

Legislative Council Brief

Air Pollution Control (Motor Vehicle Fuel) (Amendment) Regulation 1999 (Cap. 311, sub. leg.)

INTRODUCTION

The Secretary for Planning, Environment and Lands has made the Air Pollution Control (Motor Vehicle Fuel) (Amendment) Regulation 1999, at Annex, under Section 43 of the Air Pollution Control Ordinance (Chapter 311) to prohibit the supply and sale of leaded petrol and to prohibit the supply, sale and dispensing of lead-containing fuel additives.

BACKGROUND

2. In many countries, leaded petrol is a major source of lead in the environment, which can reach significant levels. Chronic exposure to lead may cause a variety of illnesses such as anaemia, hypertension, irritability and lethargy. In particular, the nervous system of children is susceptible to damage by lead.

3. In Hong Kong, the lead content in the air has been kept at very low levels and in full compliance with our Air Quality Objectives for many years, partly due to the high usage of unleaded petrol and partly due to the heavy reliance on diesel vehicles, which do not emit lead. Nevertheless, there is a worldwide concern on the long term chronic adverse health effects of lead and the banning of leaded petrol is now an international practice. Many developed countries have already banned the sale of leaded petrol. To join the global effort in banning leaded petrol and to remove completely this source of lead in Hong Kong, we propose to ban the supply and sale of leaded petrol from 1 April 1999.

4. Unleaded petrol was introduced to Hong Kong in April 1991, primarily to enable us to introduce a new generation of clean petrol vehicles which use a catalytic converter to clean up their emissions. Since the lead content in leaded petrol can damage the converter, vehicles installed with catalytic converters and imported from 1992 onwards are thus specifically designed to run on unleaded petrol. However, it does not mean that vehicles without catalytic converters must use leaded petrol. In fact, almost all petrol vehicles currently in use in Hong Kong can run on unleaded petrol without any difficulty or loss in performance.

5. The vast majority of petrol vehicles in Hong Kong are already running on unleaded petrol. By mid 1998, unleaded petrol sales accounted for over 90% of the market. Most of the vehicles imported before 1992 are also fuelled by unleaded petrol.

6. For a very small number of vehicle models, generally over 15 years old, a small quantity of additives to provide lubrication and protection to their valve seats may be necessary. The major oil companies will supply such fuel additives to their customers. These special additives do not contain lead.

PROPOSED AMENDMENTS

7. The Air Pollution Control (Motor Vehicle Fuel) Regulation (Cap. 311, sub. leg.) has laid down the specifications for unleaded petrol. We propose to prohibit the sale of leaded petrol by requiring all petrol supplied by a petrol supplier or sold by a petrol retailer to comply with the specifications for unleaded petrol. Violation of these requirements will be made an offence and liable to a fine of \$50,000. However, a petrol retailer shall not commit an offence if he can prove that his petrol is supplied by a petrol supplier as unleaded petrol. In practice, this means that unless a petrol retailer obtains his petrol from a dubious source, say smugglers, the liability of supplying unleaded petrol for sale lies with the petrol supplier.

8. We also propose to prohibit the supply, sale and dispensing of lead-containing fuel additives. However, a person selling or dispensing a lead-containing fuel additive shall not commit an offence if he can prove that he obtained or purchased the additive with a warranty or other written evidence from the person who provided him the additive that it does not have lead.

9. For more effective enforcement, we propose that there shall be a presumption, unless the contrary is proved, that the person whom it is alleged to have committed the offence knows that the petrol is leaded petrol or that the fuel additive contains lead.

COMMENCEMENT DATE

10. We have put up a gazette notice on 5 February 1999 to announce the commencement of the proposed ban of leaded petrol and lead-containing fuel additives on 1 April 1999.

FINANCIAL AND STAFFING IMPLICATIONS

11. The enforcement mechanism of the proposed ban of leaded petrol is the same as the existing one for petrol. Samples of petrol and fuel additive will be collected from petrol filling stations to check their compliance with the statutory specifications for unleaded petrol. The additional workload is expected to be minimal.

ECONOMIC IMPLICATIONS

12. Based on the current prices of the fuel additives that are now on offer, the motorists who are using old vehicles which were designed to run on leaded petrol need not pay more in using unleaded petrol even with the fuel additives.

CONSULTATION

13. The oil companies and the Motor Traders Association support the proposal to ban the supply and sale of leaded petrol. The oil companies will supply lead-free fuel additives to help very old petrol vehicles to use unleaded petrol. We have also consulted the Hong Kong Automobile Association, fleet managers and utility companies, and those associations with interest in classic cars. They all supported the proposal. Only some classic car clubs are doubtful

about the efficacy of lead-free fuel additives. However, lead-free fuel additives have been used widely in different parts of the world with success.

14. The Advisory Council on the Environment discussed and endorsed the amendment Regulation at its meeting on 26 January 1999. We have issued an information paper to members of the Legislative Council Panel on Environmental Affairs.

PUBLIC REACTION

15. The public in general will welcome the ban of leaded petrol because it will improve the environment and maintain the international image of Hong Kong as a responsible city. As suitable lead-free fuel additives will be available in petrol filling stations, it will cause little inconvenience to the motorists.

PUBLICITY

16. A publicity programme will be launched once the proposal is approved by the Legislative Council. These include press release, radio and TV announcements, distribution of information leaflets and display of posters at public locations. The Environmental Protection Department will set up a hotline to answer public inquiry related to the prohibition.

Planning, Environment and Lands Bureau
February 1999

**AIR POLLUTION CONTROL (MOTOR VEHICLE FUEL)
(AMENDMENT) REGULATION 1999**

(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 April 1999.

2. Interpretation

Section 2 of the Air Pollution Control (Motor Vehicle Fuel) Regulation (Cap. 311 sub.
leg.) is amended by adding -

““fuel additive” (燃料添加劑) means any substance, other than fuel, which is designed
to be added to the fuel tank, the fuel supply system, or the combustion space of
the engine of a motor vehicle;”.

3. Section substituted

Sections 3 and 4 are repealed and the following substituted -

“3. Supplying or selling leaded petrol

(1) Any petrol supplier who knowingly supplies or distributes leaded petrol
commits an offence and is liable to a fine at level 5.

(2) Any petrol retailer who knowingly sells or offers for sale leaded petrol
commits an offence and is liable to a fine at level 5.

(3) For the purposes of any proceedings under subsection (1), the petrol
supplier charged shall, until the contrary is

proved, be presumed to have known that the petrol he supplied or distributed was leaded petrol.

(4) For the purposes of any proceedings under subsection (2), the petrol retailer charged shall, until the contrary is proved, be presumed to have known that the petrol he sold or offered for sale was leaded petrol.

(5) A petrol retailer does not commit an offence under subsection (2) if he proves that -

- (a) he purchased, or otherwise obtained, the petrol with a warranty or other written evidence from a petrol supplier that the petrol was unleaded petrol; and
- (b) at the time of the alleged offence, the petrol was in the same state that it was in at the time of delivery to him.”.

4. Dimension of petrol pump dispensing nozzle spout

Section 5 is amended -

- (a) in subsection (1), by repealing everything after “which” and substituting “has an outside diameter of not more than 21.3 mm.”;
- (b) in subsection (2) -
 - (i) by repealing “(1)(a) or (b)” and substituting “(1)”;
 - (ii) by repealing “of \$50,000” and substituting “at level 5”.

5. Dispensing of petrol

Section 6 is repealed.

6. Supplying or selling motor vehicle diesel

Section 7 is amended -

- (a) in subsections (1) and (2), by repealing “of \$50,000” and substituting “at level 5”;
- (b) in subsection (3), by repealing “No motor vehicle diesel retailer shall” and substituting “A motor vehicle diesel retailer does not”.

7. Part added

The following is added -

“PART IV
FUEL ADDITIVES

8. Supplying or selling fuel additives containing lead

(1) Any person who knowingly supplies or distributes any fuel additive containing any amount of lead whatsoever commits an offence and is liable to a fine at level 5.

(2) Any person who knowingly sells or offers for sale any fuel additive containing any amount of lead whatsoever commits an offence and is liable to a fine at level 5.

(3) For the purposes of any proceedings under subsection (1), the person charged shall, until the contrary is proved, be

presumed to have known that the fuel additive he supplied or distributed contained lead.

(4) For the purposes of any proceedings under subsection (2), the person charged shall, until the contrary is proved, be presumed to have known that the fuel additive he sold or offered for sale contained lead.

(5) A person does not commit an offence under subsection (2) if he proves that -

(a) he purchased, or otherwise obtained, the fuel additive with a warranty or other written evidence from the person who supplied the fuel additive that the fuel additive did not contain any lead; and

(b) at the time of the alleged offence, the fuel additive was in the same state that it was in at the time of delivery to him.

9. Dispensing of fuel additives containing lead

(1) Any person who knowingly pours, places, discharges or adds any fuel additive containing any amount of lead whatsoever into the fuel tank, the fuel supply system, or the combustion space of the engine of a motor vehicle commits an offence and is liable to a fine at level 5.

(2) For the purposes of any proceedings under subsection (1), the person charged shall, until the contrary is proved, be presumed to have known that the fuel additive he poured, placed,

discharged or added into the fuel tank, the fuel supply system, or the combustion space of the engine of the motor vehicle contained lead.

(3) A person does not commit an offence under subsection (1) if he proves that -

- (a) he purchased, or otherwise obtained, the fuel additive with a warranty or other written evidence from the person who supplied the fuel additive that the fuel additive did not contain any lead; and
- (b) at the time of the alleged offence, the fuel additive was in the same state that it was in at the time of delivery to him.”.

Secretary for Planning,
Environment and Lands

28 Jan 1999

Explanatory Note

This Regulation amends the Air Pollution Control (Motor Vehicle Fuel) Regulation (Cap. 311 sub. leg.) to prohibit -

- (a) the supply or sale of leaded petrol; and
- (b) the supply or sale or dispensing of fuel additives containing lead.