

L.N. 69 of 2023

**Noise Control (Air Compressors) (Amendment)
Regulation 2023**

(Made by the Secretary for Environment and Ecology under section 27 of the Noise Control Ordinance (Cap. 400) after consultation with the Advisory Council on the Environment)

1. Commencement

- (1) Subject to subsection (2), this Regulation comes into operation on the day on which it is published in the Gazette.
- (2) Sections 5, 6 and 8(2) and (8) come into operation on the expiry of 12 months beginning on the day on which this Regulation is published in the Gazette.

2. Noise Control (Air Compressors) Regulations amended

The Noise Control (Air Compressors) Regulations (Cap. 400 sub. leg. C) are amended as set out in sections 3 to 8.

3. Regulation 2 amended (interpretation)

Regulation 2—

Add in alphabetical order

“*motor power* (摩托功率), in relation to an air compressor, means the maximum power of the drive motor of the compressor;”.

4. Regulation 8 amended (application for the noise emission label)

Regulation 8—

Repeal subregulation (2)

Substitute

- “(2) On an application made in accordance with subregulation (1), the Authority must issue to the applicant any noise emission label applied for if the Authority is satisfied that—
- (a) either of the following conditions is met—
 - (i) that a noise testing report certificated by a person specified in subregulation (2A) that the air compressor in respect of which the application was made complies with the standard set out in Schedule 1 when tested under the conditions set out in Schedule 2 has been issued;
 - (ii) that the air compressor in respect of which the application was made complies with a standard that is substantially the same as or more stringent than that set out in Schedule 1 when tested under conditions comparable to those set out in Schedule 2; and
 - (b) an application fee of \$530 for each noise emission label applied for has been paid.
- (2A) For the purposes of subregulation (2)(a)(i), the person is—
- (a) a corporate member of the Hong Kong Institute of Acoustics Limited;
 - (b) a professional member of the Hong Kong Institute of Qualified Environmental Professionals Limited; or

- (c) a registered professional engineer (as defined by section 2(1) of the Engineers Registration Ordinance (Cap. 409)) in the building services, environmental or mechanical discipline.”.

5. Regulation 9 added

After regulation 8—

Add

“9. Saving provisions relating to Noise Control (Air Compressors) (Amendment) Regulation 2023

- (1) This regulation has effect in relation to an act—
- (a) concerning an air compressor; and
 - (b) falling within the descriptions of section 14(1), 15(1) or 17(1) or (2) of the Ordinance.
- (2) Subregulation (4) applies in relation to the act if it is committed before the transition date.
- (3) Subregulation (4) also applies in relation to the act even if it is committed on or after the transition date so long as a noise emission label was issued (or was deemed to have been issued) in respect of the air compressor before the transition date.
- (4) Schedule 1 as in force immediately before the transition date continues to have effect in relation to the act as if the amendment to that Schedule made by section 6 of the amending Regulation had not been made.
- (5) In this regulation—

amending Regulation (《修訂規例》) means the Noise Control (Air Compressors) (Amendment) Regulation 2023;

transition date (轉標準日) means the date on which section 6 of the amending Regulation comes into operation.”.

6. Schedule 1 substituted

Schedule 1—

Repeal the Schedule

Substitute

“Schedule 1

[regs. 5, 8 & 9]

Noise Emission Standard

Column 1	Column 2
Motor power of air compressor in kW (“P”)	Maximum permissible sound power level in dB(A)
15 or below	97
Over 15 but below 350	$95 + 2 \log P^{(1)}$
350 or above	102

⁽¹⁾ To be rounded off to the nearest integer.”.

7. Schedule 2 amended (test conditions for measuring airborne noise emitted by air compressors)

(1) Schedule 2, paragraph 5.2(b)—

Repeal

“804:1985 (type 1). The meter shall be set at “fast” response.”

Substitute

“publication 804:1985 (type 1). The meter must be set at “fast” response;”.

- (2) Schedule 2, after paragraph 5.2(b)—

Add

“(c) a sound level meter meeting the requirements of IEC publication 61672-1 (class 1).”.

- (3) Schedule 2, paragraphs 5.3 and 5.4, after “651:1979”—

Add

“or 61672-1”.

- (4) Schedule 2, Chinese text, Appendix, item 3.1—

Repeal

“馬力”

Substitute

“功率”.

8. Schedule 3 amended

- (1) Schedule 3, Form 1, after item 2d—

Add

“2e. Email address:”.

- (2) Schedule 3, Form 1—

Repeal item 3f

Substitute

“3f. Motor power (see Note 2):kW”.

- (3) Schedule 3, Form 1—

Repeal item 3g

Substitute

“3g. Supporting document (see Note 3):”.

- (4) Schedule 3, Form 1—

Repeal

“19”

Substitute

“20”.

- (5) Schedule 3, Form 1—

Repeal

“* Delete as necessary.”.

- (6) Schedule 3, Form 1—

Repeal Note 3

Substitute

“3. The applicant must submit for the Authority’s consideration either—

- (a) a noise testing report certificated by—
 - (i) a corporate member of the Hong Kong Institute of Acoustics Limited;
 - (ii) a professional member of the Hong Kong Institute of Qualified Environmental Professionals Limited; or

(iii) a registered professional engineer (as defined by section 2(1) of the Engineers Registration Ordinance) in the building services, environmental or mechanical discipline,

that the testing was conducted in accordance with the conditions set out in Schedule 2 to the Noise Control (Air Compressors) Regulations; or

(b) supporting documents showing that the air compressor complies with a standard that is substantially the same as or more stringent than that set out in Schedule 1 to the Regulations when tested under conditions comparable to those set out in Schedule 2 to the Regulations.”.

(7) Schedule 3, Form 1, Note 4—

Repeal

““Hong Kong Government””

Substitute

““The Government of the Hong Kong Special Administrative Region” or “The Government of the HKSAR””.

(8) Schedule 3, Form 1—

Repeal

“

Permissible limit, dB(A)	No. of labels issued
100	
102	
104	

”

Substitute

“

Permissible limit, dB(A) ("P" stands for the motor power of the air compressor)		No. of labels issued
97 ($P \leq 15$ kW)		
95 + 2 log P (15 kW < P < 350 kW)	97	
	98	
	99	
	100	
102 ($P \geq 350$ kW)		

” .

TSE Chin-wan
Secretary for Environment and Ecology

20 April 2023

Explanatory Note

This Regulation amends the Noise Control (Air Compressors) Regulations (Cap. 400 sub. leg. C) to tighten the prescribed noise emission standard for air compressors with reference to certain internationally-recognized standards.