

LEGISLATIVE COUNCIL BRIEF

**Air Pollution Control Ordinance (Cap.311)
Air Pollution Control (Emission Reduction Devices for Vehicles)
(Amendment) Regulation 2005**

INTRODUCTION

The Secretary for the Environment, Transport and Works has made the Air Pollution Control (Emission Reduction Devices for Vehicles) (Amendment) Regulation 2005, at the **Annex**, under section 43 of the Air Pollution Control Ordinance (Chapter 311) to require pre-Euro diesel heavy vehicles to be installed with emission reduction devices to reduce their emission of air pollutants.

BACKGROUND AND ARGUMENT

2. Pre-Euro diesel vehicles emit up to seven times more particulates than vehicles meeting the prevailing Euro III standards. Since 1 April 1995 no new pre-Euro diesel vehicles have been registered. Retrofitting the existing fleet of pre-Euro diesel vehicles with emission reduction devices reduces their particulate emissions and will help improve air quality at the street level.

3. In October 2001, we completed a voluntary programme to assist owners of pre-Euro diesel light vehicles (i.e. those weighing up to 4 tonnes) to install emission reduction devices in their vehicles. Since 1st December 2003, the installation has been made mandatory. In 2004, we also completed a similar voluntary programme for pre-Euro diesel heavy vehicles weighing more than 4 tonnes, except those requiring the operation of on-board equipment when idling (i.e. long idling vehicles).

About 97% of such vehicles participated in the installation programme.

4. In line with the policy applicable to diesel light vehicles, we propose to make the installation requirement mandatory for pre-Euro diesel heavy vehicles. At present, the Air Pollution Control (Emission Reduction Devices for Vehicles) Regulation (Cap. 311, Sub. Leg. U) (the “Regulation”) requires all pre-Euro diesel light vehicles to be installed with approved emission reduction devices. We thus propose to extend the installation requirement to pre-Euro diesel heavy vehicles except those long idling vehicles, with effect from 1st April 2006 by amending the Regulation. Owners failing to comply with the requirement will be liable to cancellation or non-renewal of their vehicle licences.

5. As regards those pre-Euro long idling vehicles, we have already started a retrofitting programme to assist their owners in installing emission reduction devices in their vehicles. The programme will be completed by the end of this year. We shall seek Members’ view on installation of emission reduction devices for these vehicles later.

THE AMENDMENT REGULATION

6. The Air Pollution Control (Emission Reduction Devices for Vehicles) (Amendment) Regulation 2005 requires the following vehicles to be installed with emission reduction devices as from 1 April 2006:

- (a) diesel “light bus” with permitted gross vehicle weight over 4 tonnes and first-registered before 1 April 1995;
- (b) diesel “bus” first-registered before 1 April 1995;

(c) diesel “goods vehicle” with permitted gross vehicle weight over 4 tonnes and first-registered before 1 April 1995 except those with the following types of body:

- (i) aerial platform;
- (ii) concrete mixer;
- (iii) gully emptier;
- (iv) lorry crane;
- (v) mobile crane;
- (vi) mobile concrete pump;
- (vii) pressure tanker.

LEGISLATIVE TIMETABLE

7. We will publish the Amendment Regulation in the Gazette on 25 November 2005 and table it at the Legislative Council for negative vetting on 30 November 2005. Subject to the negative vetting by the Legislative Council, the amendments will take effect on 1 April 2006. There will be sufficient time for owners of those pre-Euro diesel heavy vehicles that did not participate in our voluntary installation programme to make the installation arrangement before the new requirement becomes effective.

BASIC LAW IMPLICATIONS AND HUMAN RIGHTS IMPLICATIONS

8. The proposal is in conformity with the Basic Law, including the provisions concerning human rights.

BINDING EFFECT OF THE LEGISLATION

9. The proposed amendments will not affect the current binding effect of the Air Pollution Control (Emission Reduction Devices for Vehicles) Regulation.

FINANCIAL AND STAFFING IMPLICATIONS

10. Implementation of the proposal will not require any additional financial commitment from the Government. Additional staff is not required.

ECONOMIC IMPLICATIONS

11. There will be no economic implications as about 97% of the affected vehicles have already been retrofitted under our voluntary installation programme.

ENVIRONMENTAL IMPLICATIONS

12. The emission reduction device can reduce the particulate emission of a pre-Euro diesel heavy vehicle by about 30%. The proposed amendments will help further improve roadside air quality.

CONSULTATION

13. We had informed the affected vehicle owners of our plan to make the installation of emission reduction devices mandatory for pre-Euro diesel heavy vehicles before we started the installation programme in 2002. Of about 30,000 affected vehicles only about 930 vehicles did not participate in the installation programme. The proposed commencement date of 1st April 2006 will allow them

enough time to retrofit emission reduction devices to meet the new mandatory requirement.

14. We have also consulted the relevant transport trades, and no objection has been received.

15. We consulted the Advisory Council on the Environment and the LegCo Panels on Environmental Affairs and Transport in June and July 2005, respectively. Both the Panel and the Council supported the proposal.

PUBLICITY

16. A press release will be issued on 25 November 2005. We will inform the transport trade again after the Regulation has gone through the negative vetting process. A spokesman will be available for answering media enquiries.

ENQUIRIES

17. For any enquiries, please contact Mr W C Mok, Principal Environmental Protection Officer at 2594 6301.

Environmental Protection Department
November 2005