

Air Pollution Control (Emission Reduction Devices  
for Vehicles) Regulation

(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 December 2003.

2. Interpretation

(1) In this Regulation, unless the context otherwise requires---

"approved emission reduction device" (認可減少排放物器件) means an emission reduction device which is approved by the Authority under this Regulation;

"compression-ignition engine" (壓燃式引擎) means a compression-ignition engine within the meaning of the Road Traffic (Construction and Maintenance of Vehicles) Regulations (Cap. 374 sub. leg. A);

"emission reduction device" (減少排放物器件) means a device which is installed on a motor vehicle to reduce the emission of air pollutants from the motor vehicle;

"register" (紀錄冊) means the register of approved emission reduction devices maintained by the Authority under section 5;

"registered" (登記), in relation to a motor vehicle, means registered under the Road Traffic (Registration and Licensing of Vehicles) Regulations (Cap. 374 sub. leg. E).

(2) In this Regulation, unless the context otherwise requires, the following terms have the meanings respectively assigned to them by section 2 of the Road Traffic Ordinance (Cap. 374)---

"goods vehicle" (貨車);

"light bus" (小型巴士);

"permitted gross vehicle weight" (許可車輛總重);

"private car" (私家車);

"registered owner" (登記車主);

"special purpose vehicle" (特別用途車輛);

"taxi" (的士).

(3) For the purposes of this Regulation, the Authority includes a person authorized by the Authority under section 4(3) of the Ordinance to perform or exercise all or any of the functions, duties or powers which are imposed or conferred on the Authority by the Ordinance.

3. Application

(1) This Regulation applies to the classes of motor vehicle specified in Schedule

1.

(2) This Regulation does not apply to a special purpose vehicle.

(3) The Authority may in writing exempt any motor vehicle or class of motor vehicles from any provision of this Regulation or any part thereof if the Authority considers that there is no appropriate emission reduction device for that motor vehicle or class of motor vehicles or that it would be in the public interest to do so.

(4) An exemption granted by the Authority to a class of motor vehicles shall be by notice published in the Gazette.

#### 4. Installation of approved emission reduction device

(1) The registered owner of a motor vehicle to which this Regulation applies shall cause---

(a) an approved emission reduction device to be installed and kept installed on the motor vehicle;

(b) the device to be kept in good working condition; and

(c) the device to be replaced if it is no longer in good working condition.

(2) An approved emission reduction device installed on a motor vehicle pursuant to this Regulation shall not be modified, adapted or altered.

#### 5. Register of approved emission reduction devices

(1) The Authority shall maintain a register of all emission reduction devices approved by the Authority.

(2) A copy of the register shall be kept at the head office and at appropriate local offices of the Environmental Protection Department.

(3) Any person is entitled, without charge, to inspect a copy of the register during normal business hours.

#### 6. Approval of emission reduction devices

(1) An emission reduction device is approved for the purposes of this Regulation if it is listed in the register.

(2) The Authority may include in the register an emission reduction device only if he is satisfied that---

(a) the device can reduce the emission of air pollutants from a motor vehicle to which this Regulation applies in a manner and to an extent satisfactory to the Authority;

(b) the device is suitable for installation on a motor vehicle to which this Regulation applies; and

(c) if the device is to be installed on a class of motor vehicle specified in column 1 of Schedule 2, the device is of a type specified opposite that class in column 2 of Schedule 2.

(3) If the Authority proposes to delete an approved emission reduction device from the register, he must give notice of the fact in the register at least 28 days beforehand, but may give a shorter period of notice, or no notice, if he considers

it necessary in the public interest.

#### 7. Examination of motor vehicles

(1) If the Authority reasonably suspects that---

(a) a motor vehicle to which this Regulation applies has not been installed with an approved emission reduction device in good working condition; or

(b) the approved emission reduction device installed on the motor vehicle has been modified, adapted or altered,

the Authority may by written notice require the registered owner of the motor vehicle to produce the motor vehicle for examination at a date, time and place specified in the notice.

(2) The date, time and place specified in a notice under subsection (1) must be such as to give the registered owner a reasonable opportunity for compliance.

(3) A motor vehicle produced pursuant to subsection (1) may be detained by the Authority for a period not exceeding 8 hours.

#### 8. Conduct of examination

(1) A motor vehicle produced pursuant to section 7(1) may be examined by the Authority.

(2) A person carrying out an examination of a motor vehicle may carry out or cause to be carried out such inspection, examination or test of the motor vehicle, any part of the motor vehicle, any accessory affixed to the motor vehicle and any equipment or part of the equipment of the motor vehicle as he requires in order to ascertain whether---

(a) the motor vehicle has been installed with an approved emission reduction device in good working condition; or

(b) the device has been modified, adapted or altered.

#### 9. Consequence of non-compliance

(1) If section 4 is not complied with in respect of a motor vehicle, the Commissioner for Transport, in exercise of his power under section 25(1) of the Road Traffic Ordinance (Cap. 374), may---

(a) refuse to license the motor vehicle; or

(b) cancel the licence of the motor vehicle.

(2) A registered owner of a motor vehicle who fails to comply with a written notice issued by the Authority under section 7(1) commits an offence and is liable to a fine at level 2.

#### 10. Saving of other regulations

This Regulation is in addition to, and not in substitution for, the provisions of the Road Traffic (Construction and Maintenance of Vehicles) Regulations (Cap. 374 sub. leg. A).

SCHEDULE 1 [s. 3 & Sch. 2]

Classes of Motor Vehicle to which this Regulation Applies  
Class

1. A private car, goods vehicle or light bus which---
  - (a) is equipped with a compression-ignition engine;
  - (b) is licensed under the Road Traffic (Registration and Licensing of Vehicles) Regulations (Cap. 374 sub. leg. E);
  - (c) has a permitted gross vehicle weight of not more than 4 tonnes; and
  - (d) was first registered on or before 31 March 1995.
2. A taxi which---
  - (a) is equipped with a compression-ignition engine;
  - (b) is licensed under the Road Traffic (Registration and Licensing of Vehicles) Regulations (Cap. 374 sub. leg. E); and
  - (c) was first registered on or before 31 December 1995.

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SCHEDULE 2 [s. 6]

Types of Emission Reduction Device

Class of motor vehicle    Type of emission reduction device

1. Class 1 and class 2 in Schedule 1    Particulate reduction device

Dr. Sarah LIAO

Secretary for the Environment, Transport and Works

10 May 2003

Explanatory Note

The purpose of this Regulation is to require diesel light vehicles first registered before European Union emission standards were imposed to be installed with approved emission reduction devices to reduce their emission of air pollutants.

2. The obligations to install the approved emission reduction device and to keep the device in good working condition rest with the registered owner of a motor vehicle (section 4). The Commissioner for Transport may refuse to license a motor vehicle or may cancel the licence of a motor vehicle if section 4 is not complied with (section 9(1)).

3. Approved emission reduction devices are listed in a register maintained by the Authority; such register is open to the public for inspection without charge (sections 5 and 6). The criteria for including an emission reduction device in the register are set out in section 6(2).

4. If the Authority suspects that a motor vehicle to which this Regulation applies has not been installed with an approved emission reduction device in good working condition, or that the approved emission reduction device installed on the motor

vehicle has been modified, the Authority may by written notice require the registered owner of the motor vehicle to produce the motor vehicle for examination at a date, time and place specified in the notice (section 7). Failure to comply with the written notice is an offence punishable by a fine at level 2 (section 9(2)).