

## **LEGISLATIVE COUNCIL BRIEF**

### **Air Pollution Control Ordinance (Cap.311) Air Pollution Control (Specified Processes) (Amendment) Regulation**

#### **INTRODUCTION**

Pursuant to section 43 of the Air Pollution Control Ordinance (Cap. 311), the Secretary for the Environment has made the Air Pollution Control (Specified Processes) (Amendment) Regulation ( the “Amendment Regulation”) as at **Annex**, to amend the definition of “qualified engineer” in the Air Pollution Control (Specified Processes) Regulations (Cap. 311 sub. leg. F) ( the “Regulations”) by including a registered professional engineer in the environmental engineering discipline.

#### **JUSTIFICATIONS**

2. Regulation 8 of the Regulations requires a qualified engineer or an authorized person to prepare plans and specifications for making an application for a specified process licence so as to ensure that the equipment for preventing and controlling air emissions from the concerned specified process will be properly designed and operated. Under Regulation 2 of the Regulations, a “qualified engineer” is defined as a registered professional engineer in the building services, gas, chemical, marine or mechanical engineering disciplines under the Engineers Registration Ordinance Cap. 409 (the “ERO”).

3. The Hong Kong Institution of Engineers has established in 1994 a new “environmental engineering discipline”. Under the ERO, the Engineers Registration Board has been registering engineers of this new discipline with adequate training and experience in environmental protection and pollution management as registered professional engineers. Since these professional engineers are qualified for preparing specified process licence applications, we propose to include also professional engineers from the “environmental engineering discipline” as “qualified engineer” under Regulation 2 of the Regulations.

## **THE AMENDMENT REGULATION**

4. The Amendment Regulation provides that the definition of “qualified engineer” in Regulation 2 of the Regulations is amended by inserting “environmental,” after “chemical,”. The Amendment Regulation shall come into operation on 1 October 2009.

## **LEGISLATIVE TIMETABLE**

5. We shall publish the Amendment Regulation in the Gazette on 5 June 2009 and table it before the Legislative Council for negative vetting on 10 June 2009. Subject to the negative vetting by the Legislative Council, the Amendment Regulation will take effect from 1 October 2009.

## **BASIC LAW AND HUMAN RIGHTS IMPLICATIONS**

6. The Amendment Regulation is in conformity with the Basic Law, including the provisions concerning human rights.

## **BINDING EFFECT OF THE LEGISLATION**

7. The Amendment Regulation will not affect the current binding effect of the Air Pollution Control Ordinance and regulations made thereunder.

## **FINANCIAL AND STAFF IMPLICATIONS**

8. There are no financial and staffing implications as the Amendment Regulation will be implemented with existing resources.

## **ENVIRONMENTAL IMPLICATIONS**

9. The Amendment Regulation will enable adequately trained and experienced engineers in environmental protection and pollution control who are registered in the “environmental engineering discipline” under the ERO to offer professional service in devising sound environmental management solutions for specified process licence applications under the Regulations. The new discipline of engineers would help bring effective solutions to meet the challenge of managing complex air emissions from stationary pollution sources.

## **CONSULTATION**

10. The amendment has been advocated by the Hong Kong Institution of Engineers and is fully supported by the Engineers Registration Board.
11. We consulted the Legislative Council's Panel on Environmental Affairs and Advisory Council on the Environment on the proposal in November 2008. Both the Panel and the Advisory Council supported the proposal.

## **PUBLICITY**

12. We shall issue a press release and write to advise the affected trades when the Amendment Regulation is published in the Gazette.

## **ENQUIRIES**

13. For any enquiries, please contact Mr. PANG Sik-wing, Principal Environment Protection Officer (Air Policy), on 2594 6300.

**Environmental Protection Department**  
**May 2009**

**AIR POLLUTION CONTROL (SPECIFIED  
PROCESSES) (AMENDMENT)  
REGULATION 2009**

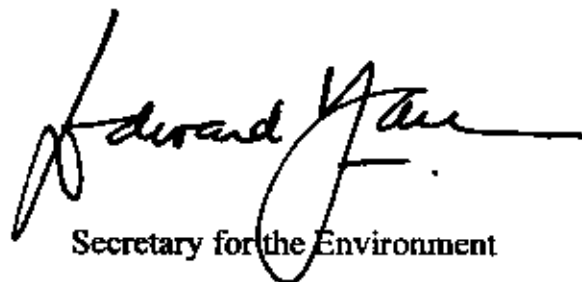
(Made by the Secretary for the Environment under section 43 of the Air  
Pollution Control Ordinance (Cap. 311) after consultation with the  
Advisory Council on the Environment)

**1. Commencement**

This Regulation comes into operation on 1 October 2009.

**2. Interpretation**

Regulation 2 of the Air Pollution Control (Specified Processes)  
Regulations (Cap. 311 sub. leg. F) is amended, in the definition of “qualified  
engineer”, by adding “environmental,” after “chemical,”.



Secretary for the Environment

29.5.2009

**Explanatory Note**

This Regulation amends the definition of “qualified engineer” in the Air  
Pollution Control (Specified Processes) Regulations (Cap. 311 sub. leg. F) so  
that it includes a registered professional engineer in the environmental  
engineering discipline.