

Development of Environmental Law and Policy (No. 3)

1. AIR POLLUTION

The quality of Hong Kong's air is of deep concern in the community. The government has been trying to improve air quality across many fronts – locally, regionally, from motor vehicles and power plants, and from other sources of air pollution.

A. Technical Memorandum on Emission Allowances for Power Plants

- The Government published on 7 November 2008 in the Gazette a "Technical Memorandum for Allocation of Emission Allowances in respect of Specified Licences" (TM) which stipulates the quantities of emission allowances of three air pollutants, i.e. sulphur dioxide (SO₂), nitrogen oxides (NO_x) and respirable suspended particulates (RSP) for the power generation sector in 2010 and beyond.
- This is the first TM issued under Section 26G of the Air Pollution Control Ordinance which was amended in July 2008 requiring the Secretary for the Environment to make such allocation. The annual emissions for the power generation sector in 2010 and beyond will be capped at 25,120 tonnes for SO₂, 42,600 tonnes for NO_x and 1,260 tonnes for RSP.
- Failure to meet the requirement is liable to a heavy penalty of HK\$30,000 per tonne of excessive emissions. Subsequent offences will entail a more severe penalty of HK\$60,000 per tonne of excessive emissions plus 6 months' imprisonment.

B. Air Pollution Control (Dry-Cleaning Machines) (Vapour Recovery) Regulation

- The Air Pollution Control (Dry-Cleaning Machines) (Vapour Recovery) Regulation came into force on 1 November 2008. Since then, only dry-cleaning machines of an approved type or modified machines that were certified to conform to the approved standard are allowed to be used.
- Under the control scheme, all new dry-cleaning machines to be sold in Hong Kong will be required to be of an approved type with a suitable vapour recovery system to reduce the residual

perchloroethylene concentration to below 300 parts per million by volume (ppmv).

- It will be an offence to sell, lease or operate an existing machine that does not meet the requirements, or not to display the certificate of a modified machine. A failure to comply could result in a maximum fine of \$100,000.

C. Air Pollution Control (Fuel Restriction) (Amendment) Regulation 2008

- The Air Pollution Control (Fuel Restriction) (Amendment) Regulation 2008 came into force on 1 October 2008.
- The amended regulation mandated the use of clean diesel with a sulphur content of no more than 0.005% by weight - that is ultra low sulphur diesel (ULSD) - in industrial and commercial processes to further control the emission of sulphur dioxide (SO₂).
- Other liquid fuels can be also used if the fuel-using equipment has been certified that its emission level of pollutants does not exceed the specified limits. While the limits are set at a level similar to that of burning ULSD, it provides the industrial and commercial sectors with the alternative of adopting emission control equipment in lieu of using the clean fuel.

D. First Carbon Audit Guidelines Launched

- The first carbon audit guidelines for conducting carbon audits on buildings in Hong Kong were officially launched on 24 July 2008.
- The guidelines are based on internationally recognised approaches. Through carbon audits, the users and managers of buildings could calculate the amount of greenhouse gas (GHG) emitted as a result of the operation of their buildings so as to explore room for improvement and develop further emission reduction activities.
- In the 2007-08 Policy Address, the Chief Executive announced that the Government would set an example by conducting a carbon audit on the Central Government Complex at Tamar and implement an emission reduction campaign. More than 100 buildings, including more than 10 government buildings, will carry out carbon audits this year.

- To assist the users and managers of buildings in participating in the emission reduction campaign, the Government has prepared the "Guidelines to Account for and Report on Greenhouse Gas Emissions and Removals for Buildings of Commercial, Residential or Institutional Purposes in Hong Kong". The guidelines provide a systematic and scientific approach to account for and report on the GHG emissions and removals from buildings.

E. Proposed Amendments to the Electricity Supply Regulations

- The Government intends to amend the Electricity Supply Regulations (ESR) under the Electricity Ordinance (Cap. 406).
- The aim is to bring the existing regulations up to the latest international electricity supply standards to ensure a safe and reliable electricity supply system in Hong Kong.
- The proposed amendments will be supplemented by a Code of Practice, which will be drawn up in consultation with the power companies and other stakeholders with due consideration of international standards, working practices in developed countries and local operating conditions.
- A consultation paper on the proposed amendments to the ESR has been issued. Comments on the consultation paper can be addressed to the Electrical and Mechanical Services Department by 31 December 2008.

2. WASTE POLLUTION

While efforts are made to ensure that sufficient facilities are available to collect, recycle, treat and dispose of Hong Kong's municipal waste, the government is pressing ahead with programmes that encourage the community to reduce waste to achieve a more sustainable and friendly environment.

A. Dumping Waste on Government and Private land

- A transportation company and two dump truck drivers were fined \$10,000 each at the Fanling Magistracy Court on 19 September 2008 after being convicted of dumping waste materials on

government land and adjoining private land in Shing Mun Road, near Shing Mun Reservoir.

- Under the Waste Disposal Ordinance, any person who deposits waste in any place without lawful authority or permission of the owner is committing an offence and is liable to a maximum fine of \$200,000 and six months' imprisonment for the first offence.
- To facilitate close co-operation by the concerned Government departments to take effective and co-ordinated actions against illegal dumping of construction and demolition waste, the Environmental Protection Department in collaboration with other Government departments is developing a database on construction and demolition material cases which will contain basic information such as site locations, sizes and land uses.

B. The Animal Waste Composting Plant

- The Animal Waste Composting Plant started to operate on 25 July 2008 to handle the horse stable waste arising from the 2008 Olympic and Paralympic Equestrian Events held in Hong Kong from August to September 2008.
- The plant, located in Ngau Tam Mei, is designed to treat about 20 tonnes of horse stable waste every day and turn it into useful organic compost suitable for landscaping, horticultural and agricultural uses.
- The plant adopts a rotary in-vessel composting technology to ensure effective elimination of all harmful pathogens as well as containment and treatment of potentially odorous emissions during the composting process.

C. Building (Refuse Storage and Material Recovery Chambers and Refuse Chutes) (Amendment) Regulation 2008

- The Buildings (Refuse Storage and Material Recovery Chambers and Refuse Chutes) Regulation has recently been approved by the Legislative Council to impose a mandatory requirement for provision of a refuse storage and material recovery room on every floor of new domestic buildings from 1 December 2008.

- The Regulation aims at providing sufficient space on every floor for installation of recycling facilities which will enable residents to enjoy more convenience in recycling.
- The Government is looking at offering financial assistance through the Environment and Conservation Fund to industrial and commercial buildings for the procurement of recycling facilities on the floors.

D. The Glass Container Recycling Programme for Hotel Sector

- The Glass Container Recycling Programme for Hotel Sector was administered by the Hong Kong Hotels Association and officially launched on 17 November 2008
- This is a trade-funded voluntary recycling programme aiming at recovering and recycling beverage glass containers generated by the participating hotels in the course of business.
- The glass containers collected from the participating hotels will be delivered to a glass recycler in Tuen Mun where they will be crushed into glass sand to replace natural river sand in the production of paving blocks.
- Eleven hotels - the Eaton, Four Seasons, Grand Hyatt, InterContinental, Langham Place Mongkok, Mandarin Oriental, JW Marriott, The Peninsula, Renaissance Harbour View, Renaissance Kowloon and Sheraton - have volunteered to jointly organise and fund the programme.

E. The proposed Product Eco-responsibility (Plastic Shopping Bags) Regulation

- The Panel on Environmental Affairs of the Legislative Council discussed the implementation details of the environmental levy scheme on plastic shopping bags under the proposed Product Eco-responsibility (Plastic Shopping Bags) Regulation on 24 November 2008.

- The implementation details included registration of retailers, exemption for certain area within a registered retail outlet, submission of returns and payment of levies, and record-keeping.
- The government will submit the proposed Product Eco-responsibility (Plastic Shopping Bags) Regulation to the Legislative Council by the end of 2008.

3. CONCLUSION

Air pollution is the most talked about issue and another area that is of major concern is waste pollution. While the Government has been making efforts to introduce and tighten the relevant regulations to tackle these two problems, a high degree of public involvement is essential to achieve continuous and sustainable improvements.

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