

立法會
Legislative Council

LC Paper No. LS34/16-17

**Paper for the House Committee Meeting
on 24 February 2017**

**Legal Service Division Report on
Subsidiary Legislation Gazetted on 17 February 2017**

Tabling in LegCo : Council meeting of 22 February 2017

Amendment to be made by : Council meeting of 22 March 2017 (or that of 12 April 2017 if extended by resolution)

**Air Pollution Control (Vehicle Design Standards)
(Emission) (Amendment) Regulation 2017** **(L.N. 24)**

The Air Pollution Control (Vehicle Design Standards) (Emission) Regulations (Cap. 311J) are made by the Secretary for the Environment under section 43(1)(rg) of the Air Pollution Control Ordinance (Cap. 311) to provide, among other matters, that motor vehicles must be so constructed that the emissions from them conform to the emission standards specified in the various Schedules to Cap. 311J. Those emission standards were tightened in 2005 for, among others, diesel private cars (i.e. those equipped with a compression-ignition engine) registered on or after 1 January 2006 to conform to California "LEV II" standards (L.N. 165 of 2005), and again in 2012 for certain classes¹ of newly registered vehicles to conform to Euro V standards (L.N. 46 of 2012).

2. L.N. 24 amends Cap. 311J to impose more stringent vehicle design standards on certain vehicles in order to reduce the emission of air pollutants from them. It requires the following classes of newly registered motor vehicles to conform to, among others, Euro VI or (in the case of diesel private cars) California "LEV III" emission standards which are set out in the new Schedule 17 to Cap. 311J:

- (a) private cars and taxis first registered on or after 1 July 2017; and
- (b) goods vehicles, light buses and buses first registered on or after 1 January 2018, subject to certain exceptions.²

¹ Petrol private cars, taxis, goods vehicles, light buses and buses.

² The exceptions are buses having a design weight of not more than 9 tonnes and light buses having a design weight of more than 3.5 tonnes, to which Euro V will continue to apply.

3. L.N. 24 also allows the use of unleaded petrol-cum-LPG taxis, repeals certain obsolete regulations of Cap. 311J and associated Schedules (including regulations 7, 7B and 7C, and Schedules 2 to 13), makes various textual amendments such as replacing "kilometres per hour" and "millimetres" with their respective metric symbols, and adds new Schedules 18 and 19 to Cap. 311J to set out certain European standards for particulate emission and portable emissions measurement system demonstration test at type approval.

4. Paragraph (c)(iii) of Part 2 of Schedule 17 misspells the official name of the United States Environmental Protection Agency³. Upon our enquiry, the Environmental Protection Department ("EPD") has replied that it will not at this stage amend L.N. 24 to correct the clerical error which may be rectified by the Secretary for Justice exercising his editorial power under section 12 of the Legislation Publication Ordinance (Cap. 614) after that section comes into operation on 24 February 2017 (L.N. 170 of 2016). We consider that the spelling mistake in this case is unlikely to cause any interpretation difficulties.

5. According to paragraphs 9 and 10 of the Legislative Council ("LegCo") Brief (File Ref.: EP150/L1/3) issued by EPD in February 2017, EPD has taken into account the views of the transport and vehicle maintenance trades in revising the timetable for implementing Euro VI emission standards. However, EPD does not agree with some diesel private car vendors who argue that the Euro VI emission standards applicable to petrol private cars, rather than California "LEV III" standards, should apply to diesel private cars (paragraphs 16 and 17). According to the LegCo Brief, the Advisory Council on the Environment has endorsed the revised implementation timetable (paragraph 18).

6. As advised by the Clerk to the Panel on Environmental Affairs, the Panel was consulted on the proposal at its meetings on 27 November 2015 and 19 December 2016. Members in general did not object to the proposal but discussed various issues including its environmental benefits, implementation schedule, local supply of compliant vehicles, support for the vehicle maintenance trade, testing and monitoring of vehicle emission performance, and other measures to improve roadside air quality. The Panel will hold a further meeting on 24 February 2017 to receive public views on the proposal.

7. L.N. 24 comes into operation on 1 July 2017.

8. Apart from the matter mentioned in paragraph 4 above, no difficulties have been identified in relation to the legal and drafting aspects of L.N. 24.

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³ The agency's name is misstated as "United States Environment Protection Agency".