

# Air Pollution Control Legislation in Hong Kong

Antonio M. Da Roza

# Legislative evolution

- Clean Air Act 1956 (UK)
- Clean Air Ordinance 1959
- Air Pollution Control Ordinance (Cap 311)
  - 1983
  - Air Pollution Control (Amendment) Ordinance 1987;
  - Air Pollution Control (Amendment) Ordinance 1991;
  - Air Pollution Control (Amendment) Ordinance 1993;
  - Air Pollution Control (Amendment) (No. 2) Ordinance 1994;
  - Air Pollution Control (Amendment) Ordinance 2008

# Air Pollution Control Ordinance

- Part I – Preliminary
- Part II – Air Control Zones & Air Quality Objectives
- Part III – Control of Air Pollution
- Part IV – Specified Processes & Licensing of Premises Therefor
- Part IVB – Specified Licences
- Part V – Enforcement
- Part VI – Appeals
- Part VII – Miscellaneous
- Part VIII – Control of Environmental Asbestos
- Part IX – Asbestos Control Work

# Inconsistencies and omissions

- Air control zones and air quality objectives established without reference to air pollution or prejudice to health
- No requirement to review or update objectives
- No time limit for achievement of objectives
- No external references for objectives – no provision in respect of international standards or co-operation
- Air pollution abatement notices do not relate to air quality objectives
- Emissions licenses may only be cancelled, varied or revoked with prior approval of CE

# Inconsistencies and omissions

- Emissions may be carried forward and allocations may be increased on application to the Authority
- Penalty provisions not revised since 1993
- No private right of action for damages in respect of air pollution
- No emergency powers for bad air pollution days
- Time limit for prosecution of offences
- Need for consolidated approach to pollution?