

30 December 2024

Hon TANG Ka-piu, BBS, JP
Chairman
Bills Committee on Air Pollution Control (Amendment) Bill 2024
bc_09_24@legco.gov.hk

Dear Hon TANG Ka-piu and Bills Committee Members,

**Statement of Support to Bills Committee on Air Pollution Control
(Amendment) Bill 2024
from Business Environment Council Limited
商界環保協會有限公司**

Over the last 32 years, Business Environment Council Limited 商界環保協會有限公司 (“BEC”) has played a leading role in advocating the business case for environmental excellence, given the importance of sustainable development to Hong Kong. Our members are committed to actively engage with the HKSAR Government (“the Government”) to help develop a supporting policy framework as well as impactful implementation in respect of environmental protection and sustainability.

Views expressed in this submission are those of BEC, in line with BEC’s Mission and Vision as well as policy position on relevant issues, but may not necessarily be the same as the views of each individual member. BEC is an independent charitable membership organisation comprising over 300 member companies from Hong Kong’s major holding companies to small and medium-sized enterprises.

Background of the Bill

As described in LC Paper No. LS65/2024, the Air Pollution Control Ordinance (Cap. 311) (“APCO”) provides for, among others, a licensing regime to regulate 31 specified processes (“SP”) (including cement works) specified in Schedule 1 to Cap. 311. Under section 13 of Cap. 311, it is an offence for the owner of any premises to use those premises, or permit those premises to be used, for the conduct of SP unless he is a holder of a licence to use the premises for the conduct of that SP (“SP licence”). In recent years, Environmental Protection Department (“EPD”) has repeatedly found that certain former SP operators have continued to conduct SP operations even though their applications for renewal of SP licences had been refused. Furthermore, there have been attempts to bypass the SP licensing regime for cement works by using mobile facilities as extended storage facilities or transferring cement works operations onto ships or barges. Therefore, the Government introduced the Air Pollution Control (Amendment) Bill 2024 (“the Bill”) to establish the proposed legislative framework for closure notices with a view to combating unlicensed SP operations.

The Bill also proposes to implement the recommendations of Environment and Ecology Bureau (“EEB”)’s latest air quality objectives (“AQOs”) review, which has undergone a two-month public consultation from 31 August to 31 October 2023.

Regarding Revision of Air Quality Objectives

The Bill seeks to update AQOs prescribed in Schedule 5 to Cap.311 by the tightened parameters in the AQOs review (the same as those stated in public consultation materials). BEC offers its support for the updates.

BEC has earlier made its submission¹ to the Government during the public consultation period. In the submission, BEC expressed its support for the Government's decision to tighten the AQOs with reference to the latest World Health Organization (“WHO”) WHO Global Air Quality Guidelines (“WHO AQGs”) published in September 2021, while recommended the Government to consider taking additional air quality improvement measures for nitrogen dioxide (“NO₂”) and ozone (“O₃”), both of which remain challenging to meet the least strict WHO IT-1 level. To support the Government to smoothly implementing the latest review of air quality objectives, the submission also proposed several recommendations with a holistic air quality management strategy for the Government to consider, including the following:

1. Rise in Ozone Levels and Collaboration with GBA
2. Increased Efforts on Non-Road Mobile Machinery (“NRMMS”)
3. Challenges of Roadside Air Pollution and Importance of Integrated Approach
4. Combating Marine Vessel Emissions and Promoting Sustainable Shipping Practices
5. Health Risks and Impacts of Air Pollution

Details of the recommendations can be obtained from the submission link as stated in the footnote.

Apart from the AQOs update, the Government proposes to offer a 36-month transitional period for designated projects (“DPs”) with environmental permits (“EPs”) issued under the Environmental Impact Assessment Ordinance (Cap. 499) (“EIAO”) before the updated AQOs come into effect. During the transitional period, the pre-updated AQOs continue to apply. To streamline future AQOs update procedures and corresponding transitional arrangements, the Bill, through Clause 7 amendment, also seeks to empower the Secretary for Environment and Ecology (“Secretary”) to amend those objectives by notice published in the Gazette. BEC commends the streamlining proposal, and suggests the Government maintain its current AQOs review approach to engage the general public, Advisory Council on the Environment, and relevant LegCO members in the early phase.

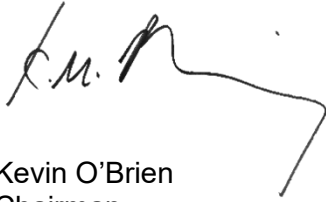
Conclusion

BEC supports the legislation to implement recommendations of the latest review of air quality objectives, and we stand ready to facilitate the business sector and other stakeholders in implementing the Bill. For queries related to this support statement, please contact our Chief Executive Officer, Mr Simon Ng at simonng@bec.org.hk

¹ BEC's Submission on Air Quality Objectives Review.

https://www.bec.org.hk/sites/default/files/policy_submissions/BEC_Submission_on_AQOs_Review_20231030%20%28002%29.pdf

Yours sincerely,



Kevin O'Brien
Chairman
Business Environment Council Limited