

立法會
Legislative Council

LC Paper No. CB(1)1861/12-13
(These minutes have been seen
by the Administration)

Ref: CB1/BC/4/12

Bills Committee on Air Pollution Control (Amendment) Bill 2013

**Minutes of the third meeting held on
Wednesday, 5 June 2013, at 8:30 am
in Conference Room 3 of the Legislative Council Complex**

- Members present** :
- Hon Charles Peter MOK (Chairman)
 - Hon Cyd HO Sau-lan
 - Hon CHAN Hak-kan, JP
 - Hon Michael TIEN Puk-sun, BBS, JP
 - Hon Frankie YICK Chi-ming
 - Hon WU Chi-wai, MH
 - Dr Hon Kenneth CHAN Ka-lok
 - Hon KWOK Wai-keung
 - Hon Dennis KWOK
 - Dr Hon Helena WONG Pik-wan
 - Dr Hon Elizabeth QUAT, JP
 - Hon TANG Ka-piu
 - Ir Dr Hon LO Wai-kwok, BBS, MH, JP
 - 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

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

Ms Selina LAU Suet-ching
Senior Government Counsel
Department of Justice

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

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I 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 Papers Nos. CB(1)1055/12-13 (03) and (05) - Administration's response to issues raised at the meeting on 16 April 2013 (Part 2 and Part

- LC Paper No. CB(1)1202/12-13(01) - 3)
- List of follow-up actions arising from the meeting on 25 May 2013
- LC Paper No. CB(1)1202/12-13(02) - Administration's response to issues raised at the meeting on 25 May 2013
- LC Paper No. CB(3)364/12-13
File Ref: EP CR 9/150/34 - The Bill
- The Legislative Council Brief issued by the Environment Bureau and Environmental Protection Department
- 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)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)

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

2. The Administration briefed members on the papers which set out the Administration's response to the issues raised by members at the meeting on 25 May 2013.

Follow-up actions required of the Administration

- Admin 3. To facilitate further discussion on the Bill, the Administration was requested to provide the following information –
- (a) A list of factors that the Secretary for the Environment would or should take into account in deciding whether to adjust any of the Air Quality Objectives after a review had been conducted at least once in every five years in the future. Further, in making the decision, whether "public health" would be treated as a factor of paramount importance. If the answer was in the affirmative, an illustration on how such treatment was reflected by the wordings in the Bill.
- (b) Whether any air pollutant would be emitted from display of fireworks and if the answer was in the affirmative, what the

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pollutants were and how they would affect the health of the public.

- (c) The number of government vehicles which were Euro II, Euro III, Euro IV and Euro V vehicles, electric vehicles, and hybrid vehicles; the Administration's schedule of replacing those Euro II and Euro III vehicles and how those vehicles would be disposed of.

Date of next meeting

- 4. Members noted that the next meeting would be held on 10 June 2013.

III Any other business

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

Council Business Division 1
Legislative Council Secretariat
4 October 2013

**Proceedings of the third meeting of
the Bills Committee on Air Pollution Control (Amendment) Bill 2013
on Wednesday, 5 June 2013, at 8:30 am
in Conference Room 3 of the Legislative Council Complex**

Time marker	Speaker	Subject(s)	Action required
Agenda item I – Meeting with the Administration			
001013 – 002104	Chairman Administration	<ul style="list-style-type: none"> - Opening remarks - Administration's briefing - Due to a lack of quorum, the Chairman suspended the meeting for five minutes. - Administration's briefing 	
002105 – 002434	Chairman Administration	<ul style="list-style-type: none"> - Briefing by the Administration on its response to issues raised at the meeting on 25 May 2013 (LC Paper No. CB(1)1202/12-13(02)) 	
002435 – 003209	Chairman Mr WU Chi-wai Administration	<ul style="list-style-type: none"> - Discussion on whether there was a need to stipulate the word "public health" in the proposed section 7A(2)(a)&(b) of the Air Pollution Control (Amendment) Bill 2013 ("the Bill"). 	
003210 - 004219	Chairman Mr Dennis KWOK Administration	<ul style="list-style-type: none"> - Mr KWOK's suggestion that there was a need to replace the word "public interest" with the word "public health" in the proposed section 7A(2)(a)&(b) of the Bill to tie in with the considerations and wording under section 10(2)(c) of the Environmental Impact Assessment Ordinance (Cap. 499) ("EIAO") in respect of the issue of environmental permit ("EP"). - The Administration advised that the focus on "public interest" in the review of AQOs in the Bill was consistent with the advice of the World Health Organization ("WHO") in "WHO Air Quality Guidelines Global Update 2005" that the standards set in each country would vary according to country-specific approaches toward balancing risks to health, technological feasibility, economic considerations, and other political and social factors. In respect of EIAO, the Director of Environmental Protection also needed to consider a basket of factors before issuing EPs, and public health was one of the major factors which would be taken into account. 	

Time marker	Speaker	Subject(s)	Action required
004220 – 004613	Chairman Mr TANG Ka-piu Administration	- Discussion on the timetable of setting up the two new general air quality monitoring stations ("AQMSs"); and the appropriateness of the locations and height for setting up AQMSs.	
004614 – 005208	Chairman Mr Christopher CHUNG Administration	<ul style="list-style-type: none"> - Mr CHUNG's opinion that it would be more appropriate to use the word "public interest" in the proposed section 7A(2)(a)&(b) of the Bill as the meaning of the word "public health" was more confined. - Mr CHUNG's view that the Air Pollution Control Ordinance (Cap. 311) ("APCO") should also govern objectionable odour and temperature of air emission. - The Administration advised that Section 10(1) and (2) of the APCO provided that the Environmental Protection Department ("EPD") could give an air pollution abatement notice if the emission of air pollutants from a polluting process was causing nuisance and health hazard or contributing to air pollution. In addition, Food and Environmental Hygiene Department would also handle nuisance arising from emission of hot air. 	
005209 – 010610	Chairman Dr Helena WONG Administration Mr CHAN Hak-kan Mr Frankie YICK Mr WU Chi-wai Mr Dennis KWOK	<ul style="list-style-type: none"> - Discussion on whether "public health" should be treated as a factor of paramount importance which would be considered by the Secretary for the Environment in deciding whether to adjust any of the Air Quality Objectives ("AQOs") and how this should be reflected by the wording in the Bill. - The Administration's advice that "public health" was an important factor, among other considerations, that the Government needed to take into account when performing and exercising the functions, duties and powers, including the establishment of AQOs, under the APCO. It would provide a written response to elaborate its position after the meeting. 	Administration to provide information/response (paragraph 3 of minutes)
010611 – 010858	Chairman Mr Dennis KWOK Administration	- Discussion on the considerations of the Administration to repeal the power of the Secretary for the Environment to promulgate AQOs in a technical memorandum in the Bill.	

Time marker	Speaker	Subject(s)	Action required
010859 – 011107	Chairman Mr TANG Ka-piu	- Mr TANG's concern that the Environmental Impact Assessment ("EIA") of ongoing infrastructure projects might be subject to legal challenge if the word "public interest" was replaced by "public health". He considered that the word of "public interest" should be adopted as it would have covered the meaning of "public health".	
011108 – 011923	Chairman Administration Mr Tony TSE	- Discussion on the transitional arrangement for ongoing infrastructure projects and the possibility that applicants for EIA might manipulate such an arrangement.	
011924 – 012039	Chairman Mr Dennis KWOK Administration	- In response to Mr KWOK, the Administration confirmed that EIA conducted for the project "Expansion of Hong Kong International Airport into a Three-Runway System" would follow the standard of the new AQOs.	
012040 – 012816	Chairman Mr WU Chi-wai Administration	- Discussion on the representativeness of the locations of the three roadside AQMSs.	
012817 – 013613	Chairman Ms Cyd HO Administration	- Discussion on the need to review the accuracy of EIA upon the completion of the infrastructure projects with a view to improving the methodology for conducting EIA.	
013614 – 013951	Chairman Mr WU Chi-wai Administration	- Discussion on the measurement of and measures to control air emission by mega cruise ships.	
013952 – 014434	Chairman Ms Cyd HO Administration	- Discussion on the assistance provided by EPD to organizers of major sports competitions in respect of information on air quality index and related health risks.	
014435 – 015006	Chairman Dr Helena WONG Administration	- Dr WONG's request of the Administration to explain whether any air pollutant was emitted from display of fireworks and if the answer was in the affirmative, what the pollutants were and how the pollutants would affect the health of the public. - The Administration advised that a relevant question was raised at the Council meeting recently and agreed to provide the relevant information after the meeting.	Administration to provide information/response (paragraph 3 of minutes)

Time marker	Speaker	Subject(s)	Action required
015007 – 015112	Chairman Ms Cyd HO Administration	- Ms HO requested and the Administration agreed to provide supplementary information on the number of government vehicles which were Euro II, Euro III, Euro IV and Euro V vehicles, electric vehicles, and hybrid vehicles; the Administration's schedule of replacing those Euro II and Euro III vehicles and how those vehicles would be disposed of.	Administration to provide information/ response (paragraph 3 of minutes)
015113 – 015814	Chairman Mr Michael TIEN Administration	- In response to Mr TIEN, the Administration advised that the retrofitting of selective catalytic reduction devices on Euro II and III franchised buses would upgrade the nitrogen oxides (NOx) emission performance comparable to that of Euro IV buses. - Discussion on the feasibility of retrofitting selective catalytic reduction devices on other diesel commercial vehicles.	
015815 – 020007	Chairman	- Date of next meeting	