

[首 页](#)[信息公开](#)[办事服务](#)[互动交流](#)[专题专栏](#)[机关建设](#)[政务邮箱登录](#)[首页](#) > [法规规章英文译本](#) [站内搜索](#)

179 Regulations of the Shenzhen Special Economic Zone on the Prevention and Control of the Exhaust Pollution of Motor Vehicles [深圳经济特区机动车排气污染防治条例 (2004)]

发布时间:2005-10-21 来源: 字体: 【小 中 大】 【内容纠错】

Public Notice of the Standing Committee of the Shenzhen Municipal People's Congress

(No. 110)

Regulations of the Shenzhen Special Economic Zone on the Prevention and Control of the Exhaust Pollution of Motor Vehicles was adopted at the Thirty-first Meeting of the Standing Committee of the Third Shenzhen Municipal People's Congress on April 16, 2004, is now promulgated, and will take effect as of June 1, 2004.

The Standing Committee of the Shenzhen

Municipal People's Congress

May 8, 2004

Regulations of the Shenzhen Special Economic Zone on the Prevention and Control of the Exhaust Pollution of Motor Vehicles

(Adopted at the Thirty-first Meeting of the Standing Committee of
the Third Shenzhen Municipal People's Congress on April 16, 2004)

Chapter I General Provisions

Article 1 In order to prevent and control the exhaust pollution of motor vehicles, protect and improve the atmospheric environment, and promote the sustainable development of economy and society, these regulations are hereby formulated in accordance with *Law of the People's Republic of China on the Prevention and Control of Atmospheric Pollution* and the related law, regulations, and in the light of the practical conditions of the Shenzhen Special Economic Zone (hereinafter referred to as "the Special Zone").

Article 2 These regulations shall apply to the prevention and control of the exhaust pollution of motor vehicles within the Special Zone.

Motor vehicles referred to in these regulations shall mean the motor vehicles driven or drawn by internal-combustion engines except for railroad locomotives.

The exhaust pollution of motor vehicles referred to in these regulations shall mean the pollution caused by discharging and evaporating various pollutants to the atmosphere through exhaust pipes, crank cases, and fuel systems.

Article 3 If the exhaust pollution of a motor vehicle exceeds the prescribed standard, the vehicle shall not be allowed to travel on the road.

Article 4 A system of regular tests and compulsory maintenance shall be brought into practice for the motor vehicles in use. Specific measures shall be formulated by the Shenzhen Municipal People's Government (hereinafter referred to as "the municipal government").

Article 5 The municipal government shall formulate the related policies and measures, encourage, support and spread the use of high-quality vehicle fuel and the clean source of energy for vehicles.

Article 6 In the light of the needs to prevent and control the exhaust pollution of motor vehicles, the municipal government shall issue a catalogue of the environmental protection models of motor vehicles and a catalogue of the high exhaust models of the motor vehicles in use, and bring into practice a system of environmental classification marks to administer the motor vehicles traveling within the Special Zone.

In accordance with the environmental quality of the atmosphere, the municipal government shall take traffic control measures to prevent and control the exhaust pollution by imposing restrictions on the area and time for the vehicles with particular environmental classification marks to be driven. Specific measures shall be worked out by the municipal government.

Article 7 The municipal government shall improve road traffic, develop a public transit system, and control the total exhaust pollution of motor vehicles.

Article 8 The administrative department of environmental protection of the municipal government (hereinafter referred to as "the municipal department of environmental protection") shall conduct centralized supervision and administration of the prevention and control of the exhaust pollution of motor vehicles, and provide coordination and direction for the related administrative departments of the same level in their supervision and administration of the prevention and control of the exhaust pollution of motor vehicles.

The departments of public security, transportation, quality and technology supervision, inspection and quarantine for entry and exit, trade, industrial and commercial administration shall conduct supervision and administration of the prevention and control of the exhaust pollution of motor vehicles according to their respective duties.

Article 9 The municipal department of environmental protection shall, jointly with the traffic control department of the municipal bureau of public security and the municipal department of traffic administration, build up an information transmitting system for the data on the prevention and control of the exhaust pollution of motor vehicles and a shared data base, establish and improve a system of regular contact and coordination for the prevention and control of the exhaust pollution of motor vehicles.

The municipal department of environmental protection shall establish and improve a monitoring system of the exhaust pollution of motor vehicles, regularly release to the public what have been monitored on the exhaust pollution of motor vehicles in the whole city and various districts and the related data as well.

Chapter II Prevention and Control of Exhaust Pollution

Article 10 Operators engaged in manufacturing, refitting, assembling motor vehicles and vehicle engines shall bring the prevention and control of the exhaust pollution of motor vehicles into the quality control of their products, provide necessary equipments for inspection and test of the exhaust pollution of motor vehicles, and let products be delivered only after they have successfully passed the inspection and test of the exhaust pollution.

The operator referred to in the above section shall report to the municipal department of environmental protection for record the results of the inspection and test of the exhaust pollution of the motor vehicles which have been delivered.

Article 11 In case of purchasing a motor vehicle which is not listed in the catalogue of environmental protection model, the traffic control department of the municipal bureau of public security shall not process the motor vehicle's registration.

In case of purchasing a motor vehicle for urban public transit and passenger transport which fails to meet the standard set by the municipal government for the exhaust pollution, the municipal department of traffic administration shall not process the formalities for operation.

In case of purchasing a vehicle engine for a passenger transport vehicle, the rules of the above section shall be complied with.

Article 12 An enterprise engaged in repair and maintenance for the prevention and control of the exhaust pollution of motor vehicles shall have the appropriate aptitude and comply with the following rules:

- (1) the measuring instruments for the prevention and control of the exhaust pollution shall be examined and ascertained as up to standard by the administrative department of quality and technology supervision, and an application for regular examination shall be filed to this department according to the rules;
- (2) maintenance shall be done exactly according to the requirements for the prevention and control of the atmospheric pollution so that the exhaust pollution of motor vehicles meets the prescribed standards after the maintenance, the quality guarantee for maintenance service shall be provided;
- (3) the motor vehicles which have been overhauled, had the engine go through general maintenance, and had the special maintenance for the prevention and control of the exhaust pollution shall have inspection of the exhaust pollution, and only those vehicles that meet the prescribed standards shall be delivered;
- (4) the license numbers, the items of maintenance, and the information of maintenance of the motor vehicles, which have been overhauled, had the engine go through general maintenance, and had the special maintenance for the prevention and control of the exhaust pollution, shall be recorded, and the maintenance record shall be promptly transmitted to or backed up for the municipal department of traffic administration through the data transmission network.

Article 13 A unit and individual selling vehicle fuel shall indicate clearly the

grades of the fuel quality. Cleaner shall be added to the vehicle fuel for sale, and it shall be guaranteed that the result of cleaning meets the prescribed standards.

It shall be forbidden to sell the vehicle fuel and cleaner that do not meet the prescribed standards.

The municipal administrative department of quality and technology supervision shall conduct supervision and inspection of the quality of the vehicle fuel jointly with the municipal department of environmental protection.

Article 14 The enterprises of urban public transit and passenger transport by road shall use clean vehicle fuel according to the related rules of the municipal government.

Article 15 The owner or user of a motor vehicle shall have the vehicle well maintained, regularly inspected and kept in good shape, keep the normal functions of the compulsive ventilating installation of the crank case and the fuel evaporating installation of the motor vehicle, and avoid the exhaust pollution that exceeds the prescribed standard because of the malfunction of the installations.

Article 16 The motor vehicles which have failed to pass random inspection, road inspection or regular inspection shall be enforced to have maintenance for the prevention and control of the exhaust pollution, obtain the certificates of such required maintenance issued by a maintenance unit with the appropriate aptitude for the prevention and control of exhaust pollution of motor vehicles, and have re-inspection of the exhaust pollution.

Article 17 In accordance with the related state rules on compulsory scrapping of motor vehicles, the traffic control department of the municipal bureau of public security shall enforce compulsory scrapping of the motor vehicles which still do not meet the prescribed standards of the exhaust pollution after maintenance or rebuilding.

When a motor vehicle that is listed in the catalogue of high exhaust models of the motor vehicles in use has reached the year for scrapping, it shall no longer be put to use.

If the exhaust pollution of a motor vehicle exceeds the prescribed standard, the vehicle shall not be allowed to enter a used vehicle market for sale.

Chapter III Inspection of Exhaust Pollution

Article 18 Motor vehicles in use shall have the regular inspection of the exhaust pollution. The motor vehicles in use which are listed in the catalogue of high exhaust models of the motor vehicles in use and the motor vehicles for urban transit and passenger transport by road shall have a regular inspection of the exhaust pollution every 6 months, and the other motor vehicles in use shall have a regular inspection of the exhaust pollution every year.

In case of passing the inspection, the municipal department of environmental protection shall issue the corresponding environmental classification marks of motor vehicles. In case of failing to pass the inspection, the traffic control department of the municipal bureau of public security shall not process the transfer and registration of the ownership.

The environmental classification marks of motor vehicles shall be made by the municipal department of environmental protection in a unified

way, and shall not be transferred, loaned, altered, forged. The expired environmental classification marks of motor vehicles shall not be used.

Article 19 The Municipal department of environmental protection may inspect the exhaust pollution of motor vehicles in use at their parking place, and conduct the supervised random inspection of the exhaust pollution of motor vehicles which are being delivered from manufacturers or after maintenance, and distributed.

Article 20 The traffic control department of the municipal bureau of public security shall, jointly with the municipal department of environmental protection and the municipal department of traffic administration, conduct the road inspection of the exhaust pollution of motor vehicles driven on the road.

The motor vehicles which discharge dark smoke or other clearly visible pollutants shall be inspected and penalized by the traffic control department of the municipal bureau of public security.

Article 21 The municipal department of environmental protection may entrust the units which have obtained the qualification certificates to do the annual inspection of motor vehicles with the regular inspection of the exhaust pollution of motor vehicles. The entrusted units shall meet the following conditions:

- (1) having the instruments and equipments for inspection and test which have passed regular quantitative check-up conducted by the administrative department of quality and technology supervision;
- (2) having the qualified inspection personnel who have passed the examinations of the department of environmental protection;
- (3) the other conditions stipulated by law and regulations.

Article 22 A unit engaged in the regular inspection of the exhaust pollution of

motor vehicles shall comply with the following rules:

- (1) to do inspection according to the prescribed methods and discharge standards for the inspection of the exhaust pollution, and issue objective, truthful inspection reports;
- (2) to apply to the administrative department of quality and technology supervision according to the rules for the regular check-up of the instruments, equipments used in inspection;
- (3) to build up a network with the municipal department of environmental protection for monitoring and data transmitting, and report the result of the inspection of the exhaust pollution of motor vehicles to the municipal department of environmental protection according to the rules.

Article 23 The municipal department of environmental protection shall supervise

the inspection activities of the units engaged in the inspection of the exhaust pollution of motor vehicles.

Article 24 A unit engaged in the regular inspection of the exhaust pollution of motor vehicles shall charge inspection fees according to the items and rates to charge set by the department of prices.

The related departments shall not charge any fees when conducting the road inspection, random inspection of the exhaust pollution of motor vehicles.

Chapter IV Social Supervision

Article 25 Any unit and individual shall have the right to report to the municipal department of environmental protection, the traffic control department of the municipal bureau of public security on the exhaust pollution of motor vehicles which exceeds the standards.

The municipal department of environmental protection shall join the traffic control department of the municipal bureau of public security, the municipal department of traffic administration to establish a joint system to deal with the exhaust pollution of motor vehicles which exceeds the standards. If a person making a report wants a reply on the result of reporting, the department handling the case shall reply in 15 business days from the date of receiving the report.

Article 26 The municipal department of environmental protection may engage social supervisors of environmental protection to provide assistance in supervision of the prevention and control of the exhaust pollution of motor vehicles.

Before social supervisors of environmental protection take up their posts, the municipal department of environmental protection shall provide training in law and professional knowledge of environmental protection.

Article 27 If there is a motor vehicle that is discharging clearly visible dark smoke in driving, a social supervisor of environmental protection shall report to the municipal department of environmental protection, and fill out *Report Sheet on Dark Smoke Vehicles* at the same time.

The municipal department of environmental protection shall, jointly with the traffic control department of the municipal bureau of public security or the municipal department of traffic administration, issue *Notice on the Exhaust Inspection of Motor Vehicles* to the owner or user of the motor vehicle in 7 business days after the date of receiving *Report Sheet on Dark Smoke Vehicles*.

Article 28 The owner or user of a motor vehicle shall go to a designated inspection unit for the exhaust pollution inspection in 7 business days after receiving *Notice on the Exhaust Inspection of Motor Vehicles*, and the inspection unit shall report the inspection results to the municipal department of environmental protection.

Chapter V Legal Liabilities

Article 29 In case of violation of Article 10 of these regulations by manufacturing, refitting, assembling a motor vehicle and a vehicle engine which have failed to pass the inspection of the exhaust pollution, the municipal department of environmental protection shall order correction, confiscate illegal earnings, and impose a fine of more than 10,000 but less than 30,000 RMB per vehicle or vehicle engine.

Article 30 In case of violation of Article 12 of these regulations or practicing fraud, the municipal department of traffic administration shall order correction by a deadline and impose a fine of more than 5,000 but less than 10,000 RMB.

Article 31 In case of violation of the first section of Article 13 of these regulations by failing to add cleaner to the vehicle fuel, the administrative department of quality and technology supervision shall order correction and impose a fine of 50,000 RMB; if the correction has been rejected, the department of industrial and commercial administration shall order business suspension and rectification.

In case of violation of the second section of Article 13 by selling the vehicle fuel and cleaner which do not meet the prescribed standards, the administrative department of quality and technology supervision, the department of industrial and commercial administration shall punish according to the related law, regulations.

Article 32 In case of violation of Article 14 of these regulations by failing to use clean fuel according to the related rules of the municipal government, the municipal department of traffic administration shall order correction and impose a fine of more than 10,000 but less than 50,000 RMB; if the correction has been rejected, business suspension and rectification shall be ordered.

Article 33 In violation of Article 16 of these regulations by failing to have a motor vehicle go through the compulsory maintenance for the prevention and control of the exhaust pollution, the traffic control department of the municipal bureau of public security may temporarily seize the motor vehicle, order the compulsory maintenance, and impose a fine of 2,000 RMB per motor vehicle, and the owner of the motor vehicle shall be held liable for the expense of the compulsory maintenance.

Article 34 A motor vehicle that has not obtained an appropriate environmental classification mark of motor vehicles shall not enter a restricted area under traffic control for the prevention and control of the exhaust pollution.

In case of violation of the above section, the traffic control department of the municipal bureau of public security shall impose a fine of 300 RMB on the driver of the vehicle.

Article 35 In case of violation of the first section of Article 18 of these regulations by failing to have the regular inspection of the exhaust pollution or driving on the road a motor vehicle which has failed in the regular inspection, the traffic control department of the municipal bureau of public security shall impose a fine of 1,000 RMB per motor vehicle.

In case of violation of the third section of Article 18 of these regulations by driving on the road a motor vehicle with a environmental classification mark that is transferred, loaned, altered, forged, or expires, the traffic control department of the municipal bureau of public security shall imposed a fine of 2,000 RMB per motor vehicle.

Article 36 If a motor vehicle has failed to pass the inspection of the exhaust pollution at its parking place, the municipal department of environmental protection shall order maintenance and repair by a deadline, and impose a fine of 500 RMB per motor vehicle.

If the exhaust pollution of a motor vehicle for urban public transit and passenger transport by road exceeds the standard by 10%, the municipal department of environmental protection shall, in addition to punishing according to the above section, impose a fine of more than 10,000 but less than 50,000 RMB on the operator of the route, and the municipal department of traffic administration shall temporarily seize the operation certificate of the unqualified motor vehicle.

Article 37 If a motor vehicle travels on the road with the exhaust pollution exceeding the standard, discharges the dark smoke or other clearly visible pollutants, the traffic control department of the municipal bureau of public security may temporarily seize the motor vehicle or the driving certificate, order maintenance and repair by a deadline, and impose a fine of 500 RMB per motor vehicle.

Article 38 In case of violation of Article 21 of these regulations by undertaking the regular inspection of the exhaust pollution of motor vehicles without obtaining an entrustment from the municipal department of environmental protection, the municipal department of environmental protection shall order correction, confiscate illegal earnings, and impose a fine of more than 30,000 but less than 50,000 RMB.

Article 39 In case of violation of Article 22 of these regulations or practicing fraud, the municipal department of environmental protection shall order correction by a deadline and impose a fine of more than 10,000 but less than 50,000 RMB; if the circumstances are serious, the entrustment with inspection shall be terminated.

Article 40 In case of violation of Article 28 of these regulations by failing to have the inspection of the exhaust pollution according to *Notice on the Exhaust Inspection of Motor Vehicles* after a deadline, the traffic control department of the municipal bureau of public security shall impose a fine of 500 RMB per motor vehicle.

Article 41 If the party concerned has refused to accept an administrative penalty, an application for administrative review may be filed according to law or an administrative action may be taken.

Article 42 If an administrative department and its staff members have required that the owner or user of a motor vehicle purchase their designated products for the prevention and control of the exhaust pollution, a disciplinary sanction shall be imposed on the person in charge and directly responsible staff members.

Article 43 If an administrative department has failed to execute duties according to these regulations, a disciplinary sanction shall be imposed on the directly responsible person in charge and other directly responsible persons.

Article 44 If the personnel of supervision and administration of environmental protection or the personnel of the other administrative departments have abused power, neglected duties, practiced favoritism, and engaged in irregularities, a disciplinary sanction shall be imposed according to law; if a crime has been constituted, the criminal responsibility shall be ascertained.

Chapter VI Supplementary Provisions

Article 45 These regulations shall take effect as of June 1, 2004.

Rules of the Shenzhen Special Economic Zone on the Prevention and Control of the Exhaust Pollution of Motor Vehicles promulgated by the municipal government on October 22, 1996 shall be abolished on the same date.

[关于我们](#) [版权保护](#) [隐私声明](#) [网站帮助](#) [网站导航](#)

版权所有, 未经许可不得复制或建立镜像 地址: 深圳市市民中心西五楼
邮政编码: 518032 电话: 0755-88128990 传真: 0755-88102930
电子邮件: fzb@sz.gov.cn 粤ICP备05017767号

