

**立法會**  
**Legislative Council**

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**Paper for the House Committee Meeting  
on 15 December 2006**

**Legal Service Division Report on  
Subsidiary Legislation Gazetted on 8 December 2006**

**Date of tabling in LegCo** : 13 December 2006

**Amendment to be made by** : 10 January 2007 (or 31 January 2007 if extended by resolution)

**Air Pollution Control Ordinance (Cap. 311)**

**Air Pollution Control (Emission Reduction Devices for Vehicles) (Amendment) Regulation 2006 (L.N. 270)**

This Amendment Regulation made by the Secretary for the Environment, Transport and Works under section 43 of the Air Pollution Control Ordinance (Cap. 311) after consultation with the Advisory Council on the Environment amends the Air Pollution Control (Emission Reduction Devices for Vehicles) Regulation (Cap. 311 sub. leg. U) (the Regulation).

2. The Regulation requires diesel vehicles first registered before European Union emission standards were imposed (pre-Euro) to be installed with approved emission reduction devices to reduce their emission of air pollutants. The requirement, however, does not apply to pre-Euro heavy diesel vehicles which belong to any of the types of body specified in paragraph (e) in class 4 of Schedule 1 of the Regulation (which is to be repealed and substituted by a new paragraph (e) under this Amendment Regulation). The effect of the amendments effected by this Amendment Regulation is to extend the application of the Regulation to cover pre-Euro heavy diesel vehicle which belongs to any of the types of body specified in the new paragraph (f), i.e. concrete mixer, gully emptier, lorry crane and pressure tanker, unless a cross boundary road permit issued in respect of the vehicle is in force or a cross boundary road permit issued in respect of the vehicle expired in the last 3 months. Members may refer to the LegCo Brief (Ref: EP 151/R6/1) issued by the Environmental Protection Department in December 2006 for background information.

3. The proposal to retrofit long idling pre-Euro heavy diesel vehicles with emission reduction devices was discussed at the meeting of the Panel on

Environmental Affairs on 23 October 2006. While supporting the proposal, members expressed various concerns, including the effectiveness of the proposal in reducing pollutant emission without a mandatory requirement to phase out highly polluting pre-Euro and Euro I diesel vehicles; the reasons for 5% of pre-Euro diesel vehicle owners not participating in the voluntary retrofit program; the efficacy of the emission reduction device as well as the feasibility of imposing an emission standard for retrofitted long idling pre-Euro heavy diesel vehicles. Members may refer to the minutes of the Panel meeting (LC Paper No. CB(1)329/06-07) for details of the discussion.

4. This Amendment Regulation is to come into operation on 1 April 2007.
5. No difficulties have been identified in the legal or drafting aspects of the subsidiary legislation.

Prepared by

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