

Frequently Asked Questions

Non-Road Mobile Machinery (NRMM)

Q1. When did the relevant regulation take effect?

A1. The Air Pollution Control (Non-road Mobile Machinery) (Emission) Regulation (Cap .311 Z) (“Regulation”) took effect on 1 June 2015.

Q2. Where can I find the Regulation?

A2. The Regulation can be found from the following web-site:
<https://www.elegislation.gov.hk/hk/cap311Z!en@2015-12-01T00:00:00>

Q3. What “NRMMs” are subject to emission control of the Regulation?

A3. The Regulation controls two categories of NRMMs, namely regulated machines and non-road vehicles.

Q4. What are “Regulated Machines”?

A4. Regulated machine means any mobile machine or transportable industrial equipment (other than a vehicle of a class specified in Schedule 1 to the Road Traffic Ordinance (Cap. 374)) that is **powered by an internal combustion engine with a rated engine power output of which is greater than 19 kW but not greater than 560 kW**. Some examples are air compressors, mobile generators, excavators, crawler cranes, mobile cranes, loaders, lifting platforms, mobile pumps, drilling rigs and roadwork machines. If the rated engine power output of a regulated machine is less than 19kW or greater than 560 kW, it is not subject to control under the Regulation.

Q5. What are “Non-road Vehicles”?

A5. Non-road vehicle means a private car, goods vehicle, bus, light bus motor cycle, motor tricycle or special purpose vehicle that -

- (a) is powered by an internal combustion engine;
- (b) is not licensed under the Road Traffic (Registration and Licensing of Vehicles) Regulations (Cap. 374 sub. leg. E); and
- (c) is intended to be used exclusively in—
 - (i) the Restricted Area of the Hong Kong International Airport; or
 - (ii) a private road that is within an area wholly or mainly used for the carrying on of construction work or industry.

Q6. What “NRMMs” are not subject to control under the Regulation?

A6. The Regulation does not apply to:

- (a) an engine that is not installed in any machine, equipment or vehicle;
- (b) machinery installed in a vessel, railway locomotive, aircraft or vehicle licensed under the Road Traffic (Registration and Licensing of Vehicles) Regulations (Cap. 374 sub. leg. E);
- (c) machinery, equipment or motor vehicle solely for military use; and
- (d) non-road mobile machinery that—
 - (i) is goods in transit;
 - (ii) is transshipment goods;
 - (iii) is manufactured solely for export; or
 - (iv) is sold for scrapping.

Control of NRMMs under the Regulation

Q7. How the emissions of NRMM are controlled by the Regulation?

A7. Key control provisions under the Regulation are:

- i. ***New NRMMs*** – The Regulation requires **new NRMMs** (i.e. NRMMs that are newly supplied to Hong Kong after 30 November 2015) comply with prescribed emission standards (see A16) and apply for an approval label from the EPD.
- ii. ***Existing NRMMs*** – **Existing NRMMs** (i.e. NRMMs that have been in Hong Kong on or before 30 November 2015) can be exempted from complying with the prescribed emission standards. A grace period of 6 months from **1 June to 30 November 2015** (both dates inclusive) is allowed for the application of exemption from EPD. **Late application will not be considered.** If EPD is satisfied that the NRMM has been in Hong Kong before 30 November 2015, it will grant an exemption label for the NRMM.
- iii. ***Sale and Lease Control*** – From **1 September 2015**, all regulated machines sold or leased for use in Hong Kong must be approved or exempted with a label issued by the EPD.
- iv. ***Use Control*** – Starting from **1 December 2015**, only approved or exempted NRMMs with a proper label are allowed to be used in **specified activities and locations** including construction sites, container terminals and back up facilities, restricted areas of the airport, designated waste disposal facilities and specified processes.

Q8. Who is responsible for applying the approval or exemption label?
A8. The Regulation does not stipulate the person to submit applications for EPD's approval or exemption of NRMMs. The owners, dealers or end-users can submit the application.

Q9. Will there be an expiry date for the approval or exemption labels?
A9. There will be no expiry date for the approval labels or exemption labels for existing NRMMs.

Expiry date may be imposed on the exemption labels for these specialized NRMMs for temporary use in Hong Kong (see A25).

Q10. Can NRMMs be imported without approval or exemption label?
A10. The Regulation does not impose control on the import of NRMMs. However, it is advised that the applicants or owners of NRMMs should ensure their NRMMs can comply with the prescribed emission standards before shipping into Hong Kong. Starting from 1 September 2015, sales or leases of regulated machines for use in Hong Kong must be approved or exempted with a proper label issued by EPD.

Q11. If the NRMMs are not used in specified locations or activities, should I apply approval or exemption for the NRMMs?
A11. Any NRMMs used in Hong Kong for sale or lease regardless of the locations used in Hong Kong are subject to control. Therefore, approval or exemption should be sought from EPD.

Q12. If the NRMM is sold to another person or scrapped, do I need to change the ownership under the Regulation?
A12. Under the Regulation, it is not required to notify EPD when a NRMM is sold to other person. If the original applicant of the NRMM would like to transfer the approval/ exemption label of the NRMM to a new owner, he can fill in the "Transfer of NRMM approval or exemption label" form and submit the necessary documents to EPD for processing the transfer on an administrative basis.

Q13. How will EPD check the compliance of NRMMs?
A13. EPD will check the compliance of NRMMs used in specified activities and locations as well as those sold or leased for local use with the Regulation as part of the routine enforcement. Specifically, EPD will check whether NRMMs have the prescribed labels and if the particulars on the labels tally with the information in EPD's records.

Q14. Who will be liable for offences under the Regulation?

- A14. The following person can be held liable under the Regulation: -
1. A person who sells or leases or causes to be sold or leased a NRMM, including suppliers, importers and the management of the company.
 2. A person who uses or causes to be used a NRMM, including owner or person who brings in the NRMMs (manual operators or drivers are excluded):
 - (a) Hong Kong international airport: service provider, franchisee and contractors
 - (b) Container terminals: operators and their contractors
 - (c) Construction sites: contractors
 - (d) designated waste facilities: contractors
 - (e) specified processes: license holders or contractors

Q.15. What are the penalties corresponding to offences?

A15. According to the Regulation, the penalties corresponding to various offences are as follows:

Offences	Maximum Penalty
Selling or leasing a non-exempted NRMM for use in HK without EPD's approval	\$200,000 and 6 months' imprisonment
Using a non-exempted NRMM in a specified activity/location without EPD's approval	\$200,000 and 6 months' imprisonment
Violating the conditions imposed in an exemption	\$200,000 and 6 months' imprisonment
Approved NRMM not bearing with an approval label	Level 5 fine and 3 months' imprisonment
Exempted NRMM not bearing with an exemption label	Level 5 fine and 3 months' imprisonment
Provision of false or incorrect information for acquisition of the approval or exemption label; or information of label not conforming with the NRMM	Level 5 fine and 3 months' imprisonment

Prescribed Emission Standards for New NRMMS

Q16. What are the prescribed emission standards for new NRMMS?

A16. Under the Regulation, NRMMS newly supplied in Hong Kong are required to comply with the following standards and apply for an approval label from EPD: -

NRMM	Emission Standards
Regulated Machines	EU Stage IIIA emission standards (emission standards of USA or Japan of equivalent or higher stringency will also be accepted)
Non-road Vehicles	<p>The Regulation was amended in 2018 to tighten statutory emission standards of the following types of newly approved non-road vehicles with effect from 1 January 2019:</p> <p>(1) newly approved non-road goods vehicles, petrol private cars, buses with design weight of more than 9 tonnes and light buses with design weight not exceeding 3.5 tonnes are required to comply with Euro VI emission standards; and</p> <p>(2) newly approved non-road diesel private cars are required to comply with California LEV III emission standards.</p> <p>Emission standards for other non-road vehicle classes, including buses with design weight not exceeding 9 tonnes, light buses with design weight of more than 3.5 tonnes and special purpose vehicles remain unchanged.</p>

Exemptions

Q17. Are there any NRMMS that can be exempted from complying with the prescribed emission standards?

A17. There are exemptions under the Regulation as follows:

- i. **Existing NRMMS** (i.e. NRMMS which have been in Hong Kong on or before 30 November 2015) can apply for exemption during the grace period from 1 June 2015 to 30 November 2015. The exemption period has been completed.
- ii. EPD may exempt a new NRMM from complying with the prescribed emission standards if it is satisfied that there is a genuine need to use the NRMM and there is no feasible alternative to conform to the prescribed emission standards. See A25 and A26.

Modifications of NRMMs

Q18. Can I modify an approved or exempted NRMM?

A18. You need to submit an application for modification to EPD if the NRMM is modified materially. See A27 and A28.

NRMM On-line Application System

Q19. How can I submit applications for EPD's approval, exemption or permission of modification of approved or exempted NRMMs?

A19. Please submit the applications via the NRMM On-line Application System ("NRMM System"). The NRMM System can be accessed by the following link: <https://nrmm.epd.gov.hk/application/common/home>

Alternatively, the completed application form and the documents required can be submitted by post to Air Policy Group, Environmental Protection Department, 33/F Revenue Tower, 5 Gloucester Road, Wan Chai, Hong Kong.

Q20. How to submit applications under the NRMM system?

A20. Please submit applications by the following steps:

- Step 1 – Register an account
- Step 2 – Login to the NRMM System
- Step 3 – Select application (Approval, Exemption or Modification)
- Step 4 – Fill in the form
- Step 5 – Upload supportive information
- Step 6 – Submit application
- Step 7 – Get Reference Number of application

Application for Approval

Q21. What information will be required to submit application for approval?

A21. The application must complete the "Application for Approval" form and submit to the EPD with the following supporting documents:

- (a) a copy of the identification document or business registration certificate of the applicant;
- (b) a copy of any certificate or other document demonstrating compliance of the machine or vehicle with the prescribed emission standard;
- (c) photos showing overall picture of the NRMM, outlook of the engine, details of the information indicated on the machine's nomenclature plate and its engine's information label, and their locations on the NRMM; and
- (d) any other document or information on the machine or vehicle that the Authority requires.

EPD may inspect the NRMM onsite or require the applicant to provide any further information if considered necessary.

Q22. What documents are acceptable to the EPD as proof of emission compliance?

A22. The follow documents are acceptable to EPD as proof of emission compliance:

Regulated Machines:

- Emission approval certificate issued by the recognized approval authority in Japan, the United States or European Union (e.g. Ministry of Environment in Japan, Environmental Protection Agency of the United States etc.).
- Any other documents which can prove emission compliance to the satisfaction of the EPD.

Non-road Vehicles:

- Emission approval certificate issued by the recognized approval authority such as Japan, the United States or European Union for new vehicles;
- Certificate of Conformity (COC) issued to the vehicle by its vehicle manufacturer for new vehicles (for vehicles manufactured within one year from the date of application);
- Exhaust emission test report issued within 6 months by recognized emission testing laboratories;
- Any other documents which can prove emission compliance to the satisfaction of the EPD.

Application for Exemption

Q23. If I have an existing NRMM and would like to apply for exemption from complying with the prescribed emission standards, when should I submit an application to EPD?

A23. If you have an existing NRMMs, i.e., an NRMM which has already been in Hong Kong on or before 30 November 2015, you can apply for an exemption label for the NRMM from EPD during the 6-month grace period from 1 June 2015 to 30 November 2015 (both dates inclusive). The exemption period has been completed.

Q24. What if I have an existing NRMM but it was shipped outside Hong Kong temporarily during the grace period for application for exemption? Can this NRMM be exempted?

A24. The owner of such NRMM will still have to make an application of the exemption label during the grace period, i.e., on or before 30 November 2015. Documents (such as bill of lading, third party certificate, etc.) to show to the EPD's satisfaction that the NRMM was indeed in Hong Kong as required in the Regulation must be submitted to support the application. If EPD is satisfied that the NRMM existed in Hong Kong, the exemption label will be issued to the NRMM when it is brought back to Hong Kong, subject to the EPD's checking the correctness of the information of the NRMM provided during the submission of the application. **Please note that if no sufficient information can be provided in the exemption application, EPD may reject the application.**

Q25. Could I import a NRMM not meeting prescribed emission standard needed for temporary use in Hong Kong?

A25. A new NRMM may be exempted from complying with the prescribed emission standards if the EPD is satisfied that there is a genuine need to use the relevant NRMM and there is no feasible alternative to conform to the prescribed emission standards. When giving the exemption, the EPD may impose conditions regarding the use or handling of the relevant NRMM as appropriate. It is advised that the applicant or owner of NRMM should obtain EPD's exemption before shipping the NRMMs into Hong Kong.

Q26. What information will be required to submit application for exemption of NRMMs not meeting prescribed emission standard needed for temporary use in Hong Kong?

A26. The applicant must complete the "Application for Exemption of NRMMs Not Meeting Prescribed Emission Standard for Temporary Use" form and submit to the EPD with the following supporting documents:

- (a) a copy of the identification document or business registration certificate of the applicant;
- (b) photos showing overall picture of the NRMM, outlook of the engine, details of the information indicated on the machine's nomenclature plate and its engine's information label, and their locations on the NRMM;
- (c) document to support the ground for the application for exemption; and
- (d) any other document or information on the machine or vehicle that the Authority requires.

EPD may inspect the NRMM onsite or require the applicant to provide any further information if considered necessary.

Application for Modification

Q27. Under what circumstances should I need to seek EPD's permission for "modification" of my approved or exempted NRMMs?

A27. EPD's permission of modification is required when a regulated machine or non-road vehicle is modified materially. That is, after the modification, the type, make, model or rated power of the engine (including primary and secondary engine) or the type, trade name or model of the exhaust emission control device are different from those provided to the EPD in support of the application for the approval or exemption; and the difference in those machines or vehicles may affect the emission level of the machine or vehicle.

Q28. What information will be required to submit application for modification of approved or exempted NRMMs?

A28. The applicant must complete the "Application for Modification" form and submit to the EPD with the following supporting documents:

- (a) a copy of the identification document or business registration certificate of the applicant;
- (b) (for an approved NRMM) a copy of any certificate or other document demonstrating that after the proposed modification, the emission from the NRMM will conform to the prescribed emission standard at the time the approval was given;
- (c) (for an exempted NRMM) a copy of any certificate or other document demonstrating that after the proposed modification, the emission from the machine or vehicle will not exceed the emission level of the NRMM as was at the time the exemption was given;
- (d) photos showing overall picture of the NRMM, outlook of the engine, details of the information indicated on the machine's nomenclature plate and its engine's information label, and their locations on the NRMM; and
- (e) any other document or information on the machine or vehicle that the Authority requires.

EPD may inspect the NRMM onsite or require the applicant to provide any further information if considered necessary.

Q29. Can the NRMM be modified before EPD's permission?

A29. No modification is allowed without EPD's permission.

Approval Process

Q30. How long does it take to issue the NRMM label after submission of an application?

A30. Please note that EPD will take about three weeks to process an application for a NRMM label after all necessary documents and photos are received.

Label

Q31. Any labelling requirements for an approved or exempted NRMM?

A31. For identification purpose, an approved NRMM must bear an approval label issued by EPD. Similarly, an exempted NRMM must bear an exemption label issued by EPD. The labels shall comply with the labelling requirements stipulated in Schedule 2 of the Regulation. In general, the label must be painted or securely fixed on the machine or vehicle and be displayed at a conspicuous position of the machine or vehicle. The label must be properly maintained to ensure that the content of the label is clear and legible. Approval label shall be with green background colour and exemption label with yellow background colour. The label must be of a size of at least 200 mm in width and 130 mm in height.

Q32. How can I print out the approved or exempted label?

A32. You can print out the label of your approved or exempted NRMMs by a common colour printer by the “Print label” function after login to the NRMM System.

Information of Approved or Exempted NRMMs

Q33. How can I know a NRMM is approved or exempted by EPD?

A33. You can check your application or exemption in the following ways:

- (a) All records of approved or exempted NRMMs are kept in the NRMM System. Information of approved or exempted NRMMs can be checked by “Search” function of the NRMM System.
- (b) A notification email will be sent to you when your application is approved or exempted.
- (c) You may contact us by hotline (25946590) or email (nonroad-enq@epd.gov.hk).

Implementation

Q34. Should NRMMs leased from suppliers and are being used in specified activities or locations need an exemption or approval label on or after 1 September 2015?

A34. Starting from 1 September 2015, all regulated machines offered or exposed for sale or lease for use in Hong Kong must be approved or exempted with proper labels in the prescribed format issued by EPD. Suppliers offer their regulated machines for sale or lease for local use must bear proper labels. As such, suppliers should submit applications for approval or exemption labels of their regulated machines as soonest as possible.

From 1 December 2015, only approved or exempted NRMMs including regulated machines and non-road vehicles with proper labels are allowed to be used in specified activities and locations including construction sites, container terminals and back up facilities, restricted areas of the airport, designated waste disposal facilities and specified processes. NRMMs leased from suppliers and are being used in specified activities or locations will be subject to the use control commenced on 1 December 2015.

Enquiry

Q35. What to do if I have any further enquiry?

A35. Please contact:

Air Policy Group, Environmental Protection Department

Address: 33/F, Revenue Tower, 5 Gloucester Road, Wan Chai, HK

Tel: 2594 6590 (9:00 am – 5:30 pm)

Fax: 2838 2155

E-mail: nonroadenq@epd.gov.hk