

**Bills Committee on
Air Pollution Control (Amendment) Bill 2024**

**Follow-up response to submissions made by
public bodies/members of the public**

On the submissions received during the committee stage of the Air Pollution Control (Amendment) Bill 2024 (the Amendment Bill), the Government's consolidated responses are as follows –

Submissions received

2. The five submissions received mainly concern the following:
 - (a) There were views that in recent years, many improper recycling operations (including waste metals and plastics recycling) in Hong Kong have caused environmental pollution. It is considered that the legislative amendment would help improve the environment in Hong Kong and the regulation of the relevant trades, and hence indicating support for the Amendment Bill;
 - (b) There were also views in respect of specified processes (SP) and related “cement works” that the Amendment Bill could effectively tackle the issue of unlicensed operation of concrete batching plants with measures such as introducing a statutory closure notice mechanism, resolving the issue of total silo capacity, addressing the transfer of cement works onto ships or barges and imposing heavier penalties. The legislative amendment, which will introduce a statutory closure notice mechanism to combat the ongoing illegal operation of unlicensed SP and amend the scope of “cement works” necessary to avoid attempts to bypass the SP licensing regime, are considered necessary. In addition, there was a suggestion for installing global positioning system (GPS) on concrete mixer lorries to enhance monitoring and enforcement. There were also views suggesting that the Government should make proper planning to cater for the development of respective districts and relocate outdated facilities to suitable locations;

- (c) On the review of Air Quality Objectives (AQOs), there are views welcoming the Government to conduct the review at least once every five years as required in law for protecting public health. The proposals to update the AQOs and streamline the review procedures under the Amendment Bill are also supported;
- (d) Furthermore, it is suggested that the long-term air quality management strategy to be formulated should give more weight to redoubling efforts in reducing emissions from road and marine transport and non-road mobile machinery for the following purposes: to cut down the overall concentrations of nitrogen dioxide (NO₂) and ozone (O₃) in Hong Kong; to deepen the co-operation between Hong Kong and Guangdong in tackling regional pollution; to put in tandem the policies on traffic and transport management, energy, industrial development and conservation to achieve better synergy and timely update the Air Quality Health Index and indoor AQOs; and
- (e) There are also suggestions to draw up more stringent AQOs, provide the rationale and details for adopting the AQOs, detail the procedures for non-passage by the Legislative Council (LegCo), and expressly include public health and the World Health Organization (WHO)'s AQO parameters as considerations in reviewing AQOs and specify the concrete timetable for achieving the AQOs.

Government's response to submissions

The control of SPs (including "cement works") and the proposed amendments in the Amendment Bill

3. The Government welcomes the above views. To regulate major stationary sources potentially causing serious air pollution, the Air Pollution Control Ordinance (APCO) stipulates a licensing regime to regulate 31 SPs requiring, inter alia, concrete batching plants under the scope of cement works to obtain SP licences from the Environmental Protection Department (EPD) before operation. Unlicensed SP operations are illegal, and can cause persistent air pollution and potential risk on public health. They must cease immediately. The Amendment Bill provides an effective legal means to stop ongoing illegal operations of unlicensed SP expeditiously. The Amendment Bill mainly includes the following proposals –

- (a) Introduce a statutory closure notice mechanism to empower the Director of Environmental Protection (DEP) to issue a closure notice concerning premises, lock or seal the same where, if the DEP has reasonable cause to believe that an unlicensed SP is being carried out. The proposal also empowers the EPD to disconnect all gas, water and electricity supplies to the subject premises when the closure notice comes into force;
- (b) Revise the scope of “cement works” by amending “the total silo capacity” in the definition of “cement works” to “the total bulk storage capacity”, and adding a threshold based on the production scale, i.e. the total installed capacity of concrete mixers and the total concrete production rate per hour. This is to avoid attempts to bypass the SP licensing regime through reducing the sizes of silos and using mobile facilities as “extended storage facilities”;
- (c) Amend the definition of “premises” in the APCO to regulate cement works conducted at sea; and
- (d) Enhance deterrence by stipulating the liability of a party on failure to ensure no SP as described in the CN being conducted on the subject premises to be a fine of up to \$1,000,000 and imprisonment for 12 months, and that the company’s directors concerned may also be subject to prosecution.

Overview of operation and planning of concrete batching plants

4. The extensive use of concrete in local construction works makes a continuous and steady supply of concrete crucial. In fact, there are currently over 30 concrete batching plants located in various districts to support construction projects across Hong Kong. The Government has imposed rigorous requirements and maintained close monitoring of the operation of these plants to ensure compliance with the relevant legislative requirements, including public hygiene and air pollution control.

5. The Government intends to gradually enhance the land uses in various districts through land-use planning and a market-driven approach, hence optimising the land potential in response to the latest development needs of society. Town planning is a progressive process. Sites will be used as approved until redevelopment, which is the gradual nature of urban renewal. The

establishment, operation, and relocation of concrete batching plants are market operations provided that they comply with the statutory requirements. If available, suitable government land will be put to open tender for bidding by qualified parties.

Installation of global positioning system (GPS) on concrete mixer lorries

6. The GPS devices installed on concrete mixer lorries can record their driving routes, but it cannot monitor the condition of concrete mixer lorries travelling on roads, for example, whether there is spillage of concrete paste on roads. Imposing legislative requirements to require the installation of GPS devices could not help.

Environmental issues arising from recycling operations

7. On the environmental pollution arising from recycling operations, the processes generally involved in plastic recycling operations are melting, pelletising and packaging, and those in metal recycling operations are loading, unloading and storage. The noise, wastewater, and air pollutants generated from these recycling operations must comply with relevant environmental legislative requirements. The EPD has been adopting a multi-pronged approach to monitor the recycling operations, including regular and ambush inspections, inter-departmental enforcement actions, and publicity and education. Over the past three years, the EPD instituted a total of 107 prosecutions against illegal waste metals and plastics recycling operations and all prosecution resulted in conviction.

Air Quality Management

8. On air quality management, a wide array of measures on air pollutant emission control has been in force covering road and marine transport, power plants, and non-road mobile machinery. Moreover, we have been for years working closely with the Guangdong Provincial Government on emission reduction. Taken together, these initiatives have brought about continuous improvement to Hong Kong's air quality. Over the past two years, our air quality has been stabilised at the best level since the handover, with major air pollutants having dropped by approximately 40% to 80% in concentration. However, the

O₃ annual average concentrations have remained persistent in recent years, which calls for efforts to alleviate regional photochemical pollution. To tackle regional O₃ problem, the Guangdong and Hong Kong SAR Governments will continue to take forward the emissions reduction initiatives and targets on the regional air pollutants NO₂ and volatile organic compounds (VOCs) as planned.

The Review of AQOs and Update

9. To strengthen protection of public health, the Amendment Bill will also give effect to recommendations¹ of the latest AQO review to update the AQOs. After the updating, seven out of fifteen AQOs will have been set at the most stringent levels in the WHO Air Quality Guidelines (AQGs), becoming on par with the relevant standards of other advanced economies (such as Japan, Singapore and Korea). All AQOs are benchmarked against the WHO AQGs in terms of the interim targets and ultimate goals therein, taken into consideration comprehensively factors such as the views expressed by experts in relevant fields, stakeholders and the public, and formulated in a pragmatic and scientific manner.

Feasibility of tightening AQOs for NO₂ and O₃

10. Some commented that the AQOs for NO₂ and O₃ should be set at the respective Interim Target (IT) 2 levels of the WHO. In fact, the annual average concentration of NO₂ was already on par with the AQG level before the WHO significantly tightened the AQG level of annual average concentration in 2021, which put Hong Kong in the same band as the European Union, the United Kingdom, Singapore and Mainland China whose corresponding AQOs just reach IT-1. NO₂ is produced in combustion processes and primarily emitted from power plants, vessels and motor vehicles. After years of implementing various measures to control air pollution emissions from motor vehicles, vessels and power plants, Hong Kong has achieved a roughly 40% decline in the annual average

¹ The Government on 17 October 2023 reported to the Panel on Environmental Affairs on the proposal to update the air quality objectives. The relevant discussion paper can be found on the following Legislative Council webpage (<https://www.legco.gov.hk/yr2023/english/panels/ea/papers/ea20231017cb1-912-2-e.pdf>) and the Review of Air Quality Objectives webpage (https://www.epd.gov.hk/epd/english/environmentinhk/air/air_quality_objectives/2030aqosreview.html)

concentration of NO₂ over the past decade. The further reduction of NO₂ emissions will involve considerations on the technical aspect, practical arrangements, and the additional operational burdens to be borne by the trades. Therefore, we deem it necessary to take more time to study the feasibility of further tightening measures, and will follow it up in the next round of review.

11. The Government will continue to implement the various emission reduction strategies as set out in the Hong Kong Roadmap on Popularisation of Electric Vehicles, the Clean Air Plan for Hong Kong 2035, the Hong Kong's Climate Action Plan 2050, the Green Transformation Roadmap of Public Buses and Taxis, and the Strategy of Hydrogen Development in Hong Kong, for improving air quality progressively. According to the assessment results, we expect six criteria pollutants (namely sulphur dioxide, fine suspended particulates, respirable suspended particulates, NO₂, carbon monoxide and lead) could attain the updated AQOs in 2030.

12. As for O₃, these secondary pollutants formed by photochemical reaction cause a complex regional air pollution issue. At present, the regional background O₃ concentration is still relatively high. While the peak season O₃ concentration fails the IT-1 of the WHO AQGs according to the findings, the Government still suggests making the minimum threshold of IT-1 a starting point and continuing collaboration among the governments of Guangdong, Hong Kong and Macao to achieve continuous air quality improvement and better protection of public health. AQOs are the basis for assessing air quality impacts when vetting the designated work projects and the specified processes under the Environmental Impact Assessment Ordinance and the APCO respectively. The Government will consider the feasibility of updating and tightening the AQOs for NO₂ and O₃ in the next round of AQO review.

Streamlining AQOs update procedures

13. Assuming passage of the Amendment Bill, the updated AQOs will come into operation on 11 April 2025. Upon implementation of the Amendment Bill, the future updating of AQOs will be subject to the LegCo's scrutiny by "negative

vetting’’² so that we can move more efficiently for the technical procedures and streamline the AQO review process. Regarding the proposal that the APCO should include an express provision setting public health and the WHO standards as considerations in the AQO review, it is already set out in section 7A of the APCO that public interest should be achieved and maintained in the AQO review. That is to say, “public health” is already an important statutory consideration. Moreover, during AQO reviews, we must also consider a wide array of factors including the latest recommendations of the WHO, the emission reduction measures, the actual circumstances of society, and scientific advancement.

14. To comply with the requirements under APCO, the next review period will last to December 2028. The Government will continue to work with experts and stakeholders to carry out science-based reviews. Upon completion, the Government will consult the public, submit a report to the Advisory Council on the Environment and brief the LegCo Panel on Environmental Affairs on the findings.

Environment and Ecology Bureau
Environmental Protection Department
22 January 2025

² According to the negative vetting procedure, the amendments are published in the Gazette and then laid on the table of the LegCo at its meeting. The LegCo may, by resolution passed at its sitting held no later than 28 days after gazettal, pass or amend the legislation concerned. For details, please refer to the provisions of section 34 of the Interpretation and General Clauses Ordinance (Cap. 1) at https://www.elegislation.gov.hk/hk/cap1!en?pmc=0&m=0&pm=1&INDEX_CS=N.