

L.N. 35 of 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Sections 3 and 4 are repealed and the following substituted---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Section 6 is repealed.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--

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(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--

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(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."

Gordon SIU

Secretary for Planning,

Environment and Lands

28 January 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.