidiary legislation covering six policy areas.

CONSTRUCTION NOISE CONTROL PROPOSAL

3. One of these policy areas is to expedite construction works in the NM by streamlining the existing procedures and requirements for applications for CNPs for construction work within the NM, whether conducted in specified areas or forming part of specified projects, while maintaining the current noise control standards.

4. To give effect to this proposal, the proposed NM Development (Noise Control) Regulation (the Regulation) is enclosed at **Annex 1**. The Regulation sets out the “specified NM construction work” to which the streamlining arrangement would apply, namely construction work within the NM that is conducted in specified areas, including some “industry-driven” New Development Areas/regions¹ or that forms part of major transport infrastructure projects². The Regulation also sets out procedures relating to the application for and issuance of an NM-CNP under the Regulation. The Government considers that these specified areas and projects have more imminent development timetables, and that the nearby areas are still being developed or have not even commenced development, without large-scale residential population having moved in yet. These circumstances warrant a more flexible CNP mechanism to facilitate the overall progress of the construction work and the development of the NM.

Original approach

5. The Noise Control Ordinance (Cap. 400) (NCO) requires that a valid CNP must be held for conducting construction work as prescribed under the Ordinance during specified hours³. The current CNP specifies the types, quantity, duration and location where powered mechanical equipment (PME) may be used under a particular construction project, with a validity period generally not exceeding six months. Any changes to the use of PME would require a new CNP application.

Proposed streamlining approach

6. The Environment and Ecology Bureau (EEB) and the Environmental Protection Department (EPD) propose to streamline the application procedures and requirements for NM-CNPs while **maintaining the existing noise control standards that safeguard public interest**. The new streamlined arrangement will no longer require applicants to set out the deployment and operational details of the required PME in advance, but will stipulate a suitable noise standard to be monitored at the site. Such on-site monitoring will provide better protection to the residents nearby. On the other hand, applicants may flexibly deploy the types and quantities of PME and determine their duration and location of use, thereby meeting construction needs and expediting works progress while still meeting the same noise control standards.

¹ With regard to the “industry-driven” NDAs/regions, the proposal applies to Hung Shui Kiu, San Tin Technopole and Hetao, Ngau Tam Mei, Lau Fau Shan, New Territories New Town and the Sandy Ridge Data Facility Cluster.

² With regard to the major transport infrastructure projects, the proposal applies to (a) the Railway Station at Hung Shui Kiu, (b) the Northern Link Main Line and Eastern Extension, (c) the Hong Kong-Shenzhen Western Rail Link (Hung Shui Kiu-Qianhai), (d) the Smart and Green Mass Transit System in Hung Shui Kiu/Ha Tsuen, (e) the NM Highway, (f) the Eastern Connection Road, (g) the Northern Link Spur Line, and (h) Northeast New Territories Line.

³ This includes (a) the use of PME other than percussive piling at any location or carrying out any prescribed construction work in any designated area from 7 pm to 7 am on a day not being a general holiday or at any time on a general holiday; and (b) carrying out any percussive piling from 7 am to 7 pm on a day not being a general holiday.

Besides, the validity of an NM-CNP can be extended to a maximum of one year if required, compared with the current practice of normally around six months, to reduce the frequency of applications.

7. The EEB and EPD also propose a new NM-Technical Memorandum (TM)⁴, and new application and permit forms for processing NM-CNP applications. The proposed NM-TM is enclosed at **Annex 2** and the proposed forms are enclosed at **Annex 3**. The proposed NM-TM sets out a streamlined, performance-based approach for processing NM-CNP applications, covering both general construction work and percussive piling. More specifically, the NM-TM sets out the procedures for issuing an NM-CNP and the requirements for detailed supporting documents on on-site monitoring, construction noise mitigation and management measures, and community liaison so as to ensure compliance with the existing noise control standards. Correspondingly, the Authority would also issue detailed guidelines to assist applicants in making NM-CNP applications.

Public consultation

8. The DEVB completed a two-month public consultation conducted between 24 March 2026 and 22 May 2026. During the LegCo Panel on Development meeting on 24 March 2026, all Members supported the CNP streamlining proposal. Of the 48 public comments received during the consultation period, 16 mentioned the CNP streamlining proposal, and stakeholders generally supported the streamlining arrangements.

9. For public comments concerning the applicable areas for the streamlining arrangement, the Government's current thinking is to apply the streamlined procedures and requirements for construction work within the NM. Regarding the implementation details of noise monitoring, mitigation measures and the protection of residents, the Government will maintain prevailing noise control standards and the proposed NM-TM would take into account these technical comments in the drafting process.

Legislative timetable

10. The NM Development Bill was introduced to the LegCo on 8 July 2026 for scrutiny. The first batch of proposed subsidiary legislation, including related documents such as the proposed TM and forms referred to in paragraph 7 above, was submitted together for preview. The DEVB strives to have the primary legislation passed by the LegCo within this year, and then formally submits the first batch of subsidiary legislation, including the proposed NM Development (Noise Control)

⁴ The proposed NM Development Bill requires the Authority to make reference to TMs issued under the NCO when considering the issuance of CNP. At present, there are three existing TMs in relation to CNP issuance, namely

- TM on Noise from Construction Work other than Percussive Piling;
- TM on Noise from Construction Work in Designated Areas; and
- TM on Noise from Percussive Piling.

Regulation, under the primary legislation to the LegCo. The Bill also provides that the Secretary for Environment and Ecology may issue from time to time the TM.

CROSS-BOUNDARY FLOWS PROPOSAL

11. To expedite cross-boundary infrastructure construction, the Transport and Logistics Bureau (TLB) has proposed to facilitate the use of construction equipment for construction works in specified areas within Hong Kong territory for two cross-boundary railway projects, namely the Hong Kong-Shenzhen Western Rail Link (Hung Shui Kiu-Qianhai) (HSWRL) and the Northern Link (NOL) Spur Line. These construction works would be a continuation of construction works within the Chinese Mainland using plant and equipment complying with prevailing Chinese Mainland standards or requirements and are expected to be undertaken by the Chinese Mainland contractors. The proposed facilitation aims to disapply the relevant application and labelling equipment provisions under relevant air and noise control regulations⁵, in order to reduce the administrative work involved in making applications and labelling equipment. Given that the construction equipment would be used in underground or fully enclosed areas and would still have to comply with relevant air and noise emission “Guobiao” (GB) standards, the proposal should be able to keep the impact on local residents to the minimum.

12. A separate piece of subsidiary legislation for this cross-boundary flows proposal would be prepared to provide for matters relating to the grant of such disapplication (including the imposition of any limitations or conditions on such grant) and the definition of cross-boundary infrastructure construction.

ADVICE SOUGHT

13. Members are invited to provide views on the Government’s proposals.

**Environment and Ecology Bureau
Environmental Protection Department
July 2026**

⁵ Relevant air and noise control regulations include:

- (a) non-road mobile machinery under the Air Pollution Control (Non-road Mobile Machinery) (Emission) Regulation (Cap. 311Z);
- (b) air compressors at 500 kPa pressure or above under the Noise Control (Air Compressors) Regulations (Cap. 400C); and
- (c) hand held percussive breakers with a mass above 10 kg under the Noise Control (Hand Held Percussive Breakers) Regulations (Cap. 400D).

Northern Metropolis Development (Noise Control) Regulation

Northern Metropolis Development (Noise Control) Regulation

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(Made by the Chief Executive in Council under section 17 of the Northern Metropolis Development Ordinance (Cap. [...]))

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1. Commencement

This Regulation comes into operation on [...].

2. Interpretation

(1) In this Regulation—

Cap. 400A (《第 400A 章》) means the Noise Control (General) Regulations (Cap. 400 sub. leg. A);

Noise Control Authority (噪音管制監督) means the Noise Control Authority appointed under section 3(1) of Cap. 400;

Northern Metropolis construction noise permit (北部都會區建築噪音許可證) has the meaning given by section 14 of the Ordinance;

Northern Metropolis (construction work other than percussive piling) construction noise permit (北部都會區(撞擊式打樁工程以外的建築工程)建築噪音許可證) means a Northern Metropolis construction noise permit for the purpose described in regulation 3(1) of Cap. 400A;

Northern Metropolis (percussive piling) construction noise permit (北部都會區(撞擊式打樁工程)建築噪音許可證) means a Northern Metropolis construction noise permit for the purpose described in regulation 4 of Cap. 400A;

specified application form (指明申請表格) means the form specified under section 6(1)(a);

specified fee (指明費用) means the fee specified in section 4(7);

specified permit form (指明許可證格式) means the form specified under section 6(1)(b).

(2) The words and expressions used in this Regulation and defined in Cap. 400 have the same meaning as in Cap. 400.

3. Specified Northern Metropolis construction work

The construction work set out in Part 1 of the Schedule is construction work specified for the purposes of the definition of ***specified Northern Metropolis construction work*** in section 14 of the Ordinance.

4. Application for and issuance of Northern Metropolis construction noise permits

(1) An application may be made to the Noise Control Authority for a Northern Metropolis construction noise permit.

(2) Subject to subsection (3), the provisions of Cap. 400 and Cap. 400A apply in relation to an application under subsection (1) and the issuance of a Northern Metropolis construction noise permit as they apply in relation to the application for a construction noise permit referred to in section 8(1) of Cap. 400 and the issuance of such a permit.

(3) In applying the provisions of Cap. 400 and Cap. 400A in reliance on subsection (2)—

- (a) a reference to the prescribed form in section 8(2) of Cap. 400 is to be read as a reference to the specified application form;
- (b) a reference to the prescribed manner in section 8(2) of Cap. 400 is to be read as a reference to the manner specified in subsection (5);
- (c) a reference to the prescribed fee in section 8(2) of Cap. 400 is to be read as a reference to the specified fee;

(d) a reference to any Technical Memoranda issued from time to time under section 9(1) of Cap. 400 in section 8(3) and (5) of Cap. 400 is to be read as a reference to any Technical Memoranda issued under section 16(1) of the Ordinance;

(e) a reference to the prescribed form in section 8(9)(a) of Cap. 400 is to be read as a reference to the specified permit form;

(f) a reference to the prescribed manner in section 8(9)(c) of Cap. 400 is to be read as a reference to the manner specified in the specified application form; and

(g) regulations 3(1)(i), 4(a), 5 and 8 of Cap. 400A are to be disregarded.

(4) The specified application form must be completed and signed in accordance with regulation 2 of Cap. 400A as if it were a form prescribed under regulation 3 or 4 of Cap. 400A.

(5) Subject to subsection (6), an application for a Northern Metropolis construction noise permit must be submitted in accordance with—

(a) if the permit is a Northern Metropolis (construction work other than percussive piling) construction noise permit—regulation 3(1)(ii) of Cap. 400A; or

(b) if the permit is a Northern Metropolis (percussive piling) construction noise permit—regulation 4(b) of Cap. 400A.

(6) In applying regulation 3(1)(ii) or 4(b) of Cap. 400A by virtue of subsection (5), the reference to the fee prescribed in regulation 8 of Cap. 400A (however described) is to be read as a reference to the specified fee.

(7) The fee payable on application for a Northern Metropolis construction noise permit is—

- (a) if the permit is a Northern Metropolis (construction work other than percussive piling) construction noise permit—the fee specified in regulation 8(1) of Cap. 400A; or
- (b) if the permit is a Northern Metropolis (percussive piling) construction noise permit—the fee specified in regulation 8(2) of Cap. 400A.

5. Service of notices and permits

- (1) A notice to be served by the Noise Control Authority, for the purposes of an application for a Northern Metropolis construction noise permit, to the applicant may be served by sending the notice by electronic mail transmission to the applicant’s electronic mail address as provided in the application for the permit.
- (2) A Northern Metropolis construction noise permit may be issued to the applicant by sending the permit by electronic mail transmission to the applicant’s electronic mail address as provided in the application for the permit.
- (3) This section does not affect the application of section 39 of Cap. 400 in reliance on section 4(2).

6. Noise Control Authority may specify forms in respect of Northern Metropolis construction noise permits

- (1) The Noise Control Authority may, by notice published in the Gazette—
 - (a) specify—
 - (i) the form of an application for a Northern Metropolis (construction work other than percussive piling) construction noise permit; and
 - (ii) the form of an application for a Northern Metropolis (percussive piling) construction noise permit; and

- (b) specify—
 - (i) the form of a Northern Metropolis (construction work other than percussive piling) construction noise permit; and
 - (ii) the form of a Northern Metropolis (percussive piling) construction noise permit.
- (2) A notice under subsection (1) is not subsidiary legislation.

Part 3

**Transport Infrastructure Projects Set out for Item 3 of
Part 1 of this Schedule**

1. Railway station at Hung Shui Kiu (the scheme for which notice of authorization is published in G.N. 1973 of 2024, including that scheme as amended from time to time)
2. Northern Link Main Line (the scheme for which notice of authorization is published in G.N. 2171 of 2025, including that scheme as amended from time to time)
3. Road works for smart and green mass transit system phase 1 in Hung Shui Kiu/Ha Tsuen new development area (the scheme for which notice of authorization is published in G.N. 16 of 2026, including that scheme as amended from time to time)
4. Eastern Connection Road (the scheme for which notice of authorization is published in [...], including that scheme as amended from time to time)
5. Northern Metropolis Highway (San Tin Section) (the scheme for which notice of authorization is published in [...], including that scheme as amended from time to time)
6. Northern Link Spur Line (the scheme for which notice of authorization is published in [...], including that scheme as amended from time to time)
7. Hong Kong section of Hong Kong-Shenzhen Western Rail Link (Hung Shui Kiu-Qianhai) (the scheme for which notice of

- authorization is published in [...], including that scheme as amended from time to time)
8. Northern Metropolis Highway (Tin Shui Wai Section) (the scheme for which notice of authorization is published in [...], including that scheme as amended from time to time)
9. Northern Metropolis Highway (Kwu Tung Section) (the scheme for which notice of authorization is published in [...], including that scheme as amended from time to time)
10. Northern Metropolis Highway (New Territories North New Town Section) (the scheme for which notice of authorization is published in [...], including that scheme as amended from time to time)
11. Road works for smart and green mass transit system remaining phases in Hung Shui Kiu/Ha Tsuen new development area (the scheme for which notice of authorization is published in [...], including that scheme as amended from time to time)
12. Northern Link Eastern Extension (the scheme for which notice of authorization is published in [...], including that scheme as amended from time to time)
13. Northeast New Territories Line (the scheme for which notice of authorization is published in [...], including that scheme as amended from time to time)

Explanatory Note

Section 15 of the Northern Metropolis Development Ordinance (Cap. [...]) (***Ordinance***) provides that the Noise Control Authority may issue construction noise permits (***Northern Metropolis construction noise permits***) in respect of any construction work specified under section 17(a) of the Ordinance (***specified Northern Metropolis construction work***).

2. This Regulation—
 - (a) provides for matters relating to the application for and issuance of Northern Metropolis construction noise permits; and
 - (b) specifies certain construction work as specified Northern Metropolis construction work.

Clerk to the Executive Council

COUNCIL CHAMBER

2026

(Draft for preview)

TECHNICAL MEMORANDUM ON NOISE FROM
SPECIFIED NORTHERN METROPOLIS
CONSTRUCTION WORK

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TECHNICAL MEMORANDUM ON NOISE FROM SPECIFIED NORTHERN METROPOLIS CONSTRUCTION WORK

1. PRELIMINARY

1.1 *Citation and Commencement*

For the purpose of streamlining the procedures and requirements for Construction Noise Permit (CNP) applications to expedite the Northern Metropolis (NM) development, this Technical Memorandum (TM) is issued pursuant to section 16 of the Northern Metropolis Development Ordinance (NMDO) and may be cited as the Technical Memorandum on Noise from Specified Northern Metropolis Construction Work.

This TM shall only apply to the specified Northern Metropolis construction work (specified NM construction work), and shall come into operation in accordance with section 16 of the NMDO on *[date on which this TM comes into operation and is subject to commencement date of the NMDO]*.

If a construction work is not a specified NM construction work under the Schedule of the Northern Metropolis Development (Noise Control) Regulation (the Regulation), the Noise Control Authority (the Authority) shall consider its application for CNP in accordance with the other TM issued under the Noise Control Ordinance (NCO).

1.2 *Application and Scope*

This section details the procedures that should generally be adopted by the Authority:

- (a) for processing applications for Northern Metropolis construction noise permit;
- (b) for the issuing of Northern Metropolis construction noise permit for specified NM construction work pursuant to section 15 of the NMDO; and,
- (c) for determining whether or not any such Northern Metropolis construction noise permit is being complied with.

1.3 *Interpretation*

In this TM, unless the context otherwise requires, the following definitions apply:

"construction site" has the same meaning as in the NCO;

"construction work" has the same meaning as in the NCO;

"Construction Noise Permit" has the same meaning as in the NCO;

"diesel hammer" means a device which imparts a percussive force to a pile by means of the downward motion of a ram which causes the compression and ignition of a charge of diesel fuel;

"Noise Control Authority" has the same meaning as in the NMDO;

"Northern Metropolis Construction Noise Permit" has the same meaning as in the NMDO;

"Northern Metropolis (construction work other than percussive piling) construction noise permit" has the same meaning as in the Northern Metropolis Development (Noise Control) Regulation;

"Northern Metropolis (percussive piling) construction noise permit" has the same meaning as in the Northern Metropolis Development (Noise Control) Regulation;

"percussive piling" has the same meaning as in the NCO;

"pile" has the same meaning as in the NCO;

"piling" has the same meaning as in the NCO;

"piling zone" means an area within which percussive piling may take place, as specified in a Northern Metropolis (percussive piling) construction noise permit;

"pneumatic or steam hammer" means a device which imparts a percussive force to a pile by means of the downward motion of a ram or piston which follows the single or double acting principle and is powered by air or steam at high pressure;

"powered mechanical equipment" has the same meaning as in the NCO;

"restricted hours" means the time between 1900 and 0700 hours on weekday and any time on a general holiday, including Sunday;

"site boundary" means the boundary of a construction site as specified in a CNP;

"specified Northern Metropolis construction work" has the same meaning as in the NMDO, and is specified under the Schedule of the Northern Metropolis Development (Noise Control) Regulation;

Standard acoustical terminology is used throughout this TM. Other terms are as defined in the NCO or in the text of this TM.

1.4 General Introduction to the Procedures

1.4.1 Construction Work other than Percussive Piling

For the purpose of determining if a Northern Metropolis (construction work other than percussive piling) construction noise permit (GWNM-CNP) may be issued for construction work other than percussive piling during restricted hours, the Authority shall act in accordance with the following general procedures, which are detailed in subsequent sections. The Authority shall:

- (a) identify the Noise Sensitive Receiver (NSR) which will be most affected by noise from the construction work, determine the Area Sensitivity Rating for the area within which the NSR is located and hence determine the appropriate Acceptable Noise Level for the NSR and the corresponding noise limit(s) at the monitoring point(s) (in accordance with sections 3.1.1 to 3.1.3); and
- (b) review the supporting documents to determine whether a GWNM-CNP may be issued (in accordance with section 3.1.4).

A GWNM-CNP may not be issued for specified NM construction work which is to be carried out on or within a building which is either:

- (a) a NSR either wholly or partially in use for its intended purpose at the time of the proposed specified NM construction work; or
- (b) directly adjoining a building which is a NSR,

such that the noise to be generated by the specified NM construction work would be transmitted primarily through the structural elements of the building or buildings and, in the opinion of the Authority, would be likely to cause an adverse noise impact on the NSR.

1.4.2 Percussive Piling

Percussive piling is only allowed to be carried out between 0700 and 1900 hours on any day other than a general holiday with a valid CNP. Diesel hammers are only allowed if the site is regarded as “geologically difficult area” situated in Scheduled Areas nos. 2 and 4 in the Fifth Schedule of the Buildings Ordinance (Cap. 123). Pneumatic and steam hammers are not allowed for specified NM construction work.

For the purpose of determining the restrictions on the hours during which percussive piling may take place (referred to in this TM as the permitted hours of operation) for a Northern Metropolis (percussive piling)

construction noise permit (PPNM-CNP), the Authority shall act in accordance with the following general procedures which are detailed in subsequent sections. The Authority shall:

- (a) identify the NSR which will be most affected by noise from the percussive piling, determine the distance between the NSR and the piling zone of the construction site, and hence determine the appropriate permitted hours of operation for the percussive piling (in accordance with section 3.2.1 to 3.2.3); and
- (b) review the supporting documents to determine whether a PPNM-CNP may be issued (in accordance with section 3.2.4).

2. CONSTRUCTION NOISE PERMIT CONDITIONS

2.1 Construction Work other than Percussive Piling

A GWNM-CNP that may be issued by the Authority may include such conditions as the Authority considers appropriate, such as:

- (a) the date of commencement and expiry of the GWNM-CNP;
- (b) the time period during which the GWNM-CNP is valid;
- (c) the noise limit which shall not be exceeded at monitoring point(s) at the site boundary or at any point(s) appointed by the Authority;
- (d) suitable noise mitigation for any of the following noisy works, which usually has transient noise characteristics, i.e. (i) erection or dismantling of formwork or scaffolding, (ii) loading, unloading or handling of rubble, wooden boards, steel bars, wood or scaffolding material, and (iii) hammering, is to be conducted at or within 100m separation distance of a NSR, they shall only be conducted in a fully enclosed work area (i.e. a work area within a building or completely screened by solid barriers with adequate noise screening performance such as acoustic metamaterial or purpose-designed acoustic screens with equivalent acoustic performance, with all doors, gaps, holes, slits and openings closed or sealed during work, so that no part of the construction work and work area is visible when viewed from any window, door or other opening in any façade of the NSR), or otherwise suitable noise mitigation and conditions (including mitigation measures and time requirements) shall be imposed by the Authority.
- (e) for certain specified NM construction work where on-site noise monitoring may not be practicable (such as transitional projects or projects with operational constraints), the applicants should, in the supporting document for the GWNM-CNP application, justify why on-site

monitoring is impracticable and explain how compliance with the relevant noise criteria will be ensured for the Authority's consideration. The types of cases and corresponding requirements will be set out in a guideline as detailed in section 4 of this TM. The GWNM-CNP issued under such circumstances may specify permissible items of powered mechanical equipment (PME) which may be used in the construction site and any noise control measures that shall be adopted, where appropriate.

A GWNM-CNP may be issued for an initial period of such duration as the Authority considers appropriate and may be renewed before or after the date of expiry for such further period or periods and subject to such alterations or new conditions as the Authority considers appropriate. The Authority may at any time cancel or vary the conditions of the GWNM-CNP if the CNP holder requests the cancellation thereof, or if the Authority is satisfied that a condition of the GWNM-CNP has been contravened, or that the GWNM-CNP has been issued in consequence of misleading, false, wrong or incomplete information furnished by the applicant, or the public interest so requires.

2.2 Percussive Piling

A PPNM-CNP that may be issued by the Authority may include such conditions as the Authority considers appropriate, such as:

- (a) the date of commencement and expiry of the PPNM-CNP;
- (b) the permitted hours of operation;
- (c) other conditions as the Authority considers appropriate, including the permissible piling methods and pile types which may be used, the area within which percussive piling may take place (referred to in this TM as the piling zone), and any noise control measures that shall be adopted.

A PPNM-CNP may be issued for an initial period of such duration as the Authority considers appropriate, and may be renewed before or after the date of expiry for such further period or periods and subject to such alterations or new conditions as the Authority considers appropriate.

The Authority may at any time cancel or vary the conditions of the PPNM-CNP if the applicant requests the cancellation thereof, or if the Authority is satisfied that a condition of the PPNM-CNP has been contravened, or that the PPNM-CNP has been issued in consequence of misleading, false, wrong or incomplete information furnished by the applicant.

3. CONSTRUCTION NOISE PERMIT APPLICATIONS

3.1 CONSIDERATION OF NOISE FROM THE CONSTRUCTION WORK OTHER THAN PERCUSSIVE PILING

3.1.1 *Step 1 - Location of the Most Affected Noise Sensitive Receiver (NSR)*

The NSR which will be most affected by noise from the construction work shall be identified.

For the purpose of section 3.1 of this TM, any domestic premises, hotel, hostel, temporary housing accommodation, hospital, medical clinic, educational institution, place of public worship, library, court of law or performing arts centre shall be considered to be a NSR. Any other premises or place, not being in the nature of either industrial or commercial premises, which is considered by the Authority to have a similar sensitivity to noise as the premises and places above shall also be considered to be a NSR. Any premises or place shall, however, be considered to be a NSR only when it is in use for its intended purpose.

3.1.2 *Step 2 - Determination of the Area Sensitivity Rating (ASR)*

3.1.2.1 *General*

The ASR is a function of the type of area within which the NSR is located and the degree of the effect on the NSR of particular Influencing Factors (IFs) as defined in section 3.1.2.3. After a careful examination of the area under consideration and the effect of any IFs, the ASR may be categorized as A, B or C in accordance with Table 1. The Acceptable Noise Levels for categories A, B and C are defined in Table 2.

Table 1 – Area Sensitivity Ratings (ASRs)

Type of Area Containing NSR		Degree to which NSR is affected by IF		
		Not Affected	Indirectly Affected	Directly Affected
(i)	Rural area, including country parks or village type developments	A	B	B
(ii)	Low density residential area consisting of low-rise or isolated high-rise developments	A	B	C
(iii)	Urban area	B	C	C
(iv)	Area other than those above	B	B	C

For the purpose of Table 1, the following definitions shall apply:

"country park" means an area that is designated as a country park pursuant to section 14 of the Country Parks Ordinance;

"directly affected" means that the NSR is at such a location that noise generated by the IF is readily noticeable at the NSR and is a dominant feature of the noise climate of the NSR;

"indirectly affected" means that the NSR is at such a location that noise generated by the IF, whilst noticeable at the NSR, is not a dominant feature of the noise climate of the NSR;

"not affected" means that the NSR is at such a location that noise generated by the IF is not noticeable at the NSR; and

"urban area" means an area of high density, diverse development including a mixture of such elements as industrial activities, major trade or commercial activities and residential premises.

3.1.2.2 Type of area within which the Noise Sensitive Receiver (NSR) is located

The Authority shall have regard to an area of adequate size when determining the type of area within which the NSR is located in accordance with the descriptions in Table 1. Typically, in urban areas an area of 100 m radius around the NSR should be adequate, whereas

in sparsely developed areas, such as rural districts, an area of 500 m radius or even more should be considered, depending on the circumstances. Special factors may dictate that other distances should be used at the discretion of the Authority.

3.1.2.3 Effect of Influencing Factors (IFs)

For the purpose of this TM, any industrial area or major road shall be considered to be an IF. Industrial areas should be regarded as IFs irrespective of the time of day.

The term "industrial area" means an area which consists of a number of factories or industrial undertakings located primarily in purpose-built industrial buildings. It includes any premises, buildings or activities which the Authority deems, by virtue of their acoustical characteristics, make an area industrial in nature. The term "major road" means a road which has a heavy and generally continuous flow of vehicular traffic and, in normal circumstances, means a road with an annual average daily traffic flow in excess of 30,000. Where a major road has an unusually low traffic flow rate (less than 300 vehicles per hour) at the time of day under consideration, it shall not be considered as an IF at that time.

In situation where more than one IF affects the NSR to an equal degree, only one IF shall be considered.

3.1.2.4 Area Sensitivity Rating (ASR)

The Authority shall determine the appropriate ASR for the NSR under consideration from Table 1.

3.1.3 Step 3 – Determination of Acceptable Noise Level (ANL) at NSRs, and Noise Limit at the Monitoring Point(s)

The noise limit(s) at the monitoring point(s) specified by the Authority, whether at the construction site boundary, or at any other point(s) appointed by the Authority consider appropriate depend on the Acceptable Noise Level (ANL) at the NSR. The Authority may specify one or more monitoring point(s) and one or more noise limit(s) for any such monitoring point, including different noise limit(s) for different time periods specified in the GWNM-CNP. The appropriate ANL, in dB(A), is given in Table 2, having regard to the ASR and the

time period specified in the GWNM-CNP application. The Authority will determine the noise limit(s) with reference to factors such as the distance between the NSR and the construction site boundary, the location of the relevant monitoring point(s), the effect of barriers, acoustic reflections and the relevant ANL(s). Where, in the opinion of the Authority, the NSR is to be materially affected by noise from construction work associated with more than one CNP, the Authority may make such correction to the noise limit(s), as it considers appropriate, having regard to standard acoustical principles and practices.

Table 2 – Acceptable Noise Levels (ANLs) at relevant Noise Sensitive Receiver (NSR)

Time Period	ASR		
	A	B	C
All days during the evening (1900 to 2300 hours), and general holidays (including Sundays) during the day-time and evening (0700 to 2300 hours)	60	65	70
All days during the night-time (2300 to 0700 hours)	45	50	55

Note: Table 2 refers to the ANL at 1m from the external face of the building facade. Any noise measurement shall be made in terms of the A-weighted equivalent continuous sound pressure level (Leq) measured with an integrating sound level meter. Such measurement shall be made over any 5-minute period during the CNP period under consideration.

3.1.4 Step 4 - Northern Metropolis (construction work other than percussive piling) Construction Noise Permit (GWNM-CNP) Issuing and Renewal Procedures

When considering the application for a GWNM-CNP under section 3 of this TM, a GWNM-CNP may be issued if the Authority is satisfied with the supporting documents as specified in section 4.

A GWNM-CNP may also be issued if the application involves unavoidable constraints on working hours as defined in section 3.1.5.

When considering the renewal of a GWNM-CNP, the Authority may amend or impose additional conditions or may refuse to renew a GWNM-CNP having regard to complaints received and other relevant factors, notwithstanding the procedures and guidelines detailed in section 3 of this TM.

3.1.5 Unavoidable Constraints on Working Hours

A GWNM-CNP may be granted even if the ANL at the NSR may not be complied with as long as if it can be demonstrated to the satisfaction of the Authority that carrying out the construction work during restricted hours would cause less public annoyance or inconvenience than would be caused by carrying out the construction work during non-restricted hours.

This provision shall apply in cases such as those in which serious interruption or disruption would be caused to road, rail or other forms of transport, or to utilities such as the supply of water, gas or electricity.

A GWNM-CNP may also be granted for work which is governed by tidal conditions.

When a GWNM-CNP is granted as a result of this provision, the Authority shall ensure that the quietest practicable working methods are being employed. Conditions in the GWNM-CNP may specify the use of specially silenced items of powered mechanical equipment (PME), acoustic screens and other noise control measures, in cases where their use would have a beneficial effect in reducing noise levels and would be practicable. The Authority may also specify the maximum allowable Sound Power Levels for specific equipment as conditions in the GWNM-CNP if appropriate.

3.2 CONSIDERATION OF NOISE FROM PERCUSSIVE PILING

3.2.1 Step 1 - Location of the Most Affected Noise Sensitive Receiver (NSR)

The NSR which will be most affected by noise from the percussive piling shall be identified.

For the purpose of section 3.2 of this TM, any domestic premises, hotel, hostel, temporary housing accommodation, hospital, medical clinic, educational institution, place of public worship, library, court of law, performing arts centre or office building shall be considered to be a NSR. Any other premises or place, not being in the nature of industrial premises, which is considered by the Authority to have a similar sensitivity to noise as the premises and places above shall also be considered to be a NSR. Any premises or place shall, however, be considered to be a NSR only when it is in use for its intended purpose.

For the purpose of section 3.2 of this TM, hospitals, medical clinics, educational institutions, courts of law or other NSRs with similar nature of sensitivity are also regarded as “particularly sensitive NSR”.

3.2.2 *Step 2 - Determination of the Distance between NSR and Construction Site*

For the purpose of section 3.2 of this TM, the piling zone boundary of the construction site nearest to the NSR shall generally be adopted for determining the distance to such NSR. If the Authority is satisfied that the dominant noise source(s) is/are to remain in substantially the same position or piling zone, and that position or piling zone has been specified in the application for PPNM-CNP, that position or piling zone shall be used for evaluating the distance to the NSR(s). The distance between the NSR and the piling zone boundary of the construction site shall be rounded to the nearest integer, with 0.5m or more being rounded upwards.

3.2.3 *Step 3 - Determination of the Permitted Hours of Operation*

The determination of the permitted hours of operation of percussive piling shall be in accordance with the distance between the piling zone boundary and the NSR which will be most affected by the percussive piling and the nature of such NSR. The permitted hours of operation shall be determined as follows:

- (a) NSR
 - 12 hours (> 200m)
 - 5 hours (100 - 200m)
 - 3 hours (< 100m)

- (b) Particularly sensitive NSR
 - 12 hours (> 300m)
 - 5 hours (200 - 300m)
 - 3 hours (< 200m)

The PPNM-CNP applicant shall engage with the affected NSRs to liaise with them on the permitted hours of operation for carrying out the percussive piling in order to minimize the impact on the NSRs. The Authority may vary the timing (but not the total duration) of the permitted hours of operation if it considers that such variation would

be justified by the nature or requirements of any NSR which may be affected by the percussive piling under consideration.

3.2.4 Step 4 - Northern Metropolis (percussive piling) construction noise permit (PPNM-CNP) Issuing and Renewal Procedures

Each PPNM-CNP issued by the Authority shall include, as a condition, the permitted hours of operation and may also include such other conditions as the Authority considers appropriate.

When giving consideration to the renewal of CNP, the Authority may amend or impose additional conditions or time restrictions having regard to complaints received and other relevant factors, notwithstanding the procedures and guidelines detailed in section 3 of this TM.

4. SUPPORTING DOCUMENTS FOR CONSTRUCTION NOISE PERMIT APPLICATIONS

4.1 Construction Work other than Percussive Piling

Supporting documents shall be submitted together with the GWNM-CNP application. The supporting documents shall include the endorsement from the relevant authority to confirm that the construction work under the application is specified NM construction work, state the on-site noise monitoring arrangement, including but not limited to, the identified NSR(s), the number and location(s) of proposed noise monitoring point(s), noise mitigation measures, mechanism to track and evaluate noise monitoring results to ensure compliance and to review the need of further mitigation measures, etc. The noise monitoring point(s) shall be established at the site boundary or at any point(s) appointed by the Authority so that the monitoring noise level is representative of the noise impact to a relevant NSR. Noise limit(s) at the monitoring point(s) at the site boundary or any other monitoring point(s) which shall not be exceeded would be specified in the GWNM-CNP as one of the conditions imposed by the Authority.

The applicants shall make reference to Table 1 and Table 2 of this TM to derive and establish the corresponding noise limit(s) at the noise monitoring point(s). If the NSR will be materially affected by noise from construction work associated with more than one CNP, the Applicant shall apply correction(s) to the noise limit(s) as appropriate having regard to standard acoustical principles and practices.

The applicants shall ensure that on-site noise monitoring results are accessible to the Authority at all times. In general, there shall only be one noise monitoring system to encompass all construction work from one construction site. The noise monitoring should be made in terms of the A-weighted equivalent continuous sound pressure level over a 5-minute period (Leq (5mins)) with function(s) to capture and monitor the background noise and transient noise characteristics throughout the monitoring period.

Construction noise management measures such as effective community liaison arrangements shall also be included in the supporting documents.

For specified NM construction work where on-site noise monitoring is impracticable (e.g. transitional projects, projects with operational constraints), or construction work with unavoidable constraints on working hours, relevant justifications, proposed PME list and a schedule of committed mitigation measures should be submitted as part of the supporting documents for these cases.

The Authority will issue a guideline containing such practical guidance for the purpose of providing the construction industry with good practice in respect of the preparation of supporting documents. The guideline is intended to provide a general reference on the application of quieter construction methods and practicable mitigation and management measures; and also detailed requirements on the on-site noise monitoring, including noise instrumentation, general calibration and the measurement procedures.

4.2 Percussive Piling

Supporting documents shall be submitted together with the PPNM-CNP application. The supporting documents shall include the endorsement from the relevant authority to confirm that the construction work under the application is specified NM construction work and appropriate noise mitigation measures. Construction noise management measures such as effective community liaison arrangement shall also be included in the supporting documents.

(Draft for preview)

FORM 1
NORTHERN METROPOLIS DEVELOPMENT (NOISE CONTROL) REGULATION
(Chapter xxx)
SECTION 6(1)(a)(i)

You will be informed of
the result of the
application within 28 days

**APPLICATION FOR A
NORTHERN METROPOLIS (CONSTRUCTION WORK OTHER THAN PERCUSSIVE PILING)
CONSTRUCTION NOISE PERMIT**

A. DETAILS OF APPLICANT

1. Name (Person or Company): _____

2. Business Registration No.: _____
or HK Identity Card No.: _____

3. Correspondence Address: _____

4. Name of Contact Person: _____
Telephone No.: _____ Fax. No.: _____
Email Address: _____

No previous application

Previous application was refused

Permit renewal
Previous Permit(s) No.
GWNM- _____

B. DETAILS OF LOCATION OF WORK

Full address of the construction site, including lot number where appropriate:

Note: (i) Please provide a suitably scaled site plan (preferably 1:1000) showing the site area, the land uses and the noise sensitive receiver(s) in the surrounding area and the locations of noisy construction works (in the case of noisy construction work which will remain in substantially the same position for the duration of the work).

(ii) "Noise sensitive receiver(s)" in the area surrounding the site include domestic premises, hotels, hostels, temporary housing accommodation, hospitals, medical clinics, education institutions, places of public worship, libraries, court of law and performing art centres but exclude commercial and industrial premises.

C. DATE AND TIME FOR WHICH THE PERMIT IS REQUIRED

Reference should be made to the Technical Memorandum on Noise from Specified Northern Metropolis Construction Work.

1. The permit is required for the following periods of time:
Date: From _____ to _____ (inclusive)
(date) (date)
(Maximum duration NOT exceeding 1 year)

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 Northern Metropolis construction noise permit is required:

2. Supporting documents must be submitted.

D. ADDITIONAL INFORMATION

I. Specify any reasons if on-site noise monitoring is not practicable (e.g. transitional projects or projects with operational constraints), or any unavoidable constraints on working hours the construction work has:

II. Give any supporting document which is thought to be relevant to this application:

E. 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

FORM 2
NORTHERN METROPOLIS DEVELOPMENT (NOISE CONTROL) REGULATION
(Chapter xxx)
SECTION 6(1)(a)(ii)

**APPLICATION FOR A
NORTHERN METROPOLIS (PERCUSSIVE PILING) CONSTRUCTION NOISE PERMIT**

Before completing this form read the Note below

To: The Noise Control Authority

1. I..... hereby apply under section 6(1)(a)(ii) of the Northern Metropolis Development (Noise Control) Regulation for a Northern Metropolis (percussive piling) construction noise permit.

In support of my application, I submit the following information and particulars:

2. Details of Applicant

2a. Name (person or company): _____

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: _____

2d. Telephone No.: _____

2e. E-mail address: _____

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 receiver(s) in the area surrounding the site including domestic premises, hotels, 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.

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 Northern Metropolis (percussive piling) construction noise permit is required:

Duration: _____ (Specify days/weeks/months)

From _____ To _____ (inclusive)

- 4c. Piling method and pile type combination for which the Northern Metropolis (percussive piling) construction noise permit is required. Reference should be made to Technical Memorandum on Noise from Specified Northern Metropolis Construction Work.

<i>Piling method and pile type</i>	<i>No. of units</i>

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.

- 5b. Give supporting document which is thought to be relevant to this application.

Dated this _____ day of _____

Signed: _____

Applicant

Please Note:

1. The applicant is advised to read the Northern Metropolis Development Ordinance, Northern Metropolis Development (Noise Control) Regulation and the Technical Memorandum on Noise from Specified Northern Metropolis Construction Work before submitting this application. The Authority shall be guided by relevant Technical Memorandum in considering an application.
2. Section 8(4) of the Noise Control 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 Northern Metropolis (percussive piling) 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.
5. Northern Metropolis (percussive piling) construction noise permit is for a maximum period of 1 year.

FORM 3
NORTHERN METROPOLIS DEVELOPMENT (NOISE CONTROL) REGULATION
(Chapter xxx)
SECTION 6(1)(b)(i)

**NORTHERN METROPOLIS (CONSTRUCTION WORK OTHER THAN PERCUSSIVE PILING)
CONSTRUCTION NOISE PERMIT**

NORTHERN METROPOLIS CONSTRUCTION NOISE PERMIT NO.

GWNM-____ - ____

To: _____

This Northern Metropolis construction noise permit is issued in accordance with section 15 of the Northern Metropolis Development Ordinance. Permission is granted for carrying out specified Northern Metropolis construction work other than percussive piling, subject to the conditions set out below. The carrying out of specified Northern Metropolis 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 address:

Full address: _____
_____ Lot No. _____

The site boundary is delineated on the attached plan which forms part of this Northern Metropolis construction noise permit.

2. For the conditions and full details of this Northern Metropolis construction noise permit, please scan the below QR code:



3. Validity of the Northern Metropolis construction noise permit:

Date and time of commencement: _____

This permit expires on: _____

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

Dated this _____ day of _____

Signed: _____

for Noise Control Authority

FORM 4
NORTHERN METROPOLIS DEVELOPMENT (NOISE CONTROL) REGULATION
(Chapter xxx)
SECTION 6(1)(b)(ii)

**NORTHERN METROPOLIS (PERCUSSIVE PILING)
CONSTRUCTION NOISE PERMIT**

NORTHERN METROPOLIS CONSTRUCTION NOISE PERMIT NO. PPNM-____-____

To: _____

This Northern Metropolis construction noise permit is issued in accordance with section 15 of the Northern Metropolis Development Ordinance. Permission is granted for carrying out percussive piling of specified Northern Metropolis construction work, subject to the conditions set out below. The carrying out of specified Northern Metropolis 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 percussive piling may be carried out:

Full 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 Northern Metropolis construction noise permit.

2. For the conditions and full details of this Northern Metropolis construction noise permit, please scan the below QR code:



3. Validity of the Northern Metropolis construction noise permit:

Date and time of commencement: _____

This permit expires on: _____

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

Dated this _____ day of _____

Signed: _____

for Noise Control Authority