

NOISE CONTROL (MOTOR VEHICLES) REGULATION

(Made by the Governor in Council under section 27 of the Noise Control Ordinance (Cap. 400) after consultation with the Advisory Council on the Environment)

1. Commencement

This Regulation shall come into operation on 31 March 1996.

2. Interpretation

In this Regulation, unless the context otherwise requires -
"motor cycle", "motor tricycle", "motor vehicle", "registered",
"special purpose vehicle", "vehicle" and "village vehicle" have
the same meaning as in the Road Traffic Ordinance (Cap. 374).

3. Power of Authority to exempt

The Authority may exempt any motor vehicle or class of motor vehicle from the provisions of this Regulation or any part thereof if he considers that it would be in the public interest to do so.

**4. Prescribed standards for noise
emitted by motor vehicles**

Subject to section 5, every motor vehicle first registered on or after 31 March 1996 shall -

(a) in the case of any such motor vehicle, other than a motor cycle, conform to the same "type approval" standard as that which applies -

(i) in relation to motor vehicles situated in the Member States of the European Communities and subject to the laws of the Member States of the European Communities, in accordance with the directive referred to in paragraph 1 of Part I of the Schedule; or

(ii) in relation to motor vehicles situated in Japan and subject to the laws of Japan, in accordance with the article referred to in paragraph 2 of Part I of the Schedule; and

(b) in the case of any such motor vehicle being a motor cycle, conform to the same "type approval" standard as that which applies -

(i) in relation to motor cycles situated in the Member States of the European Communities and subject to the laws of the Member States of the European Communities, in accordance with the directive referred to in paragraph 1 of Part II of the Schedule; or

(ii) in relation to motor cycles situated in Japan and subject to the laws of Japan, in accordance with the article referred to in paragraph 2 of Part II of the Schedule.

5. Vehicles to which section 4 does not apply

Section 4 shall not apply to -

- (a) a motor tricycle;
- (b) a special purpose vehicle;
- (c) a village vehicle; or
- (d) any motor vehicle which is, by reason of its construction, incapable of exceeding a speed of 50 kilometres per hour on level ground under its own power.

6. Compliance with more stringent standards

Notwithstanding anything in this Regulation, any motor vehicle may, if in the opinion of the Authority the emission of noise therefrom conforms to standards as stringent as or more stringent than those prescribed by virtue of section 4, be deemed to conform to the standards prescribed by virtue of that section.

SCHEDULE

[s. 4]

PRESCRIBED STANDARDS FOR NOISE EMITTED BY VEHICLES

PART I

1. Council Directive 70/157/EEC of 6 February 1970 made by the Council of the European Communities on the approximation of the laws of the Member States relating to the permissible sound level and the exhaust system of motor vehicles, as last amended by Directive 84/424/EEC of 3 September 1984.
2. Article 30 of the Safety Regulations for Road Vehicles made by the Ministry of Transport of Japan, as last amended by Ministry of Transport Ordinance No. 1 of 29 January 1988.

PART II

1. Council Directive 78/1015/EEC of 23 November 1978 made by the Council of the European Communities on the approximation of the laws of the Member States on the permissible sound level and exhaust system of motorcycles, as last amended by Directive 87/56/EEC of 18 December 1986.
2. Articles 30 and 65 of the Safety Regulations for Road Vehicles made by the Ministry of Transport of Japan, as last amended by Ministry of Transport Ordinance No. 1 of 29 January 1988.

Clerk to the Executive Council.

COUNCIL CHAMBER,

1995.

Explanatory Note

The object of this Regulation is to specify noise emission standards with which motor vehicles should comply for the purpose of first registration on or after 31 March 1996.