

Bills Committee on Air Pollution Control (Amendment) Bill 2013

Follow-up actions by the Administration

The following information is provided as requested by Members at the Bills Committee meeting on 5 June 2013.

1. A list of factors that the Secretary for the Environment will or shall take into account in deciding whether to adjust any of the Air Quality Objectives after a review has been conducted at least once every five years in the future. Further, in making the decision, whether "public health" will be treated as a factor of paramount importance. If the answer is in the affirmative, an illustration on how such treatment is reflected by the wordings in the Bill.

Section 7(2) of the Air Pollution Control Ordinance (APCO) states that the Air Quality Objectives (AQOs) shall be objectives that should be achieved and maintained in order to promote the conservation and the best use of air in the air control zones in the public interest. The proposed section 7A(2) of the Air Pollution Control (Amendment) Bill 2013 is merely a recast of section 7(2) of the APCO for better clarity and the aims of the AQOs remain unchanged. The Secretary for the Environment may from time to time review the AQOs for an air control zone to ensure that they are the objectives that should be achieved and maintained in order to –

- (a) promote the conservation of air in the zone in the public interest; and
- (b) promote the best use of air in the zone in the public interest.

The preamble of the APCO states that the Ordinance is “[t]o make provision for abating, prohibiting and controlling pollution of the atmosphere and for matters connected therewith”. Section 2 of the APCO has also defined “air pollution” as “an emission of air pollutant which either alone or with another emission of air pollutant –

- (a) is prejudicial to health;
- (b) is a nuisance;
- (c) imperils or is likely to imperil the safety of or otherwise interferes with the normal operation of aircraft; or
- (d) is determined to be air pollution under a technical memorandum;”

It is evident that “public health” is an important factor, among other considerations, that the Government needs to take into account when

performing and exercising the functions, duties and powers, including the establishment of the AQOs, under the APCO.

Protection of public health is already and will remain as a key public interest consideration in establishing the AQOs. In the recent AQOs review, the Administration has made reference to the Air Quality Guidelines and interim targets of the World Health Organization (WHO), which are the most authoritative set of guidelines for minimizing the risk of air pollution to public health. It is hence evident that both the establishment and the review of AQOs have regarded the protection of public health as an important consideration. This commitment has been demonstrated by the Administration's current proposal to tighten the AQOs and to review the AQOs regularly thereafter.

In both the “Air Quality Objectives Review – Public Consultation” issued in July 2009 and “A Clean Air Plan for Hong Kong” published in March 2013, the Government has committed to setting the AQOs with a view to protecting public health.

Other factors, such as technological feasibility, social and economic considerations also form part of public interest considerations and would also need to be taken into account when considering whether and to what extent the AQOs should be revised. This is consistent with the advice of the WHO in “WHO Air Quality Guidelines Global Update 2005” that –

“The standards set in each country will vary according to country-specific approaches toward balancing risks to health, technological feasibility, economic considerations, and other political and social factors.”

In *Clean Air Foundation Ltd & Anor v The Government of the HKSAR*, HCAL 35/2007, the court has interpreted section 7(2) of the APCO as meaning that, whilst one of the factors to be taken into account in establishing the AQOs is protection of public health, other considerations such as social and economic factors may also be taken into account –

“...If Government has the power under s.7 of the Air Pollution Control Ordinance to update air quality objectives, either generally or in respect of particular areas, it is inevitable there will be reasons why – if, in fact, there has been no updating – that it has declined to do so. Those reasons will be based on social and economic factors and, importantly, on an assessment of whether, all matters being taken into account, there is sufficient benefit to be obtained at this time in adopting more stringent objectives.”

2. Whether any air pollutant is emitted from a display of fireworks and if the answer is in the affirmative, what the pollutants are and how the pollutants affect the health of the public.

Respirable suspended particulates containing a very small amount of heavy metals are the main air pollutants emitted from the discharge of fireworks. The hosting of fireworks displays in important festivals and celebrations are few and will last for a short duration involving high-altitude fireworks discharge above the sea. In general the air pollutants tend to disperse easily and hence have limited impact on air quality and public health. For fireworks displays on special occasions, the Home Affairs Bureau has included in the application guidelines for fireworks displays a requirement that sponsors use environment-friendly fireworks and launching technology as far as possible, and not purchase and use fireworks containing harmful substances such as mercury, chromium, lead, zinc, nickel, manganese and arsenic. It is also stipulated in the environmental permit issued by the Environmental Protection Department that the fireworks at the Hong Kong Disneyland must not contain these harmful substances.

3. The number of government vehicles which are 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 will be disposed of.

As at 1 March 2013, the profile of government vehicles by emission standards is as follows –

Euro II		Euro III		Euro IV		Euro V		Hybrid vehicles	Electric vehicles
Diesel vehicles	Petrol vehicles	Diesel vehicles	Petrol vehicles	Diesel vehicles	Petrol vehicles	Diesel vehicles	Petrol vehicles		
185	512	519	1,437	297	1,757	694	224	382	75

All Euro II government diesel vehicles will be phased out by 2014-15. With the exception of 2 special purpose vehicles, all Euro III government diesel vehicles will be phased out by 2017-18.

As for petrol vehicles, those belonging to Euro II and Euro III standards will be phased out by 2015-16 and 2018-19 respectively. It should be noted that these petrol vehicles, if properly maintained, emit much less particulates and nitrogen oxides than their diesel counterparts.

The disposal of retired government vehicles are arranged primarily through tendering. It has been specified in the tender documents that the vehicles concerned may not be registered for use in Hong Kong under the Road Traffic

(Registration and Licensing of Vehicles) Regulations unless the vehicles conform to requirements for new registration of vehicles, including emission requirements.

Environmental Protection Department
June 2013