

A BILL

To

Amend the Air Pollution Control Ordinance to set out air quality objectives in the Ordinance; to provide for the review of those objectives with a view to promoting the conservation and best use of air in the public interest; and to provide for related matters.

Enacted by the Legislative Council.

Part 1

Preliminary

1. Short title and commencement

- (1) This Ordinance may be cited as the Air Pollution Control (Amendment) Ordinance 2013.
 - (2) This Ordinance comes into operation on 1 January 2014.
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Part 2

Amendments to Air Pollution Control Ordinance

2. Air Pollution Control Ordinance amended

The Air Pollution Control Ordinance (Cap. 311) is amended as set out in sections 3 to 7.

3. Section 2 amended (interpretation)

(1) Section 2, definition of *air quality objective*—

Repeal

“an air quality objective established by the Secretary under section 7”

Substitute

“the air quality objective referred to in section 7A(1)”.

(2) Section 2, definition of *technical memorandum*—

Repeal

“7.”.

4. Section 7 repealed (Secretary to establish quality objectives)

Section 7—

Repeal the section.

5. Section 7A added

Before section 8—

Add

“7A. Air quality objectives

(1) Schedule 5 prescribes the air quality objectives for an air control zone.

- (2) Subject to subsection (3), the Secretary may from time to time review the air quality objectives for an air control zone to ensure that they are the objectives that should be achieved and maintained in order to—
 - (a) promote the conservation of air in the zone in the public interest; and
 - (b) promote the best use of air in the zone in the public interest.
- (3) A review under subsection (2) must be carried out at least once in every review period.
- (4) As soon as reasonably practicable after a review is carried out under subsection (2), the Secretary must submit to the Advisory Council on the Environment a report of the review.
- (5) In this section, a reference to an air control zone includes a part of an air control zone.
- (6) In this section—

review period (検討期) means—

 - (a) the period of 5 years beginning on 1 January 2014; or
 - (b) each successive 5-year period.”.

6. Section 45 amended (Advisory Council on the Environment)

Section 45—

Repeal

“7”

Substitute

“7A”.

7. Schedule 5 added

After Schedule 4—

Add

“Schedule 5 [s. 7A]

Air Quality Objectives

Part 1

Preliminary

1. Interpretation

In this Schedule—

fine suspended particulates (微細懸浮粒子) means suspended particles in air with a nominal aerodynamic diameter of 2.5 µm or less;

respirable suspended particulates (可吸入懸浮粒子) means suspended particles in air with a nominal aerodynamic diameter of 10 µm or less.

2. Application

The air quality objectives set out in this Schedule are prescribed for every air control zone.

3. Reference conditions

All measurements of the concentration of gaseous air pollutants set out in Part 2 of this Schedule are to be adjusted to a reference temperature of 293 Kelvin and a reference pressure of 101.325 kilopascal.

Part 2

Concentration Limits of Air Pollutants

4. Sulphur dioxide

- (1) The concentration limit of sulphur dioxide in air averaged over a reference period is $500 \mu\text{g}/\text{m}^3$ and the number of reference periods in which the limit is exceeded should not be more than 3 per calendar year.
- (2) The concentration limit of sulphur dioxide in air averaged over a day is $125 \mu\text{g}/\text{m}^3$ and the number of days on which the limit is exceeded should not be more than 3 per calendar year.
- (3) For the purposes of subsection (1), a reference period is—
 - (a) the first 10 minutes of a day; or
 - (b) each successive 10-minute period of the day.

5. Respirable suspended particulates

- (1) The concentration limit of respirable suspended particulates in air averaged over a day is $100 \mu\text{g}/\text{m}^3$ and the number of days on which the limit is exceeded should not be more than 9 per calendar year.
- (2) The concentration of respirable suspended particulates in air averaged over a calendar year should not exceed $50 \mu\text{g}/\text{m}^3$.

6. Fine suspended particulates

- (1) The concentration limit of fine suspended particulates in air averaged over a day is $75 \mu\text{g}/\text{m}^3$ and the number of days on which the limit is exceeded should not be more than 9 per calendar year.

- (2) The concentration of fine suspended particulates in air averaged over a calendar year should not exceed $35 \mu\text{g}/\text{m}^3$.

7. Nitrogen dioxide

- (1) The concentration limit of nitrogen dioxide in air averaged over an hour is $200 \mu\text{g}/\text{m}^3$ and the number of hours in which the limit is exceeded should not be more than 18 per calendar year.
- (2) The concentration of nitrogen dioxide in air averaged over a calendar year should not exceed $40 \mu\text{g}/\text{m}^3$.

8. Ozone

- (1) The number of days on which the maximum daily 8-hour mean concentration of ozone in air exceeds $160 \mu\text{g}/\text{m}^3$ should not be more than 9 per calendar year.
- (2) For the purposes of subsection (1), the maximum daily 8-hour mean concentration of ozone in air is selected by examining 8-hour running averages, calculated from hourly data and updated each hour.
- (3) Each 8-hour running average calculated for the purposes of subsection (2) is assigned to the day on which the 8-hour period ends, that is—
 - (a) the first calculation period for a day is the period from 5 p.m. on the previous day to 1 a.m. on that day; and
 - (b) the last calculation period for a day is the period from 4 p.m. to 12 midnight on that day.

9. Carbon monoxide

- (1) The concentration of carbon monoxide in air averaged over an hour should not exceed $30\,000 \mu\text{g}/\text{m}^3$.

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- (2) The maximum daily 8-hour mean concentration of carbon monoxide in air should not exceed $10\,000\ \mu\text{g}/\text{m}^3$.
 - (3) For the purposes of subsection (2), the maximum daily 8-hour mean concentration of carbon monoxide in air is selected by examining 8-hour running averages, calculated from hourly data and updated each hour.
 - (4) Each 8-hour running average calculated for the purposes of subsection (3) is assigned to the day on which the 8-hour period ends, that is—
 - (a) the first calculation period for a day is the period from 5 p.m. on the previous day to 1 a.m. on that day; and
 - (b) the last calculation period for a day is the period from 4 p.m. to 12 midnight on that day.

10. Lead

The concentration of lead in air averaged over a calendar year should not exceed $0.5\ \mu\text{g}/\text{m}^3$.”

Part 3

Transitional Provision Relating to Air Quality Objectives Published in Technical Memorandum Issued under Section 7(1A) of Air Pollution Control Ordinance

- 8. Effect of air quality objectives published in technical memorandum issued under repealed section 7(1A)**
- (1) Subject to subsection (2), the air quality objectives published in the APCO technical memorandum cease to have effect on the expiry of 31 December 2013.
 - (2) For an application made before 1 January 2017 under section 13(1) of the Environmental Impact Assessment Ordinance (Cap. 499) for a variation of the conditions of an environmental permit issued before 1 January 2014—
 - (a) the air quality objectives published in the APCO technical memorandum as in force immediately before 1 January 2014 continue to have effect as a criterion for evaluating air quality impact under section 1.1(a) of Annex 4 to the EIAO technical memorandum—
 - (i) for the purposes of sections 5, 6, 7 and 8 of the Environmental Impact Assessment Ordinance (Cap. 499), as applied in relation to the application because of section 13(4) of that Ordinance; and
 - (ii) for the purposes of section 13(5)(b) of that Ordinance; and
 - (b) the air quality objectives referred to in section 7A(1) of the Air Pollution Control Ordinance (Cap. 311) as in force on or after 1 January 2014 do not have effect as such a criterion for those purposes.

(3) In this section—

APCO technical memorandum (《空氣污染管制條例技術備忘錄》) means the technical memorandum issued under the repealed section 7(1A) on 24 June 1994;

EIAO technical memorandum (《環評條例技術備忘錄》) means the technical memorandum published under section 16(5) of the Environmental Impact Assessment Ordinance (Cap. 499) on 16 May 1997;

repealed section 7(1A) (已廢除的第7(1A)條) means section 7(1A) of the Air Pollution Control Ordinance (Cap. 311) repealed by section 4.

Explanatory Memorandum

The object of this Bill is to amend the Air Pollution Control Ordinance (Cap. 311) (*principal Ordinance*) to set out air quality objectives in the principal Ordinance and to provide for the review of the air quality objectives by the Secretary for the Environment (*Secretary*).

2. Clause 1 sets out the short title and provides for commencement.
3. Clause 4 repeals the power of the Secretary to establish air quality objectives by a technical memorandum.
4. Clause 5 adds a new section 7A to the principal Ordinance to provide that air quality objectives are prescribed in the Schedule 5 to the principal Ordinance. The new section 7A also provides for the review of the air quality objectives by the Secretary. The Secretary is required to submit a report of the review to the Advisory Council on the Environment.
5. Clause 7 adds a new Schedule 5 to the principal Ordinance. The air quality objectives are prescribed in the new Schedule 5.
6. Clause 8 provides that the air quality objectives published in the technical memorandum issued under section 7(1A) of the principal Ordinance on 24 June 1994 ceases to have effect on the expiry of 31 December 2013. However, for an application under section 13(1) of the Environmental Impact Assessment Ordinance (Cap. 499) for a variation of the conditions of an environmental permit issued before 1 January 2014, if the application is made before 1 January 2017, the air quality objectives published in that technical memorandum will continue to have effect as a criterion for evaluating the impact on air quality for the purposes of section 13 of that Ordinance.