

**A Summary on the Development of Environmental Law and Policy  
(September 2011)**

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**1. AIR POLLUTION**

Air pollution has always been a serious environmental concern for Hong Kong. The biggest source of harmful emissions of sulphur dioxide, nitrogen oxides and respirable suspended particulates is from the power generation sector which accounted for 88% of sulphur dioxide emissions, 44% of nitrogen oxide emissions and 28% of respirable suspended particulates in 2008. Another leading source of air pollution is motor vehicles which emit sulphur dioxide emissions as well as harmful hydrocarbons. In order to improve the regional air quality and bring Hong Kong in line with international environmental standards, the Government continues to tighten existing regulations and come up with new legislation targeting air pollution.

A. Motor Vehicle Idling (Fixed Penalty) Ordinance

- ❖ The Motor Vehicle Idling (Fixed Penalty) Bill was submitted to the Legislative Council on 28 April 2010 and passed in March 2011. The law is expected to take effect within this year.
- ❖ The aim of this new legislation is to reduce air pollution, heat and noise nuisances caused by idled running engines. Drivers will be required to switch off their engines while their vehicles remain stationary in all roads.
- ❖ Under the Ordinance, motor vehicles will be prohibited from being left idled on a road for more than 3 minutes in a 60- minute period. Aside from certain exemptions for some taxis, minibuses and buses, offending drivers will be liable to a fixed fine of HK\$320.

B. Air Pollution Control (Motor Vehicle Fuel) (Amendment) Regulation 2010

- ❖ The Air Pollution Control (Motor Vehicle Fuel) (Amendment) Regulation came into force on 1 July 2010. The Amended Regulation mandated the use of motor vehicle diesel and unleaded petrol with a sulphur content of no more than 0.001% by weight.

- ❖ This decrease in sulphur content from 0.005% will mean vehicle fuels will conform to the Euro V standards. Euro V motor vehicle fuels can reduce, among other harmful emissions, sulphur dioxide emissions by 80%
- ❖ Since December 2007, the only diesel offered by petrol filling stations is Euro V diesel. Euro V petrol and biodiesel are also becoming more prevalent.

C. Second Technical Memorandum for Allocation of Emission Allowances in Respect of Specified Licences

- ❖ The Government published in the Gazette on 15 October 2010 the second Technical Memorandum issued under the Air Pollution Control Ordinance to further cap emissions from power plants.
- ❖ Starting from January 2015, annual emissions of sulphur dioxide, nitrogen oxides and respirable suspended particulates will be further reduced by 50%, 35% and 34% as compared to the cap under the first Technical Memorandum.
- ❖ Apart from promoting the use of coal-fired electricity generation units equipped with emission abatement equipment, the use of natural gas for electricity generation is also encouraged. To secure a sufficient supply of natural gas, the Government has signed the Memorandum of Understanding on Energy Co-operation with the National Energy Administration in August 2008. By 2015, natural gas-generated electricity will increase from accounting for 39% of local electricity to 52%.
- ❖ The two power companies in Hong Kong have also taken steps to develop renewable energy. In August 2009, CLP Power was granted a permit for a wind power farm in Sai Kung and in June 2010, Hongkong Electric was granted a similar permit in Lamma Island. Hongkong Electric has also planned to install solar panels on the roofs of its power station buildings.

D. Ozone Layer Protection Amendment Regulation

- ❖ The Government published in the Gazette on 4 December 2009 the Ozone Layer Protection (Products Containing Scheduled Substances) (Import Banning) (Amendment) Regulation to speed up the phasing-out of hydrochlorofluorocarbons by 2020 instead of 2030.

- ❖ The Amended Regulation brings Hong Kong into compliance with new initiatives under the 1987 Montreal Protocol on Substances that Deplete the Ozone Layer as well as international efforts to protect the ozone layer.
- ❖ Although existing products are not affected, with effect from 1 January 2010, all air-conditioners, fire extinguishers, aerosol products containing ozone depleting substances have been banned.

## 2. WASTE POLLUTION

The lack of landfill capacity is high on the Government's agenda as Hong Kong's three strategic landfills are expected to be fully exhausted within the next decade. To tackle the mounting effects of municipal solid waste, construction waste, chemical waste and clinical waste, the Government has been promoting waste reduction and waste management. At a domestic level, waste reduction and recycling is actively encouraged. At a commercial level, certain procedures for waste treatment and disposal are now regulated by law.

### A. Clinical Waste Control Scheme

- ❖ The Government published on 18 June 2010 in the Gazette the Waste Disposal (Clinical Waste) (General) Regulation and the Waste Disposal (Charge for Disposal of Clinical Waste) Regulation. Two Codes of Practices were issued alongside the Regulations.
- ❖ The licensing provisions stipulated in the Waste Disposal (Amendment) Ordinance 2006 and the Waste Disposal (Clinical Waste) (General) Regulation came into force on 19 November 2010 before the Clinical Waste Control Scheme was fully implemented to allow clinical waste collectors and disposal facilities operators to obtain the relevant licences from the Environmental Protection Department before the commencement of the Control Scheme on 1 August 2011.
- ❖ Since then, clinical waste producers are required to have licensed waste collectors collect and transport their clinical waste for proper treatment and disposal at the Chemical Waste Treatment Centre for a charge. Anyone who does not dispose of clinical waste properly may be liable to a fine of up to HK\$200,000.

B. Revised Waste Acceptance Criteria

- ❖ The revised Waste Acceptance Criteria under the Waste Disposal (Designated Waste Disposal Facility) Regulation came into effect on 29 December 2010. The aim of the Criteria is to sort construction waste by waste depth and weight ratio to more efficiently dispose of the waste at sorting facilities and landfills.
- ❖ Construction waste comprising of more inert materials will be subject to a lower charge and may be disposed of at public fill reception facilities whereas non-inert materials will be subject to a higher charge for sorting at a sorting facility or disposal at a landfill.
- ❖ Under the stricter guidelines of the Criteria, irrespective of weight ratio, if the waste depth of a vehicle load of construction waste exceeds a certain height, the waste must be delivered to a landfill.

C. Country Parks (Designation) (Consolidation) (Amendment) Order 2010

- ❖ The Country Parks (Designation) (Consolidation) (Amendment) Order to excise 5 hectares of land in the Clear Water Bay Country Park to expand the South East New Territories Landfill came into effect on 1 November 2010.
- ❖ Of the 3 strategic landfills, the South East New Territories Landfill is estimated to be the first to reach its capacity in 2013 or 2014.
- ❖ The South East New Territories Landfill will be expanded by 50 hectares, 5 of which is part of the Clear Water Bay Country Park. The expansion is expected to prolong the lifespan of the landfill for 6 years.

**3. CONSERVATION**

Apart from the financial benefits of reduced energy consumption, energy efficiency can help alleviate the adverse effects of climate change and sustain the environment. Buildings account for 89% of electricity consumption in Hong Kong and residential energy consumption accounts for the remainder. The government has been regulating the import of large electricity consuming products as well as installations in buildings in efforts to reduce greenhouse gas emissions for Hong Kong as a whole.

A. Mandatory Energy Efficiency Labelling Scheme

- ❖ The Mandatory Energy Efficiency Labelling Scheme was introduced under the Energy Efficiency (Labelling of Products) Ordinance. Under the Scheme, prescribed products must be properly labelled with their energy efficiency performance.
- ❖ The first phase of the Scheme covering room air conditioners, refrigerators and compact fluorescent lamps was implemented on 9 November 2009. The second phase was implemented on 19 March 2010, with a grace period of 18 months. Now, washing machines and dehumidifiers are covered by the second phase.
- ❖ Extended coverage under the second phase to two more products, which make up 7% of residential electricity consumption, will reduce carbon dioxide emissions by 17,500 tonnes a year. The 5 products covered by the scheme account for 70% of the annual residential electricity consumption.
- ❖ Supplying a prescribed product without the proper label is an offence punishable for up to HK\$100,000.

B. Buildings Energy Efficiency Ordinance

- ❖ The Government published in the Gazette on 3 December 2010 the Buildings Energy Efficiency Ordinance.
- ❖ Because the participation rate under the voluntary Energy Efficiency Registration Scheme had been rather low, the Government passed a law to make compliance with the Building Energy Codes compulsory.
- ❖ The Codes set out the requisite standards for air-conditioning, electrical installations, lifts and escalators and lighting installations. New buildings will need to submit a declaration that all its installations comply with the Codes and the declaration must be certified by a registered energy assessor at the design stage. Existing buildings will be regulated when they undergo major retrofitting works. Commercial buildings and composite buildings are also required to carry out an energy audit every 10 years.

- ❖ Any person who fails to produce the requisite documents or obstructs an authorized officer in exercising his powers will be liable to a fine of HK\$50,000 and 6 months imprisonment.
- ❖ It is predicted that the effect of the Ordinance is to save 2.8 billion kWh of energy, which reduces carbon dioxide emissions by 1.96 million tonnes in the first 10 years.

### **3. CONCLUSION**

In a very dense city like Hong Kong, the environment is a crucial aspect for society to strive and remain sustainable. The Environmental Protection Department has made stringent efforts to target key environmental concerns including harmful emissions from vehicles and power plants, the lack of landfill space and excessive energy consumption. Furthermore, the Government has been cooperating with the Guangdong Provincial Government to enhance environmental awareness across the Pearl River Delta region.

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