

L.N. 160 of 2013

**Air Pollution Control (Air Pollutant Emission)
(Controlled Vehicles) Regulation**

(Made by the Secretary for the Environment under section 43 of the Air Pollution Control Ordinance (Cap. 311) after consultation with the Advisory Council on the Environment)

Part 1

Preliminary

1. Commencement

This Regulation comes into operation on 1 February 2014.

2. Interpretation

In this Regulation—

bus (巴士) has the meaning given by section 2 of the Road Traffic Ordinance (Cap. 374);

compression-ignition engine (壓燃式引擎) has the meaning given by regulation 2 of the Air Pollution Control (Vehicle Design Standards) (Emission) Regulations (Cap. 311 sub. leg. J);

controlled vehicle (受管制車輛)—see section 3;

designated vehicle (指定車輛) means a motor vehicle equipped with a compression-ignition engine and falling within any of the following classes—

- (a) a goods vehicle;
- (b) a light bus;
- (c) a non-franchised bus;

emission (排放) means emission of any air pollutant;

first registered (首次登記) means first registered under the Road Traffic (Registration and Licensing of Vehicles) Regulations (Cap. 374 sub. leg. E);

goods vehicle (貨車) has the meaning given by section 2 of the Road Traffic Ordinance (Cap. 374);

light bus (小型巴士) has the meaning given by section 2 of the Road Traffic Ordinance (Cap. 374);

non-franchised bus (非專利巴士) means a bus that is not a franchised bus as defined by regulation 2(1) of the Road Traffic (Traffic Control) Regulations (Cap. 374 sub. leg. G);

permitted gross vehicle weight (許可車輛總重) has the meaning given by section 2 of the Road Traffic Ordinance (Cap. 374);

registered owner (登記車主) has the meaning given by section 2 of the Road Traffic Ordinance (Cap. 374);

vehicle licence (車輛牌照) has the meaning given by regulation 2(1) of the Road Traffic (Registration and Licensing of Vehicles) Regulations (Cap. 374 sub. leg. E).

Part 2

Emission Requirements for Controlled Vehicles

3. Controlled vehicles

A controlled vehicle is—

- (a) a designated vehicle first registered before 1 April 1995;
- (b) a designated vehicle first registered within the period specified in column 3(a) of the Schedule opposite to the vehicle's permitted gross vehicle weight specified in column 2 of the Schedule;
- (c) a designated vehicle first registered within the period specified in column 3(b) of the Schedule opposite to the vehicle's permitted gross vehicle weight specified in column 2 of the Schedule;
- (d) a designated vehicle first registered within the period specified in column 3(c) of the Schedule opposite to the vehicle's permitted gross vehicle weight specified in column 2 of the Schedule; or
- (e) a designated vehicle first registered on or after 1 February 2014.

4. Requirements to conform to emission standards

- (1) For the purposes of an application made on or after the date specified in subsection (2) in respect of a controlled vehicle for a vehicle licence, the emission of the vehicle must conform to the emission standards applicable to the vehicle under section 5.
- (2) The date referred to in subsection (1) is—
 - (a) for a controlled vehicle within the meaning of section 3(a), 1 January 2016;

- (b) for a controlled vehicle within the meaning of section 3(b), 1 January 2017;
 - (c) for a controlled vehicle within the meaning of section 3(c), 1 January 2018;
 - (d) for a controlled vehicle within the meaning of section 3(d), 1 January 2020; or
 - (e) for a controlled vehicle within the meaning of section 3(e), the 15th anniversary of the date on which the vehicle is first registered.
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Part 3

Emission Standards

5. Emission standards

(1) In this section—

vehicle design standards (車輛設計標準) means the vehicle design standards applied in the Air Pollution Control (Vehicle Design Standards) (Emission) Regulations (Cap. 311 sub. leg. J).

(2) For section 4(1), the emission standards applicable to a controlled vehicle are the vehicle design standards, insofar as they relate to the testing procedures, requirements (except type approval requirements) and emission limits, applicable to the vehicle as if the vehicle were first registered on the date on which the application for a vehicle licence is made.

(3) In determining the vehicle design standards applicable to a controlled vehicle, the vehicle's permitted gross vehicle weight is taken to be its design weight.

6. Exemption by Authority

(1) The Authority, if satisfied that exceptional circumstances make it impractical or unreasonable for a controlled vehicle, or a type of controlled vehicle, to comply with this Regulation, may exempt the controlled vehicle or the type of controlled vehicle from the application of this Regulation.

(2) The exemption may be granted subject to any conditions the Authority thinks fit.

(3) For exempting a controlled vehicle, the Authority must give the registered owner of the vehicle written notice of the exemption.

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- (4) For exempting a type of controlled vehicle, the Authority must publish notice of the exemption in the Gazette.
 - (5) A notice under subsection (4) is not subsidiary legislation.
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Part 4

Saving

7. Saving of other regulations

This Regulation is in addition to, and not in substitution for, the Road Traffic (Construction and Maintenance of Vehicles) Regulations (Cap. 374 sub. leg. A).

Schedule

[s. 3]

Controlled Vehicles

Column 1	Column 2	Column 3		
Designated vehicle	Permitted gross vehicle weight (tonnes)	(a) Period	(b) Period	(c) Period
Goods vehicle	Not more than 1.7	From 1 April 1995 to 30 September 1998	From 1 October 1998 to 31 December 2000	From 1 January 2001 to 31 December 2005
	More than 1.7 but not more than 2.5	From 1 April 1995 to 30 June 1999	From 1 July 1999 to 31 December 2001	From 1 January 2002 to 31 December 2006
	More than 2.5 but not more than 3.5			
	More than 3.5 but not more than 4	From 1 April 1995 to 30 September 1998	From 1 October 1998 to 30 September 2001	From 1 October 2001 to 30 September 2006
	More than 4	From 1 April 1995 to 31 March 1997	From 1 April 1997 to 30 September 2001	

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Column 1	Column 2	Column 3		
Designated vehicle	Permitted gross vehicle weight (tonnes)	(a) Period	(b) Period	(c) Period
Light bus	Not more than 1.7	From 1 April 1995 to 30 September 1998	From 1 October 1998 to 31 December 2000	From 1 January 2001 to 31 December 2005
	More than 1.7 but not more than 2.5	From 1 April 1995 to 30 June 1999	From 1 July 1999 to 31 December 2001	From 1 January 2002 to 31 December 2006
	More than 2.5 but not more than 3.5			
	More than 3.5 but not more than 4	From 1 April 1995 to 30 September 1998	From 1 October 1998 to 31 July 2003	From 1 August 2003 to 30 September 2006
	More than 4	From 1 April 1995 to 31 March 1997	From 1 April 1997 to 30 September 2001	From 1 October 2001 to 30 September 2006
Non-franchised bus	Not more than 4	From 1 April 1995 to 30 September 1998	From 1 October 1998 to 30 September 2001	From 1 October 2001 to 30 September 2006
	More than 4	From 1 April 1995 to 31 March 1997	From 1 April 1997 to 30 September 2001	

WONG Kam-sing
Secretary for the Environment

15 October 2013

Explanatory Note

The purpose of this Regulation is to impose emission standards on specified goods vehicles, light buses and non-franchised buses, in order to improve roadside air quality.

2. The Regulation is divided into 4 Parts.
3. Part 1 provides for commencement and defines terms used in the Regulation.
4. Part 2 provides for the meaning of *controlled vehicle* and the time from which a controlled vehicle must conform to the emission standards.
5. Part 3 prescribes the emission standards and empowers the Director of Environmental Protection to grant exemptions.
6. Part 4 contains a saving provision.