



立法會秘書處 法律事務部
LEGAL SERVICE DIVISION
LEGISLATIVE COUNCIL SECRETARIAT

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本函檔號 OUR REF : LS/S/4/13-14
電話 TELEPHONE: 3919 3506

傳真 FAX : 2877 5029
電郵 E-MAIL : bloo@legco.gov.hk

By Fax (2572 0306)
29 October 2013

Mr MOK Wai Chuen, JP
Assistant Director of Environmental Protection (Air Policy)
Environmental Protection Department
Air Policy Division
16/F, East Wing, Central Government Offices
2 Tim Mei Avenue, Tamar
Hong Kong

Dear Mr MOK,

**Air Pollution Control (Air Pollutant Emission)
(Controlled Vehicles) Regulation (L.N. 160 of 2013)**

To assist our scrutiny of L.N. 160 of 2013 (the Regulation), I would appreciate your clarifications (in both languages) on the following issues **as soon as possible**:

- (a) According to the LegCo Brief, the purpose of L.N. 160 is to phase out pre-Euro IV diesel commercial vehicles and effect the retirement deadlines for these vehicles. Since no reference is made to the types or categories of Euro diesel vehicles in L.N. 160, please clarify which of the controlled vehicles specified in section 3 of L.N. 160 is pre-Euro, Euro I, Euro II and Euro III diesel vehicles.
- (b) Section 6 of the Regulation provides for the granting of exemption in exceptional circumstances where it is impractical or unreasonable for a diesel vehicle or a type of diesel vehicle to comply with the Regulation. In this regard:

- (i) What is the procedure for applying for such an exemption? Must an owner of a diesel vehicle apply for an exemption before or at the time of making an application for a vehicle licence under the Road Traffic (Registration and Licensing of Vehicles) Regulations (Cap. 374 sub. leg. E)? Is any fee payable for applying for such an exemption? Do these procedural matters need to be set out in the Regulation?
- (ii) Please provide examples of the "exceptional circumstances" in which an exemption may be granted under section 6(1).
- (iii) What types of conditions may be attached to an exemption under section 6(2)?
- (iv) It is noted that under section 6(4) and (5), a notice of exemption in respect of a type of diesel vehicle published in the Gazette is not subsidiary legislation. Please advise whether such notice will also be published on any government website(s).

Yours sincerely,



(Mr Bonny LOO)
Assistant Legal Adviser

c.c. DoJ (Attn.: Mr Alan CHONG, SGC (By Fax: 2521 3275)
Miss Queenie WU, GC (By Fax: 2521 3275)

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