

# A BILL

## To

Amend the Air Pollution Control Ordinance to amend the air quality objectives in relation to sulphur dioxide and fine suspended particulates prescribed in Schedule 5 to the Ordinance; and to provide for transitional matters.

Enacted by the Legislative Council.

**1. Short title and commencement**

- (1) This Ordinance may be cited as the Air Pollution Control (Amendment) Ordinance 2021.
- (2) This Ordinance comes into operation on a day to be appointed by the Secretary for the Environment by notice published in the Gazette.

**2. Air Pollution Control Ordinance amended**

The Air Pollution Control Ordinance (Cap. 311) is amended as set out in section 3.

**3. Schedule 5 amended (air quality objectives)**

- (1) Schedule 5, section 4(2)—

**Repeal**

“125”

**Substitute**

“50”.

- (2) Schedule 5, section 6(1)—

**Repeal**

“75”

**Substitute**

“50”.

- (3) Schedule 5, section 6(1)—

**Repeal**

“9”

**Substitute**

“35”.

- (4) Schedule 5, section 6(2)—

**Repeal**

“35”

**Substitute**

“25”.

**4. Transitional provisions relating to application under section 13(1) of EIAO**

- (1) This section applies to an application, made during the transitional period, under section 13(1) of the EIAO for a variation of the conditions of an environmental permit issued before the commencement date (*specified application*).

- (2) For a specified application—
- (a) the pre-amended air quality objectives continue to have effect as a criterion for evaluating air quality impact under section 1.1(a) of Annex 4 to the EIAO technical memorandum for the purposes of the specified provisions referred to in subsection (3); and
  - (b) the amended air quality objectives do not have effect as such a criterion for those purposes.
- (3) The specified provisions for a specified application are—
- (a) sections 5, 6, 7 and 8 of the EIAO, as applied in relation to the application because of section 13(4) of the EIAO; and
  - (b) section 13(5)(b) of the EIAO.

- (4) In this section—

***amended air quality objectives*** (經修訂空氣質素指標) means the air quality objectives prescribed in Schedule 5 to the APCO as amended by this Ordinance;

***APCO*** (《空氣污染管制條例》) means the Air Pollution Control Ordinance (Cap. 311);

***commencement date*** (生效日期) means the date on which this Ordinance comes into operation;

***EIAO*** (《環境影響評估條例》) means the Environmental Impact Assessment Ordinance (Cap. 499);

***EIAO technical memorandum*** (《環評條例技術備忘錄》) means the technical memorandum published under section 16(5) of the EIAO on 16 May 1997;

***pre-amended air quality objectives*** (原有空氣質素指標) means the air quality objectives prescribed in Schedule 5 to the APCO as in force immediately before the commencement date;

***transitional period*** (過渡期) means the period of 36 months beginning on the commencement date.

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### **Explanatory Memorandum**

The objects of this Bill are to amend the Air Pollution Control Ordinance (Cap. 311) (*Ordinance*) to amend the air quality objectives in relation to sulphur dioxide and fine suspended particulates prescribed in Schedule 5 to the Ordinance and to provide for transitional matters.

2. Clause 1 sets out the short title and provides for commencement.
3. Clause 3 amends sections 4 and 6 of Schedule 5 to the Ordinance to tighten the air quality objectives in relation to sulphur dioxide and fine suspended particulates.
4. Clause 4 provides for transitional provisions. For an application made under section 13(1) of the Environmental Impact Assessment Ordinance (Cap. 499) for a variation of the conditions of an environmental permit issued before the commencement date of this Bill, if the application is made within 36 months beginning on the commencement date, the pre-amended air quality objectives will continue to apply.