

立法會
Legislative Council

LC Paper No. LS85/07-08

**Paper for the Bills Committee on
Air Pollution Control (Amendment) Bill 2008**

Proposal to regulate the emission of carbon dioxide

Background

At the meeting of the Bills Committee held on 6 May 2008, advice was sought on whether amendments might be made to the Air Pollution Control (Amendment) Bill 2008 (the Bill), given its scope, to regulate the emission of carbon dioxide (CO₂) as a result of the conduct of certain electricity works. As requested by members, the advice given at the meeting is elaborated below for ease of reference.

Subject Matter of the Bill

2. The requirement of relevance for amendments to bills (also known as the scope rule) is laid down in Rule 57(4)(a) of the Rules of Procedure of the Legislative Council, which provides as follows -

"An amendment must be relevant to the subject matter of the bill ...".

This rule applies to amendments proposed by members or the Administration.

3. Based on the President's past rulings on the question of the relevance of a proposed amendment, the President, in deciding this question, will first of all form a view on the scope of the bill. She will then consider whether the effect of the proposed amendment is within that scope.

4. When considering the scope of the bill, the President may take into account all relevant factors including the bill's long title, explanatory memorandum and the LegCo Brief. However, there is no exhaustive list of the relevant factors, which must depend on the facts of each case.

5. It is observed that item (a) of the long title of the Bill provides, inter alia, that the Bill is to amend the Air Pollution Ordinance to "regulate the emission of sulphur dioxide, nitrogen oxides and respirable suspended particulates as a result of the conduct of certain electricity works by measures including...". There is nothing in the explanatory memorandum nor in the LegCo Brief to suggest that the substances the emission of which is to be regulated by the Bill could, or are intended to, include any other substance.

6. If a proposed amendment is made by a member, then as a matter of established practice, the Administration is given an opportunity to comment on such amendment, including the question of scope. The member will then be asked to respond to any view expressed by the Administration. Counsel to the Legislature will also be asked to advise. A ruling will be made by the President on whether the proposed amendment is admissible after she has considered all the representations and advice and formed her own views, having regard to previous rulings.

Conclusion

7. As far as the regulation of emission of substances as a result of the conduct of certain electricity works is concerned, the Bill as drafted has specified the substances to be regulated, i.e. sulphur dioxide, nitrogen oxides and respirable suspended particulates. As such, the subject matter of the Bill would appear to exclude any other substances.

8. Under the Rules of Procedure, it is the President who will make the ruling on any proposed amendment, having considered its actual wording and all relevant factors in the normal way.

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