

Consultation Paper

Proposed Amendments to the Noise Control Ordinance (Cap. 400)



August 2023



**Environment and
Ecology Bureau**

The Government of the
Hong Kong Special Administrative Region
of the People's Republic of China



環境保護署

Environmental Protection Department

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Consultation Paper

Chapter 1 Introduction

Purpose

- 1.1** The Government proposed in the 2022 Policy Address to impose control over the use of loudspeakers for street cries and introduce a fixed penalty system to effectively control and remediate associated noise nuisance. In this regard, the Government is drafting legislative amendments to the Noise Control Ordinance (Cap. 400) (NCO), with a view to strengthening control over the noise from loudspeakers by shops and hawkers for peddling and introducing a fixed penalty system and adjusting the maximum fines to enhance enforcement efficiency and deterrent effect. On the other hand, to enrich the vibrancy of Hong Kong and promote its international image, we propose to suitably relax the restrictions on noise from festive celebration activities so that such activities held in places of public entertainment may continue after 11 p.m. under specific conditions. This Consultation Paper invites comments from all sectors of the community on the proposal put forward by the Government.



Existing legislation

- 1.2** The NCO was enacted in 1989 to regulate various types of noise, including noise in everyday life, construction noise as well as commercial and industrial noise, etc., to protect the public from excessive noise nuisance. Details are set out at Appendix I.
- 1.3** Regarding the noise caused by street cries and peddling from shops and hawkers (hereinafter referred as “peddling noise”), Section 5(4) of the NCO stipulates that any person who at any time in or near any public place, for the purpose of attracting attention to his goods, wares or trade, makes any noise which is a source of annoyance to any person commits an offence, and the maximum penalty is a fine at level 3 (i.e. \$10,000). The Environmental Protection Department (EPD) will initiate prosecution against the shop or the person-in-charge concerned after collecting sufficient evidence. In the case of a repeated offender, the EPD may institute prosecution against the director(s) of the shop involved and the maximum penalty is a fine at level 3 (i.e. \$10,000).
- 1.4** As for noise generated from any place which is kept or used for public entertainment as defined in Section 2 of the Places of Public Entertainment Ordinance (Cap. 172), it is subject to the requirements stipulated in Section 13 of the NCO. At present, noise generated from public entertainment activities (such as concerts, sports competitions, etc.) is regulated under Section 13 of the NCO. Most of these activities only last for a short period of time and the possible noise problems may be avoided or mitigated through administrative measures taken by the venue operators or event organisers. Noise control guidelines (i.e. Noise Control Guidelines for Music, Singing and Instrument Performing Activities) have been formulated to enable venue operators or event organisers to make proper planning for the activities so as to comply with the requirements stipulated in the NCO. Upon receipt of a public complaint, the EPD will, having regard to the actual circumstances, arrange for measurement of the noise level at the affected domestic premises. If the noise level is found to have exceeded the standard, the EPD may issue a noise abatement notice to the venue owner or event organiser, requiring the person concerned to mitigate the noise nuisance. It is an offence if the person-in-charge fails to comply with the requirements of a noise abatement notice. Offenders are liable to a maximum fine at level 6 (\$100,000) on first conviction and \$200,000 on second or subsequent conviction, and a fine of \$20,000 for each day during which the offence continues.

Justifications for Amendments to the NCO

Causing serious noise nuisance by unnecessary use of loudspeakers for peddling

- 1.5** In recent years, to compete with each other for business, shops peddle their goods in or near public places with loudspeakers of increasingly high volume, causing great nuisance to the public in the vicinity. In particular, in Tsuen Wan, Sham Shui Po, Yuen Long and Mong Kok, where more composite buildings are located in the areas, residents living near the shops are most disturbed. According to the EPD's record, despite the impact of the COVID-19 pandemic, the number of complaints against peddling noise still increased drastically from 197 in 2017 to 544 in 2022. In addition, some of the shops involved have changed to operate on short-term tenancies in recent years, allowing different shops to operate at the same place within a short period of time, thereby making it harder to collect evidence and take enforcement action.
- 1.6** The EPD has stepped up its enforcement efforts by increasing the inspection frequency from over 600 times in 2017 to more than 1 300 times in 2022. In the past six years, more than 170 prosecutions in relation to peddling noise have been instituted by the EPD, with all the persons involved, including the directors of shops that had committed the offence repeatedly, being convicted. Nevertheless, the number of complaints against peddling noise has not shown a significant drop.
- 1.7** A survey conducted by the EPD in 2021 revealed that about 30 000 people have been persistently affected by peddling noise. Noise can lead to irritation and mental stress. It can also affect the quality of life and interfere with daily activities such as rest and sleep. Members of the Legislative Council (LegCo) and the public have expressed deep concern about the noise problem and requested the Government to amend the legislation to improve the situation.



1.8 To further control the peddling noise problem, we propose to legislate on prohibiting the use of loudspeakers for peddling in or near public places. Prohibiting the use of loudspeakers for peddling is a more direct and more effective approach to address the issue. Such prohibition can enable the general public, shop owners and employees to clearly and easily understand and comply with the statutory requirements while streamlining enforcement procedures.

1.9 There are comments that prohibiting the use of loudspeakers for peddling may create certain inconvenience to the operation and product promotion of shops. However, we consider that there are other means that can be used to attract customers. If shouting instead of using loudspeakers is adopted for peddling and causes annoyance to others, the noise will continue to be regulated under existing Section 5(4) of the NCO. After all, we consider that the peddling activities of individual shops should not cause persistent noise nuisance to the public and affect their daily lives.

Noise from festive celebration activities is generally more acceptable to the public

1.10 In general, the public is relatively more tolerant of the noise from festive celebration activities. As such activities are mostly held during holidays for a short period of time with temporary impact, the public usually has a higher tolerance level to these activities. On the other hand, festive celebration activities can enrich the vibrancy of Hong Kong and promote its image as an international metropolis.

1.11 Nowadays, more and more people celebrate various festivals (such as the Lunar New Year, Christmas and Halloween) in public places. According to Section 13 of the NCO and the prevailing guidelines, as the noise from places where public entertainment activities are held should not be audible at any nearby noise sensitive receivers (NSRs) from 11 p.m. to 7 a.m. Therefore, most of such activities end before or at 11 p.m. In recent years, there are views that such noise control is over-stringent without sufficient flexibility for allowing festive celebrations for a longer period beyond 11 p.m.

Introducing a fixed penalty system to enhance enforcement efficiency

- 1.12** Pursuant to the existing Sections 4 and 5 of the NCO, any person who at night or at any time on a general holiday in any domestic premises or public place makes noise which is a source of annoyance to any person; and at any time carries out the activities specified in Section 5 to make noise which is a source of annoyance to any person commits an offence. Upon receipt of a public complaint, enforcement officers will have to collect evidence at the scene to confirm that the noise is causing annoyance to others and prosecutions against suspected offenders have to be initiated by means of court summons, hence the deterrent effect is insufficient to stop the noise nuisance immediately. Furthermore, due to the lengthy prosecution process which generally takes some time, the noise problem cannot be resolved expeditiously and therefore such noise nuisance is often prone to recur.
- 1.13** To reduce the impact of noise on the public, we consider it necessary to establish a more effective mechanism to streamline the enforcement process and increase enforcement efficiency. The Government proposes to introduce a fixed penalty system to more effectively address the noise nuisance from domestic premises and public places, in particular the peddling noise from shops.

Raising penalties to enhance the deterrent effect

1.14 The NCO came into operation in 1989, with a comprehensive review on the maximum penalties conducted in 1994. However, the maximum penalties under the NCO have not been amended for nearly 30 years. There are a total of 14 provisions related to fines under the NCO, covering a wide range of noise sources from different places in Hong Kong, including noise from domestic premises and public places, construction sites, commercial and industrial premises, etc. Different levels of fines are prescribed under these provisions depending on the seriousness of the offences. At present, the maximum fines for offences under the NCO range from level 3 (\$10,000) to \$200,000, and the maximum imprisonment terms range from 3 months to 6 months.

1.15 The number of convicted cases and the average fines in the past five years are set out below.

| Provision ^{Note} | Number of convicted cases in the past five years ¹ | Current maximum penalty | Average fines |
|---------------------------|---|---|---------------|
| 4 & 5 | 176 | A fine at level 3 (\$10,000) | About \$4,700 |
| 6 | 318 | A fine at level 6 (\$100,000) on first conviction; a fine of \$200,000 on second or subsequent conviction; a fine of \$20,000 for each day during which the offence continues | About \$9,700 |
| 13(6) | 46 | A fine at level 6 (\$100,000) on first conviction; a fine of \$200,000 on second or subsequent conviction; a fine of \$20,000 for each day during which the offence continues | About \$8,500 |

Note: Section 4 controls noise from domestic premises and public places at night (between 11 p.m. and 7 a.m.) or at any time on a general holiday.
 Section 5 controls noise from domestic premises and public places involving musical instruments, animals, birds, games or business operation at any time.
 Section 6 controls noise from construction sites.
 Section 13 controls noise from places other than domestic premises, public places or construction sites.

¹ From the statistics of the EPD in the past five years, excluding cases handled by the Police.

1.16 In the past five years, there were 176 cases in contravention of Section 4 or 5 of the NCO, in which all the defendants pleaded guilty. The court also imposed a maximum fine of level 3 (\$10,000) for repeated offences. The above reflects that the overall penalty imposed is unable to achieve sufficient deterrence. There was also a High Court Judgment² which commented that the fines under the NCO were too low and that the fines stipulated therein had not kept pace with the times, reflecting the level of public concern about noise and in effect providing an incentive to breach the law, thereby undermining the punitive effect of the fines provisions.

1.17 Taking into account the above factors, we propose to:

- (a) increase the maximum fine under Sections 4 and 5 of the NCO to level 5 (\$50,000);
- (b) raise the penalties under Sections 6 and 13 to a fine of \$180,000 on first conviction, a fine of \$360,000 on second or subsequent conviction and a fine of \$35,000 for each day during which the offence continues.



² HKSAR v PAUL Y - ITC CONSTRUCTION LTD [HCMA476/1997]

Empowering the Authority to request the person concerned to provide case-related information

1.18 At present, enforcement officers are not empowered under the NCO to issue a written notice requesting the person concerned to provide case-related information for law enforcement. To enhance the efficiency of enforcement and prosecution, we consider it necessary to add relevant provisions to the NCO to empower the Authority to request case-related information from any person by serving a written notice. The aforementioned amendments are expected to increase the efficiency of investigation and evidence collection.

1.19 Most of the other existing environmental laws (such as the Air Pollution Control Ordinance (Cap. 311), the Waste Disposal Ordinance (Cap. 354) and the Water Pollution Control Ordinance (Cap. 358)) contain similar provisions that empower the Authority to request information from any person for law enforcement by serving a written notice. Besides, any person who in an application under the above relevant ordinances makes a statement or gives an estimate which he knows to be false in a material particular or who recklessly makes a statement or gives an estimate which is false in a material particular or knowingly omits a material particular from the application commits an offence. We propose to introduce similar provisions in the NCO and set the maximum penalty to a fine at level 6 (\$100,000).

Chapter 2 Proposed Legislative Amendments

Prohibiting the use of loudspeakers for peddling

2.1 We propose to legislate on **prohibiting the use of loudspeakers³ for peddling in or near public places**. The proposed control will prohibit shops/hawkers from using loudspeakers for audible peddling in any public places for the purpose of attracting attention to goods, wares or trade. On the other hand, if loudspeakers are used in or near public places for purposes other than peddling, such as broadcasting news for the outdoor large-scale screens of shopping centres, playing music by food trucks (covering subjects unrelated to goods, wares or trade) and calling queue ticket numbers at restaurants, they do not fall within the definition of peddling specified in the proposed amendments, and the use of the loudspeakers concerned will not be banned under the proposed control; but the noise concerned will still be regulated under Section 5(4) of the NCO. We expect that most of the shops will not be affected by the proposed legislative amendments. Examples of types of business to be affected and not to be affected are listed in Appendix II.

³ The loudspeakers mentioned in the proposed control refer to any electrical appliances with volume control or amplification functions, which produce sound that can be heard by everyone apart from operators.

Relaxation of noise requirements for public entertainment activities at specified festivals

2.2 We propose to list the following festive occasions as specified festivals to allow festive celebration activities, including music, singing and instrument performing activities, to generate noise levels not exceeding the background noise level by 10 dB(A) (i.e. the prevailing noise limit for the activities before 11 p.m.) between 11 p.m. and 1 a.m. on the following day. As for the period between 1 a.m. and 7 a.m. on the following day, the noise limit from the activities will remain unchanged, i.e. the noise should not be audible at any nearby NSRs. Moreover, at all times, event organisers must continue to comply with the relevant noise control guidelines issued by the EPD (https://www.epd.gov.hk/epd/english/environmentinhk/noise/guide_ref/noise_guidelines.html), such as conducting noise monitoring, setting up a complaint hotline, using directional loudspeakers and orientating them away from NSRs.

Specified festivals

- | | |
|--|----------------------------------|
| (a) New Year's Day (1 January) | (f) National Day (1 October) |
| (b) Lunar New Year's Eve | (g) Halloween (31 October) |
| (c) Lunar New Year's Day | (h) Christmas Eve (24 December) |
| (d) Hong Kong Special Administrative Region Establishment Day (1 July) | (i) Christmas Day (25 December) |
| (e) Mid-Autumn Festival | (j) New Year's Eve (31 December) |

2.3 We propose to allow the Government to add or amend the specified festivals subject to the relaxation through amendments to the subsidiary legislation, so as to provide greater flexibility for suitably relaxing the noise requirements for world-class major activities or mega events which may be organised in the future, thereby enriching the vibrancy of Hong Kong.

Introduction of a fixed penalty system

2.4 To increase the enforcement efficiency, we also propose to introduce a fixed penalty system regarding the offences under Section 4 or 5 of the NCO, and authorise the enforcement agency to issue fixed penalty notices to penalise the offenders. To enhance the deterrent effect, we propose to set the amount of fixed penalty at \$10,000.

Adjustment of the maximum fines

2.5 We propose to adjust the maximum fines as summarised in the following table:

| Provi- sion ^{Note} | Current penalty | | | Proposed penalty adjustment | | |
|--------------------------------|-------------------------------|---------------------------------|--|--|---------------------------------|--|
| | First conviction | Second or subsequent conviction | Fine for each day during which the offence continues | First conviction | Second or subsequent conviction | Fine for each day during which the offence continues |
| 4 & 5 | A fine at level 3 (\$10,000) | | / | A fine at level 5 (\$50,000) / a fixed penalty of \$10,000 | | / |
| 6 | A fine at level 6 (\$100,000) | \$200,000 | \$20,000 | \$180,000 | \$360,000 | \$35,000 |
| 13(6) | A fine at level 6 (\$100,000) | \$200,000 | \$20,000 | \$180,000 | \$360,000 | \$35,000 |

Note: Section 4 controls noise from domestic premises and public places at night (between 11 p.m. and 7 a.m.) or at any time on a general holiday.
 Section 5 controls noise from domestic premises and public places involving musical instruments, animals, birds, games or business operation at any time.
 Section 6 controls noise from construction sites.
 Section 13 controls noise from places other than domestic premises, public places or construction sites.

Authority may obtain information

2.6 We propose to amend the NCO to empower the Authority to serve a written notice on any person to request information for law enforcement. Besides, amendment is proposed to the effect that a person who in an application under the NCO makes a statement or gives an estimate which he knows to be false in a material particular or who recklessly makes a statement or gives an estimate which is false in a material particular or knowingly omits a material particular from the application commits an offence. We propose that the penalty for contravening the aforementioned provisions should be subject to a fine at level 6 (\$100,000).

2.7 To sum up, we propose to amend the NCO as follows:

- (i) to prohibit the use of loudspeaker, megaphone, or other sound-magnifying device for peddling in or near public places;
- (ii) to relax the restrictions on noise from specified festive celebration activities (including music, singing and instrument performing activities) so that such celebration activities may extend up to 1 a.m.;
- (iii) to introduce a fixed penalty system of \$10,000 to enhance enforcement efficiency by tightening control over noise from domestic premises and public places (Sections 4 and 5 of the NCO);
- (iv) to adjust the maximum fines under Sections 4, 5, 6 and 13; and
- (v) to introduce new provisions to empower the Authority to obtain information and penalise any applicant who makes a statement or gives an estimate which is false.

2.8 Subject to public support, we expect that the amendment bill can be introduced into the LegCo in 2024 at the earliest, with the goal of implementing the amendments in early 2025.

Chapter 3 Views Sought

3.1 Members of the public and all sectors of the community are welcome to express their views on the aforementioned proposal.

3.2 Please send your views to the EPD within the consultation period (i.e. from 9 August to 8 October 2023) by mail/fax/email/e-form:

Mail: Assessment and Noise Group
Environmental Protection Department
26th floor, Southorn Centre,
130 Hennessy Road,
Wan Chai, Hong Kong
(Re: Consultation on Amendments to the Noise Control Ordinance)

Fax: 2802 4511

E-Mail: nco_review@epd.gov.hk

3.3 Please note that the Government may, either in discussion with others or in any subsequent report, whether privately or publicly, refer to and attribute views submitted in response to this consultation document. Any request to treat all or part of a response in confidence will be respected, but if no such request is made, it will be assumed that the response is not intended to be confidential.

Environment and Ecology Bureau
Environmental Protection Department
August 2023



Existing Noise Control

Noise in everyday life

- 1.1** Given its diverse nature and irregular occurrence and frequency, noise in everyday life is regulated by applying the “reasonable person” principle in Hong Kong, like other cities. Control provisions are provided in the Noise Control Ordinance (NCO) for the prevention of noise nuisance from domestic premises and public places. Section 4 of the NCO is a general provision to control noise nuisance at night or on a general holiday, whereas Section 5 controls noise from domestic premises and public places involving musical instruments, animals, birds, games or business operation at any time. Any person who commits an offence under the aforementioned provisions shall be liable to a maximum fine at level 3 (i.e. \$10,000).
- 1.2** For peddling noise from shops and hawkers, Section 5(4) of the NCO stipulates that any person who at any time in or near any public place, for the purpose of attracting attention to his goods, wares or trade, makes any noise causing annoyance to any person commits an offence and shall be liable to a maximum fine at level 3 (i.e. \$10,000). The Environmental Protection Department (EPD) will initiate prosecution against the shop or the person-in-charge concerned after collecting sufficient evidence. For repeated offences committed by the same shop or hawker, the EPD may initiate a prosecution against the director(s) of the shop involved. The maximum penalty is a fine at level 3 (i.e. \$10,000).

Construction noise

1.3 In order to protect the public from excessive construction noise nuisance, Section 6 of the NCO regulates noise from construction sites and aims to control construction noise from percussive piling as well as works at night and on a general holiday, whilst Sections 14 to 17 of the NCO control the import and use of hand held percussive breakers and air compressors. Percussive piling works are only permitted to be carried out properly during the daytime on weekdays subject to conditions. The NCO restricts the use of any powered mechanical equipment for carrying out construction works between the hours of 7 p.m. and 7 a.m. and on general holidays (including Sundays) (the restricted hours), during which any powered mechanical equipment shall be used under a Construction Noise Permit and in accordance with the conditions thereof. In densely populated areas, more stringent noise requirements are imposed on specified powered mechanical equipment and prescribed construction works.

1.4 It is an offence if a person carries out, or causes or permits to be carried out, any percussive piling or uses powered mechanical equipment during the restricted hours for regulated construction works without a valid Construction Noise Permit or without complying with the conditions stipulated therein. Offenders shall be liable to a fine at level 6 (\$100,000) on first conviction, a fine of \$200,000 for a repeated offence and a fine of \$20,000 each day for continuing offence.

Commercial and industrial noise

1.5 Section 13 of the NCO regulates noise from commercial and industrial premises. The EPD will send its staff to conduct inspection upon receipt of a complaint. If the complaint is found to be substantiated, a warning or advice will be issued to the noise producer to stop or abate the noise. For public entertainment as defined in Section 2 of the Places of Public Entertainment Ordinance (Cap. 172) held in public places, it is also subject to the requirements stipulated in Section 13 of the NCO. The EPD has prepared the Noise Control Guidelines for Music, Singing and Instrument Performing Activities for the reference of event organisers to control the volume of such activities so as to comply with the requirements stipulated in the NCO.

- 1.6** If it is confirmed that the noise level exceeds the “acceptable noise levels” as stipulated in the Technical Memoranda issued under Section 10 of the NCO or the requirements set out in the Noise Control Guidelines for Music, Singing and Instrument Performing Activities, the EPD will issue a noise abatement notice under Section 13(1), requiring the person concerned to abate the noise to the statutory limit or other requirements by a specified date. Failure to comply with any requirements in the notice is an offence. Offenders shall be liable to a fine at level 6 (\$100,000) on first conviction, a fine of \$200,000 on second or subsequent conviction, and a fine of \$20,000 for each day during which the offence continues.

Defence

- 1.7** A defence provision is also provided under Section 33 of the NCO for the aforementioned offences. It shall be a defence to the charge of the above offences if the offender can show that the contravention was (1) authorised by any other Ordinance; (2) for the protection of life; (3) for the protection of property; or (4) for the prevention of serious interruption to any public transport system where the circumstances could not reasonably have been foreseen by the person charged with the offence.

Examples of types of business to be affected by the proposed control (prohibition on the use of loudspeakers for peddling)

- (1) Shops/hawkers (e.g. vegetable stalls, meat stalls, fruit stalls, bars, restaurants, itinerant hawkers, hawker stall operators, operators of set-top box/electronic equipment booths, etc.) using loudspeakers for peddling that is audible from any public place for the purpose of attracting attention to their goods, wares or trade;
- (2) Temporary street booths/roadside publicity vans/food trucks, etc. using loudspeakers for peddling that is audible from any public place for the purpose of attracting attention to their goods, wares or trade;
- (3) Outdoor large-scale screens of shopping centres/outdoor electronic display screens/audible devices using loudspeakers for peddling that is audible from any public place for the purpose of attracting attention to their goods, wares or trade.

Examples of types of business which will not be affected by the proposed control (prohibition on the use of loudspeakers for peddling)

- (1) Shops/hawkers peddling without using loudspeakers;
- (2) Food establishments using loudspeakers for arranging queue tickets/queues/seating, etc;
- (3) Restaurants or bars broadcasting music, news, ball games, etc;
- (4) Temporary street booths/roadside publicity vans/food trucks, etc. peddling without using loudspeakers, or using loudspeakers for broadcasting music/news/election/religious messages, etc. (covering subjects unrelated to goods, wares or trade);
- (5) Outdoor large-scale screens of shopping centres/outdoor electronic display screens/audible devices using loudspeakers for broadcasting music/news, etc. (covering subjects unrelated to goods, wares or trade).

Response Form for Consultation

Email: nco_review@epd.gov.hk
Mail: Assessment and Noise Group
Environmental Protection Department
26th floor, Southorn Centre,
130 Hennessy Road,
Wan Chai, Hong Kong
(Re: Consultation on Amendments to the Noise Control Ordinance)
Fax: 2802 4511



[Click Here](#) to access the electronic form

Part I: Basic information

In which of the following capacity are you answering this Response Form for Consultation?
(Please select one.)

- Professional/academic body Public organisation Green group
 Trade association Company Others

Name of the organisation/company*:

Individual

Name*:

Email address*:

*optional

Part II: Consultation questions

1. Do you agree that the use of loudspeakers by shops/hawkers for peddling in or near public places causes noise nuisance?

- Agree Disagree

Reason(s) and additional information: _____

2. Have you ever been disturbed by the noise from a loudspeaker used by a shop/hawker for peddling in or near a public place?

- Yes No

Details or additional information: _____

3. Do you agree that legislation should be enacted to prohibit shops/hawkers from using loudspeakers for peddling in or near public places?

Agree Disagree

Reason(s) and additional information: _____

4. Do you agree that a fixed penalty system should be introduced to enhance the effectiveness of enforcement against the noise made by shops/hawkers using loudspeakers for peddling in or near public places?

Agree Disagree

Reason(s) and additional information: _____

5. If a fixed penalty system is to be introduced for an offence involving noise from a loudspeaker used for peddling in or near a public place, do you consider it appropriate to set the fixed penalty^{Note} at \$10,000?

Too low Appropriate Too high

Reason(s) and additional information: _____

6. Do you consider it appropriate that festive celebration activities (including music, singing and instrument performing activities) should end at 11 p.m. because of noise requirements?

Appropriate Not appropriate

Reason(s) and additional information: _____

7. Do you agree to relax the noise requirements for specified festive celebration activities (including music, singing and instrument performing activities), so that such activities may extend beyond 11 p.m. up to 1 a.m.?

Agree Disagree

Reason(s) and additional information: _____

8. Do you agree that a fixed penalty system should be introduced to enhance the effectiveness of enforcement against the noise nuisance from domestic premises and public places?

Agree Disagree

Reason(s) and additional information: _____

9. If a fixed penalty system is to be introduced for an offence involving noise nuisance from a domestic premises or public place, do you consider it appropriate to set the fixed penalty^{Note} at \$10,000?

- Too low Appropriate Too high

Reason(s) and additional information: _____

10. Do you agree that there is a need to increase the maximum fine for offences involving noise from domestic premises, public places, construction sites and commercial and industrial premises under the Noise Control Ordinance (the “NCO”)?

- Agree Disagree

Reason(s) and additional information: _____

11. Do you consider it appropriate to increase the maximum fine for an offence involving noise from a domestic premises or public place from \$10,000 to \$50,000?

- Too low Appropriate Too high

Reason(s) and additional information: _____

12. Do you consider it appropriate to increase the maximum fine for an offence involving noise from a construction site or commercial and industrial premises to the following amounts?

- (i) First conviction: from \$100,000 to \$180,000;
- (ii) Second or subsequent conviction: from \$200,000 to \$360,000; and
- (iii) Each day during which the offence is committed: from \$20,000 to \$35,000.

- Too low Appropriate Too high

Reason(s) and additional information: _____

13. Do you agree that there is a need to introduce legislative amendments to the NCO to empower the Authority to serve a written notice on any person to request information for law enforcement?

- Agree Disagree

Reason(s) and additional information: _____

14. Do you agree that there is a need to introduce legislative amendments to the NCO to penalise an applicant who makes a false statement or estimate or knowingly omits a material particular in an application under the NCO?

- Agree Disagree

Reason(s) and additional information: _____

15. If new provisions are to be introduced to empower the Authority to request information and penalise an applicant for making a false statement, do you consider it appropriate to set the maximum fine at level 6 (\$100,000) for the following offences?

- (i) Any person who refuses to provide information to the Authority.
- (ii) An applicant who makes a false statement or estimate or knowingly omits a material particular in an application under the NCO?

Appropriate Not appropriate

Reason(s) and additional information: _____

16. Other comments :

Note : ^(for reference) The fixed penalty for non-compliance with the compulsory testing requirement under the former Prevention and Control of Disease (Compulsory Testing for Certain Persons) Regulation (Cap. 599J) was \$10,000.

The fixed penalty for failure to wear a mask appropriately under the former Prevention and Control of Disease (Wearing of Mask) Regulation (Cap. 599I) was \$5,000.

The fixed penalty for the scheduled offence (i.e. smoking in no smoking areas) under the Fixed Penalty (Smoking Offences) Ordinance (Cap. 600) is \$1,500.

The fixed penalty for a scheduled offence (i.e. depositing of litter or waste) under the Fixed Penalty (Public Cleanliness and Obstruction) Ordinance (Cap. 570) is \$1,500. From 22 October 2023, the fixed penalties for the relevant scheduled offences will increase to \$3,000 and \$6,000.

