

立法會
Legislative Council

LC Paper No. CB(1) 1715/07-08
(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 fourth meeting
held on Thursday, 15 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 Martin LEE Chu-ming, SC, JP
Hon SIN Chung-kai, SBS, JP
Hon Howard YOUNG, SBS, JP
Hon Emily LAU Wai-hing, JP
Hon CHOY So-yuk, JP
Hon Abraham SHEK Lai-him, SBS, JP
Hon LEE Wing-tat
Hon WONG Ting-kwong, BBS
Hon Mrs Anson CHAN, GBM, JP

Member absent : Hon Alan LEONG Kah-kit, SC

Public officers attending : **For item I**

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
Environmental Protection Officer (Cross-Boundary & International)31

Department of Justice

Ms Amy CHAN
Senior 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 Meeting with the Administration

- (LC Paper No. CB(1) 1521/07-08(01) -- List of follow-up actions arising from the discussion on 6 May 2008
- LC Paper No. CB(1) 1521/07-08(02) -- Administration's response of LC Paper No CB(1) 1521/07-08(01)
- LC Paper No. CB(1) 1521/07-08(03) -- Summary of deputations' views on individual clauses of the Bill
- LC Paper No. LS85/07-08 -- Proposal to regulate the emission of carbon dioxide prepared by the Legal Service Division
- 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) 1457/07-08(01) -- Administration's response of LC Paper No CB(1) 1442/07-08(02))

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

2. Members agreed to continue with the clause-by-clause examination of the Bill at the next meeting scheduled for Monday, 19 May 2008, from 1:00 pm to 2:30 pm.

II Any other business

3. There being no other business, the meeting ended at 10:30 am.

**Proceedings of the
Bills Committee on Air Pollution Control (Amendment) Bill 2008
Meeting on Thursday, 15 May 2008, at 8:30 am
in Conference Room A of the Legislative Council Building**

Time Marker	Speaker	Subject(s)	Action Required
000000 - 000321	Chairman Ms Emily LAU	Meeting schedule	
000322 -002548	Chairman Administration Ms Emily LAU Mr Howard YEUNG Ir Dr Raymond HO	Discussion on the Administration's response to the list of follow-up actions arising from the discussion at the meeting on 22 April 2008 (LC Paper No. CB(1) 1457/07-08(01))	
002549 - 003338	Ms Emily LAU Administration	<p>Ms Emily LAU's concern about trading of emission allowances which were provided free of charge to the local power plants</p> <p>Administration's explanation -</p> <p>(a) emission allowances were provided free of charge in most developed countries for schemes aimed at controlling the emissions of air pollutants, including United States and Canada, albeit the European Union countries were considering putting some of the emission allowances for carbon dioxide for auction;</p> <p>(b) the trading of emission allowances would provide incentives for power plants to improve their emission performance through cleaner practices;</p> <p>(c) the two local power companies would be allowed to trade their emission allowances between themselves in order to meet the emission caps; and</p> <p>(d) eligible power plants in the Pearl River Delta (PRD) Region could participate in emissions trading on a project basis, but they would need to propose emission reduction plans to further reduce their total emissions below the caps imposed on them for consideration by the joint management panel set up by the environmental protection authorities in Hong Kong</p>	

Time Marker	Speaker	Subject(s)	Action Required
		and Guangdong	
003339 -004112	Mrs Anson CHAN Administration Ms Emily LAU	Discussion on the differences between emissions trading for local power plants and for eligible power plants in the PRD Region	
004113 - 004737	Mr WONG Ting-kwong Administration	Discussion on the emissions trading mechanism between the two local power plants	
004738 -005656	Chairman ALA7 Ms Emily LAU Miss CHOY So-yuk Mr LEE Wing-tat	<p>Discussion on the Administration's response to the list of follow-up actions arising from the discussion at the meeting on 6 May 2008 (LC Paper No. CB(1) 1521/07-08(02) and the paper prepared by ALA7 on the proposal to regulate the emission of carbon dioxide under the Bill (LS85/07-08)</p> <p>ALA7's advice that the Bill as presently drafted had specified the three substances to be regulated, i.e., sulphur dioxide, nitrogen oxides and respirable suspended particulates and did not include carbon dioxide and likewise in the explanatory memorandum and LegCo Brief. On the basis of the information available, there was nothing to suggest that the Bill was intended to regulate the emission of carbon dioxide. In response to Miss CHOY So-yuk's query, ALA7 indicated that the issue of whether or not the inclusion might have a charging effect had not been discussed by the Bills Committee</p>	
005657 -011553	Chairman Administration Miss CHOY So-yuk Ms Emily LAU	Discussion on the changes in fuel mix and total emissions per unit of electricity generated in other countries and how these compared with that of Hong Kong (LC Paper No. CB(1) 1521/07-08(02))	
011554 - 011932	Chairman Administration	<p>Clause-by-clause examination of the Bill (marked-up copy of the Bill under LC Paper No. CB(1) 1208/07-08(03) and summary of views under LC Paper No. CB(1) 1521/07-08(03))</p> <p>Clause 1 - Short title</p>	

Time Marker	Speaker	Subject(s)	Action Required
011933 -015450	Chairman Administration Miss CHOY So-yuk Ms Emily LAU	Clause 2 - Interpretation Administration's explanation on the allocation of emission allowances to local power plants - (a) each local power plant had its own licence setting out the conditions specific to its operation; (b) to ensure that all power plants would receive the same quantity of emission allowance per unit of electricity generated, the emission allowances would be allocated to individual power plants on a pro-rata basis in accordance with their respective share of the total amount of electricity generated for local consumption; and (c) emission allowances of different power plants within the same company could be inter-transferable	
015451 - 020040	Chairman Administration Ms Emily LAU Mrs Anson CHAN	Clause 3 - Air pollution abatement notice	
020041 - 020221	Chairman	Date of next meeting	