

LEGISLATIVE COUNCIL BRIEF

**Air Pollution Control Ordinance (Cap.311)
Air Pollution Control (Emission Reduction Devices for Vehicles)
(Amendment) Regulation 2006**

INTRODUCTION

The Secretary for the Environment, Transport and Works has made at the **Annex**, under section 43 of the Air Pollution Control Ordinance (Cap 311), the Air Pollution Control (Emission Reduction Devices for Vehicles) (Amendment) Regulation 2006 (the Amendment Regulation) after consultation with the Advisory Council on the Environment to require long idling pre-Euro heavy diesel vehicles (i.e. vehicles that need to keep their engines running while stationary for operational reasons) to be installed with emission reduction devices to reduce their emission of air pollutants.

BACKGROUND AND ARGUMENT

2. Pre-Euro heavy diesel vehicles were first registered before 1 April 1995. A pre-Euro heavy diesel vehicle emits 30 times more particulates than a Euro IV model, which is the current statutory requirement for newly registered vehicles.
3. A pre-Euro heavy diesel vehicle installed with an emission reduction device will reduce its particulate emissions by about 30% and help improve air quality at the roadside.
4. In 2004, we completed a voluntary retrofit programme for all pre-Euro

heavy diesel vehicles, except long idling vehicles. An amendment regulation introduced in 2005 requires these pre-Euro heavy diesel vehicles to be installed with approved emission reduction devices with effect from 1 April 2006.

5. As for the 2,500 long idling pre-Euro heavy diesel vehicles, we completed a voluntary retrofit programme in December 2005 with 95% of the eligible vehicles participated in the programme. In line with the policy for other pre-Euro diesel vehicles, we propose to make the installation mandatory with effect from 1 April 2007. Of the about 150 vehicles which did not participate in the voluntary retrofit programme, if they are still in use, their owners will have to complete the installation at their own expenses before the mandatory requirement takes effect. Vehicle owners failing to comply with the installation requirement will be liable to cancellation of their vehicle licences.

6. Owing to technological constraints, there are no suitable emission reduction devices for cross-boundary long idling vehicles. In these circumstances, these vehicles will continue to be exempted. At present, there are about 150 such vehicles.

THE AMENDMENT REGULATION

7. The Amendment Regulation seeks to expand the scope of Schedule 1 to the Air Pollution Control (Emission Reduction Devices for Vehicles) Regulation (Cap. 311 Sub. Leg. U) (the Regulation) to cover any pre-Euro heavy diesel goods vehicle which belongs to the following types of body—

- (i) concrete mixer;
- (ii) gully emptier;
- (iii) lorry crane; and

(iv) pressure tanker,
unless a cross boundary road permit issued in respect of the vehicle is in force or expired in the last 3 months

LEGISLATIVE TIMETABLE

8. We will publish the Amendment Regulation in the Gazette on 8 December 2006 and table it at the Legislative Council for negative vetting on 13 December 2006. Subject to the negative vetting by the Legislative Council, the Amendment Regulation will come into operation on 1 April 2007.

BASIC LAW IMPLICATIONS AND HUMAN RIGHTS IMPLICATIONS

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

BINDING EFFECT OF THE LEGISLATION

10. The proposed amendments will not affect the current binding effect of the Regulation.

FINANCIAL AND STAFFING IMPLICATIONS

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

ECONOMIC IMPLICATIONS

12. There will be no economic implications as about 95% of the affected vehicles have already been retrofitted under our voluntary installation programme.

ENVIRONMENTAL IMPLICATIONS

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

CONSULTATION

14. Before the commencement of the voluntary retrofit programme in July 2005, we had informed the affected vehicle owners of our plan to make the installation of emission reduction devices mandatory after the completion of the voluntary retrofit programme. We consulted the relevant transport trades about the proposal and no objection had been received.

15. We consulted the LegCo Panel on Environmental Affairs and the Advisory Council on the Environment in October and November 2006, respectively. Both the Panel and the Council supported the proposal.

PUBLICITY

16. A press release will be issued on 8 December 2006. We will inform the transport trade again after the Amendment 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 on 2594 6301.

Environmental Protection Department

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