

Illegal operation of concrete batching plants handled seriously in accordance with law

The Environmental Protection Department (EPD) said that, regarding the illegal operation of the concrete batching plants (CBP) at 20 and 22 Tung Yuen Street, Yau Tong, the department is handling the cases in a serious manner and the evidence collected will be passed on to the Department of Justice (DoJ) for consideration and follow up in accordance with the law.

CBP at 22 Tung Yuen Street

Since the appeal lodged by the CBP at 22 Tung Yuen Street had been dismissed by the Air Pollution Control Appeal Board (the Appeal Board), the EPD has been taking stringent enforcement actions against the plant. An investigation confirmed that the plant's total silo capacity still exceeds 50 tonnes. By December 2023, the EPD had initiated a total of 32 prosecution summonses against the plant for not complying with the air pollution abatement notice served and operating without a valid licence. These cases are currently being handled by the Court. Meanwhile, the EPD has also applied for an injunction, which is being scheduled for hearing by the Court, to stop the CBP operation from causing public nuisance. The EPD is following up with the DoJ to apply to the Court to schedule the hearings of these prosecution and injunction cases as soon as possible, so as to prevent the concrete batching plant from causing air pollution and public nuisance.

The Court of First Instance of the High Court handed down a decision on December 13, 2023, pointing out that on whether the CBP at 22 Tung Yuen Street, Yau Tong, is required to have a Specified Process Licence (SPL) to operate, China Concrete Co. Limited (China Concrete) had disclosed no reasonable causes of action and abused the legal process by filing a civil claim against the EPD. The Court allowed the DoJ's application to strike out China Concrete's claims and ordered the costs of the proceedings be paid by China Concrete.

CBP at 20 Tung Yuen Street

Since the Appeal Board dismissed an appeal lodged by China Concrete against the refusal of its application for renewal of a SPL for the CBP at 20 Tung Yuen Street, Yau Tong, by the EPD on November 22, 2023, the CBP's SPL has ceased to be in force. The EPD had then taken enforcement actions and conducted a joint operation with the concerned departments on November 28, 2023. EPD officers are collecting evidence and will pass the evidence collected on to the DoJ for considering initiating prosecutions under the Air Pollution Control Ordinance.

In addition, the EPD is working on legislative amendments to the Air Pollution Control Ordinance to enhance enforcement power for closing illegal

premises, so as to allow the department to handle similar cases more efficiently and effectively in the future. The amendments to the Ordinance are set to be introduced into the Legislative Council in the first quarter of next year.