

AIR POLLUTION CONTROL (FUEL RESTRICTION) REGULATIONS

(Cap. 311 sub. leg. I)

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AIR POLLUTION CONTROL (FUEL RESTRICTION) REGULATIONS

(Cap. 311 section 43)

[1 July 1990]

1. Citation

- (1) These regulations may be cited as the Air Pollution Control (Fuel Restriction) Regulations.
- (2) *(Omitted as spent)*

2. Interpretation

In these regulations, unless the context otherwise requires—

“competent examiner” (合資格檢驗師) means a registered professional engineer in the building services, gas, chemical, environmental, marine and naval architecture or mechanical discipline under the Engineers Registration Ordinance (Cap. 409); (*L.N. 123 of 2008*)

“construction site” (建造工地) means a place where construction work is carried out;

“construction work” (建造工程) means—

- (a) the alteration, construction, demolition, maintenance, reconstruction, repair or shoring of the whole or any part of any airport, arch, bridge, building, channel, chimney, dock, drain, embankment, hoarding, lighting, pier, public utility, railway, road, service lane, shelter, slope, street, tramway, tunnel, wall, water conduit, wharf or other structure;

- (b) dredging;
- (c) the extraction from the earth of any matter whatsoever;
- (d) piling;
- (e) quarrying; and
- (f) the reclamation of any foreshore and sea-bed;

“conventional solid fuel” (常規固體燃料) has the same meaning as in regulation 3(2) of the Air Pollution Control (Furnaces, Ovens and Chimneys) (Installation and Alteration) Regulations (Cap. 311 sub. leg. A); (*L.N. 123 of 2008*)

“electricity works” (電力工程) means the process specified in item 7 of the First Schedule to the Ordinance as “Electricity Works” and described therein;

“restricted liquid fuel” (受限制液體燃料) means any liquid fuel that has—

- (a) a sulphur content of more than 0.005% by weight; or
- (b) a viscosity of more than 6 centistokes at 40°C; (*L.N. 123 of 2008*)

“Sha Tin fuel restriction area” (沙田燃料限制區) means the Sha Tin fuel restriction area delineated and edged blue on a plan numbered FR/50/4 signed by the Secretary for Health and Welfare on 27 October 1988 and deposited in the Land Office, Victoria;

“specified emission limit” (指明排放限度), in relation to a specified pollutant, means the emission limit specified in column 2 of Schedule 1 opposite the pollutant; (*L.N. 123 of 2008*)

“specified pollutant” (指明污染物) means sulphur dioxide, nitrogen oxides or respirable suspended particulates; (*L.N. 123 of 2008*)

“viscosity” (黏度) has the same meaning as in regulation 2 of the Air Pollution Control (Dust and Grit Emission) Regulations (Cap. 311 sub. leg. B).

3. Application

These regulations do not apply to—

- (a) any relevant plant that—
 - (i) is used or operated in premises used solely as a dwelling;
 - (ii) is used or operated in or on a vessel, motor vehicle, railway locomotive or aircraft; or
 - (iii) is used or operated in premises used solely for the conduct of electricity works and in respect of which premises the owner thereof is the holder of a licence granted under section 15(1) of the Ordinance prior to the commencement date of these regulations or is exempt under section 20(1) of the Ordinance in respect of those works from the operation of section 13 of the Ordinance prior to that date; or
- (b) the use or consumption of gaseous fuel.

4. Restriction on use of liquid fuel and solid fuel in Sha Tin fuel restriction area*

- (1) Subject to subregulation (5), no person shall use liquid fuel or solid fuel in any relevant plant in the Sha Tin fuel restriction area. (*L.N. 123 of 2008*)
- (2)-(3) (*Repealed L.N. 123 of 2008*)
- (4) The Secretary shall—

- (a) keep available at his office, for public inspection at all reasonable times, a copy of the plan of the Sha Tin fuel restriction area; and
 - (b) at the request of any person, deliver to that person a copy of that plan at such charge as the Secretary may specify.
- (5) A person may use any liquid fuel other than restricted liquid fuel in any relevant plant that— (*L.N. 123 of 2008*)
- (a) is used or operated only on a construction site; or
 - (b) is used or operated, or intended for use or operation, only during an emergency.

Editorial Note:

* (*Replaced L.N. 123 of 2008*)

4A. Restriction on use of restricted liquid fuel in relevant plants outside Sha Tin fuel restriction area

Subject to regulation 4B, no person shall use restricted liquid fuel in a relevant plant outside the Sha Tin fuel restriction area.

(*L.N. 123 of 2008*)

4B. Restricted liquid fuel may be used in relevant plants issued with certificates of compliance

- (1) A person may use restricted liquid fuel in a relevant plant outside the Sha Tin fuel restriction area if—
- (a) a competent examiner has issued a certificate of compliance in respect of the plant within the preceding 12 months, and the certificate is valid;
 - (b) the certificate is displayed at a conspicuous position of the plant;

- (c) the plant is located at the premises set out in the certificate pursuant to subregulation (3)(a);
 - (d) the plant is of the type, and bears the identification number, set out in the certificate pursuant to subregulation (3)(b); and
 - (e) as stated in the certificate pursuant to subregulation (3)(c)—
 - (i) the plant is not installed or used with an emission control device; or
 - (ii) the plant is installed or used with an emission control device that is of the type, bears the identification number, and complies with the working principle, set out in the certificate.
- (2) A competent examiner shall not issue a certificate of compliance in respect of a relevant plant unless—
- (a) the examiner has carried out a test on the level of each specified pollutant emitted from the plant when the plant was operating at maximum operating capacity using restricted liquid fuel;
 - (b) the level of each specified pollutant emitted from the plant during the test did not exceed the specified emission limit for it; and
 - (c) the test was carried out—
 - (i) in accordance with the test methods and measurement requirements set out in Schedule 2; and
 - (ii) within 14 days before the date on which the certificate is issued.
- (3) Subject to subregulation (4), a certificate of compliance issued in respect of a relevant plant is required to include the following information—

- (a) the address of the premises where the plant is located;
 - (b) the type and identification number of the plant;
 - (c) whether an emission control device is installed in or used with the plant and, if so, the type, identification number, working principle and operation and maintenance requirements of the device;
 - (d) the means of determining the fuel consumption rate of the plant during the test;
 - (e) the removal efficiency for each specified pollutant at maximum fuel consumption rate of the plant during the test;
 - (f) the maximum sulphur content and viscosity of the restricted liquid fuel that may be used if the level of each specified pollutant emitted from the plant at maximum fuel consumption rate of the plant is not to exceed the specified emission limit for it;
 - (g) the date of issue and the validity period of the certificate; and
 - (h) the name and contact details of the competent examiner.
- (4) For the purposes of ascertaining whether an emission control device installed in or used with a relevant plant will function properly during the validity period of a certificate of compliance issued in respect of the plant, a competent examiner may require that the removal efficiency for each specified pollutant at maximum fuel consumption rate of the plant is to be measured during that period at the frequency, and in accordance with the means, specified by the examiner. In that case, the certificate is also required to state the requirement, and the frequency and means so specified.
- (5) A competent examiner shall not issue a certificate of compliance that contains any statement or information

which he knows or reasonably ought to know to be false or misleading in a material particular.

(L.N. 123 of 2008)

4C. Duties of persons using restricted liquid fuel in relevant plants and owners of relevant plants

- (1) A person who uses restricted liquid fuel in a relevant plant under regulation 4B(1) shall ensure that—
 - (a) the plant is properly operated and maintained;
 - (b) the emission control device installed in or used with the plant, if any—
 - (i) complies with the operation and maintenance requirements of the device set out in the certificate of compliance pursuant to regulation 4B(3)(c); and
 - (ii) is properly operated and maintained;
 - (c) if the certificate states that the removal efficiency for each specified pollutant at maximum fuel consumption rate of the plant is required to be measured during its validity period—
 - (i) the removal efficiency is measured at the frequency, and in accordance with the means, set out in the certificate pursuant to regulation 4B(4); and
 - (ii) the removal efficiency from the measurement is not lower than that set out in the certificate pursuant to regulation 4B(3)(e); and
 - (d) the sulphur content and viscosity of the restricted liquid fuel used do not exceed their respective maximum limit set out in the certificate pursuant to regulation 4B(3)(f).
- (2) The owner of a relevant plant shall—

- (a) keep, or cause to be kept, a certificate of compliance issued in respect of the plant for a period of 3 years after issue; and
- (b) produce, or cause to be produced, the certificate for inspection on request by the Authority during the period of 3 years.

(L.N. 123 of 2008)

4D. Restriction on use of conventional solid fuel in relevant plants outside Sha Tin fuel restriction area

No person shall use conventional solid fuel that has a sulphur content of more than 1% by weight in a relevant plant outside the Sha Tin fuel restriction area.

(L.N. 123 of 2008)

5. Offence

- (1) Any person who contravenes regulation 4(1), 4A, 4C(1) or 4D commits an offence and is liable to a fine not exceeding \$20,000 and imprisonment for 6 months, and in addition, to a fine not exceeding \$5,000 for each day during the whole or any part of which the offence continues. *(L.N. 123 of 2008)*
- (2) A competent examiner who contravenes regulation 4B(2) or (5) commits an offence and is liable—
 - (a) on a first conviction, to a fine at level 5; and
 - (b) on a subsequent conviction, to a fine at level 5 and to imprisonment for 3 months. *(L.N. 123 of 2008)*
- (3) The owner of a relevant plant who contravenes regulation 4C(2) commits an offence and is liable—
 - (a) on a first conviction, to a fine at level 5; and
 - (b) on a subsequent conviction, to a fine at level 5 and to imprisonment for 3 months. *(L.N. 123 of 2008)*

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6-7. *(Omitted as spent)*

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SCHEDULE 1

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SCHEDULE 1

[reg. 2]

SPECIFIED EMISSION LIMIT

Specified pollutant	Emission limit (gram pollutant per litre fuel)
Sulphur dioxide	0.864
Nitrogen oxides*	2.4
Respirable suspended particulates	0.12

**expressed as nitrogen dioxide*

(Schedule 1 added L.N. 123 of 2008)

SCHEDULE 2

[reg. 4B]

TEST METHODS AND MEASUREMENT REQUIREMENTS

1. The actual volumetric flow rate of flue gas in cubic metres per hour (m^3/hr) and the actual concentration of specified pollutants in grams per cubic metre (g/m^3) are required to be tested and measured at the same time using the following methods (which are listed in Appendix M to Part 51 and Appendix A to Part 60 of Title 40 of the Code of Federal Regulations published in the Federal Register of the United States Government)—
 - (a) determination of the actual volumetric flow rate of flue gas—

Method 2—Determination of stack gas velocity and volumetric flow rate (Type S pitot tube);
 - (b) determination of the actual concentration of sulphur dioxide—

Method 6—Determination of sulfur dioxide emissions from stationary sources; or

Method 6C—Determination of sulfur dioxide emissions from stationary sources (instrumental analyzer procedure);
 - (c) determination of the actual concentration of nitrogen oxides—

Method 7—Determination of nitrogen oxide emissions from stationary sources; or

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Method 7E—Determination of nitrogen oxides emissions from stationary sources (instrumental analyzer procedure);

(d) determination of the actual concentration of respirable suspended particulates—

(i) if water droplets do not exist in emissions from the relevant plant—

Method 201—Determination of PM₁₀ Emissions (Exhaust Gas Recycle Procedure); or

Method 201A—Determination of PM₁₀ Emissions (Constant Sampling Rate Procedure);

(ii) if water droplets exist in emissions from the relevant plant—

Method 5—Determination of particulate matter emissions from stationary sources.

2. The flow rate of fuel consumption in litres per hour (L/hr) is required to be measured at the same time when the actual volumetric flow rate of flue gas and the actual concentration of each specified pollutant are measured.

3. The level of each specified pollutant emitted from the relevant plant is required to be determined using the following formula—
actual volumetric flow rate of flue gas (m³/hr) × actual concentration of specified pollutant (g/m³) ÷ flow rate of fuel consumption (L/hr).

(Schedule 2 added L.N. 123 of 2008)