

LEGISLATIVE COUNCIL BRIEF

Noise Control Ordinance (Cap. 400)

Noise Control (Motor Vehicles) (Amendment) Regulation 2002 Tightening of Noise Emission Standards for Motor Vehicles

INTRODUCTION

By virtue of section 27 of the Noise Control Ordinance (Cap. 400), the Secretary for the Environment and Food has made the Noise Control (Motor Vehicles) (Amendment) Regulation 2002, at the Annex, to tighten the noise standards which motor vehicles must comply with for registration in Hong Kong, and to replace the term “European Communities” in section 4(a) and 4(b) of the Noise Control (Motor Vehicles) Regulation with the term “European Union”.

BACKGROUND

2. The current noise emission standards for motor vehicles were introduced in 1996 through the Noise Control (Motor Vehicles) Regulation (“the Regulation”). The Regulation requires all motor vehicles, upon first registration in Hong Kong, to meet the European or Japanese noise standards stipulated in its Schedule.

3. In recent years, vehicle noise standards have been progressively tightened in both Europe and Japan. To keep vehicle noise standards in Hong Kong in line with the latest standards recognized internationally, it is proposed that the Schedule to the Regulation be amended to incorporate the latest noise

standards adopted in Europe and Japan, from where most of our vehicles are imported.

4. Sections 4(a) and (b) of the Regulation make references to the motor vehicle noise emission standards of “Member States of the European Communities”. Nowadays, the term “European Union” is more commonly used to denote the territory of the fifteen Member States and the political entity.

THE PROPOSAL

5. It is proposed that –

- (a) for the purpose of updating our motor vehicle noise emission standards, the noise standards currently prescribed in the Schedule to the Regulation be replaced by the latest noise standards adopted by the European Union and Japan;
- (b) the term “European Communities” in sections 4(a) and (b) of the Regulation be replaced by “European Union”; and
- (c) the amendment Regulation becomes effective on 1 June 2002.

IMPLEMENTATION

6. The vehicle noise emission control currently forms part of the “Motor Vehicle Type Approval” process, which also covers matters including road worthiness and tailpipe emission requirements. Under existing registration

procedures for new motor vehicles, the vehicle supplier has to submit a noise certification report for each vehicle type or model to the Director of Environmental Protection (DEP). The Commissioner for Transport will grant approval for first registration only if DEP is satisfied with the report. Used motor vehicles need to be individually tested for noise compliance for the purpose of first registration as they may have been modified. The proposed tightening of the noise emission standards will not affect the existing vehicle registration process.

PUBLIC CONSULTATION

7. In early 2001, we conducted our first round of consultation with the trades concerned, including major transport operators, the Japan Automobile Manufacturers Association and local motors associations which represent dealers of both new and used motor vehicles. They were generally supportive of the proposal. Most of them did not envisage any difficulty in complying with the new noise standards upon their introduction. However, some of them requested that grace periods be given to certain categories of motor vehicles. Details of their requests are as follows-

- (a) Request of franchised bus companies: a one-year grace period from the introduction of the new noise standards should be given to allow manufacturers of double-deck buses specially designed for the Hong Kong market time to gear up for the production of compliant models.
- (b) Request of other members of the trades: As certain categories of goods vehicles manufactured in Japan do not have to comply as yet with the new noise standards we are proposing to adopt in Hong

Kong, they should be exempt from compliance until such time when the standards concerned become applicable to them in Japan between September 2002 and 2003. A one-year grace period should also be granted to single-deck buses specially designed for the Hong Kong market so as to allow their manufacturers time to gear up for the production of compliant models.

8. The Environmental Protection Department has decided to accede to these requests which are made on practical grounds and will grant the respective grace periods as appropriate. The Department has conveyed its decision to the trades concerned.

9. We consulted the Advisory Council on the Environment on our proposal in October 2001 and obtained their support. We also consulted the Legislative Council Joint Panels on Environmental Affairs and Transport in October 2001. At the meeting of the Joint Panels, some Members expressed concern over whether some members of the trades might have difficulty in clearing their stocks which were imported to Hong Kong but remained unsold by the time of the introduction of the new noise standards. To address Members' concern, we conducted a further round of consultation in end 2001 with the trades concerned. All of them reaffirmed that they did not require any transitional arrangements for clearing their existing stocks or that they were content with the grace periods the Environmental Protection Department has already agreed to grant in the earlier round of consultation.

10. The only additional request made by them was to exempt two additional models of motor vehicles which are currently in stock. These two models are tractors and single deck buses with no more than 20 in total number. We consider the request acceptable and will exempt them from compliance with

the new noise standards.

BASIC LAW IMPLICATIONS

11. The Department of Justice advises that the proposed amendment of the Regulation does not conflict with those provisions of the Basic Law.

HUMAN RIGHTS IMPLICATIONS

12. The Department of Justice advises that the proposed amendment of the Regulation is consistent with the human rights provisions of the Basic Law.

ENVIRONMENTAL IMPLICATIONS

13. The proposal will keep Hong Kong's noise emission standards of motor vehicles in line with the latest standards recognized internationally. In the long run, this will bring about a reduction in the overall traffic noise level in Hong Kong as the existing fleet is gradually replaced by vehicles which comply with the more stringent standards.

FINANCIAL AND STAFF IMPLICATIONS

14. There are no financial and staffing implications.

ECONOMIC IMPLICATIONS

15. Vehicle manufactured in Europe and Japan, from where most of our vehicles are imported, also have to comply with these standards for registration in their own countries. The proposal is not expected to cause significant economic implications to vehicle imports to Hong Kong.

PUBLICITY

16. A press release on the proposal will be issued when the amended Regulation is published in the Gazette on 4 April 2002.

ENQUIRES

17. For enquiries about the brief, please contact Miss Leona Law, Assistant Secretary for the Environment and Food, at 2136 3355.

Environment and Food Bureau

April 2002

NOISE CONTROL (MOTOR VEHICLES) (AMENDMENT) REGULATION 2002

(Made under section 27 of the Noise Control Ordinance (Cap. 400) after consultation with the Advisory Council on the Environment)

1. Commencement

This Regulation shall come into operation on 1 June 2002.

2. Interpretation

Section 2 of the Noise Control (Motor Vehicles) Regulation (Cap. 400 sub. leg.) is amended by repealing "E".

3. Prescribed standards for noise emitted by motor vehicles

Section 4 is amended -

- (a) by repealing "after the commencement of this Regulation" and substituting "on or after 1 June 2002";
- (b) by repealing "Communities" wherever it appears and substituting "Union".

4. Prescribed standards for noise emitted by vehicles

The Schedule is amended -

- (a) in Part I, in paragraph 1, by repealing everything after "as" and substituting "amended by Council

- Directive 92/97/EEC of 10 November 1992 and Commission Directive 96/20/EC of 27 March 1996.";
- (b) in Part I, in paragraph 2, by repealing everything after "as" and substituting "amended by Ministry of Transport Ordinance No. 5 of 21 February 2000.";
- (c) in Part II, by repealing paragraph 1 and substituting -
- "1. Directive 97/24/EC of 17 June 1997 made by the European Parliament and the Council of the European Union on certain components and characteristics of two or three-wheel motor vehicles.";
- (d) in Part II, in paragraph 2, by repealing everything after "as" and substituting "amended by Ministry of Transport Ordinance No. 5 of 21 February 2000 and No. 66 of 20 December 1996 respectively.".



Secretary for the Environment
and Food

2 March 2002

Explanatory Note

This Regulation amends the Noise Control (Motor Vehicles) Regulation (Cap. 400 sub. leg.) to -

- (a) provide for more stringent standards for noise emitted by motor vehicles first registered on or after 1 June 2002;
- (b) update the reference to "European Communities".