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**(ACE 44/95)**  
**for advice**

## **Control of Noise Emission from Motor Vehicles**

### **INTRODUCTION**

This paper seeks Members' advice on amendments to the Road Traffic Ordinance (RTO) and the Noise Control Ordinance (NCO), and the making of Noise Control (Motor Vehicles) Regulations under the NCO for the control of noise emission from Motor vehicles.

### **BACKGROUND**

2. At the third meeting of the Advisory Council on the Environment held on 21.3.94, members endorsed the proposal for controlling noise emission from motor vehicles, including motor cycles, on first registration (see ACE Paper 12/94 at Annex 1). Members further asked to see the draft regulations when they were ready.

3. The purpose of the proposed amendment to the RTO and the NCO, and the making of Noise Control (Motor Vehicles) Regulations is to:

(a) enable Hong Kong to keep up with international standards, thereby preventing it from being used as a "dumping ground" for motor vehicles with inferior noise performance; and

(b) control the mechanical noise emanating from motor vehicles, thereby minimising any increase in existing traffic noise levels.

4. The noise standards adopted for the proposed controls are those currently used in the European Communities and Japan, which are the most stringent standards in the world. The current standards require that the noise level from a private car and a large truck during acceleration be not more than 77 dB(A) and 84 dB(A) respectively measured at 7.5 metres away. Without any form of control some trucks can be as noisy as 90 dB(A).

### **THE PROPOSED LEGISLATION**

5. The draft Amendment Bills and Regulations are now attached at Annexes 2 - 4 for members' consideration. The main provisions are described in the following paragraphs.

ROAD TRAFFIC (AMENDMENT) BILL

Amendment to S.24(1) (Clause 3)

6. The proposed amendment is to expand the powers of the Commissioner for Transport under S.24(1) of the RTO to refuse an application for first registration of motor vehicles, including motor cycles, which do not comply with the noise standards as specified in the Noise Control (Motor Vehicles) Regulations.

NOISE CONTROL (AMENDMENT) BILL

Amendment to S.27 (Clause 2)

7. The proposed amendments are to transfer the regulation making power from the Governor-in-Council to the Secretary for Planning, Environment and Lands (Clause 2 (a)) and to enlarge the regulation making power in respect of the following for the control of the noise emission from motor vehicles intended to be registered under the RTO (Clause 2(b)):

- i) the power to authorize the Authority to confer exemptions from any requirements of the regulations for a more effective enforcement of controls;
- ii) the power to apply international or local noise emission standards and test procedures for control; and
- iii) the power to accept equivalent or more stringent standards in conforming with the controls.

NOISE CONTROL (MOTOR VEHICLES) REGULATION

8. For the purposes of controlling noise emission from motor vehicles outlined in para. 3 above, the following provisions are proposed.

(a) Power to exempt from compliance (Clause 3)

This provision enables the Director of Environmental Protection to consider exemption from compliance with the standards for special cases in the public interest.

(b) Emission standards (Clause 4)

With effect from 31 March 1996, every motor vehicle including motor cycle, on first registration will have to meet the noise standards stipulated in either one of the international (i.e. Japanese or European Community) regulatory documents contained in the Schedule of the Regulation.

(c) Motor vehicles excluded from the control (Clause 5)

In line with international practice, certain special purpose vehicles, village vehicles, as well as vehicles which are incapable of exceeding a speed of 50 km/h, shall be excluded from this control. Motor tricycles are also excluded as there are only a few in operation in Hong Kong and they are not particularly noisy.

(d) Compliance with more stringent standards (Clause 6)

Any noise emission standards which are equal to or more stringent than those stipulated in the Schedule of the Regulation may also be accepted.

ENFORCEMENT

9. For new motor vehicles, including motor cycles, the proposed control is integrated to form part of the "Motor Vehicle Type Approval" process which currently covers matters such as road worthiness and air pollution emission requirements. A noise certification report for each type or model of motor vehicles must be submitted to, and be to the satisfaction of, the Director of Environmental Protection, before the type or model of motor vehicle can be approved for first registration by the Commissioner for Transport.

10. The certification report will need to be certified by the manufacturer or competent bodies. The format of the report will be specified through administrative guidelines laid down in the application documents for vehicle registration.

11. Used motor vehicles, including motor cycles, will need to be individually tested for compliance with respect to noise for the purposes of first registration as they may have been modified. This is in line with the present practice for used motor vehicles which are individually examined for road worthiness and individually tested for air pollution emission before first registration.

### IMPLEMENTATION

12. It is planned to implement the proposed Noise Control (Motor Vehicles) Regulations on 31 March 1996, i.e. approximately 2 months after enactment, to provide a reasonable lead time for the public to observe and meet the requirements.

### CONSULTATION

13. The Motor Traders Association (MTA), major bus companies and manufacturers have been extensively consulted on the control proposal and all issues raised have now been resolved. Notwithstanding that the consultation is completed, EPD will continue to liaise with these bodies to ensure smooth implementation of the controls.

14. Initially there were no representative trade bodies representing the motor cycle trade in Hong Kong. However, in response to EPD's approaches to various manufacturers, two representative trade bodies, namely the Hong Kong Motor Cycle Association and the Hong Kong Motor Cycle Chamber of Commerce, were formed. For the former, the majority of members are local agents representing manufacturers, while the majority of the members of the latter are importers of used motor cycles. Both the new and used motor cycle importers have not indicated any major problems in complying with the proposed standards by 31 March 96. Nonetheless, liaison meetings have continued with these two trade bodies to ensure a smooth implementation of the controls.

### ECONOMIC IMPLICATIONS

15. There will be little or no increase in cost for new motor vehicles in meeting the noise emission requirements. For used motor vehicles, there will be a marginal increase in cost for carrying out the "individual testing".

### PUBLIC REACTION

16. As the proposed control will ensure that new motor vehicles will not further aggravate the existing traffic noise problems, it should be welcome by the general public.

**ADVICE SOUGHT**

17. Members are invited to support the making of the Noise Control (Motor Vehicles) Regulations and to recommend the draft Road Traffic (Amendment) Bill and the Noise Control (Amendment) Bill to the Executive Council, with a view to its introduction to the Legislative Council in November 1995.

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Planning, Environment, and Lands Branch  
September 1995

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