

Air Pollution Control (Amendment) Bill 2024 gazetted today

The Air Pollution Control (Amendment) Bill 2024 (Amendment Bill) was published in the Gazette today (November 15) to more effectively combat unlicensed specified process (SP) operations and implement recommendations of the latest Air Quality Objectives (AQOs) review.

A spokesman for the Environment and Ecology Bureau indicated that SPs are major sources of serious air pollution. Currently, 31 types of SPs are specified in Schedule 1 to the Air Pollution Control Ordinance (Cap. 311) (APCO). All SP operations are required to have an SP licence issued by the Environmental Protection Department (EPD). All unlicensed SP operations are illegal. They cause persistent air pollution problems and a large number of complaints and must be immediately stopped.

The spokesman said, "To provide an effective legal means to stop ongoing unlicensed SP operations as soon as possible, the Amendment Bill proposes to introduce a statutory closure notification mechanism to empower the Director of Environmental Protection to issue a closure notice in respect of the premises where he has reasonable cause to believe that an unlicensed SP is being carried out. The Amendment Bill also proposes to revise the scope of 'cement works' and the definition of 'premises' under the APCO to include cement works carried out at sea in order to enhance regulatory clarity. After the enactment and commencement of the Amendment Bill, we will provide a six-month transitional period for relevant existing operators to apply to the EPD for the required SP licences."

The Amendment Bill also proposes to implement recommendations of the latest AQOs review in order to set out measures and requirements to tackle air pollution problems. The proposed AQOs updates include tightening the five objectives for sulphur dioxide (SO₂), respirable suspended particulates (PM₁₀) and fine suspended particulates (PM_{2.5}), and adding three new objectives for nitrogen dioxide (NO₂), ozone (O₃) and carbon monoxide (CO) introduced by the World Health Organization.

The spokesman said, "The updated AQOs will be on par with relevant standards of other advanced economies. A transitional period of 36 months will be provided for designated projects for which environmental permits (EP) have been issued under the Environmental Impact Assessment Ordinance (Cap. 499) before the new AQOs take effect, starting from the enactment and commencement of the Amendment Bill. During the transition period, the pre-amended AQOs continue to apply to applications for variation of conditions of the EP. Meanwhile, the Amendment Bill also proposes to update the AQOs and provide corresponding transitional arrangements by 'negative vetting' in the future to streamline relevant procedures."

The Amendment Bill will be introduced into the Legislative Council for

first and second readings on November 27.