

L.N. 70 of 2023

**Noise Control (Hand Held Percussive Breakers)
(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 4, 5 and 7(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 (Hand Held Percussive Breakers) Regulations amended

The Noise Control (Hand Held Percussive Breakers) Regulations (Cap. 400 sub. leg. D) are amended as set out in sections 3 to 7.

3. 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—

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- (a) either of the following conditions is met—
- (i) that a noise testing report certificated by a person specified in subregulation (2A) that the hand held percussive breaker 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 hand held percussive breaker 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.”.

4. Regulation 9 added

After regulation 8—

Add

“9. Saving provisions relating to Noise Control (Hand Held Percussive Breakers) (Amendment) Regulation 2023

- (1) This regulation has effect in relation to an act—
 - (a) concerning a hand held percussive breaker; 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 hand held percussive breaker 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 5 of the amending Regulation had not been made.
- (5) In this regulation—

amending Regulation (《修訂規例》) means the Noise Control (Hand Held Percussive Breakers) (Amendment) Regulation 2023;

transition date (轉標準日) means the date on which section 5 of the amending Regulation comes into operation.”.

5. Schedule 1 substituted

Schedule 1—

Repeal the Schedule
Substitute

“Schedule 1

[regs. 5, 8 & 9]

Noise Emission Standard

Column 1	Column 2
Mass of the breaker in kg (“m”)	Maximum permissible sound power level in dB(A)
Over 10 but not over 15	105
Over 15 but below 30	$92 + 11 \log m^{(1)}$
30 or above	$94 + 11 \log m^{(1)}$

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

6. Schedule 2 amended (test conditions for measuring airborne noise emitted by powered hand held percussive breakers)

(1) Schedule 2, heading—

Repeal
“POWERED”.

(2) Schedule 2, paragraph 2.1—

Repeal
“powered”.

- (3) 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;”.

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

Add

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

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

Add

“or 61672-1”.

- (6) Schedule 2, Appendix—

Repeal

“POWERED”.

7. Schedule 3 amended

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

Add

“2e. Email address:”.

- (2) Schedule 3, English text, Form 1, item 3f, before “breaker”—

Add

“the”.

- (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 (Hand Held Percussive Breakers) Regulations; or

- (b) supporting documents showing that the hand held percussive breaker 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
108	
111	
114	

”

Substitute

“

Permissible limit, dB(A) (“m” stands for the mass of the breaker)	No. of labels issued	
105 (10 kg < m ≤ 15 kg)		
92 + 11 log m (15 kg < m < 30 kg)	105	
	106	
	107	
	108	
94 + 11 log m (m ≥ 30 kg)	110	
	111	
	112	

” .

TSE Chin-wan
 Secretary for Environment and
 Ecology

20 April 2023

Explanatory Note

This Regulation amends the Noise Control (Hand Held Percussive Breakers) Regulations (Cap. 400 sub. leg. D) to tighten the prescribed noise emission standard for hand held percussive breakers with reference to certain internationally-recognized standards.