

**立法會**  
**Legislative Council**

LC Paper No. CB(1)728/13-14  
(These minutes have been seen  
by the Administration)

Ref: CB1/BC/2/13

**Bills Committee on Air Pollution Control (Amendment) (No. 2) Bill 2013**

**Minutes of the second meeting held on  
Tuesday, 19 November 2013, at 2:30 pm  
in Conference Room 2B of the Legislative Council Complex**

**Members present** : Hon Kenneth LEUNG (Chairman)  
Hon Cyd HO Sau-lan  
Hon CHAN Hak-kan, JP  
Dr Hon LEUNG Ka-lau  
Hon WU Chi-wai, MH  
Hon Charles Peter MOK  
Dr Hon Kenneth CHAN Ka-lok  
Dr Hon Fernando CHEUNG Chiu-hung  
Hon POON Siu-ping, BBS, MH  
Hon TANG Ka-piu  
Ir Dr Hon LO Wai-kwok, BBS, MH, JP

**Public Officers attending** : **Agenda item I**  
  
Mr Andrew LAI Chi-wah, JP  
Deputy Director of Environmental Protection (3)  
Environmental Protection Department  
  
Mr MOK Wai-chuen, JP  
Assistant Director (Air Policy)  
Environmental Protection Department

Mr YEUNG Mo-man  
Senior Environmental Protection Officer (Air Policy)<sup>2</sup>  
Environmental Protection Department

Dr Raymond LEUNG Lai-man, JP  
Occupational Health Consultant (1)  
Labour Department

Mr CHEUNG Hon-chung  
Senior Occupational Hygienist (Development)  
Labour Department

Dr Ronald LAM Man-kin  
Assistant Director (Traditional Chinese Medicine)  
Department of Health

Mr Robert LAW Kwok-wai  
Senior Pharmacist (Traditional Chinese Medicine)<sup>3</sup>  
Department of Health

Miss Emma WONG  
Senior Government Counsel  
Department of Justice

**Clerk in attendance :** Ms Sophie LAU  
Chief Council Secretary (1)<sup>2</sup>

**Staff in attendance :** Miss Evelyn LEE  
Assistant Legal Adviser 10

Ms Macy NG  
Senior Council Secretary (1)<sup>2</sup>

Ms Emily LIU  
Legislative Assistant (1)<sup>2</sup>

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Action

- I Meeting with the Administration**  
(LC Paper No. CB(1)330/13-14(01) - List of follow-up actions  
arising from the meeting on  
5 November 2013

Action

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| LC Paper No. CB(1)330/13-14(02)                          | - | Administration's response to issues raised at the meeting on 5 November 2013   |
| LC Papers Nos. CB(1)222/13-14(03) and CB(1)330/13-14(03) | - | Submission from Hong Kong Workers' Health Centre and the Administration's response   |
| LC Paper No. CB(3)12/13-14                               | - | The Bill   |
| File Ref: EP351/A4/1                                     | - | The Legislative Council Brief issued by the Environment Bureau   |
| LC Paper No. LS5/13-14                                   | - | Legal Service Division Report on the Bill  |
| LC Paper No. CB(1)222/13-14(01)                          | - | Paper on Air Pollution Control (Amendment)(No. 2) Bill 2013 prepared by the Legislative Council Secretariat (background brief) |
| LC Paper No. CB(1)222/13-14(02)                          | - | Marked-up copy of the Bill prepared by the Legal Service Division)   |

The Administration briefed members on the papers which set out the Administration's response to the issues raised by members at the meeting on 5 November 2013 and the submission from the Hong Kong Workers' Health Centre.

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

Follow-up actions required of the Administration

- Admin 3. To facilitate further discussion on the Bill, the Administration was requested to –
- (a) provide information on public sector buildings (including their fixtures) which were built of materials consisting of asbestos-containing material, and the policy considerations regarding whether to publish the information;
  - (b) advise, in relation to considerations that were listed in paragraph 6(e) of the Administration's paper (LC Paper No. CB(1)330/13-14(02)) –

Action

- (i) whether the Administration would consider specifying those considerations in the Bill;
  - (ii) whether the considerations could be found in any internal guidelines of the Environmental Protection Department, if so, to provide the relevant guidelines; and
  - (iii) further to 3(b)(ii) above, whether the Administration would consider publishing the relevant guidelines, if any;
- (c) clarify, in the light of the Administration's response that if the Bill was passed, applications made under section 14 of the Air Pollution Control Ordinance (Cap. 311) ("APCO") for works specified in item 19 of Schedule 1 to the APCO would be refused,
- (i) whether the relevant authority still had any discretion to grant a licence under section 15(3) of the APCO for any of the works specified in the item after the Bill came into operation;
  - (ii) if the answer to 3(c)(i) above was in the affirmative, the legal basis for the relevant authority to grant a licence given sections 80 to 83; and
  - (iii) if the answer to 3(c)(i) above was negative, whether item 19 should be repealed consequentially and if not, whether this would create the legitimate expectation of an applicant that a discretion still existed; and
- (d) clarify, in relation to asbestos that were regulated under a permit system under the Hazardous Chemicals Control Ordinance (Cap 595)("HCCO") and section 10(3) of HCCO whether, in the light of the response to the questions in 3(c) above, consequential amendments are necessary for similar reasons.

Dates of future meetings

4. Members noted that the next meeting was scheduled for 2 December 2013 to meet with deputations and the Administration. Members agreed to schedule a further meeting on 17 December 2013 to examine the Bill.

5. The Chairman said that he would be out of town on 2 December 2013 to attend to urgent matters, and that invitations were already sent to various organizations and the public to give views on the Bill. As such, he proposed

Action

to keep the date of the next meeting and invite members present at the next meeting to elect a Chairman amongst themselves to act in his absence and chair the meeting according to paragraph 4.2 of the Handbook for Chairmen for Bills Committee. Members agreed.

**II Any other business**

6. There being no other business, the meeting ended at 4:15 pm.

Council Business Division 1  
Legislative Council Secretariat  
15 January 2014

**Proceedings of the second meeting of  
the Bills Committee on Air Pollution Control (Amendment) (No. 2) Bill 2013  
on Tuesday, 19 November 2013, at 2:30 pm  
in Conference Room 2B of the Legislative Council Complex**

Time marker	Speaker	Subject(s)	Action required
<b>Agenda item I – Meeting with the Administration</b>			
000615 – 002238	Chairman Administration	<ul style="list-style-type: none"> <li>- The Chairman's reminder to members on the need to declare interest relating to the Air Pollution Control (Amendment) (No. 2) Bill 2013 ("the Bill")</li> <li>- Briefing by the Administration on its response to issues raised by members at the meeting on 5 November 2013 and its response to the submission from the Hong Kong Workers' Health Centre (LC Papers Nos. CB(1)330/13-14(02) and (03))</li> </ul>	
002239 – 003104	Chairman Mr POON Siu-ping Administration	<ul style="list-style-type: none"> <li>- Mr POON's reiteration that he supported the Bill and his enquiry on the feasibility of establishing a database to provide information on buildings which were built of materials consisting of asbestos containing materials ("ACM")</li> <li>- The Administration explained that the establishment of such a database was not recommended as it would be difficult to compile an exhaustive list of such buildings and the disclosure of incomplete information might cause undue concerns or false sense of security for the public.</li> <li>- The Administration confirmed in response to the Chairman's enquiry that the Environmental Protection Department ("EPD") kept information on some buildings in Hong Kong which were built of materials consisting of ACM, and such information was mainly derived through reports made by registered asbestos professionals who intended to carry out asbestos abatement work or from complaint cases.</li> </ul>	
003105 – 004354	Chairman Dr Fernando CHEUNG Administration	<ul style="list-style-type: none"> <li>- Discussion on the need to publish information on public sector buildings which were built of materials consisting of ACM</li> <li>- The Administration agreed to provide supplementary information on public sector buildings (including their fixtures) which were</li> </ul>	Administration to provide information/response (paragraph 3 of minutes)

Time marker	Speaker	Subject(s)	Action required
		<p>built of materials consisting of ACM, and the policy considerations regarding whether to publish the information</p> <ul style="list-style-type: none"> <li>- Discussion on the need to alert residents living in buildings with high potential of containing ACM by distributing leaflets or erecting warning labels for promotion of proper handling and disposal of ACM</li> </ul>	
004355 – 011344	Chairman Ms Cyd HO Administration Assistant Legal Adviser 10 ("ALA")	<ul style="list-style-type: none"> <li>- Ms HO's reminder to the Administration on the need to submit its papers on time to allow sufficient time for study by members and the Legal Adviser to the Bills Committee</li> <li>- Discussion on the considerations which the Authority would take into account in deciding whether the requirements as stated in the proposed section 83(1)(a) and (b) had been satisfied and whether it was necessary to specify those considerations in the Bill</li> <li>- At the request of the Chairman and Ms Cyd HO, the Administration agreed to advise, in relation to considerations that were listed in paragraph 6(e) of the Administration's paper (LC Paper No. CB(1)330/13-14(02)) - <ul style="list-style-type: none"> <li>(a) whether the Administration would consider specifying those considerations in the Bill;</li> <li>(b) whether the considerations could be found in internal guidelines of EPD, if so, to provide the relevant guidelines; and</li> <li>(c) whether the Administration would consider publishing the relevant guidelines, if any.</li> </ul> </li> </ul>	Administration to provide information/response (paragraph 3 of minutes)
011345 – 011431	Chairman Mr POON Siu-ping Administration	<ul style="list-style-type: none"> <li>- Mr POON's enquiry on whether there were any car products like brake, which were being used in Hong Kong, might include parts consisting of ACM</li> <li>- The Administration advised that it had consulted car repair and maintenance sectors on the Bill and the trades had advised that they had been using asbestos-free brake pads</li> </ul>	
011432 – 013925	Chairman ALA	<ul style="list-style-type: none"> <li>- Discussion on whether there were any inconsistencies between the Bill and the</li> </ul>	

Time marker	Speaker	Subject(s)	Action required
	Administration	<p>existing provisions of the Air Pollution Control Ordinance (Cap. 311) ("APCO")</p> <ul style="list-style-type: none"> <li>- The Administration advised that if the Bill was passed, applications made under section 14 of the APCO for works specified in item 19 of Schedule 1 to the APCO would be refused</li> <li>- The Administration confirmed in response to the Chairman's enquiry that Schedule 1 to the APCO was part of the APCO</li> <li>- In response to enquiries made by ALA, the Administration agreed to provide the following supplementary information after the meeting -               <ul style="list-style-type: none"> <li>(a) clarification, in the light of the Administration's response above,                   <ul style="list-style-type: none"> <li>(i) whether the relevant authority still had any discretion to grant a licence under section 15(3) of the APCO for any of the works specified in the item after the Bill came into operation;</li> <li>(ii) if the answer to (i) above was in the affirmative, the legal basis for the relevant authority to grant a licence given sections 80 to 83; and</li> <li>(iii) if the answer to (i) above was negative, whether item 19 should be repealed consequentially and if not, whether this would create the legitimate expectation of an applicant that a discretion still existed.</li> </ul> </li> </ul> </li> <li>- Members' agreement that ALA's further enquiry relating to asbestos that were regulated under a permit system under the Hazardous Chemicals Control Ordinance (Cap 595)("HCCO") and section 10(3) of HCCO should be included in the list of follow up actions for the Administration's response</li> </ul>	Administration to provide information/ response (paragraph 3 of minutes)
013926 – 014309	Chairman Ms Cyd HO Administration	<ul style="list-style-type: none"> <li>- The Administration explained at the request of Ms Cyd HO on paragraph 5(b) of the Administration's paper (LC Paper No. CB(1)330/13-14(02)) in relation to the</li> </ul>	



<b>Time marker</b>	<b>Speaker</b>	<b>Subject(s)</b>	<b>Action required</b>
		amendments as stated in the proposed section 78(1)(b)	
014310 – 014530	Chairman	- Meeting arrangements of the third meeting - Date of the fourth meeting	

Council Business Division 1  
Legislative Council Secretariat  
15 January 2014