

**立法會**  
***Legislative Council***

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From : Clerk to the Legislative Council

To : All Members of the Legislative Council

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**Council meeting of 8 July 2015**

**Proposed resolution under the  
Interpretation and General Clauses Ordinance**

The Secretary for the Environment will move, at the above Council meeting, a proposed resolution under section 34(2) of the Interpretation and General Clauses Ordinance (Cap. 1) in relation to the Road Traffic Ordinance (Amendment of Schedule 10) Order 2015, published in the Gazette as Legal Notice No. 90 of 2015. The proposed resolution is attached for Members' consideration. The President has directed that it be printed in the terms in which it was handed in on the Agenda of the Council.

2. The speech, in both Chinese and English, which the Secretary will deliver when moving the proposed resolution is also attached.

(Odelia LEUNG)  
for Clerk to the Legislative Council

Encl.

## Interpretation and General Clauses Ordinance

### Resolution

(Under section 34(2) of the Interpretation and General Clauses Ordinance (Cap. 1))

### Road Traffic Ordinance (Amendment of Schedule 10) Order 2015

**Resolved** that the Road Traffic Ordinance (Amendment of Schedule 10) Order 2015, published in the Gazette as Legal Notice No. 90 of 2015 and laid on the table of the Legislative Council on 20 May 2015, be amended as set out in the Schedule.

## Schedule

### Amendments to Road Traffic Ordinance (Amendment of Schedule 10) Order 2015

**1. Section 1 substituted**

Section 1—

**Repeal the section**

**Substitute**

**“1. Commencement**

- (1) This Order, except section 3(2), (3) and (4), comes into operation on 1 August 2015.
- (2) Section 3(2), (3) and (4) comes into operation on 1 February 2017.”.

**2. Section 3 amended (Schedule 10 amended (requirements applicable to vehicle emission testing centres))**

(1) Section 3—

**Re-number the section as section 3(1).**

(2) Section 3(1), new paragraph 6(b)(i)—

**Repeal**

“\$620”

**Substitute**

“\$465”.

(3) Section 3(1), new paragraph 6(b)(ii)—

**Repeal**

“\$730”

**Substitute**

“\$520”.

- (4) Section 3(1), new paragraph 6(b)(iii)—

**Repeal**

“\$680”

**Substitute**

“\$495”.

- (5) After section 3(1)—

**Add**

- “(2) Schedule 10, paragraph 6(b)(i)—

**Repeal**

“\$465”

**Substitute**

“\$620”.

- (3) Schedule 10, paragraph 6(b)(ii)—

**Repeal**

“\$520”

**Substitute**

“\$730”.

- (4) Schedule 10, paragraph 6(b)(iii)—

**Repeal**

“\$495”

**Substitute**

“\$680”.”.

**Speech by the Secretary for the Environment  
in moving the Resolution to Amend the  
Road Traffic Ordinance (Amendment of Schedule 10) Order 2015**

Mr. President,

I move that the Road Traffic Ordinance (Amendment of Schedule 10) Order 2015 be amended as set out in the agenda.

Under section 77B of the Road Traffic Ordinance, the Commissioner for Transport may, for the purpose of ascertaining whether a motor vehicle complies with vehicle emission standards, require the registered owner to have the motor vehicle tested at a vehicle emission testing centre. The fee to be charged in respect of the test is set out in paragraph 6(b) of Schedule 10 to the Ordinance.

Vehicle emission testing is an integral part of our efforts in improving roadside air quality. Under our Smoky Vehicle Control and Strengthened Emission Control of Petrol and Liquefied Petroleum Gas (LPG) Vehicles Programmes, implemented in 1988 and 2014 respectively, vehicle owners found to have excessive emissions will be notified by an emission testing notice issued by the Environmental Protection Department (EPD). Their vehicles will be required to pass a dynamometer-based emission test at a designated vehicle emission testing centre within 12 working days so as to ensure the problem is rectified. Failure to meet the requirement will lead to cancellation of the licence of the vehicle concerned.

At present, a test fee of \$310 is charged for different types of vehicles. This fee was set on a full cost recovery basis in 1998 based on the then idling smoke test. The idling test has now been replaced by a dynamometer-based emission test, which can provide a better assessment of vehicle emissions. The enhanced emission test involves more costly equipment and longer testing time. Hence, vehicle emission testing centres have been incurring extra capital and operational expenses for conducting such tests. Despite the increased expenses, the test fee has not been increased over the past 17 years. Some centre operators are

considering ceasing their operation. It is necessary to set the test fee at a reasonable level to sustain the centres' operation. Upon review, we propose that the test fee be increased to \$620 for petrol or liquefied petroleum gas vehicles; \$730 for light diesel vehicles, and \$680 for heavy diesel vehicles.

The Legislative Council has set up a Sub-committee to scrutinize the Amendment Order. In the course of scrutiny of the Amendment Order, the Sub-committee held a meeting with deputations, in which the transport trade representatives objected to the proposed fee increase.

We wish to stress that it is always the vehicle owner's fundamental responsibility to repair and properly maintain his vehicle on a timely basis to avoid causing excessive emissions. As long as vehicle owners discharge this responsibility, they need not pay the test fee. In fact, since the launch of the remote sensing scheme in September 2014 for detecting vehicles with excessive emission at roadsides, we have monitored the emissions of about 400,000 vehicles as of the end of April 2015. Less than 1% or about 3,100 vehicles have been found with excessive emissions. Hence, we do not think the increased test fee would impose a burden on most of the vehicle owners, provided that they maintain their vehicles properly.

In consideration of the sentiment of the transport trades to the proposal, the Subcommittee is of the view that the proposed test fee increase should be effected in two stages. Given the need to effect the fee increase proposal as soon as practicable, and the strong view of the Subcommittee, we have thus agreed to amend the Order to effect half of the proposed test fee increase on 1 August 2015; and the rest on 1 February 2017.

I sincerely thank Hon Frankie Yick, Chairman of the Subcommittee and all Members of the Sub-committee for their efforts in scrutinizing the Order and support for the amendment resolution. I look forward to the Council approving the Resolution.

Thank you, President.