

立法會
Legislative Council

LC Paper No. CB(1)806/16-17
(These minutes have been seen
by the Administration)

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

**Minutes of second meeting
held on Monday, 20 March 2017, at 4:30 pm
in Conference Room 2 of the Legislative Council Complex**

Members present : Hon Frankie YICK Chi-ming, JP (Chairman)
Hon Tommy CHEUNG Yu-yan, GBS, JP
Hon CHAN Hak-kan, BBS, JP
Hon CHAN Kin-por, BBS, JP
Hon Paul TSE Wai-chun, JP
Hon WU Chi-wai, MH
Hon YIU Si-wing, BBS
Hon Kenneth LEUNG
Hon KWOK Wai-keung
Dr Hon Fernando CHEUNG Chiu-hung
Dr Hon Elizabeth QUAT, JP
Hon Martin LIAO Cheung-kong, SBS, JP
Hon Alvin YEUNG
Hon Andrew WAN Siu-kin
Dr Hon Pierre CHAN
Hon CHAN Chun-ying
Hon Tanya CHAN
Hon LUK Chung-hung
Hon Jeremy TAM Man-ho
Dr Hon YIU Chung-yim

Members absent : Hon WONG Ting-kwong, SBS, JP
Hon Charles Peter MOK, JP
Hon Dennis KWOK Wing-hang
Hon CHUNG Kwok-pan
Hon CHU Hoi-dick
Dr Hon Junius HO Kwan-yiu, JP
Hon SHIU Ka-fai
Hon HUI Chi-fung
Hon KWONG Chun-yu

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

Action

I. Meeting with the Administration

Matters arising from previous meeting

- (LC Paper No. CB(1)688/16-17(01) — List of follow-up actions arising from the discussion at the meeting on 7 March 2017
- LC Paper No. CB(1)688/16-17(02) — Administration's response to the issues raised at the meeting on 7 March 2017
- LC Paper No. CB(1)688/16-17(03) — Submission from Auto Italia (Hong Kong) Limited (English version only)

Relevant papers

- (L.N. 24 of 2017 — Air Pollution Control (Vehicle Design Standards) (Emission) (Amendment) Regulation 2017
- Ref: EP150/L1/3 — Legislative Council Brief
(*issued by the Environmental Protection Department in February 2017*)
- 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
- LC Paper No. CB(1)654/16-17(01) — Administration's response to the motions passed at the special meeting of the Panel

on Environmental Affairs on
24 February 2017)

Discussion

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

Follow-up actions to be taken by the Administration

Proposed amendments

Admin 2. The Administration pointed out that vehicle suppliers had already confirmed adequate supply of Euro VI diesel commercial vehicles on the local market by the proposed commencement date of the Euro VI emission standards and the vehicle repair trade could have access to the maintenance information for Euro VI vehicles. However, in consideration of members' strong request for deferring the commencement date to address the transport trades' concerns over the supply of compliant vehicles and competent vehicle mechanics for repairing Euro VI diesel vehicles, the Administration would propose amendments to the Air Pollution Control (Vehicle Design Standards) (Emission) (Amendment) Regulation 2017 ("Amendment Regulation") to the effect of:

- (a) deferring the commencement date of the Euro VI emission standards for newly registered heavy duty vehicles with design weight more than 3.5 tonnes (except bus with design weight not more than 9 tonnes and light bus with design weight more than 3.5 tonnes) from 1 January 2018 to 1 October 2018; and
- (b) deferring the commencement date of the California LEV III emission standards for newly registered diesel private cars from 1 July 2017 to 1 October 2017.

Members raised no objection in principle to the Administration's proposed amendments. The Administration would provide the draft amendments to the Subcommittee for consideration.

(Post-meeting note: Having studied the Administration's proposed amendments, the Legal Adviser to the Subcommittee confirmed that no difficulties had been identified in relation to the legal and drafting aspects of the draft amendments. The draft amendments were circulated to members on 22 March 2017 vide LC Paper No. CB(1)719/16-17(01). By the deadline of 5:00 pm on 22 March 2017, the Secretariat had not received any views from members on the draft amendments. The Administration wrote to the Subcommittee on 27 March 2017 explaining the reasons for giving notice to move its proposed motion at the earlier

Council meeting of 29 March 2017, instead of following the normal practice to move the motion at the meeting of 12 April 2017 (i.e. the last Council meeting for amending the subsidiary legislation under the extended scrutiny period). The letter was circulated to Members vide LC Paper No. CB(1)741/16-17 on 27 March 2017. The motion moved by the Administration to amend the Amendment Regulation was passed at the Council meeting of 29 March 2017.)

Tackling excessive emissions from diesel private cars fitted with defeat device to circumvent emission testing

- Admin 3. The Administration was requested to provide information on the remedial actions taken/to be taken to tackle the excessive emissions of diesel private cars imported into/registered in Hong Kong that were fitted with defeat device to circumvent emission testing in the laboratory.

(*Post-meeting note:* The Administration's written response was issued on 28 March 2017 vide LC Paper No. CB(1)745/16-17(01)).

II. Any other business

Legislative timetable

4. The Chairman advised that he would 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. If the scrutiny period was extended, the deadline for giving notice of motion to amend the Amendment Regulation was 5 April 2017. The Chairman would give a verbal report of the deliberations of the Subcommittee to the House Committee on 24 March 2017.

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

5. The Chairman concluded that subject to the Administration providing the draft amendments and further information referred to in paragraphs 2 and 3 above, the Subcommittee had completed scrutiny of the provisions of the Amendment Regulation, and would not propose any amendments in its name.

6. There being no other business, the meeting ended at 5:30 pm.

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

**Proceedings of the second meeting
on Monday, 20 March 2017, at 4:30 pm
in Conference Room 2 of the Legislative Council Complex**

Time marker	Speaker	Subject(s)	Action required
<i>Agenda Item I — Meeting with the Administration</i>			
000329 - 000450	Chairman	Opening remarks	
000451 - 000834	Chairman Administration	Discussion on whether cross-boundary vehicles of the Mainland were subject to Hong Kong's statutory emission standards for newly registered vehicles of the same class.	
000835 - 001021	Chairman Mr YIU Si-wing	Mr YIU reiterated that the Administration should consider increasing the ex-gratia payments under the scheme to phase out pre-Euro IV diesel commercial vehicles ("DCVs") to encourage DCV owners to switch to Euro VI models early.	
001022 - 002955	Chairman Mr WU Chi-wai Mr LUK Chung-hung Administration	<p>Discussion on (a) the anticipated local supply of Euro VI vehicles after the new emission standards had taken effect, (b) justifications for adopting the California LEV III emission standards for newly registered diesel private cars in Hong Kong, and (c) effectiveness of Euro VI-related seminars organized for vehicle mechanics.</p> <p>The Administration was requested to provide information on the remedial actions taken/to be taken to tackle the excessive emissions of diesel private cars imported into/registered in Hong Kong that were fitted with defeat device to circumvent emission testing in the laboratory.</p> <p>The Administration reiterated that there would be adequate supply of Euro VI diesel commercial vehicles on the local market by the proposed commencement date of the Euro VI standards and the vehicle repair trade could have access to the maintenance information for Euro VI vehicles. However, in light of the strong request of members for deferring the commencement date to address the transport trades' concerns over the supply of compliant vehicles and competent vehicle mechanics for repairing Euro VI diesel vehicles, the Administration advised that it would defer the commencement date of the Euro VI emission standards for newly registered heavy duty vehicles</p>	<p>Admin (paragraph 3 of the minutes)</p> <p>Admin (paragraph 2 of the minutes)</p>

Time marker	Speaker	Subject(s)	Action required
		with design weight more than 3.5 tonnes (except bus with design weight not more than 9 tonnes and light bus with design weight more than 3.5 tonnes) by nine months, and that of the California LEV III emission standards for newly registered diesel private cars by three months. The Chairman said that the transport trades would support the deferred implementation schedule. Members expressed no objection in principle to the proposed amendments.	
<u>Examination of the provisions of the Air Pollution Control (Vehicle Design Standards) (Emission) (Amendment) Regulation 2017 ("Amendment Regulation")</u> [The Amendment Regulation (L.N. 24 of 2017)] [Marked-up copy of relevant provisions to be amended by the Amendment Regulation prepared by the Legal Service Division (LC Paper No. CB(1)647/16-17(01))]			
002956 - 005701	Chairman Assistant Legal Adviser 4 ("ALA4") Administration	<u><i>Air Pollution Control (Vehicle Design Standards) (Emission) (Amendment) Regulation 2017 (L.N. 24 of 2017)</i></u> <i>Sections 1 to 5</i> Members did not raise any question on the above sections. In response to ALA4's enquiry, the Administration explained the reasons for exempting diesel buses with design weight more than 9 tonnes and diesel goods vehicles with design weight more than 3.5 tonnes from the smoke emission design standards under section 4 (regulation 4A of the Air Pollution Control (Vehicle Design Standards) (Emission) Regulations (Cap. 311J) ("the Regulations")). <i>Sections 6 to 13</i> In response to ALA4's enquiries, the Administration advised that arising from the proposed amendments to defer the commencement dates of the new emission standards for vehicles concerned, it would also make consequential amendments, among others, to: (a) reinstate relevant provisions concerning the California LEV II emission standards under the Regulations (i.e. regulations 7B(1)(d) and 14(9)), which would continue to apply to diesel private cars newly registered on or before 30 September 2017; and (b) postpone the expiry date of the applicable Euro V emission standards to 30 September 2018.	

Time marker	Speaker	Subject(s)	Action required
		<p>ALA4 asked about the reason for amending the Chinese rendition of "Regulation (EC)" from "理事會規例" to "規例". The Administration explained that this amendment reflected the updated official Chinese name adopted by the European Parliament and the Council of the European Union for the document in question.</p> <p><i>Sections 14 to 31</i></p> <p>Members did not raise any question on the above sections.</p> <p>In response to ALA4's enquiry, the Administration confirmed that section 29 would be consequentially amended to reinstate paragraph (b) of Schedule 12 to the Regulations which set out the California LEV II emission standards applicable to diesel private cars newly registered on or before 30 September 2017.</p> <p><i>Section 32</i></p> <p>Members noted that paragraph (c)(iii) of Part 2 of the new Schedule 17 to the Regulations (English text) contained a typographical error concerning the name of the United States Environmental Protection Agency. ALA4 opined that the error was unlikely to cause any interpretation difficulties, and could be corrected by the Secretary for Justice exercising his editorial power under section 12 of the Legislation Publication Ordinance (Cap. 614).</p> <p><i>[Post-meeting note: The Administration's proposed amendments to defer the relevant commencement dates circulated to members on 22 March 2017 vide LC Paper No. CB(1)719/16-17(01) also included a textual amendment to correct the above typographical error.]</i></p>	
Agenda Item II — Any other business			
005702 - 010134	Chairman Administration	Legislative timetable and concluding remarks	