

立法會
Legislative Council

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(These minutes have been seen by
the Administration)

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**Subcommittee on Fixed Penalty
(Criminal Proceedings) (Amendment) (No.3) Regulation and
Resolution of the Legislative Council (L.N. 206 of 2000)
(Commencement) Notice 2000**

**Minutes of meeting
held on Friday, 3 November 2000 at 5:10 pm
in the Chamber of the Legislative Council Building**

Members Present : Hon James TIEN Pei-chun, JP (Chairman)
Hon Cyd HO Sau-lan
Hon CHAN Kwok-keung
Hon Mrs Miriam LAU Kin-yeet, JP
Hon CHOY So-yuk
Hon Andrew CHENG Kar-foo
Hon LAW Chi-kwong, JP
Dr Hon TANG Siu-tong, JP
Hon Abraham SHEK Lai-him, JP
Hon Henry WU King-cheong, BBS
Hon IP Kwok-him, JP

Members Absent : Hon LEE Cheuk-yan
Hon Bernard CHAN
Hon LEUNG Yiu-chung
Hon Emily LAU Wai-hing, JP

Public Officers Attending : Mr Thomas CHOW
Deputy Secretary for the Environment and Food

Mr Howard CHAN
Principal Assistant Secretary for the Environment
and Food

Mr TSE Chin-wan
Assistant Director for the Environmental Protection (Air)
Environmental Protection Department

Clerk in Attendance : Mrs Constance LI
Chief Assistant Secretary (2)5

Staff in Attendance : Mr Stephen LAM
Assistant Legal Adviser 4

Miss Betty MA
Senior Assistant Secretary (2)1

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I. Election of Chairman

Mr James TIEN was elected Chairman of the Subcommittee.

II. Meeting with the Administration

[LC Paper No. CB(2) 180/00-01(01)]

2. At the invitation of the Chairman, Deputy Secretary for the Environment and Food (DS(EF)) briefed members on the background for proposing to bring the new level of fixed penalty in relation to smoky vehicles from \$450 to \$1,000 into operation on 1 December 2000. DS(EF) said that in moving the resolution to increase the fixed penalty for smoky vehicles at the Legislative Council (LegCo) meeting on 31 May 2000, the Secretary for Environment and Food had stated the Administration's intention to bring the new level of fixed penalty into operation on 1 December 2000. The resolution was passed by LegCo on a majority vote. The purpose was to allow sufficient time for the vehicle maintenance trade and transport trade to improve their maintenance standards. DS(EF) further said that over the past year, the Administration had worked together with the vehicle maintenance trade to improve their maintenance standards. A Working Group on Vehicle Maintenance Services comprising representatives from the trade, government departments and professional bodies was formed in January 2000 to consider ways to improve vehicle maintenance. Seminars were jointly organized by the Environmental Protection Department (EPD) and the transport and maintenance trades to

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enhance knowledge on engine maintenance and the use of chassis dynamometer for testing smoky vehicles. A series of vehicle maintenance workshops and training courses were also organised for the trade. To promote the use of chassis dynamometer for testing smoking vehicles, EPD provided on-site instruction and demonstration in its emission testing centres from September 1999 to May 2000 on the correct ways to tune engines. EPD also allowed vehicle owners to take their vehicles to designated centres on a voluntary basis for vehicle emission check.

3. On the release of vehicle maintenance data, DS(EF) said that the Service Managers Association had released the technical data on pre-Euro diesel vehicles. The maintenance data were being sent to operators in the vehicle maintenance trade. In addition, the Vocational Training Centre (VTC) would set up an Automotive Engineering Database Centre to enable the vehicle maintenance and transport trades to have access to more detailed information on vehicle maintenance.

4. DS(EF) said that with these efforts, the standard of repairing smoky vehicles had greatly improved. In September 2000, the success rate of vehicles passing EPD's smoke emission test was 90%, as compared to 40% in September 1999.

Vehicle maintenance standard

5. Mrs Miriam LAU said that the Hong Kong Productivity Council (HKPC) had recently conducted a survey on the vehicle maintenance trade. She requested that the Administration should provide the survey findings to this Subcommittee for reference. Principal Assistant Secretary for Environment and Food (PAS(EF)) advised that HKPC had submitted the Report on Survey on Vehicle Maintenance Garages and Mechanics to the Working Group on Vehicle Maintenance Services and the latter had also released its progress report recently. He agreed to provide members with the HKPC survey report and the progress report of the Working Group on Vehicle Maintenance Services after the meeting.

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6. Mrs Miriam LAU noted from the Administration's paper [Paper No. CB(2)180/00-01(01)] that VTC was offering training courses on smoky vehicle maintenance for about 2 000 trainees a year. She enquired about the percentage of vehicle maintenance technicians who had enrolled in such courses and whether the Administration had evaluated the usefulness of these courses.

7. PAS(EF) replied that VTC could provide about 2 000 training places in a year for the inspection and maintenance of smoky diesel vehicles. Some 180 trainees had already completed such training courses. In order to attract better response from the vehicle maintenance trade, VTC would step up publicity to encourage the trade to attend these courses.

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8. Mrs Miriam LAU said that the findings of the HKPC survey revealed that about 60% of the vehicle maintenance mechanics received no formal training on vehicle maintenance. Noting that only 180 vehicle maintenance mechanics had enrolled in VTC courses, she believed that the low attendance rate was due to the absence of a mandatory registration system for vehicle maintenance mechanics. She considered that it was premature for the Administration to come to a view that the vehicle maintenance trade had acquired the necessary knowledge and skill for repairing smoky vehicles.

9. PAS(EF) said that about 1 200 local garages responded to the survey of HKPC. According to the survey findings, about 60% of the mechanics were either at Secondary 3 level or below or had no educational qualifications. However, he pointed out that over 90% of the respondents had more than 10 years experience in the field, and only 20% of the respondents said that they faced the difficulty of lacking skilled/competent technicians or there was a lack of skilled/competent craftsmen.

Release of maintenance information

10. Mr IP Kwok-him said that the majority of the operators in vehicle maintenance trade had not yet received the maintenance information on pre-Euro diesel vehicles. He also enquired whether the vehicle maintenance manuals for sale in the market were suitable for vehicles running in Hong Kong.

11. DS(EF) responded that the technical data on pre-Euro diesel vehicles had just been received from the Services Manager Association and would be mailed to some 2 000 operators of the trade from next week. VTC would also establish an Automotive Engineering Database Centre so that the vehicle maintenance and transport trades could have access to more detailed information on vehicle maintenance. In addition, a hotline enquiry service would be operated by VTC to assist the trade to solve problems encountered in vehicle repairs and maintenance. In the long run, VTC would also make available vehicle maintenance information on the Internet. He added that there were also publications in the market providing maintenance information on almost all types of vehicles in Hong Kong.

12. Mr Henry WU said that he noticed that there were still many smoky vehicles in Hong Kong. He asked whether maintenance information on all types of vehicles (such as the pre-Euro models) was readily available to the maintenance trade. He expressed concern that a vehicle licence would be cancelled if the vehicle could not pass the smoke emission test.

13. DS(EF) reiterated that all maintenance information recently released by manufacturers would shortly be mailed to the vehicle maintenance trade and that there were other measures to assist the trade as described in paragraph 11. He stressed that of the 90% of the smoky vehicles which passed the EPD smoke test, over 80% were of pre-

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Euro design. This showed that the maintenance trade had already mastered the necessary skill to repair smoky vehicles, even before the release of maintenance information. He added that some vehicles might be too old for economic repair, and the vehicle owners chose not to renew the vehicle licences which were subsequently cancelled.

14. Responding to the Chairman, Assistant Director (Air) of the Environmental Protection Department (AD/EPD) advised that of the 24 000 diesel vehicles which were required to attend the smoke emission test during the period from January to October 2000, only 1 700 vehicle licences were subsequently cancelled. He added that the vehicle licences could be re-issued after the vehicles were properly repaired and passed the emission test. He stressed that all types of vehicles could pass the smoke emission test if they were properly maintained, and that all types of vehicles were repairable unless they were very old and spare parts were no longer available in the market.

Installation of particulate traps and diesel catalysts

15. Mr IP Kwok-him noted that the Administration had only approved two models of particulate traps. He asked whether any unauthorised particulate trap installed to a vehicle would have to be removed prior to the annual inspection. He further asked whether the Administration would consider giving approval to other types of particulate traps, as some new models had proven to be more effective.

16. DS(EF) said that a vehicle owner who wished to install a new model of particulate trap on his vehicle did not need to seek approval from the Environmental Protection Department (EPD). However, such installation was subject to the roadworthiness test of the Transport Department (TD). DS(EF) explained that only two models of particulate traps had been found suitable for local diesel vehicles during a trial scheme. These two models were approved for the purpose of the Government financial assistance scheme. The purpose of restricting the financial assistance scheme to approved models of particulate traps was to ensure cost-effectiveness and prudent use of public money.

17. AD/EPD added that the Administration had invited tenders from suppliers for particulate traps when drawing up the incentive scheme for installation of particulate traps. Of the applications received, only two models were proven to be effective and suitable for the vehicles in Hong Kong. For the purpose of the financial assistance scheme, installation of a particulate trap which had not been tested would require prior approval of TD. The time required for approval would depend on whether there was sufficient information on the effectiveness of the model concerned.

18. Mr IP Kwok-him said that the transport industry had the impression that the Administration was reluctant to approve the installation of new models of particulate traps. He urged the Administration to adopt a more open-minded attitude on the matter. Mr LAW Chi-kwong shared similar views. AD(EPD) assured members that any

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suppliers currently not on the approved list were welcome to contact the Administration for arranging a test on the suitability of their particulate traps. In response to Mr IP's further enquiry, AD(EPD) clarified that it was not necessary to remove a particulate trap already installed to a vehicle for the purpose of annual inspection of the vehicle.

19. DS(EF) pointed out that over 90% of the smoky vehicles passed the emission test of EPD in September 2000, even before the introduction of the financial assistance scheme for the installation of particulate reduction device. He clarified that installation of particulate traps and diesel catalysts could reduce the emission of particulate and nitrogen dioxide but not the emission of excessive smoke as the latter was caused by improper vehicle maintenance.

Admin 20. At the request of the Chairman, DS(EF) agreed to provide information on the procedures and maximum time required for testing new models of particulate traps for approval of installation.

Use of chassis dynamometer

21. Referring to paragraph 10 of the Administration's paper, Mr LAW Chi-kwong asked whether the Administration would consider extending the voluntary smoke emission checks after the increased fixed penalty for smoky vehicles had come into operation.

22. AD/EPD responded that the voluntary scheme for vehicle owners to take their vehicles to designated centres for smoky emission check was part of the educational programme which was introduced at the industry's request. However, during the period from June to September 2000, only 55 vehicles took smoke emission checks in these designated centres. Given the low utilisation rate and the fact that Government had to pay the costs for using the facilities in these designated centres, Government considered that it was not cost-effective to continue with the programme on a long-term basis.

Enforcement against smoky vehicles

23. Mr CHAN Kwok-keung said that he was delighted to hear that over 90% of the smoky vehicles spotted passed the EPD emission test in September 2000. He was of the view that the great improvement indicated that the existing level of fixed penalty for smoky vehicles already had sufficient deterrent effect. He therefore considered that it might not be necessary to increase the level of the fixed penalty, and that Government would only need to step up enforcement against smoky vehicles.

24. Mr Andrew CHENG disagreed with Mr CHAN Kwok-keung that it was not necessary to increase the level of fixed penalty for smoky vehicles. He considered that the improved passing rate could be due to the effect of the new level of fixed penalty

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which was already passed by LegCo in May 2000. As regards Mrs Miriam LAU's proposal to defer the commencement date of the new level of fixed penalty, he said that members belonging to the Democratic Party would take a decision after listening to the industry and the Administration concerning the progress of complementary measures introduced to assist the industry in complying with the emission standards.

25. Mrs Miriam LAU pointed out that while the trial scheme of diesel catalysts for heavy vehicles had commenced since March 2000, particulate traps for heavy vehicles were not yet available in the local market. Moreover, chassis dynamometer was currently used for testing smoke emissions of light diesel vehicles but not heavy vehicles. She therefore wanted to know what measures the Administration would take to assist the industry to comply with the new emission standards. She also had reservations about the Administration's comments that the maintenance trade had already mastered the skill for repairing all types of diesel vehicles. She suggested that consideration should be given to deferring the commencement date for increasing the fixed penalty for smoky vehicles.

26. DS(EF) reiterated that when the Secretary for the Environment and Food moved the resolution on 31 May 2000 to increase the fixed penalty for smoky vehicles, she stated clearly that six months would be allowed for the vehicle maintenance trade and the transport trade to improve their maintenance standards. The resolution was passed by the Legislative Council on that basis. The Administration therefore appointed 1 December 2000 as the commencement date for the new level of fixed penalty. DS(EF) further said that using chassis dynamometer to test smoke emissions for heavy diesel vehicles would be introduced at the end of 2000 and the Administration would discuss with the industry the implementation details. However, DS(EF) pointed out that chassis dynamometer was not used for testing vehicle smoke emissions at Police checkpoints for the purpose of the fixed penalty scheme. DS(EF) stressed that the standard of engine maintenance was the key factor determining the emission performance of a vehicle, and that installation of particulate traps and diesel catalysts could not reduce smoke emissions.

27. PAS(EF) added that the vehicles found to have emitted excessive smoke by EPD spotters were required to attend the EPD smoke test within a specified period, and chassis dynamometer was used for such tests. He said that the number of heavy vehicles spotted to have excessive smokes was significantly less than other types of vehicles.

28. In response to Ms Cyd HO, DS(EF) said that franchised buses were included in the Smoky Vehicle Control Programme.

29. In view of Members' concerns, the Chairman requested the Administration to provide a breakdown for smoky heavy vehicles spotted and the number of such vehicles failing the EPD smoke emission test. DS(EF) agreed.

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LPG taxi scheme

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30. Ms Cyd HO said that some taxi owners might wish to switch to LPG taxis if their taxis were already beyond economic repair. In this connection, she asked about the supply of LPG taxis and the time required for delivery. DS(EF) responded that according to suppliers, about 700 new LPG taxis could be delivered to Hong Kong each month, depending on the volume of orders placed. The stock level could be increased in response to market demand. The delivery time normally took two to three months. The suppliers had indicated that there was adequate supply of LPG taxis to meet current demand.

31. DS(EF) further pointed out that the environmental benefit of LPG taxis was to reduce up to 90% of particulate emission and 20% to 40% of nitrogen dioxide emission. He said that using LPG could not reduce excessive smoke emission which was caused by improper vehicle maintenance.

Admin 32. At the request of Mr Andrew CHENG, DS(EF) agreed to provide information on the current supply and stock condition of LPG taxis.

III. Any other business

33. In view of the industry's concerns, the Chairman suggested and members agreed to invite representatives of the transport and vehicle maintenance industry as well as car dealers to present their views at the next meeting scheduled for 13 November 2001. Members agreed to schedule a further meeting on 17 November 2000.

(Post-meeting note : The next meeting to meet deputations was subsequently re-scheduled to 14 November 2000 at 2:15 pm.)

34. The meeting ended at 6:30 pm.

Legislative Council Secretariat
8 June 2001