

The Government of The Hong Kong Special Administrative Region

Procedures for Application for Approval, Exemption or Modification of Non-road Mobile Machinery (“NRMM”)

(Updated on February 2017)

The information below explains the procedures, which an applicant needs to follow for submitting application for Environmental Protection Department (EPD)’s approval, exemption or permission of modification for NRMM sold, leased or used in Hong Kong.

1. General

- 1.1 All NRMM newly supplied in Hong Kong must comply with the requirements of the Air Pollution Control (Non-road Mobile Machinery) (Emission) Regulation (Cap. 311 sub. leg. Z) “Regulation”. The applicant is advised to read the Regulation before submitting application. The Regulation can be found from the following web-site:
https://www.elegislation.gov.hk/?_lang=en
- 1.2 Please fill in a separate application form for each NRMM.
- 1.3 If there is insufficient space to fill in all the information, please use separate sheets of paper cross referenced to the particular section clearly marked on the sheet. All the additional sheets of information shall be numbered and duly signed by the applicant.

2. Scope of Control

- 2.1 NRMM means a regulated machine or a non-road vehicle.

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 19kW but not greater than 560kW. Examples are air compressors, drilling rigs, excavators, lifting platforms, loaders, mobile cranes, mobile generators, mobile pumps, and road works machines.

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 as defined by section 2(1) of the Airport Authority Ordinance (Cap. 483); or
 - (ii) a private road that is within—
 - (A) an area wholly or mainly used for the carrying on of construction work within the meaning of section 120 of the Road Traffic Ordinance (Cap. 374 sub. leg. E); or

- (B) an area wholly or mainly used for the carrying on of industry within the meaning of section 120 of the Road Traffic Ordinance (Cap. 374).

2.2 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.

3. **Application for Emission Approval of newly supplied NRMM**

3.1 The applicant 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.

3.2 The following documents are acceptable to the 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.

3.3 EPD may approve a regulated machine or non-road vehicle upon satisfaction that the emission from the machine conforms to the prescribed emission standard or the vehicle is so constructed that the emission from the vehicle conforms to the prescribed emission standard, respectively. Please refer to Schedule 1 of the Regulation for the prescribed emission standard.

4. Application for Exemption from Emissions Requirements

4.1 NO EXEMPTION will be given to the following applications:

- (a) Vehicles licensed under the Road Traffic (Registration and Licensing of Vehicles) Regulation (Cap. 374 sub. leg. E);
- (b) Scrapped vehicles under the Road Traffic (Registration and Licensing of Vehicles) Regulation (Cap. 374 sub. leg. E).

4.2 **(Not applicable after 30 November 2015)** Existing NRMM (i.e. NRMM which has been in Hong Kong on or before 30 November 2015) can be exempted from the emission requirements of the Regulation. Applications for such exemption must reach EPD by **30 November 2015**. Information should be provided to support that the NRMM is in Hong Kong **at any time on or before 30 November 2015**. **If such information cannot be provided, EPD may reject the application. EPD may inspect the relevant NRMMs to verify the information submitted. If the NRMM is not in Hong Kong for physical inspection, EPD may not be able to process the exemption application.** Application received after 30 November 2015 will not be processed. The responsibility for ensuring timely submission of the application to EPD rests with the applicant.

4.3 **(Not applicable after 30 November 2015)** The applicant must complete the “Application for Exemption of Existing NRMM” 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 or information about the location of the NRMM in Hong Kong for the purpose of EPD’s on-site inspection; and*
- (d) any other document or information on the machine or vehicle that the Authority requires.*

4.4 Apart from the NRMMs in paragraphs 4.2 and 4.3 above, EPD may consider giving

emission exemption to **certain NRMM for temporary use in Hong Kong**. However, strong justifications are required for exemption to be given for temporary use of a NRMM not complying with the prescribed emission standard in the Regulation. The applicant should explain why genuine need to use the NRMM for the purpose set out in the application and why no feasible means to comply with the prescribed emission standard. EPD may impose conditions on the exemption regarding the use or handling of the NRMM.

4.5 The applicant must complete the “Application for Exemption of NRMM 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.

5. Application for Modification

5.1 Application for EPD’s permission for modification is required when an approved or exempted NRMM is modified materially. That is, after the modification—

- (a) 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 (if any) of the NRMM (particulars) are different from those provided to EPD in support of the application for the approval or exemption; and
- (b) the difference in those particulars may affect the emission level of the NRMM.

5.2 EPD may permit the modification of an approved NRMM, or an exempted NRMM vehicle if it is satisfied that after the modification, the emission from the NRMM—

- (a) (for an approved NRMM) will conform to the prescribed emission standard at the time the approval was given;
- (b) (for an exempted NRMM) will not exceed the emission level of the NRMM as was at the time the exemption was given.

Please refer to Schedule 1 of the Regulation for the prescribed emission standard.

5.3 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. It is advised that the applicant or owner should not modify the NRMM without EPD's approval.

6. Submission

- 6.1 The completed application form and the documents required could be submitted by any one of the following means:
- (a) Via internet (<http://nrmm.epd.gov.hk/application/common/home>);
 - (b) By post to Air Policy Section (6), Environmental Protection Department, 33/F Revenue Tower, 5 Gloucester Road, Wan Chai, Hong Kong.
- 6.2 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.

7. Handling of Personal Information

7.1 Purpose of Collection

The personal data provided in relation to an application will be used by EPD for one or more of the following purposes—

- (a) activities relating to the processing of your submission in this form;
- (b) administration and enforcement of relevant environmental legislation;
- (c) pollution complaint investigations;
- (d) statistical and any other legitimate purposes; and
- (e) to facilitate communications between Government and yourself.

7.2 Classes of Transferees

The personal data provided in an application may be disclosed to—

- (a) other government bureaus and departments, and any other organizations for the purposes set out in paragraph 7.1 above; and
- (b) other persons as permitted by the relevant legislation.

7.3 Access to Personal Data

According to Section 18 and 22 and Principle 6 of Schedule 1 of the Personal Data (Privacy) Ordinance, the individuals whose personal data are provided in an application have a right of access and correction with respect to the personal data provided including the right to obtain a copy of the personal data provided in the application.

IMPORTANT

Applicant should bear in mind that if the NRMM application for exemption is not approved, the NRMM must show emissions compliance before it can be sold, leased or used in Hong Kong. Therefore, applicants are advised to obtain approval or exemption from the EPD before shipping their NRMM into Hong Kong. Any loss incurred as a result of the application being declined will be totally at applicant's own risk.

Enquiries

Enquiries concerning the application and the personal data collected by means of this form, including the making of access and corrections, please contact:

Air Policy Section

Environmental Protection Department

Address: 33/F, Revenue Tower, 5 Gloucester Road, Wan Chai, Hong Kong.

Tel: 25946590 (office hour: 09:00-17:30)

Fax: 28382155

Email : nonroadenq@epd.gov.hk