

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

**Follow-up actions required of the Administration
(as at 26 November 2013)**

The Administration was requested by members at the meeting on 19 November 2013 –

1. to provide information on public sector buildings (including their fixtures) which are built of materials consisting of asbestos-containing material, and the policy considerations regarding whether to publish the information;
2. to advise, in relation to considerations that are listed in paragraph 6(e) of the Administration's paper (LC Paper No. CB(1)330/13-14(02)) –
 - (a) whether the Administration will consider specifying those considerations in the Bill ;
 - (b) whether the considerations can be found in any internal guidelines of the Environmental Protection Department, if so, to provide the relevant guidelines; and
 - (c) further to (b) above, whether the Administration will consider publishing the relevant guidelines, if any;
3. to clarify, in the light of the Administration's response that if the Bill is 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 must be refused,
 - (a) whether the relevant authority still has 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 comes into operation;
 - (b) if the answer to (a) is in the affirmative, the legal basis for the relevant authority to still grant a licence given sections 80 to 83; and
 - (c) if the answer to (a) is negative, whether item 19 should be repealed consequentially and if not, whether this would create the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 exists;
and

4. to clarify, in relation to asbestos that are 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 sub-paragraph 3 above, consequential amendments are necessary for similar reasons.

Council Business Division 1
Legislative Council Secretariat
26 November 2013