

LEGISLATIVE COUNCIL BRIEF

Air Pollution Control Ordinance (Cap.311)

**Air Pollution Control (Motor Vehicle Fuel)
(Amendment) Regulation 2002**

INTRODUCTION

The Secretary for the Environmental and Food has made the Air Pollution Control (Motor Vehicle Fuel)(Amendment) Regulation 2002, at the **Annex**, under Section 43 of the Air Pollution Control Ordinance (Chapter 311) to –

- (a) tighten the specification of motor vehicle diesel; and
- (b) make minor amendments to the existing Section 2 (“Interpretation”) of and Schedule 2 (“Specifications of unleaded petrol”) to the Air Pollution Control (Motor Vehicle Fuel) Regulation (Cap 311, sub. Leg) (hereafter referred to as the “Regulation”).

BACKGROUND AND ARGUMENT

2. Motor vehicles are the major source of roadside air pollution in Hong Kong. To reduce motor vehicle emissions, we have established a policy to adopt the most stringent fuel standard where practicable. Since 1995, the

Administration has been progressively tightening the requirements for motor vehicle diesel in step with the European Union. With the approval of the Legislative Council, we have implemented the Euro III motor vehicle diesel standard since January 2001. Motor vehicle diesel meeting Euro III standard has a sulphur content of not more than 0.035% by weight.

3. In July 2000, we introduced concessionary duty on ultra low sulphur diesel (ULSD), which has a sulphur content of no more than 0.005% by weight, so that it could be made available at a competitive price to regular motor diesel. ULSD has since September 2000 become the only motor vehicle diesel available at petrol filling stations in Hong Kong. Franchised buses have also switched to this environmentally cleaner fuel since February 2001. We therefore propose to formalize the existing position by prescribing in the Regulation the specifications of ULSD.

THE AMENDMENT REGULATION

4. The Air Pollution Control (Motor Vehicle Fuel)(Amendment) Regulation 2002 –

- (a) changes the specifications of motor vehicle diesel to those of ULSD;
- (b) amends Section 2 (“Interpretation”) of the Regulation to update the testing procedures for motor vehicle diesel; and
- (c) replaces the name “the International Standards Organization” with “the International Organization for Standardization” in Schedule 2 (“Specifications of unleaded petrol”) to reflect the proper full name

of that organization, and tidies up the language.

LEGISLATIVE TIMETABLE

5. We will publish the amendment Regulation in the Gazette on 1 February 2002 and table it in the Legislative Council for negative vetting on 6 February 2002. Subject to the negative vetting by the Legislative Council, the amendments will take effect on 1 April 2002.

BASIC LAW IMPLICATIONS

6. The Department of Justice advises that the amendment Regulation is consistent with the Basic Law.

HUMAN RIGHTS IMPLICATIONS

7. The Department of Justice advises that the amendment Regulation has no human rights implications.

BINDING EFFECT OF THE LEGISLATION

8. The proposed amendments will not affect the current binding effect of the Air Pollution Control (Motor Vehicle Fuel) Regulation.

FINANCIAL AND STAFF IMPLICATIONS

9. Implementation of the proposed amendments will not require any additional financial commitment from the Government. Additional staff are not required.

ECONOMIC IMPLICATIONS

10. There will be no economic implications as the proposed amendments will only formalize the existing position.

ENVIRONMENTAL IMPLICATIONS

11. A motor vehicle running on ULSD emits about 20% less particulates and 5% less nitrogen oxides than one using regular motor diesel. The continued use of ULSD will be conducive to our effort to improve Hong Kong's air quality.

CONSULTATION

12. We have consulted the Advisory Council on the Environment, the Hong Kong Motor Traders Association and oil companies operating petrol filling stations in Hong Kong on prescribing the specifications of ULSD in the Regulation. They are supportive of the proposal. We have also advised the Legislative Council Panel on Environmental Affairs of the proposal. The Panel has not expressed any adverse comment.

PUBLIC REACTION

13. The proposal will formalize an arrangement that has existed for more than a year and will not cause any disruption to oil companies or the transport trade. It is conducive to our effort to improve Hong Kong's air quality. We expect no adverse reaction from the general public and the transport trade.

PUBLICITY

14. A press release will be issued on 1 February 2002. We will inform the oil companies and the transport trade of the amendments after the amendment Regulation has gone through the negative vetting process. A spokesman will be available for answering media enquiries.

ENQUIRIES

15. For any enquiries, please contact Mr. Tony Lee, Assistant Secretary for the Environment and Food, at 2136 3359.

Environment and Food Bureau

January 2002

**AIR POLLUTION CONTROL (MOTOR VEHICLE
FUEL)(AMENDMENT) REGULATION 2002**

(Made under section 43 of the Air Pollution Control Ordinance
(Cap. 311) after consultation with the Advisory Council
on the Environment)

1. Commencement

This Regulation shall come into operation on 1 April 2002.

2. Interpretation

Section 2 of the Air Pollution Control (Motor Vehicle Fuel) Regulation (Cap. 311 sub. leg.) is amended –

- (a) in the definition of “cetane number”, by repealing everything after “procedure” and substituting “of the International Organization for Standardization commonly known as ISO 5165”;
- (b) in the definition of “motor octane number”, by repealing everything after “procedure” and substituting “of the European Standards commonly known as EN 25163”;
- (c) in the definition of “research octane number”, by repealing everything after “procedure” and substituting “of the European Standards commonly known as EN 25164”.

3. Schedule 1 substituted

Schedule 1 is repealed and the following substituted –

“SCHEDULE 1 [s. 2]

SPECIFICATIONS OF MOTOR VEHICLE DIESEL

Any motor vehicle diesel shall –

- (a) contain not more than 0.005% by weight of sulphur as determined by ISO 14596;

- (b) have a cetane number of not lower than 51.0 as determined by ISO 5165;
- (c) have a viscosity at 40°C of not lower than 2.00 mm²/s and not higher than 4.50 mm²/s as determined by ISO 3104;
- (d) contain not more than 11% by mass of polycyclic aromatic hydrocarbons as determined by IP 391;
- (e) have a 95% distillation temperature of not higher than 345°C as determined by ISO 3405;
- (f) have a distillation percentage recovered at 250°C of not higher than 65% by volume as determined by ISO 3405; and
- (g) have a density at 15°C of not higher than 0.835 kg/L as determined by ISO 3675.

Note: In this Schedule –

“ISO” followed by a numerical symbol (“ISO number”) means the test procedures of the International Organization for Standardization commonly known by that ISO number;

“IP” followed by a numerical symbol (“IP number”) means the test procedures of the Institute of Petroleum commonly known by that IP number;

“viscosity” means the viscosity of diesel as determined by ISO 3104.”.

4. Specifications of unleaded petrol

Schedule 2 is amended –

- (a) in paragraph (c), by repealing “less” and substituting “lower”;
- (b) in paragraph (d), by repealing “less” and substituting “lower”;

- (c) in paragraph (i)(i), by repealing “stablizing” and substituting “stabilizing”;
- (d) in paragraph (q), by repealing “的情況下” and substituting “時”;
- (e) in paragraph (r), by repealing “的情況下” and substituting “時”;
- (f) in the Note, in the definition of “ISO”, by repealing “Standards Organization” and substituting “Organization for Standardization”.

Secretary for the Environment and Food

2002

Explanatory Note

This Regulation –

- (a) amends section 2 of the Air Pollution Control (Motor Vehicle Fuel) Regulation (Cap. 311 sub. leg.) (“the Regulation”) to achieve internal consistency;
- (b) repeals and replaces Schedule 1 to the Regulation in order to provide for more stringent standards on the specifications to be complied with by motor vehicle diesel;
- (c) makes amendments of a minor nature to Schedule 2 to the Regulation. Those amendments are mainly to achieve

internal consistency in terminology, to reflect the proper full name of the International Organization for Standardization and to rectify a clerical error.