

HONG KONG SPECIAL ADMINISTRATIVE REGION

ORDINANCE NO. 6 OF 2021



Carrie LAM
Chief Executive
6 May 2021

An Ordinance to amend the Air Pollution Control Ordinance to amend the air quality objectives in relation to sulphur dioxide and fine suspended particulates prescribed in Schedule 5 to the Ordinance; and to provide for transitional matters.

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Enacted by the Legislative Council.

1. **Short title and commencement**

- (1) This Ordinance may be cited as the Air Pollution Control (Amendment) Ordinance 2021.
- (2) This Ordinance comes into operation on a day to be appointed by the Secretary for the Environment by notice published in the Gazette.

2. **Air Pollution Control Ordinance amended**

The Air Pollution Control Ordinance (Cap. 311) is amended as set out in section 3.

3. **Schedule 5 amended (air quality objectives)**

- (1) Schedule 5, section 4(2)—

Repeal

“125”

Substitute

“50”.

- (2) Schedule 5, section 6(1)—

Repeal

“75”

Substitute

“50”.

- (3) Schedule 5, section 6(1)—

Repeal

“9”

Substitute

“35”.

- (4) Schedule 5, section 6(2)—

Repeal

“35”

Substitute

“25”.

4. Transitional provisions relating to application under section 13(1) of EIAO

- (1) This section applies to an application, made during the transitional period, under section 13(1) of the EIAO for a variation of the conditions of an environmental permit issued before the commencement date (*specified application*).

- (2) For a specified application—
- (a) the pre-amended air quality objectives continue to have effect as a criterion for evaluating air quality impact under section 1.1(a) of Annex 4 to the EIAO technical memorandum for the purposes of the specified provisions referred to in subsection (3); and
 - (b) the amended air quality objectives do not have effect as such a criterion for those purposes.
- (3) The specified provisions for a specified application are—
- (a) sections 5, 6, 7 and 8 of the EIAO, as applied in relation to the application because of section 13(4) of the EIAO; and
 - (b) section 13(5)(b) of the EIAO.
- (4) In this section—

amended air quality objectives (經修訂空氣質素指標) means the air quality objectives prescribed in Schedule 5 to the APCO as amended by this Ordinance;

APCO (《空氣污染管制條例》) means the Air Pollution Control Ordinance (Cap. 311);

commencement date (生效日期) means the date on which this Ordinance comes into operation;

EIAO (《環境影響評估條例》) means the Environmental Impact Assessment Ordinance (Cap. 499);

EIAO technical memorandum (《環評條例技術備忘錄》) means the technical memorandum published under section 16(5) of the EIAO on 16 May 1997;

pre-amended air quality objectives (原有空氣質素指標) means the air quality objectives prescribed in Schedule 5 to the APCO as in force immediately before the commencement date;

transitional period (過渡期) means the period of 36 months beginning on the commencement date.