

立法會
Legislative Council

LC Paper No. CB(1)117/13-14
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by the Administration)

Ref: CB1/BC/4/12

Bills Committee on Air Pollution Control (Amendment) Bill 2013

**Minutes of the second meeting held on
Saturday, 25 May 2013, at 9:00 am
in Conference Room 1 of the Legislative Council Complex**

Members present : Hon Charles Peter MOK (Chairman)
Hon Cyd HO Sau-lan
Hon CHAN Hak-kan, JP
Hon Frankie YICK Chi-ming
Hon WU Chi-wai, MH
Dr Hon Kenneth CHAN Ka-lok
Hon KWOK Wai-keung
Dr Hon Elizabeth QUAT, JP
Hon TANG Ka-piu
Hon Christopher CHUNG Shu-kun, BBS, MH, JP
Hon Tony TSE Wai-chuen

Members absent : Hon Abraham SHEK Lai-him, SBS, JP
Hon WONG Yuk-man
Hon Michael TIEN Puk-sun, BBS, JP
Hon Dennis KWOK
Dr Hon Helena WONG Pik-wan
Ir Dr Hon LO Wai-kwok, BBS, MH, JP

**Public Officers
attending** : **Agenda item I**

Ms Christine LOH Kung-wai, JP
Under Secretary for Environment

Mr Andrew LAI Chi-wah, JP
Deputy Director of Environmental Protection (3)
Environmental Protection Department

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

Agenda item II

Mr Andrew LAI Chi-wah, JP
Deputy Director of Environmental Protection (3)
Environmental Protection Department

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

**Attendance by
Invitation** : **Agenda item I**

Taxi Drivers & Operators Association Ltd

Mr NG Yip-pui
General Secretary

Civic Party

Mr Jeremy TAM
Exco Member

Youth Committee of Professional Power

Mr Winston LEE
Deputy Convenor

Tai Wo Motors Limited

Mr Aaron NG Hoi-shan
Vice Chairman

Friends of The Earth

Ms Melonie CHAU
Senior Environmental Affairs Officer

Clean Air Network

Ms KWONG Sum-yin
Chief Executive Officer

The Staffs & Workers Union of Hong Kong Civil
Airlines

Mr Wilson YAP
Vice Chairman

Hong Kong Professionals and Senior Executives
Association

Mr Lesly LAM Lik-shan
Executive Committee Member

Fresh Fruit Transportation Association

Ms CHUNG Yau-tai
Member

Motor Transport Workers General Union

Mr YUEN Cheung-fung
Deputy Right and Interest Secretary

N.W. Area Taxi Drivers & Operators Association

Mr WONG Wing-chung
Chairman

New Territories Taxi Operations Union

Mr CHAN Shu-sang
Chairman

The Hong Kong Institution of Engineers

Ir Kenny WONG Siu-wai
Engineer

Labour Party

Mr Endy WONG
Representative

School of Public Health, The University of Hong Kong

Dr LAI Hak-kan
Research Assistant Professor

Clerk in attendance : Ms Sophie LAU
Chief Council Secretary (1)2

Staff in attendance : Miss Evelyn LEE
Assistant Legal Adviser 10

Ms Macy NG
Senior Council Secretary (1)2

Ms Emily LIU
Legislative Assistant (1)2

Action

- I Meeting with deputations and the Administration**
(LC Paper No. CB(3)364/12-13 - The Bill
File Ref: EP CR 9/150/34 - The Legislative Council Brief
issued by the Environment
Bureau and Environmental
Protection Department

Action

- LC Paper No. CB(1)851/12-13(02) - Marked-up copy of the Bill prepared by the Legal Service Division
- LC Paper No. CB(1)1056/12-13(04) - Submission from The Academic Research Centre
- LC Paper No. CB(1)1057/12-13(01) - Submission from The Law Society of Hong Kong
- LC Paper No. CB(1)1057/12-13(02) - Submission from Yat Tung Community Network Association
- LC Paper No. CB(1)1057/12-13(03) - Submission from CLP Power
- LC Paper No. CB(1)1057/12-13(04) - Submission from a member of the public
- LC Paper No. CB(1)1057/12-13(05) - Submission from The Hong Kong General Chamber of Commerce
- LC Paper No. CB(1)1057/12-13(06) - Submission from a member of the public
- LC Paper No. CB(1)1121/12-13(02) - Submission from the Civic Exchange
- LC Paper No. CB(1)1126/12-13(01) - Submission from The Hong Kong University of Science and Technology, Institute for the Environment
- LC Paper No. CB(1)1142/12-13(01) - Submission from Green Sense
- LC Paper No. CB(1)1142/12-13(02) - Submission from the School of Public Health and Primary Care, The Chinese University of Hong Kong)

The Bills Committee deliberated (index of proceedings attached at **Annex**).

Meeting with deputations and the Administration

2. The Bills Committee received views from the representatives of 15 deputations who attended the meeting.

II Meeting with the Administration

- (LC Paper No. CB(1)1055/12-13(01) - List of follow-up actions arising from the meeting on 16 April 2013
- LC Paper No. CB(1)1055/12-13(02) - Administration's response to issues raised at the meeting on 16 April 2013 (Part 1)
- LC Paper No. CB(1)1055/12-13(03) - Administration's response to issues raised at the meeting on 16 April 2013 (Part 2)
- LC Paper No. CB(1)1055/12-13(05) - Administration's response to issues raised at the meeting on 16 April 2013 (Part 3)
- LC Paper No. CB(1)1055/12-13(04) - Letter dated 22 May 2013 from Hon TANG Ka-piu on the impact of the Bill on the control of vehicle emissions)

3. The Administration briefed members on its paper setting out the Administration's response to the issues raised by members at the meeting on 16 April 2013.

Follow-up actions required of the Administration

- Admin 4. To facilitate further discussion on the Air Pollution Control (Amendment) Bill 2013 ("the Bill"), the Administration was requested to provide the following information –
- (a) In respect of the term "public interest" as stated in the proposed section 7A(2)(a)&(b) of the Bill, the meaning of the term in the context of environmental protection and the Bill; and the Administration's stance regarding whether "public interest" should be replaced by "public health" or whether the term "public health" should be added to the relevant section.
 - (b) A list of legislation to which the new Air Quality Objectives ("AQOs") would be applicable after the new AQOs come into operation with the passage of the Bill.
 - (c) Any plan of the Administration to enhance the current arrangement on the measurement of AQOs, and if so, details of the plan.

Action

- (d) Explanation with examples on how different levels of the concentration of Sulphur Dioxide (SO₂) in the air would affect the health of people.
- (e) The number and details of government vehicles which were pre-Euro vehicles including information on which departments or bureaux were those vehicles attached to and whether those vehicles were currently in service.

Date of next meeting

- 5. Members noted that the next two meetings would be held on 5 June and 10 June 2013 at 8:30 am.

III Any other business

- 6. There being no other business, the meeting ended at 12:35 pm.

Council Business Division 1
Legislative Council Secretariat
28 October 2013

**Proceedings of the second meeting of
the Bills Committee on Air Pollution Control (Amendment) Bill 2013
on Saturday, 25 May 2013, at 9:00 am
in Conference Room 1 of the Legislative Council Complex**

Time marker	Speaker	Subject(s)	Action required
Agenda item I – Meeting with deputations and the Administration			
000156 – 000532	Chairman	- Opening remarks	
<i>Presentation of views by deputations</i>			
000533 – 000835	Chairman Civic Party	- Presentation of views (LC Paper No. CB(1)1056/12-13(01))	
000836 – 000929	Chairman The Staffs & Workers Union of Hong Kong Civil Airlines	- Presentation of views	
000930 – 001246	Chairman Clean Air Network	- Presentation of views (LC Paper No. CB(1)1056/12-13(03))	
001247 – 001459	Chairman Tai Wo Motors Limited	- Presentation of views	
001500 – 001813	Chairman Youth Committee of Professional Power	- Presentation of views (LC Paper No. CB(1)1121/12-13(01))	
001814 – 002103	Chairman Motor Transport Workers General Union	- Presentation of views	
002104 – 002417	Chairman Fresh Fruit Transportation Association	- Presentation of views	
002418 – 002729	Chairman Hong Kong Professionals and Senior Executives Association	- Presentation of views (LC Paper No. CB(1)1172/12-13(01))	
002730 – 003102	Chairman School of Public Health, The University of Hong Kong ("HKU")	- Presentation of views (LC Paper No. CB(1)1142/12-13(03))	
003103 – 003410	Chairman Labour Party	- Presentation of views	

Time marker	Speaker	Subject(s)	Action required
003411 – 003729	Chairman The Hong Kong Institution of Engineers	- Presentation of views (LC Paper No. CB(1)1097/12-13(01))	
003730 – 004018	Chairman New Territories Taxi Operations Union	- Presentation of views (LC Paper No. CB(1)1056/12-13(05))	
004019 – 004316	Chairman N.W. Area Taxi Drivers & Operators Association	- Presentation of views (LC Paper No. CB(1)1071/12-13(01))	
004317 – 004525	Chairman Taxi Drivers & Operators Association Ltd	- Presentation of views	
004526 – 004811	Chairman Friends of The Earth	- Presentation of views (LC Paper No. CB(1)1056/12-13(02))	
<i>Administration's response and discussion</i>			
004812 – 005007	Chairman Administration	- Administration's brief response to deputations' views.	
005008 – 005357	Chairman Ms Cyd HO School of Public Health, HKU	- Discussion about the statistical relations between the 24-hour Air Quality Objectives ("AQOs") and annual AQOs; on the number of exceedances allowed and on Environmental Impact Assessment ("EIA").	
005358 – 010117	Chairman Mr TANG Ka-piu Fresh Fruit Transportation Association Motor Transport Workers General Union	- Mr TANG expressed support for updating the AQOs as well as the setting up of a mechanism to review the AQOs. - Discussion on the difficulties encountered by the transport trade in respect of the phasing out of pre-Euro IV diesel commercial vehicles.	
010118 – 010340	Chairman Mr Tony TSE	- Discussion on the speaking time limit for members.	
010341 – 011000	Chairman Dr Elizabeth QUAT Administration N.W. Area Taxi Drivers & Operators Association Mr Frankie YICK	- Discussion on the ancillary facilities for electric taxis, such as electricity charging facilities. - The Administration advised that the absence of an international standard on the charging equipment for various kinds of electric vehicles ("EVs") had posed challenges to Hong Kong Government in providing charging facilities.	

Time marker	Speaker	Subject(s)	Action required
		<p>At present, there were 1 000 recharging stations in Hong Kong. It would closely monitor the latest trend in the development of EVs and provision of charging infrastructure.</p>	
011001 – 011413	<p>Chairman Dr Kenneth CHAN Clean Air Network School of Public Health, HKU</p>	<p>- Discussion on the adequacy and suitability of locations of the general and roadside air quality monitoring stations ("AQMS") for monitoring air quality.</p>	
011416 – 011936	<p>Chairman Mr WU Chi-wai Administration</p>	<p>- Mr WU's enquiries about –</p> <p>(a) the details of the Administration's policy on the phasing out of pre-Euro IV diesel commercial vehicles; and</p> <p>(b) the rationale of setting the proposed level of AQOs, which was lower than that of some developing countries.</p> <p>- The Administration's response that –</p> <p>(a) pre-Euro IV commercial diesel vehicles were planned to be phased out by January 2019. The Administration's plan on non-renewal of licences for diesel commercial vehicles aged 15 years or over only applied to newly procured vehicles after the enactment of the relevant legislation; and</p> <p>(b) since AQOs in Hong Kong were not aspirational targets but statutory criteria for evaluating air quality impact under the EIA Ordinance (Cap. 499) ("EIAO"), the setting of more stringent AQOs at the present stage might affect the development of necessary infrastructure. The Administration would review the AQOs regularly, not less than once every five years and in the light of implementation of air quality improvement measures, further tighten the AQOs in future when practicable.</p>	
011937 – 012334	<p>Chairman Mr Frankie YICK Administration</p>	<p>- Mr YICK made the following points –</p> <p>(a) He supported the setting of interim targets on certain pollutants to facilitate an incremental approach for achieving the</p>	

Time marker	Speaker	Subject(s)	Action required
		<p>ultimate AQGs, and considered that the level of AQOs should be determined having regard to the unique circumstances of different countries/cities. However, he requested the Administration to further consider some deputations' request of tightening the level of Sulphur Dioxide (SO₂).</p> <p>(b) He agreed with the Administration's proposed transitional arrangement for ongoing infrastructure projects.</p> <p>(c) He supported the Government's conduct of trials on provision of charging facilities for electric taxis and hoped that the Administration would provide support for users of electric taxis during the trial.</p> <p>- The Administration welcomed the cooperation of the trade on testing the effectiveness of electric taxis with the Administration.</p>	
012335 – 012845	Chairman Mr Tony TSE Administration	<p>- Mr TSE's concerns on –</p> <p>(a) whether the definition of "public interest", as stated in the proposed section 7A(2)(a)&(b) of the Bill, had covered "public health";</p> <p>(b) whether it was appropriate to determine the frequency of conducting the review on AQOs as once every five years; and</p> <p>(c) how the Administration would strike a balance between attaining the more stringent AQOs and the high cost involved in implementing green measures.</p> <p>- The Administration responded that –</p> <p>(a) protection of public health was already and would remain a key public interest consideration in establishing AQOs;</p> <p>(b) the frequency of reviewing AQOs had been proposed having regard to the arrangements in the United States and European countries; and</p>	

Time marker	Speaker	Subject(s)	Action required
		(c) the Administration would strike a balance among different views of different sectors in respect of implementing green measures.	
012846 – 013017	Chairman Dr Elizabeth QUAT Administration	- Dr QUAT's concern on the impact of the Administration's plan on the phasing out of pre-Euro IV diesel commercial vehicles on the trade, and the Administration's advice that the matter would be discussed by the Panel on Environmental Affairs ("EA Panel").	
013018 – 013557	Chairman Mr KWOK Wai-keung Administration School of Public Health, HKU Friends of The Earth	- Mr KWOK opined that the Administration should allow some flexibility while implementing the proposed policy of mandatory phasing out of pre-Euro IV diesel commercial vehicles, because the policy would affect the livelihood of people. He also cast doubt on the effect of these vehicles on air quality. The Administration responded that the matter should be further discussed by the EA Panel. - Dr LAI of School of Public Health, HKU's stressed that some citizens, including infants, pregnant women, children and patients were suffering from the poor air quality in Hong Kong. - Friends of The Earth's concern about the schedule of implementing various measures to improve air quality.	
013558 – 014008	Chairman Mr WU Chi-wai Administration N.W. Area Taxi Drivers & Operators Association	- Mr WU's concern about the definition of "public interest" and his agreement with the opinion of N.W. Area Taxi Drivers & Operators Association that the Administration should control the emission standard of vehicles rather than the vehicle types. - The Administration's response that the matter would be discussed at the EA Panel.	
014009 – 014549	Chairman Dr Kenneth CHAN Administration	- Dr CHAN's concern on the adequacy and suitability of locations of the general and roadside AQMS. - The Administration advised that the current air quality monitoring network had an adequate spatial distribution of general AQMS covering different land uses. Environmental Protection Department ("EPD") planned to set up general	

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		AQMS in two more districts to further enhance the coverage of the network.	
014550 – 014606	Chairman Administration Mr WU Chi-wai	- Mr WU requested the Administration to provide written response on the meaning of "public interest" in the context of environmental protection and the Bill, and the Administration's stance regarding whether the word "public interest" should be replaced by the word "public health" or whether the term "public health" should be added to the relevant section as suggested by some deputations and members.	Administration to provide information/ response (paragraph 4 of minutes)
014607 – 015255	Chairman Ms Cyd HO Administration	- Ms HO expressed concern about the application of the new AQOs under EIAO and whether AQOs should be set at a higher standard. - The Administration's explanation that further tightening of AQOs at the present stage would be difficult as the enforcement of EIAO would be based on the AQOs stipulated in the Air Pollution Control Ordinance (Cap. 311) ("APCO").	
015256 – 015729	Chairman Mr KWOK Wai-keung	- Mr KWOK was aware that the public generally agreed with the Administration's proposal to update AQOs. He also highlighted that the air quality of Hong Kong was largely hinged on that of the Pearl River Delta region, and so the Administration should not solely put the responsibility of improving air quality on the transport trades.	
015730 – 015902	Chairman Taxi Drivers & Operators Association Ltd	- Taxi Drivers & Operators Association Ltd's opinion that the Administration should announce information on the Air Pollution Index in different districts of Hong Kong.	
015903 – 020028	Chairman Civic Party	- Civic Party's enquiries about the feasibility of adding "or public health" after "public interest" as contained in the proposed section 7A(2)(a)&(b) of the Bill; and the schedule of setting up low emission transportation zones.	
020029 – 020135	Chairman Friends of The Earth	- Friends of The Earth's enquiry about the target date of achieving the updated AQOs.	
020136 – 020328	Chairman Motor Transport Workers General Union	- Motor Transport Workers General Union's expression of doubts about whether the updated AQOs could be met under the crowded	

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		conditions in Hong Kong; and its consideration that there was not a direct correlation between poor air quality and health conditions.	
020329 – 020827	Chairman Administration	<p>The Administration's response that –</p> <p>(a) EPD operated 14 AQMS, of which three were roadside stations. The three roadside AQMS were built in the busy corridors of urban areas with high traffic and pedestrian flow and surrounded by high-density built environment. The data from these roadside AQMSs were hence representative of the roadside air quality of typical places with heavy vehicular and pedestrian traffic in the urban areas;</p> <p>(b) information on the instant and forecast Air Pollution Index was announced on EPD's website and through television;</p> <p>(c) protection of public health was already a public interest consideration. The Administration did not consider it necessary to add the term "public health" specifically to the relevant section of the Bill; and</p> <p>(d) the Administration was liaising with franchised bus companies on arranging low emission franchised buses to operate within the three proposed low emission zones in Causeway Bay, Central and Mongkok. The Administration targeted to set up the relevant zones by 2015.</p>	
020828 - 020910	Chairman	- The Chairman thanked deputations for attending the meeting	
<i>Break from 020911 to 022234</i>			
Agenda item II –Meeting with the Administration			
022235 – 023100	Chairman Administration	- Briefing by the Administration on its response to issues raised at the meeting on 16 April 2013 (LC Papers Nos. CB(1)1055/12-13(02), (03) & (05))	
023101 – 023632	Chairman Mr TANG Ka-piu Administration	- Mr TANG enquired whether the new AQOs would be applied to other legislation and form part of the licensing conditions for renewal of vehicle licences.	

Time marker	Speaker	Subject(s)	Action required
		<ul style="list-style-type: none"> - The Administration advised that apart from the APCO itself and the EIAO which used the AQOs as statutory criteria for evaluating air quality impact, there was no other existing legislation to which the new AQOs would be directly applied to, after the new AQOs come into operation. The Administration agreed to confirm in writing after the meeting in this regard. 	<p>Administration to provide information/response (paragraph 4 of minutes)</p>
023633 – 025307	Chairman Ms Cyd HO Administration	<ul style="list-style-type: none"> - Ms HO considered that there was a need to develop a suitable assessment method for conducting EIA so that a more realistic assessment on air quality could be made. - The Administration advised that with the implementation of air quality improvement measures, it was targeted that the new AQOs would be broadly complied with by 2020. The Administration would further tighten the level of AQOs where appropriate in future regular reviews. - The Administration stressed that the measurement of air quality by AQMSs was objective, and the updating of AQOs would not affect the existing measurement method of air quality. The air quality simulation system (PATH model) used by EPD to study the air quality in and around Hong Kong for the purpose of conducting EIA under the EIAO did not have a direct relationship with the Bill under study and would better be discussed at meetings of the EA Panel. 	
025308 – 030414	Chairman Dr Kenneth CHAN Administration	<ul style="list-style-type: none"> - Dr CHAN requested the Administration to provide a list of legislation to which the new AQOs would be applicable and that the application did not require the said AQOs to be further introduced into the piece of legislation concerned, either by positive or negative vetting, after the new AQOs come into operation. - Dr CHAN considered that the term "public health" should be explicitly stated in the proposed section 7A(2)(a)&(b) of the Bill to reflect its paramount importance in the context of environmental protection and the Bill. In addition, he considered that there should be a 	<p>Administration to provide information/response (paragraph 4 of minutes)</p>

Time marker	Speaker	Subject(s)	Action required
		<p>legislative framework which allowed the public to be engaged in the process of regular review of AQOs.</p> <ul style="list-style-type: none"> - The Administration expressed reservation of Dr CHAN's proposal of adding the term "public health" in the proposed section 7A(2)(a)&(b) in view of the lengthy discussion which would be required to cover the possible addition of various public interest considerations alongside public health. 	
030415 – 031241	Chairman Mr TANG Ka-piu Administration	<ul style="list-style-type: none"> - Mr TANG considered that the proposed transitional arrangement for ongoing infrastructure projects proposed under the Bill should be discussed in detail in a future meeting. - Mr TANG requested the Administration to provide supplementary information to explain whether it had any plan to enhance the current arrangement on monitoring of air quality, and if so, details of the plan. - The Administration advised that the current number and distribution of AQMS were adequate by international standards. Based on the review of the air quality monitoring network completed in late 2012, EPD also planned to set up a general AQMS each in Tuen Mun and Tseung Kwan O to further enhance the coverage of network. - In response to Mr TANG's enquiry about the emissions from local vessels, the Administration advised that it planned to upgrade the quality of local marine light diesel by reducing the limit on sulphur content from 0.5% to 0.05% with effect from 2014. Subject to the passage of the relevant regulation, the Administration planned to implement the control requirements in 2014. - Discussion on the accuracy of data collected by AQMSs having regard to the optimal height for installing AQMSs. 	Administration to provide information/ response (paragraph 4 of minutes)
031242 – 032126	Chairman Ms Cyd HO Administration	<ul style="list-style-type: none"> - Ms HO's request of the Administration to provide supplementary information to explain with examples how different levels of 	Administration to provide information/

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		<p>concentration of Sulphur Dioxide (SO₂) in the air would affect the health of people.</p> <p>- In response to Ms HO's concern on the Administration's contingency measures if the concentration of Sulphur Dioxide (SO₂) was high, the Administration advised that the stringent control requirements on sources of SO₂, including power plants, vehicles and industrial sources as well as the forthcoming further control of SO₂ emissions from marine sector would be effective in ensuring very low ambient SO₂ levels.</p>	<p>response (paragraph 4 of minutes)</p>
032127 – 032340	<p>Chairman Dr Kenneth CHAN Administration</p>	<p>- Dr CHAN requested the Administration to provide supplementary information on the number and details of government vehicles which were pre-Euro vehicles, including information on which departments or bureaux were those vehicles attached to and whether those vehicles were currently in service.</p>	<p>Administration to provide information/ response (paragraph 4 of minutes)</p>
032341 – 033258	<p>Chairman Administration Dr Kenneth CHAN Ms Cyd HO Mr TANG Ka-piu</p>	<p>- Date of next meeting and items to be discussed.</p>	