

立法會
Legislative Council

LC Paper No. CB(1) 1613/07-08
(These minutes have been seen
by the Administration)

Ref : CB1/BC/7/07/2

Bills Committee on Air Pollution Control (Amendment) Bill 2008

**Minutes of the third meeting
held on Tuesday, 6 May 2008, at 8:30 am
in Conference Room A of the Legislative Council Building**

Members present : Hon Audrey EU Yuet-mee, SC, JP (Chairman)
Ir Dr Hon Raymond HO Chung-tai, SBS, S.B.St.J., JP
Hon SIN Chung-kai, SBS, JP
Hon Howard YOUNG, SBS, JP
Hon CHOY So-yuk, JP
Hon Abraham SHEK Lai-him, SBS, JP
Hon LEE Wing-tat
Hon Alan LEONG Kah-kit, SC
Hon WONG Ting-kwong, BBS

Members absent : Hon Martin LEE Chu-ming, SC, JP
Hon Emily LAU Wai-hing, JP
Hon Mrs Anson CHAN, GBM, JP

**Public officers
attending** : **For item II**

Environmental Protection Department

Mr Carlson K S CHAN
Deputy Director of Environmental Protection (3)

Mr Benny WONG
Assistant Director of Environmental Protection (Air
Policy)

Mr PANG Sik-wing
Principal Environmental Protection Officer (Air Policy)

Mr Gordon LEUNG Shek-ping
Environmental Protection Officer (Cross-Boundary &
International)31

Department of Justice

Ms Amy CHAN
Senior Government Counsel

Ms Angie LI
Government Counsel

Clerk in attendance : Miss Becky YU
Chief Council Secretary (1)1

Staff in attendance : Miss Winnie LO
Assistant Legal Adviser 7

Mrs Mary TANG
Senior Council Secretary (1)2

I Confirmation of minutes

(LC Paper No. CB(1) 1432/07-08 -- Minutes of the meeting held on
22 April 2008)

The minutes of the meeting held on 22 April 2008 were confirmed.

II Meeting with the Administration

(LC Paper No. CB(1) 1314/07-08(09) -- List of follow-up actions arising
from the discussion on
10 April 2008

LC Paper No. CB(1) 1442/07-08(01) -- Administration's response to items
1, 3, 6 and 7 of LC Paper No
CB(1) 1314/07-08(09)

LC Paper No. CB(1) 1442/07-08(02) -- List of follow-up actions arising
from the discussion on
22 April 2008

LC Paper No. CB(1) 1442/07-08(03) -- Submission from Greenpeace)

2. The Committee deliberated (Index of proceedings attached at **Annex A**).

3. Mr LEE Wing-tat was dissatisfied that despite repeated requests from members, the Administration had declined to put carbon dioxide (CO₂) under the control of the Bill. In this connection, he proposed to move the following motion which was

seconded by Mr SIN Chung-kai -

"That this committee should suspend the scrutiny of the Air Pollution Control (Amendment) Bill 2008 and request for the presence of the Secretary for the Environment at the next meeting to respond to the proposal of including carbon dioxide as a pollutant under the Bill."

Of the members present, two voted for the motion, three voted against it and one abstained. The Chairman declared that the motion was negatived.

4. The Administration was requested to -
 - (a) seriously re-consider including CO₂ in item (a) of the long title of the Bill and in the definition of "specified pollutant" under clause 2 of the Bill. To also relay to the Secretary for the Environment members' request for his attendance at a forthcoming Bills Committee meeting to discuss the proposed inclusion;
 - (b) collect information on the changes in fuel mix and total emissions per unit of electricity generated in other countries, particularly Germany, Spain and Denmark, over the past and next decade and how these compared with that of Hong Kong; and
 - (c) advise the changes in emission of the three specified pollutants from 1997 to 2010.
5. Members agreed to continue discussion of the Bill at the next meeting scheduled for Thursday, 15 May 2008, at 8:30 am.

(Post-meeting note: With members' agreement, two additional meetings had been scheduled for 19 May and 2 June 2008 from 1:00 pm to 2:30 pm.)

III Any other business

6. There being no other business, the meeting ended at 10:49 am.

**Proceedings of the
Bills Committee on Air Pollution Control (Amendment) Bill 2008
Meeting on Tuesday, 6 May 2008, at 8:30 am
in Conference Room A of the Legislative Council Building**

Time Marker	Speaker	Subject(s)	Action Required
000000 - 000522	Chairman	Confirmation of minutes of the meeting held on 22 April 2008 (LC Paper No. CB(1) 1432/07-08)	
000523 - 000924	Chairman Mr LEE Wing-tat Mr Howard YEUNG Mr Alan LEONG	Meeting arrangements	
000925 - 002238	Chairman Administration	Discussion on the list of follow-up actions arising from the discussion at the meeting on 10 April 2008 (LC Paper No. CB(1) 1442/07-08(01)) Administration's explanation on the air policies adopted by United Kingdom and Germany and their effectiveness in improving air quality	
002239 -003439	Mr SIN Chung-kai Mr Howard YEUNG Chairman Administration	Discussion on the feasibility of including carbon dioxide (CO ₂) in item (a) of the long title of the Air Pollution Control (Amendment) Bill 2008 (the Bill) Administration's explanation - (a) the long title of the Bill as drafted reflected the Administration's policy intention, which did not include regulation of CO ₂ emissions; (b) under the Kyoto Protocol which was ratified by and extended to Hong Kong by the Central Government, China (including Hong Kong) was not obliged to meet any reduction targets on greenhouse gas (GHG) emissions. Nevertheless, Hong Kong would endeavour to reduce GHG emissions; and (c) there had yet to be any mature and commercially viable technology to	

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		capture and store CO ₂ emitted from the burning of fossil fuels.	
003440 - 003850	ALA7 Chairman	ALA7's explanation on the provision under Rule 57(4)(a) of the Rules of Procedure regarding amendments to the Bill to allow for the inclusion of CO ₂ in the Bill	ALA7 was requested to – (a) set out her views in writing; and (b) identify the clauses to be amended if CO ₂ was included as a specified pollutant under the Bill
003851 – 003939	Mr LEE Wing-tat	Amendments to allow for the inclusion of CO ₂ in item (a) of the long title of the Bill should best be moved by the Administration	
003940 -004053	Mr SIN Chung-kai	CO ₂ was classified as a pollutant lately by scientists	
004054 -004427	Chairman Mr LEE Wing-tat	Chairman's request for the Administration to seriously re-consider including CO ₂ in item (a) of the long title of the Bill	The Administration to seriously re-consider including CO ₂ in item (a) of the long title of the Bill
004428 - 005035	Administration	Administration's explanation on the difficulties and implications involved, particularly on electricity tariffs, in controlling CO ₂ emissions	
005036 - 010106	Ir Dr Raymond HO Administration	Ir Dr Raymond HO's enquiry on the fuel mix in power generation and measures to reduce emissions in Hong Kong Administration's response - (a) a review of the Air Quality Objectives was being conducted; (b) a consultancy study on climate	

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		<p>change was underway;</p> <p>(c) energy conservation measures, including mandatory energy efficiency labelling and Building Energy Codes, were being contemplated; and</p> <p>(d) development of offshore wind farms and other forms of renewable energy was being explored</p>	
010107 - 010534	Chairman Mr Howard YEUNG Mr SIN Chung-kai Mr Abraham SHEK Miss CHOY So-yuk	Discussion on the legislative timetable and meeting schedules	The Clerk to identify additional meeting slots
010535 - 010831	Chairman Mr LEE Wing-tat Mr Abraham SHEK Ir Dr Raymond HO Miss CHOY So-yuk	<p>Mr LEE Wing-tat's request to move a motion to suspend scrutiny of the Bill and request for the presence of the Secretary for the Environment (SEN) at the next meeting to respond to the proposal of including CO₂ as a pollutant under the Bill</p> <p>Of the members present, two voted for the motion, three voted against it and one abstained. The motion was negated</p>	
010832 -011942	Chairman Administration Miss CHOY So-yuk	Administration's explanation on the methodology for working out and allocating the emission allowances to individual power plants	
011943 - 012032	Mr LEE Wing-tat Chairman	Mr LEE Wing-tat's request for the presence of SEN at a forthcoming Bills Committee meeting to discuss the proposed inclusion of CO ₂ in item (a) of the long title of the Bill	The Administration to relay to SEN members' request for his attendance at a forthcoming Bills Committee meeting to discuss the proposed inclusion of CO ₂ in item (a) of the long title of the Bill.
012033 - 013441	Miss CHOY So-yuk Chairman Administration	Discussion on the comparison of emission allowance of advanced countries as set out in Enclosure B to	The Administration to collect information on the

Time Marker	Speaker	Subject(s)	Action Required
		LC Paper No. CB(1) 1442/07-08(01)	changes in fuel mix and total emissions per unit of electricity generated in other countries, particularly Germany, Spain and Denmark, over the past and next decade and how these compared with that of Hong Kong
013442 - 014000	Chairman Administration Miss CHOY So-yuk	Discussion on the determination of compliance status and adjustment of quantity of emission allowances as set out in Enclosure C to LC Paper No. CB(1) 1442/07-08(01)	The Administration to advise the changes in emission of the three specified pollutants from 1997 to 2010
014001 - 015614	Miss CHOY So-yuk Administration Chairman Mr Abraham SHEK	Miss CHOY So-yuk's concern about the trading of free emission allowances allocated to power plants Administration's explanation - (a) the amount of emission allowances to be allocated to the power plants essentially reflected the emission caps imposed on them. Power plants were required to comply with the emission caps on specified pollutants, failing which would be subject to fines; and (b) if the power plants were charged for the emission allowances, the cost would likely be transferred to consumers through increase in electricity tariffs	
015615 - 021317	Chairman Administration	Continuation of discussion on Enclosure C to LC Paper No. CB(1) 1442/07-08(01)	
021318 - 021600	Mr Abraham SHEK Administration Chairman	Mr Abraham SHEK's enquiries on whether the Panel on Environmental Affairs (EA Panel) had discussed the	

Time Marker	Speaker	Subject(s)	Action Required
		<p>emissions trading scheme (ETS) and whether the power companies had been consulted on the practicality of the scheme</p> <p>Administration's confirmation that ETS had been discussed by the EA Panel, and that consultation had been held with the two local power companies. Symposia for exchange of views among power companies in the Pearl River Delta (PRD) Region on the proposed ETS had been held</p>	
021601 - 021700	Mr Howard YOUNG Administration	<p>Mr Howard YOUNG's enquiry on whether proceeds from ETS could be used in developing renewable energy projects outside the PRD Region</p> <p>Administration's response that the Pilot Scheme on ETS was applicable to coal-fired power plants within the PRD Region</p>	
021701 - 021921	Mr Abraham SHEK Administration	<p>Mr Abraham SHEK's concern about the consequences in the event of failure of ETS</p> <p>Administration's explanation that ETS aimed at providing power plants a more flexible and potentially more cost-effective alternative means to achieve the emission caps</p>	
021922 - 022026	Chairman Mr Abraham SHEK	Schedule of meetings	