



Environmental Protection Department
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Introduction

Air pollution is a great concern to our health and the environment of Hong Kong. To tackle this challenging and imperative task on cleaning our air, the Environmental Protection Department (EPD) has been enforcing the Air Pollution Control Ordinance and its subsidiary regulations.

2. The Ordinance is a succession of the Clean Air Ordinance, the first air pollution control legislation enacted in 1959 for controlling fuel combustion emissions. Enacted in 1983, it extends the control to air pollution of non-combustion processes. In 1991, the Ordinance expanded its scope to cover vehicle emission control. It was further amended to enhance control on air emissions such as the control over environmental asbestos. In 2008, the Ordinance was further amended to tighten the control on power sector by stipulation of emission caps for 2010 and beyond and introduce emissions trading as an alternative means for the power sector to achieve emission caps from 2010.

3. The Ordinance provides a statutory framework for establishing the Air Quality Objectives and stipulating the anti-pollution requirements for air pollution sources. It enables the making of subsidiary regulations to deal with specific air pollution problems such as vehicular exhaust, construction dust, etc. It also empowers the EPD to impose a licensing control on major stationary emission sources, namely the Specified Processes, and issue legal notices to air pollution sources to demand remedial actions.

4. This guide is to provide the general public a brief introduction of the various provisions of this Ordinance. For easy reference, the relevant section numbers of the Ordinance are included immediately after each heading. It should, however, be noted that this guide is not to serve as a legal interpretation of the Ordinance. In case of doubt, the readers should consult the Air Pollution Control Ordinance, Chapter 311, Laws of Hong Kong. Copies of the Ordinance and its subsidiary regulations are on sale at the Publications Sales Unit of the Information Services Department (ISD) and the online Government Bookstore at:

<http://www.gov.hk/en/residents/government/publication/bookstore.htm>

Also, they can be found on the website of the Bilingual Laws Information at:

<http://www.legislation.gov.hk>

Air Quality Objectives (sections 7 and 8)

5. Under the Ordinance, a set of Air Quality Objectives (AQOs) was established for seven air pollutants, i.e. sulphur dioxide, nitrogen dioxide, carbon monoxide, photochemical oxidants, lead, total suspended particulates and respirable suspended particulates. The EPD is tasked to achieve these objectives and to maintain the quality so achieved.

Legal Notices for Controlling Air Pollution Emissions (sections 10, 30 and 79)

6. If any emission of air pollutants from a polluting process or activity is causing air pollution, the EPD may serve an Air Pollution Abatement Notice under section 10 of the Ordinance. The Notice requires the owner concerned to take remedial action to cut down or even eliminate the emission.

7. For air pollution due to the improper design, operation or maintenance of any equipment, section 30 of the Ordinance empowers EPD to require the owner of the premises concerned by Notice to take specified steps to rectify the deficiencies.

8. The Ordinance also enables EPD to issue an Asbestos Abatement Notice under section 79 of the Ordinance to require an immediate suspension of the poor operation of an asbestos removal activity or taking steps to prevent the release of asbestos.

Control of Emissions from Specified Processes (sections 12 to 18)

9. The major stationary air polluters such as power plant, incinerator, concrete batching plant, which are classified as Specified Processes in the Ordinance, are subject to more stringent emission control. A licence is required for the operation of these processes under Part IV of the Ordinance. Annex 1 is a list of the 30 types of Specified Processes scheduled under the Ordinance.

10. Application for licence should be made to EPD. The application is required to be publicly notified at the expense of the applicant in English and Chinese newspapers. A register keeping the particulars of the application is open to the public for inspection. Public members can under the Ordinance object the granting of the licence on the grounds of the non-attainment of AQOs or prejudicial to health within 30 days from the date of public notification.

11. EPD may either grant or refuse to grant a licence subject to whether the applicant can fulfil the environmental standards to avoid causing air pollution. If EPD decides to grant the licence, a set of conditions will be imposed to ensure adequate prevention of discharge of air pollutant emissions. In case of refusal, EPD will give reasons for doing so to the applicant.

12. The validity period of the licence is to be determined by EPD and will not be less than 2 years under the Ordinance. The licence holder can apply to EPD for renewal, variation or transfer of the licence. Operating a Specified Process without a licence or contravening licence conditions is an offence under the Ordinance.

Cap and Trade Control on Power Plant (sections 26G to 26N)

13. Being the biggest local source of air pollution, power plants are subject to the control of emission caps on three specified pollutants, namely, sulphur dioxide, nitrogen oxides and respirable suspended particulates. From 2010 onwards, power companies are allowed to meet the emission caps by the market-based tool of emissions trading. Emission allowances of the 3 major pollutants are allocated to each power plant according to their respective shares of the electricity generated for local consumption. Emission allowances are transferable and each emission allowance entitles one tonne of emission. By the end of an emission year, the owner of the power plant must ensure that their actual emission of each pollutant shall not be more than the emission allowance of that pollutant in hand.

Control of Environmental Asbestos (sections 51 to 80)

14. Apart from the power of issuing Asbestos Abatement Notice to abate asbestos emissions, the Ordinance also provides a registration system to control asbestos work. Asbestos consultants, contractors, supervisors and laboratories must register if they want to practice in the asbestos abatement profession. The registers of registered asbestos consultants, contractors, supervisors and laboratories are kept by EPD and open to the public for inspection.

15. Before carrying out any asbestos removal work, the owner of the premises concerned is required to submit an asbestos investigation report and abatement plan prepared by registered asbestos consultant to EPD at least 28 days in advance. The owner is also required to notify EPD of the date of commencement of such work at least 28 days in advance. All asbestos removal work must be carried out and supervised by registered personnel in compliance with prescribed standards.

16. The Ordinance also bans the importation or sale in Hong Kong of any quantity of 2 types of asbestos, namely amosite and crocidolite, or any item containing the said asbestos unless it is goods in transit or having exemption under the Ordinance.

Control of Vehicle Emissions



17. Exhaust emissions from motor vehicles are recognized as one of the major sources of air pollution in Hong Kong. Under the Ordinance, there are 3 sets of subsidiary regulations to control vehicle emissions. The Air Pollution Control (Vehicle Design Standards) (Emission) Regulations require newly registered motor vehicles to comply with a set of emission standards which are in line with the most stringent ones adopted by the United States of America, the European Union and

Japan. A vehicle cannot obtain its registration from the Transport Department if it fails to comply with the said emission standards. The Air Pollution Control (Motor Vehicle Fuel) Regulation sets out the specifications of motor vehicle fuel and prohibits the supply, distribution and sale of motor vehicle fuels that do not meet the specifications. The Air Pollution Control (Emission Reduction Devices for Vehicles) Regulation came into effect on 1 December 2003. The Regulation requires all light diesel vehicles up to 4 tonnes first registered on or before 31 March 1995 to be installed with **approved emission** reduction devices. Vehicles failing to meet this requirement may not have their vehicle licences renewed or may have their vehicle licences cancelled. Starting from 1 April 2007, the requirement is extended to all diesel vehicles first registered on or before 31 March 1995.

Right of Appeal (section 31)

18. The Ordinance provides for a statutory right of appeal against certain decisions, requirements or specifications of EPD. Any person who is aggrieved by the decision, requirement or specification of EPD may appeal to the Appeal Board within 21 days after the receipt of such decision, requirement or specification.

19. The Appeal Board is constituted independent of EPD and chaired by a person who is qualified for appointment as a District Judge. The Appeal Board may confirm, reverse or vary the decision, requirement or specification under appeal. It may also make an award for the costs involved in the appeal as appropriate.

Offences and Penalties

20. Any person or company who commits an offence under the Ordinance shall be liable to prosecution. In addition, under section 47A of the Ordinance, the company's director, manager, secretary or other person concerned in the management is also personally liable to prosecution for the offence committed by that company if the offence is committed owing to his consent or connivance, or neglect or omission.



21. The maximum fines for convictions under the Ordinance range from \$100,000 to \$500,000 and 6 to 12 months' imprisonment. For details of the penalties, please refer to the Ordinance.

Technical Memorandum and Code of Practice (sections 9 and 37)

22. The Ordinance allows government to issue Technical Memorandum in which technical references such as principles, procedures, guidelines, standards and limits are set out for the purposes of prediction, measurement, determination and assessment of air pollution. There are a total of 3 Technical Memoranda in force as shown in [Annex 2.](#)

23. For the purpose of encouraging reduction and the better control of air pollution, government may issue general advice in the form of Codes of Practice. Any failure to observe the Codes of Practice may, in any proceedings, be relied upon by any party to establish or to negative any liability which is in question. A total of 4 Codes of Practice have been issued as given in [Annex 2](#).

Subsidiary Regulations (section 43)

24. Section 43 of the Ordinance enables the making of regulations for more specific and effective control of air pollution, such as dark smoke from chimneys, dust from construction sites, emission standards for vehicle engines, etc. There are a total of 15 subsidiary regulations in force under the Ordinance. A list of these regulations and the description of control is given in Annex 3.

Other Information

25. For enquiry, please contact EPD at:

Telephone : 2838 3111

E-mail : enquiry@epd.gov.hk

Website : <http://www.epd.gov.hk>

Annex 1- List of Specified Processes

Extracted from Schedule 1 of the Air Pollution Control Ordinance

1. Acrylates Works	2. Aluminium Works
3. Cement Works	4. Ceramic Works
5. Chlorine Works	6. Copper Works
7. Electricity Works	8. Gas works
9. Iron and Steel Works	10. Metal Recovery Works
11. Mineral Works	12. Incinerators
13. Petrochemical Works	14. Sulphuric Acid Works
15. Tar and Bitumen Works	16. Frit Works
17. Lead Works	18. Amines Works
19. Asbestos Works	20. Chemical Incineration Works
21. Hydrochloric Acid Works	22. Hydrogen Cyanide Works
23. Sulphide Works	24. Pathological Waste Incinerators
25. Organic Chemical Works	26. Petroleum Works
27. Zinc Galvanising Works	28. Rendering Works
29. Non-ferrous Metallurgical Works	30. Glass Works

For details of the definitions of the above works, please refer to Schedule 1 of the Air Pollution Control Ordinance.

Annex 2- List of Technical Memorandum and Code of Practice

Technical Memorandum

1. Technical Memorandum for Specifying Air Quality Objectives for Hong Kong
2. Technical Memorandum for Issuing Air Pollution Abatement Notices to Control Air Pollution from Stationary Polluting Process
3. Technical Memorandum for Allocation of Emission Allowances in Respect of Specified Licences

Code of Practice

1. Asbestos Work Using Full Containment or Mini Containment Method
2. Asbestos Work Using Glove Bag Method
3. Preparation of Asbestos Investigation Report, Asbestos Management Plan and Asbestos Abatement Plan
4. Safe Handling of Low Risk Asbestos Containing Material

Annex 3- List of Subsidiary Regulations

1. Air Pollution Control (Furnaces, Ovens and Chimneys) (Installation and Alteration) Regulations
Requires prior approval to ensure suitable design for the installation and alteration of furnaces, ovens and chimneys.
2. Air Pollution Control (Dust and Grit Emission) Regulations
Stipulates the emission standards, assessment procedures and requirements for particulate emissions from stationary combustion sources.
3. Air Pollution Control (Smoke) Regulations
Restricts emissions of dark smoke from stationary combustion sources.
4. Air Pollution Control (Appeal Board) Regulations
Stipulates the procedures and run down of an appeal.
5. Air Pollution Control (Specified Processes) Regulations
Provides the administrative framework for the licensing of Specified Processes.
6. Air Pollution Control (Fuel Restriction) Regulations
Prohibits the use of high sulphur content solid and liquid fuel for commercial and industrial appliances. (In Shatin, only gaseous fuel is allowed.)
7. Air Pollution Control (Vehicle Design Standards) (Emission) Regulations
Sets out the emission standards for newly registered vehicles.

8. Air Pollution Control (Motor Vehicle Fuel) Regulation
Sets out the specifications of liquid motor vehicle fuel to be used in motor vehicles and prohibits the sale of leaded petrol.
9. Air Pollution Control (Open Burning) Regulation
Prohibits open burning of construction wastes, tyres and cables for metal salvage, and controls other open burning activities by permit system.
10. Air Pollution Control (Asbestos) (Administration) Regulation
Provides for the qualifications and fees for registration of asbestos consultants, contractors, supervisors and laboratories.
11. Air Pollution Control (Construction Dust) Regulation
Requires contractor to take dust reduction measures when construction work is being carried out.
12. Air Pollution Control (Petrol Filling Stations) (Vapour Recovery) Regulation
Requires petrol dispensers and petrol storage tanks of petrol filling stations and petrol delivery vehicles to be equipped with effective vapour recovery systems and to observe good practice during petrol unloading and vehicle refuelling.
13. Air Pollution Control (Dry-Cleaning Machines) (Vapour Recovery) Regulation
Requires dry-cleaning machines using perchloroethylene (PCE) as a dry-cleaning agent to be equipped with a vapour recovery system and to meet the stipulated emission standard.
14. Air Pollution Control (Emission Reduction Devices for Vehicles) Regulation
Requires pre-Euro diesel vehicles to be retrofitted with approved emission reduction devices for licence renewal.
15. Air Pollution Control (Volatile Organic Compounds) Regulation
Imposes limits in phases on the Volatile Organic Compounds (VOC) content of architectural paints/coatings, vehicle refinishing paints/coatings, vessel and pleasure craft paints/coatings, adhesives, sealants, printing inks and six selected consumer products - air fresheners, hairsprays, multi-purpose lubricants, floor wax strippers, insecticides and insect repellents, and requires emission reduction devices to be installed on lithographic heatset web printing machines.