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**Drainage Services Department Practice Note No. 1/2018**

**Night Work by Contractors**

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Date of Issue : 29 January 2018

## **1. SCOPE**

- 1.1 This Practice Note (PN) aims to provide some guidelines for deciding upon the need for night work executed under contracts and to give recommendations on some good practices for reference by Divisions. It replaces DSD PN No. 2/2008 which is hereby cancelled.
- 1.2 This PN takes immediate effect.

## **2. BACKGROUND**

- 2.1 In line with the general principles of the Noise Control Ordinance (Cap. 400) (NCO), "night work" in the context of this PN means construction work or its ancillary preparatory work carried out by the contractor, on an ad-hoc or a regular basis and irrespective of whether the work is instructed by the Engineer/Service Manager/Project Manager/Supervising Officer or his staff or initiated by the contractor, within the period from 1900 hrs to 0700 hrs next day.
- 2.2 With the increasing public concerns on various aspects of night work, in particular, noise nuisance, it is considered that some guidance notes on night work should be provided for improving the quality of our services provided to the public and practising our departmental value of Customer Satisfaction.

## **3. CONSIDERATION FOR NIGHT WORK PLANNING**

- 3.1 Night work should only be ordered or allowed when the work concerned cannot be executed in the daytime (0700 hrs to 1900 hrs). For assessing the need for night work, reference can be made to the checklist in the application form for night work attached at the **Appendix**.
- 3.2 Night work should only be considered as the last resort if the work cannot be carried out during daytime. In line with this principle, the Engineer's Representative (ER)/ Service Manager's Delegate (SMD)/ Project Manager's Delegate (PMD)/ Supervising Officer's Representative (SOR) should endeavour to look for a work scheme that is feasible and practical to work in the daytime prior to ordering night work. The contractor should also be guided to schedule their site operations in such a way to avoid working in the nighttime as far as possible. Other than emergencies, the contractor has to submit the Application for Night Work as shown in the **Appendix** for the endorsement of the ER/SMD/PMD/SOR prior to the commencement of the night work.
- 3.3 Once the need for night work is established, the ER/SMD/PMD/SOR should ensure that the contractor has obtained all relevant permits including

Construction Noise Permit<sup>1</sup>(CNP) prior to work commencement. Every effort should be made to minimize disturbance to the public during the planning stage of the night work. For working in noise sensitive areas, the ER/SMD/PMD/SOR may consider consulting the local communities like District Councils, village representatives and the nearby shop owners and residents. This would enable the public to have a better understanding of the night work operation and help building up a direct communication channel for future liaison and expression of views. Depending on the work scale, work period, possible impact to the relevant parties and the complaint history, the ER/SMD/PMD/SOR should consider displaying notices containing concise details of the works, the tentative commencement and completion dates, means of contacts for further enquiries by the public, etc. at work sites prior to the commencement of works where practicable.

- 3.4 For some identified locations where regular/repeated maintenance works have no other alternative but required to be conducted during nighttime due to traffic constraint or other reasons, the ER/SMD/PMD/SOR should initiate to mark out such locations on plan for agreement with TD, HKPF, EPD or other relevant parties where applicable such that a well-planned operation procedure could be prepared in advance for the particular sites concerned. When considered necessary by the ER/SMD/PMD/SOR, this operation procedure may be discussed and reviewed with the local communities such that a partnership working environment can be established amongst local people, contractor and DSD. If in the opinion of the ER/SMD/PMD/SOR that noise nuisance arising from the proposed inspection/maintenance works is expected to be minimal and prior consultation is considered not necessary, the ER/SMD/PMD/SOR may consider serving notifications only to the noise sensitive receivers in the vicinity of the work sites.
- 3.5 It is advisable for the District Divisions to maintain a list of sites where night work has previously caused disturbance to the residents and resulted in complaints. The list should accompany with a summary of the complaints received in terms of number and nature, etc. This would definitely be a good reference for our staff in planning for night work operation.

#### **4. GOOD PRACTICES FOR CONDUCTING NIGHT WORK**

- 4.1 Some good practices for night work are recommended below:

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<sup>1</sup> Using powered tools solely for CCTV inspections of pipelines or pipe cleansing works which do not involve any work of structural nature would not be considered as "construction work" under the Noise Control Ordinance (NCO). As such, CNP is not required for carrying out the above activities during the restricted hours (i.e. 1900 hrs to 0700 hrs next day). However, If the above activities are not conducted solely for the respective purposes, CNP may be required.

Nevertheless, execution of these works would still be subject to control of noise under s.4 and s.5 of the NCO which stipulates that any person makes or causes to be made any noise which is a source of annoyance to any person commits an offence. Thus, the contractor shall implement practical noise mitigation measures to avoid causing excessive noise to the environment.

- (a) Well plan the work for early commencement and early completion (preferably to complete the work before 0100 hrs where practicable). Where possible, setting up of equipment, materials delivery and relatively noisy activities or operations should be completed before 2300 hrs or earlier;
- (b) Avoid causing public nuisance and reduce the noise level during the execution of work, e.g. use of walkie-talkie in silence mode & with ear-set for communication over long distance;
- (c) Use the quietest plants available in the market that are approved by the EPD for reducing excessive noise during nighttime. The plants should also be maintained in good conditions and used in accordance with the manufacturer's instructions;
- (d) Place the noise generating plants, e.g. power generator, far away from the noise sensitive receivers as far as possible;
- (e) Add noise enclosure to the plants if necessary;
- (f) Avoid dropping objects, e.g. manhole cover, on ground;
- (g) Avoid hammering manhole cover before lifting it;
- (h) Prevent light glare affecting the nearby premises;
- (i) Take measures to minimize odour nuisance;
- (j) Do not talk or shout loudly on site;
- (k) Lower the sound level of ringing tune of mobile phones. Where practicable, switch the mobile phone to vibration mode;
- (l) Avoid engaging plants of excessive capacity/power that would generate excessive noise unnecessarily;
- (m) Request the contractor to conduct a work briefing at depot or elsewhere prior to commencing work on site; and
- (n) Maintain good housekeeping on sites.

4.2 During the night work operation, the site representative of the contractor should closely monitor the situation and assess the response of local people from time to time. If necessary, the site representative of the contractor should consider revising the working procedure to avoid activities which would cause undesirable disturbance to the public.

4.3 The ER/SMD/PMD/SOR's site staff are advised to conduct audits on a random basis to check the performance of the contractor in respect of the measures taken to mitigate nuisance caused and their effectiveness during the night work operation. If the ER/SMD/PMD/SOR considers that the contractor could not perform properly in accordance with the contract requirements, ER/SMD/PMD/SOR should stop the operations generating excessive noise and discuss with the contractor to work out a practicable and satisfactory method for the night work. Administrative measures, such as reflecting the contractor's performance in the Report on Contractor's Performance, should be exercised for persistent cases of non-compliance of contract requirements.

4.4 Where necessary, in particular for sites with persistent complaint history or sensitive receivers nearby, the ER/SMD/PMD/SOR may arrange an approved type of calibrated sound level meter for noise monitoring during their site audits.

- 4.5 For issues which may have a potential of arousing critical complaints and/or developing into a media case, the ER/SMD/PMD/SOR should draw the attention of the respective CE and SE as early as possible.

A handwritten signature in black ink, appearing to read 'Mak Kwan', is positioned above the printed name.

( K W MAK )

Deputy Director of Drainage Services

**Application for Night Work<sup>1</sup>**Locations<sup>2</sup>Description of the works proposedDuraton<sup>3</sup>

<b><u>Checklist for night work</u></b>	<b>Y</b>	<b>N</b>	<b>NA</b>	<b>Remarks</b>
Will the lane closure in the daytime cause serious impact or disturbance to the pedestrians?				
Will the work at carriageway in the daytime cause serious impact or disturbance to the vehicular traffic?				
Are stores, shops and markets nearby that render working in daytime not feasible?				
Are there any sensitive receivers that are prone to raise complaints against the night operation?				
Are there other alternative methods that are feasible to be conducted during daytime?				
Are the works to be carried out at low flow and/or low tide conditions at nighttime?				
Did TD object the work to be carried out in daytime?				
Did HKPF object the work to be carried out in daytime?				
Has CNP been obtained for the night work? If yes, please attach a copy of CNP with this form.				
Any other considerations that support the work to be carried in nighttime? (e.g. The works are within railway reserve which only allow works after closure of railway service at nighttime, etc.)				

Prepared by the Contractor's Representative \_\_\_\_\_(Name/Post) \_\_\_\_\_ (signature) \_\_\_\_\_ (date)

Endorsed by the ER/SMD/PMD/SOR \_\_\_\_\_ (Name/Post) \_\_\_\_\_ (signature) \_\_\_\_\_ (date)

<sup>1</sup> For repetitive/regular night work in the same location, only one application is required. However, if there are any significant changes to the works details or scheduled operating hours of night work, a fresh application should be submitted.

<sup>2</sup> If necessary, location plans can be attached.

<sup>3</sup> The planned operation period with commencement and completion dates and the expected operating hours for each day. Any proposed variation of operation hours for specific days should be indicated as far as practicable.