

立法會
Legislative Council

LC Paper No. CB(1)733/16-17
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by the Administration)

Ref : CB1/SS/6/16/1

**Subcommittee on Air Pollution Control (Vehicle Design Standards)
(Emission) (Amendment) Regulation 2017**

**Minutes of first meeting
held on Tuesday, 7 March 2017, at 2:30 pm
in Conference Room 3 of the Legislative Council Complex**

Members present : Hon Frankie YICK Chi-ming, JP (Chairman)
Hon Tommy CHEUNG Yu-yan, GBS, JP
Hon WONG Ting-kwong, SBS, JP
Hon CHAN Kin-por, BBS, JP
Hon Paul TSE Wai-chun, JP
Hon YIU Si-wing, BBS
Hon Charles Peter MOK, JP
Hon Kenneth LEUNG
Hon Dennis KWOK Wing-hang
Dr Hon Fernando CHEUNG Chiu-hung
Dr Hon Elizabeth QUAT, JP
Hon CHUNG Kwok-pan
Hon Alvin YEUNG
Hon Andrew WAN Siu-kin
Hon SHIU Ka-fai
Dr Hon Pierre CHAN
Hon CHAN Chun-ying
Hon HUI Chi-fung
Hon KWONG Chun-yu
Hon Jeremy TAM Man-ho
Dr Hon YIU Chung-yim

Members absent : Hon CHAN Hak-kan, BBS, JP
Hon WU Chi-wai, MH
Hon KWOK Wai-keung
Hon Martin LIAO Cheung-kong, SBS, JP
Hon CHU Hoi-dick
Dr Hon Junius HO Kwan-yiu, JP
Hon Tanya CHAN
Hon LUK Chung-hung

Public Officers attending : **For item II**

Mrs Alice CHEUNG, JP
Deputy Director of Environmental Protection (3)
Environmental Protection Department

Mr MOK Wai-chuen, JP
Assistant Director of Environmental Protection (Air Policy)
Environmental Protection Department

Mr Dave HO
Principal Environmental Protection Officer (Mobile Source)
Environmental Protection Department

Mr WONG Lok-king
Government Counsel
Department of Justice

Clerk in Attendance : Ms Angel SHEK
Chief Council Secretary (1)1

Staff in attendance : Mr Bonny LOO
Assistant Legal Adviser 4

Mr Jason KONG
Council Secretary (1)1

Miss Mandy POON
Legislative Assistant (1)1

Action

I. Election of Chairman

Mr Tommy CHEUNG, the member with the highest precedence among those who were present at the meeting, presided over the election of the Chairman of the Subcommittee. He invited nominations for the chairmanship of the Subcommittee.

2. Mr Frankie YICK was nominated by Mr CHAN Kin-por and the nomination was seconded by Dr Elizabeth QUAT. Mr Frankie YICK accepted the nomination. There being no other nominations, Mr YICK was declared Chairman of the Subcommittee.

3. Members agreed that there was no need to elect a Deputy Chairman.

II. Meeting with the Administration

(L.N. 24 of 2017	— Air Pollution Control (Vehicle Design Standards) (Emission) (Amendment) Regulation 2017
Ref: EP150/L1/3 <i>(issued by the Environmental Protection Department in February 2017)</i>	— Legislative Council Brief
LC Paper No. LS34/16-17	— Legal Service Division Report
LC Paper No. CB(1)647/16-17(01)	— Marked-up copy of relevant provisions to be amended by the subsidiary legislation prepared by the Legal Service Division (Restricted to members)
LC Paper No. CB(1)647/16-17(02)	— Background brief prepared by the Legislative Council Secretariat)

Discussion

4. The Deputy Director of Environmental Protection (3) briefed members on the Air Pollution Control (Vehicle Design Standards) (Emission) (Amendment) Regulation 2017 ("Amendment Regulation").

5. The Subcommittee deliberated (index of proceedings attached at the **Annex**).

Follow-up actions to be taken by the Administration

Admin *Emission standards for diesel private cars*

6. On the tightening of the emission standards for newly registered diesel private cars from California LEV II to LEV III and not allowing first registration of diesel private cars that could pass the statutory emission test for petrol private cars (i.e. Euro VI) starting from 1 July 2017, the Administration was requested to:

- (a) clarify the policy objectives of tightening the emission standards for diesel private cars, and whether the objectives included controlling the number of diesel private cars, discouraging members of the public from purchasing diesel private cars, and containing overall vehicle growth in Hong Kong;
- (b) provide a comparison of the different emission standards (i.e. Euro V, Euro VI, California LEV II and California LEV III) for diesel private cars, including the emission limits of various pollutants, testing procedures and other major requirements of the standards;
- (c) provide a summary of the findings of major research/studies, if any, conducted by overseas jurisdictions and/or internationally recognized institutions, on the emission performance of California LEV III-compliant diesel private cars in real-world driving vis-à-vis laboratory tests;
- (d) with analysis of the major arguments in the international context which were respectively in favour of and against the use of diesel private cars (such as the relevant impacts on public health, environment and climate change), explain why it was justified to adopt the more stringent California LEV III standards instead of Euro VI for these vehicles in Hong Kong; and

- (e) advise whether the Administration would consider adopting a different set of emission standards for diesel private cars, or imposing a statutory ban on new registration of these vehicles in Hong Kong, if it was found that the emission performance of California LEV III-compliant diesel private cars in real-world driving was not superior to that of their Euro VI counterparts.

Ex-gratia payment scheme to phase out pre-Euro IV diesel commercial vehicles

7. Given that the ex-gratia payments under the scheme to eligible vehicle owners for phasing out their pre-Euro IV diesel commercial vehicles ("DCVs") including goods vehicles, light buses and non-franchised buses were calculated with reference to the average taxable values of new vehicles from December 2012 to November 2013, the Administration was requested to advise whether it would consider increasing the ex-gratia payments to address the concern about the price premium between Euro V models and Euro VI models, and hence the additional costs for replacing pre-Euro IV DCVs by Euro VI models after tightening of the statutory emission standards of newly registered vehicles concerned (including DCVs) to Euro VI, with a view to encouraging owners of pre-Euro IV DCVs to switch to Euro VI models early.

Applicability of statutory emission standards on cross-boundary vehicles

8. The Administration was requested to explain whether non-commercial cross-boundary vehicles from the Mainland which had been issued or would be issued with International Circulation Permits for use in Hong Kong were subject to Hong Kong's prevailing statutory emission standards for newly registered vehicles of the same class.

(*Post-meeting note:* The Administration's written response was issued to members vide LC Paper No. CB(1)688/16-17(02) on 20 March 2017).

III. Any other business

Legislative timetable

9. Members noted that the scrutiny period of the Amendment Regulation would expire at the Council meeting of 22 March 2017, and the deadline for giving notice of amendment to the Amendment Regulation was 15 March 2017 if the scrutiny period was not extended. To allow more time for the Subcommittee to study the Amendment Regulation, members agreed that the Chairman should move a motion at the Council meeting of 22 March 2017 to extend the scrutiny period of the Amendment Regulation to the Council meeting

of 12 April 2017. The Chairman would report the deliberations of the Subcommittee to the House Committee at its meeting on 24 March 2017.

(Post-meeting note: The motion moved by the Chairman to extend the scrutiny period of the Amendment Regulation to the Council meeting of 12 April 2017 was passed at the Council meeting of 22 March 2017.)

Date of next meeting

10. The Chairman said that he would work out the date of next meeting with the Clerk and inform members accordingly.

(Post-meeting note: On the instruction of the Chairman, the second meeting was scheduled for 14 March 2017 and subsequently re-scheduled to Monday, 20 March 2017 at 4:30 pm. The notice of re-scheduling the meeting was issued to members vide LC Paper No. CB(1)662/16-17 on 9 March 2017.)

11. There being no other business, the meeting ended at 3:57 pm.

Council Business Division 1
Legislative Council Secretariat
24 March 2017

**Subcommittee on Air Pollution Control (Vehicle Design Standards)
(Emission) (Amendment) Regulation 2017**

**Proceedings of the first meeting
on Tuesday, 7 March 2017, at 2:30 pm
in Conference Room 3 of the Legislative Council Complex**

Time marker	Speaker	Subject(s)	Action required
<i>Agenda Item I — Election of Chairman</i>			
000039 - 000229	Mr Tommy CHEUNG Mr Frankie YICK Mr CHAN Kin-por Dr Elizabeth QUAT	Election of Chairman	
<i>Agenda Item II — Meeting with the Administration</i>			
000230 - 000411	Chairman	Opening remarks	
000412 - 000647	Administration Chairman	Briefing by the Administration on the Air Pollution Control (Vehicle Design Standards) (Emission) (Amendment) Regulation 2017 ("Amendment Regulation").	
000648 - 001115	Chairman Mr Jeremy TAM Administration	Discussion on the reasons for adopting the California LEV III standards, instead of Euro VI, for newly registered diesel private cars starting from 1 July 2017.	
001116 - 001720	Chairman Mr YIU Si-wing Administration	Discussion on Mr YIU's concerns below regarding tightening of the emission standards for newly registered diesel commercial vehicles ("DCVs") to Euro VI: (a) whether there would be adequate supply of Euro VI models and competent vehicle mechanics in Hong Kong by the relevant commencement dates of the new emission standards; and (b) the financial burden on the transport trades for compliance with the new emission standards having regard to the price premium between Euro V models and Euro VI models.	
001721 - 002139	Chairman Mr HUI Chi-fung Administration	Discussion on: (a) the reasons for adopting different emission standards for diesel private cars and DCVs; and (b) emissions from diesel private cars vis-à-vis	

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		their petrol counterparts, and public health implications of using diesel private cars in Hong Kong.	
002140 - 002714	Chairman	<p>The Chairman's views and concerns as follows:</p> <ul style="list-style-type: none"> (a) it was imperative for the Administration to ensure sufficient local supply of Euro VI models from different manufacturers (including Japanese ones) before the new emission standards came into effect; (b) the ex-gratia payments under the scheme to phase out pre-Euro IV DCVs ("the ex-gratia payments") were not sufficient to support small operators to switch to Euro VI models; (c) the Administration should require vehicle manufacturers to open up the software for On-Board Diagnostic checkers to the vehicle maintenance trade at a reasonable cost; and (d) the commencement date of the new emission standards for diesel private cars should be deferred to give vehicle suppliers more lead time to adjust their sales plan. 	
002715 - 003659	Chairman Mr Jeremy TAM Administration	<p>Discussion on the emission limits and testing procedures for diesel private cars under the California LEV III and Euro VI standards, and the actual emission performance of relevant vehicles in real-world driving.</p> <p>The Administration was requested to provide a comparison of the different emission standards (i.e. Euro V, Euro VI, California LEV II and California LEV III) for diesel private cars, including the emission limits of various pollutants, testing procedures and other major requirements of the standards.</p>	Admin (paragraph 6(b) of the minutes)
003700 - 004639	Chairman Mr YIU Si-wing Administration	Discussion on the anticipated supply of Euro VI DCVs, and the factors taken into account by the Administration when drawing up the implementation timetable for the Euro VI standards.	

Time marker	Speaker	Subject(s)	Action required
004640 - 010301	Chairman Mr Jeremy TAM Mr HUI Chi-fung Administration	<p>Discussion on:</p> <ul style="list-style-type: none"> (a) the emission performance of California LEV III-compliant diesel private cars in real-world driving, compared to that of their Euro VI counterparts; and (b) justifications for adopting the more stringent California LEV III standards for diesel private cars in Hong Kong. <p>The Administration emphasized that:</p> <ul style="list-style-type: none"> (a) findings of some studies conducted by overseas jurisdictions and international organizations had revealed inadequacy in the testing procedures for diesel private cars under the Euro test regime such that the cars that passed the test would emit five or more times above the statutory limit for nitrogen oxides; and (b) diesel private cars in general emitted more nitrogen oxides, which was a key roadside air pollutant in Hong Kong, than their petrol counterparts. <p>In view of the above, the Administration considered it appropriate to adopt the California LEV III standards for diesel private cars to avoid aggravation of roadside air quality in Hong Kong.</p>	
010302 - 010737	Chairman Mr YIU Si-wing Administration	Mr YIU urged that the Administration should closely monitor the supply of Euro VI DCVs and strengthen training for vehicle mechanics.	
010738 - 011832	Chairman Mr Jeremy TAM Administration	<p>Mr TAM requested the Administration to:</p> <ul style="list-style-type: none"> (a) provide a summary of the findings of major research/studies, if any, conducted by overseas jurisdictions and/or internationally recognized institutions, on the emission performance of California LEV III-compliant diesel private cars in real-world driving vis-à-vis laboratory tests; and (b) explain whether non-commercial cross-boundary vehicles from the Mainland which had been issued or would be issued with International Circulation Permits for use in Hong Kong were subject to Hong Kong's prevailing statutory emission standards for newly registered vehicles of the same class. 	<p>Admin (paragraph 6(c) of the minutes)</p> <p>Admin (paragraph 8 of the minutes)</p>

Time marker	Speaker	Subject(s)	Action required
		Mr TAM and the Chairman suggested that given the price premium between Euro V and Euro VI models, the Administration should increase the ex-gratia payments to tie in with the tightening of emission standards for DCVs to Euro VI. The Administration was requested to provide written response on whether it would consider this suggestion.	Admin (paragraph 7 of the minutes)
011833 - 012308	Chairman Mr YIU Si-wing Administration	Discussion on the effectiveness of Euro VI-related seminars organized for vehicle mechanics.	
Agenda Item III — Any other business			
012309 - 013126	Chairman Mr Jeremy TAM Mr HUI Chi-fung Administration	<p>Legislative timetable, arrangement to seek extension of the scrutiny period of the Amendment Regulation, and date of next meeting.</p> <p>Mr TAM and Mr HUI requested the Administration to:</p> <ul style="list-style-type: none"> (a) clarify the policy objectives of tightening the emission standards for diesel private cars, and whether the objectives included controlling the number of diesel private cars, discouraging members of the public from purchasing diesel private cars, and containing overall vehicle growth in Hong Kong; (b) with analysis of the major arguments in the international context which were respectively in favour of and against the use of diesel private cars, explain why it was justified to adopt the more stringent California LEV III standards instead of Euro VI for these vehicles in Hong Kong; and (c) advise whether it would consider adopting a different set of emission standards for diesel private cars, or imposing a statutory ban on new registration of these vehicles in Hong Kong, if it was found that the emission performance of California LEV III-compliant diesel private cars in real-world driving was not superior to that of their Euro VI counterparts. 	Admin (paragraph 6(a), 6(d), 6(e) of the minutes)