

Bills Committee on Air Pollution Control (Amendment) Bill 2024

**List of follow-up actions arising from the discussion
at the meeting on 10 January 2025**

The Administration is requested to provide information or written response on the following matters:

Commencement date of the Air Pollution Control (Amendment) Bill 2024

- (a) considering amending clause 1(2) of the Air Pollution Control (Amendment) Bill 2024 (“the Bill”) to the effect that the Ordinance will come into operation on the date of publication in the Gazette, instead of being specified to come into operation on 11 April 2025;

Updating of Air Quality Objectives

- (b) the results of the public consultation conducted by the Administration on the Air Quality Objectives (“AQOs”) proposed to be updated under the Bill (“the proposed AQOs”);
- (c) the Administration’s consideration of various factors (including assessment of environmental, economic and public health implications) and whether a proper balance has been struck in formulating the proposed AQOs, so as to ensure that the proposed AQOs seek to promote the conservation and the best use of air in the zone in the public interest; and the reasons for not proposing more aggressive AQOs, particularly in view of the current proposal under which the 24-hour AQO for nitrogen dioxide and the peak season AQO for ozone have only been set at the most lenient level (i.e. IT-1) of the World Health Organization Air Quality Guidelines (“AQGs”);
- (d) the timetable for achieving the ultimate levels of AQGs in respect of the concentration limits of the air pollutants covered by the proposed AQOs over different time spans;

Legal and drafting aspects

- (e) reviewing the relevant provisions of the Bill and considering whether amendments are to be made:

- (i) reviewing the definition of “premises” under the proposed revised section 2 of the Air Pollution Control Ordinance (Cap. 311) to ensure that the Bill will enable effective enforcement against different scenarios, including the case where a specified person who has connected a concrete mixer or installed storage facility outside the premises to the premises for conducting a specified process (“SP”) will also be subject to the SP licensing regime. In addition, the Administration may consider amending the provision to reduce repetitions and redundancies (e.g. reducing repeated references to “any part”) to improve the readability of the provision;
- (ii) reviewing the drafting of the proposed new section 30E(2) of Cap. 311 to clearly provide for the manner in which the Authority serves a closure notice if the specified person is a company not registered in Hong Kong;
- (iii) considering amending the proposed new sections 30F and 30G of Cap. 311 to provide that after a closure notice has come into force, the Authority will exercise due diligence to lock or cause to be locked the subject premises as soon as possible to reduce the risk of any person unlawfully entering or remaining on the premises or even continuing to conduct unlicensed SPs on the premises before the premises are locked;
- (iv) considering amending the proposed new section 30I(3) of Cap. 311 to cover non-public officers entering the subject premises at the request of a public officer, so that such non-public officers will not contravene the proposed new section 30I (prohibition on entering or remaining on subject premises) under the above circumstances, and will not be required to raise a defence under the proposed new section 30M or 48A;
- (v) reviewing the drafting of the proposed new sections 30I, 30M and 48A of Cap. 311 concurrently to set out more clearly the various defences for entering the closed subject premises;
- (vi) elaborating on the legislative intent and implementation details of the proposed new section 30J of Cap. 311, including the circumstances under which the Authority will permit a person to enter or remain on a closed subject premises; and the rationale for requiring a person (e.g. an owner or a security guard) to be granted the Authority’s permission in writing to enter the subject premises even if the person does not intend to conduct an SP on the subject premises;

Other issues

- (f) regarding the spillage of concrete paste onto the roads from moving concrete mixers, particularly in the vicinity of Cha Kwo Ling Road, Yau Tong Road and Yau Tong Lane, providing (i) the relevant enforcement statistics, including the numbers of prosecutions instituted and successful prosecutions; and (ii) information on the department(s) responsible for clearing the concrete paste from the roads, the frequency of clean-ups and the amount of other follow-up work;
- (g) whether the Administration will consider requiring the installation of Global Positioning System on concrete mixers to enhance monitoring and enforcement in respect of cement works operations; and
- (h) the enforcement situation of the recycling operations of waste metals and plastics, including the numbers of prosecutions instituted and successful prosecutions.

Council Business Divisions

Legislative Council Secretariat

22 January 2025