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Chief Council Secretary (1)1  
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Legislative Council Complex,  
1 Legislative Council Road, Central  
Hong Kong  
(Attn: Ms Angel Shek)

11 August 2017

Dear Ms Shek,

**Panel on Environmental Affairs**  
**List of follow-up actions**

During the discussion on “Review of the Air Quality Objectives (AQO)” at the meeting on 26 June 2017, Members requested the Administration to provide supplementary information on the electronic road pricing pilot scheme and the application of the current AQO in conducting air quality impact assessment of a public project. Please find our responses, in both English and Chinese, at **Annex**.

If you have any queries, please contact the undersigned at 2594 6300.

Yours sincerely,

(Terence TSANG)

for Director of Environmental Protection

Encl.

**(a) the timetable of completing the feasibility study on the Electronic Road Pricing Pilot Scheme to formulate detailed options for the next stage of public discussion; and**

**Reply:**

The Government completed a three-month public engagement exercise for the Electronic Road Pricing Pilot Scheme in Central and its adjacent area ("ERP Pilot Scheme") last year, during which many views have been received from the public. The public engagement report was published early this year. The Transport Department ("TD") will commission a consultant by the end of this year to conduct a feasibility study on the ERP Pilot Scheme, and is carrying out the relevant preparatory work. TD will formulate one or more detailed options for the ERP Pilot Scheme through the feasibility study for further discussion by the public.

(一) 為提供下一階段公眾討論所需的詳細方案而進行的電子道路收費先導計劃可行性研究的時間表；和

**回覆：**

政府去年為「中環及其鄰近地區電子道路收費先導計劃」（「先導計劃」）進行了為期三個月的公眾參與活動，期間收集了許多公眾意見。該公眾參與報告已於今年初公佈。運輸署將在今年年底前委聘顧問為「先導計劃」進行可行性研究，現正進行有關的前期工作。運輸署會透過該可行性研究，為市民提供一個或多個落實「先導計劃」的詳細方案，供市民進一步討論。

**(b) how to determine whether the current Air Quality Objectives ("AQOs"), which took effect from 1 January 2014, are applicable for conducting the air quality impact assessment of a public works project under the Environmental Impact Assessment Ordinance (Cap. 499) ("EIAO"), including whether the EIAO requirements based on the current AQOs may apply to certain ongoing public works projects for which environmental impact assessments or environmental permits had been conducted/issued before the AQOs took effect.**

**Reply:**

Under the EIAO, approval of environmental impact assessment ("EIA") reports and issue of environmental permits ("EPs") for designated projects have to make reference to the prevailing AQOs at the time the decision is made by the Director of Environmental Protection (DEP). In other words, the current AQOs, which came into effect on 1 January 2014, are applicable to DEP's decisions made on or after 1 January 2014 on the approval of EIA report and on the issue of EP to a designated project for the first time.

As for those designated projects of which the EPs were granted before 1 January 2014, a transitional arrangement will apply in accordance with Part 3 Section 8 of the Air Pollution Control (Amendment) Ordinance 2013 such that, within 36 months from 1 January 2014, an application for variation of environmental permit (VEP) under the EIAO would be considered based on the preceding AQOs (i.e. AQOs prevailing before 1 January 2014). After the expiry of the 36-month transitional period on 1 January 2017, the current AQOs will apply to all VEP applications. There is, however, no provision under the EIAO for the application of current AQOs on any on-going designated project for which an EP has been issued before 1 January 2014 if the permit holder does not apply for a VEP after the expiry of the above-mentioned transitional period.

It should be noted that it usually takes a long lead time (5-10 years) for the planning and design of major public projects. Project proponents could only conduct their EIA studies based on the best available information at the time of assessment. It would be impractical to apply the new standards retrospectively to projects for which valid environmental permits have already been granted.

(二)如何確定自 2014 年 1 月 1 日起生效的現行“空氣質素指標”適用於根據《環境影響評估條例》(第 499 章)(“環評條例”)而進行的公共工程項目空氣質素影響評估，現行的空氣質素指標是否適用於其生效之前已經進行環境影響評估或已獲得環境許可證的公共工程項目。

回覆：

根據《環境影響評估條例》(“環評條例”)，環境保護署署長在審批環境影響評估報告(“環評報告”)和發出環境許可證時，必須參考在作出有關決定時有效的空氣質素指標作為基準規定。換句話說，目前於 2014 年 1 月 1 日起施行的空氣質素指標，適用於環境保護署署長在 2014 年 1 月 1 日或之後對指定工程項目作出的首次環評報告和環境許可證批准決定。

至於在 2014 年 1 月 1 日之前已獲發環境許可證的指定工程項目，根據《2013 年空氣污染管制(修訂)條例》第 3 部第 8 條所提供的過渡性安排，即在 2014 年 1 月 1 日起計 36 個月內，在項目倡議人根據“環評條例”申請變更環境許可證時，可以使用 2014 年 1 月 1 日之前有效的空氣質素指標作為評估基準。在 2017 年 1 月 1 日的 36 個月過渡期屆滿後，現行的空氣質素指標將適用於所有變更環境許可證的申請。但是，如果許可證持有人在上述期限屆滿後不申請變更環境許可證，在“環評條例”中沒有任何規定要求正在進行並在 2014 年 1 月 1 日之前已獲發環境許可證的指定工程項目須符合現行的空氣質素指標。

大型公共基建工程項目的規劃及設計通常需要很長的時間(5 - 10 年)。項目倡議人只能根據當時最佳可用的資料去進行環境影響評估研究。將新標準追溯至已經獲發有效環境許可證的工程項目並不可行。