

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

**List of follow-up actions arising from the discussion
at the meeting on 5 June 2008**

- (1) To include in the proposed Committee Stage amendment to proposed section 26K(2)(d) the requirement for the applicant to exercise all due diligence promptly to minimize the quantity of pollutant being emitted as a result of the occurrence of a special event.
- (2) Alongside the Administration's proposal of consulting the Advisory Council on the Environment in respect of the increase in quantity of allocated allowances further to acquisition of emission credits under a recognized emission trading scheme, consideration should also be given to including proposed sections 26M(2), (4), (5) and (6) in a technical memorandum, such that the increase in allocated allowances would be subject to the negative vetting procedure.
- (3) To include in proposed section 26M(3) the requirement for the specified licence holder to notify the Authority any transfer of emission credits.
- (4) To review the specified time frames under proposed sections 26M(4) and (6) regarding acquisition of emission credits in respect of an emission year.
- (5) To advise the applicability of section 30A of the Air Pollution Control Ordinance (Cap. 311) to non-compliance with the emission caps, particularly the person who would be liable to imprisonment. To also consider providing a separate penalty clause for non-compliance with the emission caps. Consideration should be given to applying a sliding scale of penalty in accordance with the level of excessive emissions.
- (6) To advise how the Administration can ensure that a fine for non-compliance with the emission caps by a power company would be borne by its shareholders rather than being passed on to its electricity customers.