

EPD relentlessly tackles illegal operation of concrete batching plants to protect environment and public health

The Environmental Protection Department (EPD) is committed to safeguarding the environment, with tackling air pollution to protect public health being one of its core priorities. In addition to stringent enforcement, the Government also continually reviews and refines relevant legislation while promoting public education to foster a healthy and pleasant living environment for all. The recent amendment to the Air Pollution Control Ordinance (APCO) is one such significant initiative.

To more effectively combat unlicensed specified process (SP) operations, the Government has amended the APCO by introducing a statutory closure notice mechanism and refining the scope of "cement works" and the definition of "premises" under specified processes. This aims to prevent misinterpretation or circumvention of regulations. The Air Pollution Control (Amendment) Bill 2024 (Amendment Bill) was passed at its third reading during the Legislative Council meeting on March 19, 2025. The legislation has been gazetted today (March 28) and will come into effect on April 11.

An EPD spokesperson stated that the Amendment Bill empowers the Director of Environmental Protection to issue a closure notice to premises if he or she has reasonable cause to believe that unlicensed SP operations are taking place. This has proven decisive in addressing illegal operations by two concrete batching plants (CBPs) located at 20 and 22 Tung Yuen Street in Yau Tong. Following the passage of the Amendment Bill, the department has already received notification from the owner of the CBPs, indicating that, except for the works relating to the demolition of the concerned plants, they will cease all operations of concrete batching process and related operations by early April.

Under the APCO, SPs (including cement works) are identified as major sources of significant air pollution and must obtain a valid SP license under the APCO to operate. Due to the failure to meet the relevant requirements of the APCO, the renewal of SP licenses for the two CBPs at 22 and 20 Tung Yuen Street in Yau Tong were refused by the EPD in April 2021 and April 2022, respectively. The operator subsequently lodged appeals to the Air Pollution Control Appeal Board, and after the appeals were dismissed, they continued to operate without valid SP licenses by resorting to judicial reviews and various legal proceedings. This has resulted in a persistent air pollution and environmental nuisance, affecting the lives and health of nearby residents and causing significant distress.

The EPD has been making unremitting efforts to follow up the operation

of these two CBPs, and has been employing a two-pronged strategy of continuous enforcement actions and legislative amendments to tackle these illegal operations that would harm the environment and public health. To date, there have been a total of 39 summonses for criminal prosecution against the operator. On October 4, 2024, the operator was convicted of two offences at the Kwun Tong Magistrates' Court for failing to comply with the requirements of the air pollution abatement notice. Another 28 summonses are scheduled for hearing on April 7, 2025, while the remaining nine summonses of non-compliance are still in process.

The spokesperson said the EPD will continue to closely monitor the situation. If the two concerned CBPs are found to persist in operating without SP licenses in defiance of licensing requirements after the Amendment Bill takes effect, the EPD will take stringent actions under the newly amended Ordinance to halt such unlicensed SP operations and protect the health of Yau Tong residents.

"To meet industry needs and market developments, the EPD introduced a series of measures in mid-November last year to streamline the application and processing procedures for specified process licenses for cement works. These include simplifying application forms and required documents, as well as enabling applicants to conduct simple air quality assessments through an online platform. The industry has generally responded positively to these changes. These measures have proven effective, significantly reducing the time required for processing license applications related to cement works," the spokesperson added.