

**The New Air Quality Objectives
and assessment of air quality impact of a project under
the Environmental Impact Assessment Ordinance (“EIAO”) (Cap. 499)**

The Legislative Council passed the Air Pollution Control (Amendment) Bill 2024 on 19 March 2025 to –

- (a) adopt the new Air Quality Objectives (“AQOs”), at Annex, with effect from 11 April 2025 in respect of the Air Pollution Control (Amendment) Ordinance 2025 and EIAO;
- (b) provide a 36-month transitional period to the effect that, for a project in respect of which an environmental permit (“EP”) has been issued under the EIAO before 11 April 2025, the new AQOs will not apply to an application for variation of an EP (“VEP”) submitted within 36 months from 11 April 2025. During the transitional period, the pre-updated AQOs continue to apply to VEP applications; and
- (c) empower the Secretary for Environment and Ecology to update the AQOs and EIAO transition arrangement by publishing a notice in the Gazette.

2. As a general principle, a public officer shall apply the law prevailing at the time when he/she makes a decision. Hence, the Environmental Protection Department (“EPD”) will make the relevant decision under the EIAO based on the AQOs prevailing at the time of the decision. Examples of decisions made under the EIAO include those under –

- (a) section 6(3) of the EIAO as to whether an EIA report meets the requirements of the study brief (“SB”) and the Technical Memorandum (“TM”) issued under the EIAO;
- (b) section 8(3) of the EIAO as to whether to approve an EIA report;
- (c) section 10(3) of the EIAO as to whether to issue an EP; and
- (d) section 13 of the EIAO as to whether to grant a VEP (subject to the transitional provision referred to in paragraph 1(b) above).

Application for approval of EIA report, permission to apply directly for an EP, EP, and VEP

3. It is important to note that the decision of EPD under the EIAO would be based on the AQOs prevailing **at the time of the decision**, not the time when the study brief of a project is issued or the time when an application under the EIAO is submitted. After an EIA report has been submitted to EPD, we may need to consult the relevant authorities pursuant to section 9.1 of the TM. Where EPD considers that the EIA report meets the requirements of the study brief and the TM, the EIA

report will need to be exhibited for public inspection and may need to be sent to the Advisory Council on the Environment. Usually it takes about 6 months before EPD decides whether to approve an EIA report. The time taken will be longer if EPD needs to seek additional information from the applicant. Hence it is possible that an EIA report submitted to EPD before the new AQOs come into operation on 11 April 2025 may be considered suitable for public inspection under the existing AQOs, but the decision as to whether to approve the EIA report will be made based on the new AQOs if and when EPD makes that decision on or after 11 April 2025 as to whether to approve the EIA report. The same applies to cases where an application for permission to apply directly for an EP is submitted to EPD before the new AQOs come into operation on 11 April 2025, but the decision as to whether to grant the permission will be made based on the new AQOs if and when EPD makes that decision on or after 11 April 2025.

4. There may also be cases where the EIA report of a project has been approved or the permission to apply directly for an EP has been granted under the existing AQOs, but EPD will make the decision as to whether to issue the EP for the construction and / or operation of the project based on the new AQOs, if that decision is made on or after 11 April 2025. Similarly, there may also be cases where the EP of a project has been issued under the existing AQOs, but EPD will make the decision as to whether to grant a variation of the EP based on the new AQOs if that decision is made on or after 11 April 2025 (subject to the transitional provision referred to in paragraph 1(b) above).

Air quality impact assessment

5. To help those who wish to carry out an air quality assessment using the AQOs as the benchmark, this department has provided the guidelines on air quality modelling and vehicle emission calculation. They are available at the following links:

http://www.epd.gov.hk/epd/english/environmentinhk/air/guide_ref/guide_aqa_model.html

http://www.epd.gov.hk/epd/english/environmentinhk/air/guide_ref/emfac.html

6. If you have any question on air quality impact assessment using the new AQOs as the benchmark, you are welcome to contact our Mr. Paul Wong at 2835 1221.

Enquiry

7. For matters on application for approval of EIA report, EP, and VEP, please feel free to contact our Ms. Serene Ho at 2835 2471.

29 April 2025

Annex

The New Air Quality Objectives for Hong Kong

Pollutants	Averaging Time	Concentration ($\mu\text{g}/\text{m}^3$)	No. of exceedances allowed per calendar year
Sulphur Dioxide (SO_2)	10-minute	500	3
	24-hour	<u>40</u>	3
Respirable Suspended Particulates (RSP/ PM_{10})	1-year	<u>30</u>	Not applicable
	24-hour	<u>75</u>	9
Fine Suspended Particulates (FSP/ $\text{PM}_{2.5}$)	1-year	<u>15</u>	Not applicable
	24-hour	<u>37.5</u>	<u>18</u>
Nitrogen Dioxide (NO_2)	1-year	40	Not applicable
	<u>24-hour</u>	<u>120</u>	<u>9</u>
	1-hour	200	18
Ozone (O_3)	8-hour	160	9
	<u>Peak Season</u>	<u>100</u>	<u>Not applicable</u>
Carbon Monoxide (CO)	1-hour	30,000	0
	8-hour	10,000	0
	<u>24-hour</u>	<u>4,000</u>	<u>0</u>
Lead (Pb)	1-year	0.5	Not applicable