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(English version only)

Dr Hon Kenneth CHAN Ka-lok

Chairman

Bills Committee on Shipping Legislation (Control of Smoke Emission) (Amendment) Bill 2014

Legislative Council

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Honorable Chan Ka-lok,

This late proposal raises a critical issue.

The amendment under review changes the smoke emission offence from nuisance to colour-based. But pollution, medical health risks and nuisance cannot simply be determined by shades of grey.

Although it introduces objective criteria which can aid enforcement, it limits nuisance to only dark smoke.

From close to a 100 reports of smoke received from residents it appears that smoke emission consider a nuisance from vessels in East Lamma Channel and Victoria Harbour is not limited to dark smoke.

To enhance the proposed bill amendment, we urge the offence to be BOTH nuisance and color-based.

To that effect we enclose our proposed text together with the existing and amended sections.

Yours sincerely,

Paul Zimmerman

District Councillor



Encl. 1 page

Chapter 313 - SHIPPING AND PORT CONTROL ORDINANCE

Existing:

Section: 50 - Emission of smoke from vessels

(1) Subject to subsection (2), no vessel in the waters of Hong Kong shall emit smoke in such quantity as to be a nuisance.

Amendment Bill:

Section: 50 - Emission of **dark** smoke from vessels

(1) Subject to subsection (2), no vessel in the waters of Hong Kong shall emit **dark smoke for 3 minutes or more continuously at any one time**

Proposed:

Section: 50 - Emission of smoke from vessels

(2) Subject to subsection (2), no vessel in the waters of Hong Kong shall emit smoke in such quantity as to be a nuisance **and/or emit dark smoke for 3 minutes or more continuously at any one time.**

Chapter 548 - MERCHANT SHIPPING (LOCAL VESSELS) ORDINANCE

Existing:

Section 51 - Emission of smoke from local vessel

(1) Subject to subsection (2), no local vessel in the waters of Hong Kong shall emit smoke in such quantity as to be a nuisance.

Amendment Bill:

Section 51 - Emission of **dark** smoke from local vessel

(1) Subject to subsection (2), no local vessel in the waters of Hong Kong shall emit **dark smoke for 3 minutes or more continuously at any one time.**

Proposed:

Section 51 - Emission of smoke from local vessel

(1) Subject to subsection (2), no local vessel in the waters of Hong Kong shall emit shall emit smoke in such quantity as to be a nuisance **and/or dark smoke for 3 minutes or more continuously at any one time.**