
L.N. 46 of 2012

Air Pollution Control (Vehicle Design Standards) (Emission) (Amendment) Regulation 2012

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Air Pollution Control (Vehicle Design Standards) (Emission) (Amendment) Regulation 2012

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

1. Commencement

This Regulation comes into operation on 1 June 2012.

2. Air Pollution Control (Vehicle Design Standards) (Emission) Regulations amended

The Air Pollution Control (Vehicle Design Standards) (Emission) Regulations (Cap. 311 sub. leg. J) are amended as set out in sections 3 to 16.

3. Regulation 2 amended (interpretation)

Regulation 2—

Add in alphabetical order

“*bus* (巴士) has the meaning given by section 2 of the Road Traffic Ordinance (Cap. 374);

goods vehicle (貨車) has the meaning given by section 2 of the Road Traffic Ordinance (Cap. 374);

light bus (小型巴士) has the meaning given by section 2 of the Road Traffic Ordinance (Cap. 374);

private car (私家車) has the meaning given by section 2 of the Road Traffic Ordinance (Cap. 374);

taxi (的士) has the meaning given by section 2 of the Road Traffic Ordinance (Cap. 374);”.

4. Regulation 7 amended (vehicle design standards for certain motor vehicles)

Regulation 7—

Repeal subregulation (2).

5. Regulation 7B amended (vehicle design standards for certain motor vehicles registered on or after 1 January 2006)

(1) Regulation 7B(1)(a)(iv)—

Repeal

“on or after 1 January 2006”

Substitute

“between 1 January 2006 and 31 May 2012 (both dates inclusive)”.

(2) Regulation 7B(1)(c)(iv)—

Repeal

“on or after 1 January 2007”

Substitute

“between 1 January 2007 and 31 May 2012 (both dates inclusive)”.

(3) Regulation 7B(1)(e)(iii)—

Repeal

“on or after 1 January 2006”

Substitute

“between 1 January 2006 and 31 May 2012 (both dates inclusive)”.

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Section 6

B1495

(4) Regulation 7B(1)(i)(iv)—

Repeal

“on or after 1 January 2007”

Substitute

“between 1 January 2007 and 31 May 2012 (both dates inclusive)”.

(5) Regulation 7B(1)(m)(iii)—

Repeal

“on or after 1 January 2007”

Substitute

“between 1 January 2007 and 31 May 2012 (both dates inclusive)”.

(6) Regulation 7B(1)(q)(iv)—

Repeal

“on or after 1 January 2007”

Substitute

“between 1 January 2007 and 31 May 2012 (both dates inclusive)”.

(7) Regulation 7B—

Repeal subregulation (2).

6. Regulation 7C amended (vehicle design standards for certain motor vehicles registered on or after 1 October 2006)

(1) Regulation 7C(1)(a)(iv)—

Repeal

“on or after 1 October 2006”

Substitute

“between 1 October 2006 and 31 May 2012 (both dates inclusive)”.

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Section 7

B1497

(2) Regulation 7C(1)(b)(iii)—

Repeal

“on or after 1 October 2006”

Substitute

“between 1 October 2006 and 31 May 2012 (both dates inclusive)”.

(3) Regulation 7C(1)(c)(iv)—

Repeal

“on or after 1 October 2006”

Substitute

“between 1 October 2006 and 31 May 2012 (both dates inclusive)”.

(4) Regulation 7C—

Repeal subregulation (2).

7. Regulation 7E added

After regulation 7D—

Add

“7E. Vehicle design standards for certain motor vehicles registered on or after 1 June 2012

(1) This regulation does not apply to vehicles specified in regulation 9.

(2) Every private car or taxi which—

(a) is equipped with a positive-ignition engine;

(b) is constructed to operate on unleaded petrol only;
and

-
- (c) is registered on or after 1 June 2012,
must be so constructed that the emission from that private car or taxi conforms to the standards specified in paragraph (a), (b) or (c) of Part I of Schedule 16.
- (3) Every taxi which—
- (a) is equipped with a positive-ignition engine;
- (b) is constructed to operate on liquefied petroleum gas only; and
- (c) is registered on or after 1 June 2012,
must be so constructed that the emission from that taxi conforms to the standards specified in paragraph (a), (b) or (c) of Part I of Schedule 16.
- (4) Every goods vehicle or light bus which—
- (a) is equipped with a positive-ignition engine;
- (b) is constructed to operate on unleaded petrol only;
- (c) has a design weight of not more than 3.5 tonnes; and
- (d) is registered on or after 1 June 2012,
must be so constructed that the emission from that goods vehicle or light bus conforms to the standards specified in paragraph (a), (b) or (c) of Part I of Schedule 16.
- (5) Every light bus which—
- (a) is equipped with a compression-ignition engine;
- (b) has a design weight of not more than 3.5 tonnes; and
- (c) is registered on or after 1 June 2012,
must be so constructed that the emission from that light bus conforms to the standards specified in paragraph (a) or (b) of Part I of Schedule 16.

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B1501

- (6) Every goods vehicle which—
- (a) is equipped with a compression-ignition engine;
 - (b) has a design weight of not more than 3.5 tonnes;
and
 - (c) is registered between 1 June 2012 and 30 December 2012 (both dates inclusive),
- must be so constructed that the emission from that goods vehicle conforms to the standards specified in paragraph (a) or (b) of Schedule 12.
- (7) Every goods vehicle which—
- (a) is equipped with a compression-ignition engine;
 - (b) has a design weight of not more than 3.5 tonnes;
and
 - (c) is registered on or after 31 December 2012,
- must be so constructed that the emission from that goods vehicle conforms to the standards specified in paragraph (a) or (b) of Part I of Schedule 16.
- (8) Every light bus which—
- (a) is equipped with a positive-ignition engine;
 - (b) is constructed to operate on liquefied petroleum gas only;
 - (c) has a design weight of not more than 3.5 tonnes;
and
 - (d) is registered on or after 1 June 2012,
- must be so constructed that the emission from that light bus conforms to the standards specified in paragraph (a), (b) or (c) of Part I of Schedule 16.
- (9) Every goods vehicle, light bus or bus which—
- (a) is equipped with a positive-ignition engine;
 - (b) is constructed to operate on unleaded petrol only;

(c) has a design weight of more than 3.5 tonnes; and

(d) is registered on or after 1 June 2012,

must be so constructed that the emission from that goods vehicle, light bus or bus conforms to the standards specified in paragraph (b) or (c) of Part II of Schedule 16.

(10) Every goods vehicle, light bus or bus which—

(a) is equipped with a compression-ignition engine;

(b) has a design weight of more than 3.5 tonnes; and

(c) is registered on or after 1 June 2012,

must be so constructed that the emission from that goods vehicle, light bus or bus conforms to the standards specified in paragraph (a), (b) or (c) of Part II of Schedule 16.

(11) Every light bus which—

(a) is equipped with a positive-ignition engine;

(b) is constructed to operate on liquefied petroleum gas only;

(c) has a design weight of more than 3.5 tonnes; and

(d) is registered on or after 1 June 2012,

must be so constructed that the emission from that light bus conforms to the standards specified in paragraph (a), (b) or (c) of Part II of Schedule 16.”.

8. Regulation 8 amended (compliance with more stringent standards)

Regulation 8—

Repeal

“7D”

Substitute

“7D, 7E”.

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Section 9

B1505

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- 9. Regulation 9 amended (vehicles to which regulations 7, 7B, 7C, 7D and 14 do not apply)**
- (1) Regulation 9, heading—
Repeal
“7D”
Substitute
“7D, 7E”.
- (2) Regulation 9—
Repeal
“7D”
Substitute
“7D, 7E”.
- 10. Regulation 14 amended (certain motor vehicles to be equipped with on-board diagnostic system)**
- (1) Regulation 14(5)—
Repeal
“registered on or after 1 January 2006 under the provisions of regulation 7B(1)(a), (b), (d)”
Substitute
“referred to in regulation 7B(1)(a), (b)”.
- (2) Regulation 14(6)—
Repeal
“registered on or after 1 January 2007 under the provisions of”
Substitute
“referred to in”.

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Section 10

B1507

(3) Regulation 14(7)—

Repeal

“Every motor vehicle under”

Substitute

“Every motor vehicle referred to in”.

(4) After regulation 14(7)—

Add

“(8) Every motor vehicle referred to in regulation 7E(2), (3), (4) and (8) must be fitted with an on-board diagnostic system so constructed that it conforms to the requirements as specified in—

(a) the on-board diagnostic system specifications administered by the California Air Resources Board;

(b) the on-board diagnostic system specifications stipulated in Regulation (EC) No. 715/2007 of the European Parliament and of the Council and Commission Regulation (EC) No. 692/2008 as amended by its subsequent amendments up to and including amendments made by Commission Regulations (EU) No. 566/2011; or

(c) the on-board diagnostic system specifications administered by the Ministry of Land, Infrastructure, Transport and Tourism of Japan.

(9) Every motor vehicle referred to in regulation 7B(1)(d) must be fitted with an on-board diagnostic system so constructed that it conforms to the on-board diagnostic system specifications administered by the California Air Resources Board.

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- (10) Every motor vehicle referred to in regulation 7E(5) and (7) must be fitted with an on-board diagnostic system so constructed that it conforms to the requirements as specified in—
- (a) the on-board diagnostic system specifications administered by the California Air Resources Board; or
 - (b) the on-board diagnostic system specifications stipulated in Regulation (EC) No. 715/2007 of the European Parliament and of the Council and Commission Regulation (EC) No. 692/2008 as amended by its subsequent amendments up to and including amendments made by Commission Regulations (EU) No. 566/2011.
- (11) Every motor vehicle referred to in regulation 7E(6) must be fitted with an on-board diagnostic system so constructed that it conforms to the requirements as specified in—
- (a) the on-board diagnostic system specifications administered by the California Air Resources Board;
 - (b) the on-board diagnostic system specifications stipulated in Annex XI of Council Directive 70/220/EEC made by the Council as amended by its subsequent amendments up to and including amendments made by Commission Directive 2003/76/EC; or
 - (c) the on-board diagnostic system specifications administered by the Ministry of Land, Infrastructure, Transport and Tourism of Japan.
- (12) Every motor vehicle referred to in regulation 7E(9), (10) and (11) must be fitted with an on-board diagnostic system so constructed that it conforms to the requirements as specified in—

- (a) the on-board diagnostic system specifications administered by the Environmental Protection Agency of the United States of America;
- (b) the on-board diagnostic system specifications stipulated in Directive 2005/55/EC of the European Parliament and of the Council as amended by its subsequent amendments up to and including amendments made by Commission Directive 2008/74/EC; or
- (c) the on-board diagnostic system specifications administered by the Ministry of Land, Infrastructure, Transport and Tourism of Japan.”.

11. Schedule 11 heading amended (motor vehicles with positive-ignition engines not requiring installation of on-board diagnostic system)

Schedule 11, heading—

Repeal

“MOTOR VEHICLES WITH POSITIVE-IGNITION ENGINES NOT REQUIRING INSTALLATION OF ON-BOARD DIAGNOSTIC SYSTEM”

Substitute

“Motor Vehicles Registered between 1 January 2001 and 31 May 2012 (Both Dates Inclusive) with Positive-ignition Engines not Requiring Installation of On-board Diagnostic System”.

12. Schedule 12 amended (vehicle design standards (emission) for certain motor vehicles registered on or after 1 January 2006)

(1) Schedule 12—

Repeal

“[reg. 7B]”

Substitute

“[regs. 7B & 7E]”.

(2) Schedule 12, paragraph (a)—

Repeal

“Standards”

Substitute

“Standards, comprising all of the following requirements—”.

(3) Schedule 12, paragraph (a)(ii)—

Repeal

“shall comply with the limit values”.

(4) Schedule 12, paragraph (b)—

Repeal

“Standards”

Substitute

“Standards, comprising all of the following requirements—”.

(5) Schedule 12, paragraph (b)(ii)—

Repeal

“shall comply with”

Substitute

“as specified in”.

(6) Schedule 12, paragraph (c)—

Repeal

“Standards”

Substitute

“Standards, comprising all of the following requirements—”.

(7) Schedule 12, paragraph (c)(ii)—

Repeal

“limit values shall comply with the”.

13. Schedule 13 amended (vehicle design standards (emission) for certain motor vehicles registered on or after 1 October 2006)

(1) Schedule 13, heading—

Repeal

“VEHICLE DESIGN STANDARDS (EMISSION) FOR CERTAIN MOTOR VEHICLES REGISTERED ON OR AFTER 1 OCTOBER 2006”

Substitute

“Vehicles Design Standards (Emission) for Certain Motor Vehicles Registered between 1 October 2006 and 31 May 2012 (Both Dates Inclusive)”.

(2) Schedule 13, paragraph (a)—

Repeal

“Standards”

Substitute

“Standards, comprising all of the following requirements—”.

- (3) Schedule 13, paragraph (a)(ii)—

Repeal

“emission of gaseous and particulate pollutants and opacity of smoke from the engine shall comply with the limit values set out”

Substitute

“emission limit values of gaseous and particulate pollutants and opacity of smoke from the engine as specified in”.

- (4) Schedule 13, paragraph (b)—

Repeal

“Standards”

Substitute

“Standards, comprising all of the following requirements—”.

- (5) Schedule 13, paragraph (b)(ii)—

Repeal

“shall comply with”

Substitute

“as specified in”.

- (6) Schedule 13, paragraph (c)—

Repeal

“Standards”

Substitute

“Standards, comprising all of the following requirements—”.

- (7) Schedule 13, paragraph (c)(ii)—

Repeal

“limit value shall comply with the”.

14. Schedule 14 amended (vehicle design standards (emission) for motor cycles registered on or after 1 January 2007)

(1) Schedule 14, paragraph (a)—

Repeal

“Standards”

Substitute

“Standards, comprising all of the following requirements—”.

(2) Schedule 14, paragraph (a)(ii)—

Repeal

“shall comply with the limit values”.

(3) Schedule 14, paragraph (b)—

Repeal

“Standards”

Substitute

“Standards, comprising all of the following requirements—”.

(4) Schedule 14, paragraph (b)(ii)—

Repeal

“limit values shall comply with emission”.

(5) Schedule 14, paragraph (c)—

Repeal

“Standards”

Substitute

“Standards, comprising all of the following requirements—”.

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(6) Schedule 14, paragraph (c)(ii)—

Repeal

“limit values shall comply with the”.

15. Schedule 15 amended (vehicle design standards (emission) for motor tricycles registered on or after 1 January 2007)

(1) Schedule 15—

Repeal

“Standards”

Substitute

“Standards, comprising all of the following requirements—”.

(2) Schedule 15, paragraph (ii)—

Repeal

“shall comply with the limit values”.

16. Schedule 16 added

After Schedule 15—

Add

“Schedule 16

[reg. 7E]

**Vehicle Design Standards (Emission) for Certain
Motor Vehicles Registered on or after
1 June 2012**

Part I

- (a) European Union Motor Vehicle Emission Standards, comprising all of the following requirements—
- (i) All the testing procedures, requirements and emission limits (except Type VI test) as specified in Regulation (EC) No. 715/2007 of the European Parliament and of the Council and Commission Regulation (EC) No. 692/2008 as amended by its subsequent amendments up to and including amendments made by Commission Regulations (EU) No. 566/2011.
 - (ii) The emission limit values for Type I test as specified in Table 1 of Annex XVII to Commission Regulation (EC) No. 692/2008 of the European Parliament and of the Council as amended by its subsequent amendments up to and including amendments made by Commission Regulations (EU) No. 566/2011.
 - (iii) All the type approval requirements as specified in Regulation (EC) No. 715/2007 of the European Parliament and of the Council and Commission Regulation (EC) No. 692/2008 as amended by its subsequent amendments up to and including amendments made by Commission Regulations (EU) No. 566/2011.

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Section 16

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- (b) United States of America Motor Vehicle Emission Standards, comprising all of the following requirements—
- (i) All the testing procedures, requirements and emission limits as specified in Title 13 of the California Code of Regulations of the United States of America.
 - (ii) The emission limit values as specified in California “LEV II” exhaust emission standards for vehicle models manufactured on and after 2004.
 - (iii) All the type approval requirements administered by the California Air Resources Board.
- (c) Japan Motor Vehicle Emission Standards, comprising all of the following requirements—
- (i) All the testing procedures, requirements and emission limits as specified in the Safety Regulation for Road Vehicles (i.e. the Ministry of Transport Ordinance No. 67 of 28 July 1951) as amended by its subsequent amendments up to and including amendments made by—
 - (A) Ministry of Land, Infrastructure, Transport and Tourism Ordinances No. 48 of 2009; and
 - (B) Ministry of Land, Infrastructure, Transport and Tourism Announcement No. 349 of 25 March 2008.
 - (ii) The emission limit values as specified in the Post New-Long Term Regulation published in the Ministry of Land, Infrastructure, Transport and Tourism Announcement No. 349 of 25 March 2008.
 - (iii) All the type approval requirements administered by the Ministry of Land, Infrastructure, Transport and Tourism of Japan.

Part II

- (a) European Union Motor Vehicle Emission Standards, comprising all of the following requirements—
 - (i) All the testing procedures, requirements and emission limits as specified in Directive 2005/55/EC of the European Parliament and of the Council as amended by its subsequent amendments up to and including amendments made by Commission Directive 2008/74/EC.
 - (ii) The emission limit values of gaseous and particulate pollutants and opacity of smoke from the engine as specified in Row B2 of the Tables in Section 6.2.1 of Annex I to Directive 2005/55/EC of the European Parliament and of the Council as amended by its subsequent amendments up to and including amendments made by Commission Directive 2008/74/EC.
 - (iii) All the type approval requirements as specified in Directive 2007/46/EC of the European Parliament and of the Council as amended by its subsequent amendments up to and including amendments made by Commission Regulation (EU) 65/2012.
- (b) United States of America Motor Vehicle Emission Standards, comprising all of the following requirements—
 - (i) All the testing procedures, requirements and emission limits as specified in the Code of Federal Regulations Title 40 Protection of Environment Part 86 Control of Emissions from new and in-use highway vehicles and engines of the United States of America.

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- (ii) The emission limit values as specified in—
 - (A) emission standards for Otto-cycle heavy-duty vehicle models equipped with positive-ignition engines manufactured on and after 2008; or
 - (B) emission standards and supplemental requirements for heavy-duty vehicle models equipped with compression-ignition engines manufactured on and after 2007.
 - (iii) All the type approval requirements administered by the Environmental Protection Agency United States of America.
 - (c) Japan Motor Vehicles Emission Standards, comprising all of the following requirements—
 - (i) All the testing procedures, requirements and emission limits as specified in the Safety Regulation for Road Vehicles (i.e. the Ministry of Transport Ordinance No. 67 of 28 July 1951) as amended by its subsequent amendments up to and including amendments made by—
 - (A) Ministry of Land, Infrastructure, Transport and Tourism Ordinances No. 48 of 2009; and
 - (B) Ministry of Land, Infrastructure, Transport and Tourism Announcement No. 349 of 25 March 2008.
 - (ii) The emission limit values as specified in the Post New Long-term Regulation published in the Ministry of Land, Infrastructure, Transport and Tourism Announcement No. 349 of 25 March 2008.
 - (iii) All the type approval requirements administered by the Ministry of Land, Infrastructure, Transport and Tourism of Japan.”.

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Regulation 2012

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B1531

Edward YAU
Secretary for the Environment

20 March 2012

Explanatory Note

This Regulation amends the Air Pollution Control (Vehicle Design Standards) (Emission) Regulations (Cap. 311 sub. leg. J) (*principal Regulations*). The main purpose is to impose more stringent vehicle design standards on certain motor vehicles first registered on or after 1 June 2012 in order to reduce the emission of air pollutants from them.

2. New regulation 7E specifies enhanced design standards specified in the new Schedule 16 for certain goods vehicles, light buses, buses, private cars and taxis which are first registered on or after 1 June 2012 (section 7).
3. Regulations 7B (except regulation 7B(1)(d)) and 7C of the principal Regulations are amended so that the existing standards will not apply to the same types of motor vehicles which are registered on or after 1 June 2012 (sections 5 and 6).
4. New provisions are added to regulation 14 of the principal Regulations to require a motor vehicle equipped with a positive-ignition engine or a compression-ignition engine, and first registered on or after 1 June 2012 to be fitted with an on-board diagnostic system that conforms to certain specified requirements (section 10).
5. The new Schedule 16 sets out the Euro V Motor Vehicle Emission Standards adopted in the European Union, the United States of America and Japan to be complied with by all motor vehicles first registered on or after 1 June 2012. Part I of that Schedule covers motor vehicles that have a design weight of not more than 3.5 tonnes. Part II of that Schedule covers motor vehicles that have a design weight of more than 3.5 tonnes (section 16).