

ENVIRONMENTAL POLLUTION ADVISORY COMMITTEEEPCOM 36/92-93  
(For advice)Proposed subsidiary legislation to be made under the  
Air Pollution Control Ordinance ---  
Air Pollution Control (Open Burning) RegulationsIntroduction

This paper seeks Members' views on the scheme of control of open burning using a regulatory approach. Members' views will be sought again on the proposed set of regulations when available.

Background

2. Good and complete combustion of materials requires sufficient amount of air, and adequate temperature, time and turbulence which can only be achieved in a properly designed furnace. Otherwise, unnecessary and excessive pollutants like smoke, dust and toxic gases will be emitted. Such emissions presently contribute to Hong Kong's poor air quality and are often a nuisance to people living nearby. Many countries such as U.K., Malaysia and Singapore have regulatory controls on open burning, a brief definition of which is "combustion not in any enclosure, but excluding burning with a mechanical appliance".

3. In Hong Kong, there is not yet any legislative control on open burning. Wastes and other materials in construction sites, dump yards and the countryside are often disposed of by open burning. The Environmental Protection Department (EPD) received a total of nearly 140 air pollution complaints against open burning between 1990 and 1992. The actual extent of the problem is believed to be more serious than that reflected by the complaint numbers.

4. Moreover, the results of the air pollution monitoring network show that there is a serious problem of dust and particulates over the territory of Hong Kong. Strict control of open burning should be one of the initiatives in ameliorating the problem.

### Types of Open Burning

5. Burning of wastes is not the only type of open burning. Some hawking operators resort to burning cable and wire to facilitate the recovery of the copper metal. Also, open burning is sometimes practised by farmers to clear the land for growing crops. This avoids damage to the soil which would otherwise be sprayed with chemical fertilizers, weed killers and insecticides. There are many other daily activities in Hong Kong which also involve open burning such as various rites, campfires, barbecues and festival celebrations.

6. Some of the above mentioned activities, like open burning of cable and wire, generates serious air pollution which can be avoided if the cable is burned in a properly designed furnace. Others, like rites and barbecues, which form part of the custom of our community or have significant amenity value, cause little air pollution. Therefore, the control of open burning should be carefully designed so as not to impose unnecessary disturbance to the way of life of the people of Hong Kong. In addition, the controls should allow adequate flexibility for the Authority to deal with unforeseen situations where open burning may be necessary.

### Outline scheme of control

7. Open fire defined as "combustion of combustible materials of any type outdoors in the open, not in any enclosure, where the products of combustion are not directed through a chimney but does not include any combustion involving a mechanical burning appliance" shall either be classified as prohibited or fires not prohibited. The former shall be banned in the whole territory.

#### (a) Prohibited fires are :-

- (i) open burning for disposal of construction wastes, rubber tyre or vegetation arising from any construction work or site clearance;
- (ii) open burning for metal salvage; and
- (iii) other open burning unless a permit has been obtained from EPD.

(b) Fires not prohibited are :-

- (i) burning of candle-sticks, joss paper, incense, sacrificial articles and ritual offerings to the deceased, ghosts and gods in customary or religious rites, festivals and on festive occasions;
  - (ii) fires used solely for cooking of food for human beings; or fires used solely for recreational purposes using clean and dry wood or charcoal or a small amount of firestarter;
  - (iii) fires set for the purpose of fire testing/training and education by any Government fire fighting force or agency;
  - (iv) agricultural burning of materials grown on the site solely for the purpose of weeding, land disinfection, pest control; or burning to make firebreaks in countryside; and
  - (v) any burning required under emergency situation and for the purpose of ensuring public safety.
- (c) Nuisance potential, practicability and environmental impact of alternative means of waste disposal will be considered for approving a permit referred to in (a)(iii) above. Conditions like operating hours and burning location can be stated in the permit.
- (d) The proposed control, as stated in Section 44 of the Ordinance, will apply to the Crown.
- (e) Fines for offences under the Regulations are proposed to be \$50,000 with a continuing fine of \$500 for every 15 minutes, and 3 months imprisonment additionally on subsequent convictions.

Consultation

8. Six trade associations and relevant government departments have been consulted so far. The six trade associations are the Federation of H.K. Industries, Chinese Manufacturers' Association of Hong Kong, Hong Kong Construction Association, The Society of Builders, New Territories Commercial and Industrial General Association, and New Territories Manufacturers Association. No major objections to the proposal were raised.

### Implementation

9. When the proposed Regulations are implemented, all prohibited fires will be banned and replaced by alternative means of waste disposal such as dumping at landfills or burning at suitably designed incinerators.

### Economic Implications

10. The Regulations will have an economic effect on those who still use open burning as a convenient and cheap disposal method. The efficiency of operations which require a permit may be somewhat affected by the Authority's imposition of conditions like hours of operation. However, the total effect is likely to be insignificant when compared to the total project cost.

### Staff Implications

11. The staffing requirements will be determined by the long-term effectiveness of the new Regulations, particularly with regard to degree of compliance and the number of permits which may need to be issued. DEP is prepared to take on the new responsibilities without initial provision of additional resources, and will review the need for further resources in the light of experience.

### Public Reaction

12. The proposed ban should be welcomed by the public.

### Advice Sought

13. Members are requested to consider and advise whether they support the scheme of control outlined in paragraph 7 above. After the draft regulations have been prepared, they will be submitted for Members' further consideration.

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