

立法會
Legislative Council

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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 Tuesday, 14 November 2000 at 2:15 pm
in Conference Room A of the Legislative Council Building**

Members Present : Hon James TIEN Pei-chun, JP (Chairman)
Hon Bernard CHAN
Hon Mrs Miriam LAU Kin-ye, JP
Hon Emily LAU Wai-hing, JP
Hon Abraham SHEK Lai-him, JP
Hon Henry WU King-cheong, BBS

Members Absent : Hon Cyd HO Sau-lan
Hon LEE Cheuk-yan
Hon CHAN Kwok-keung
Hon LEUNG Yiu-chung
Hon CHOY So-yuk
Hon Andrew CHENG Kar-foo
Hon LAW Chi-kwong, JP
Dr Hon TANG Siu-tong, JP
Hon IP Kwok-him, 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)

**Attendance by
invitation**

: Mr LI Wing-sang
Chairman
Motor Transport Workers General Union

Mr LAU Shek-tat, Simon
Managing Director
Skytruck Transportation Limited

Dr HUNG Wing-tat
Monitoring Committee of the Diesel Oxidization Catalysts Trial

Mr Ringo LEE
Chairman
Hong Kong Vehicle Repair Merchants Association Ltd

Mr CHAU Cheuk-ying
Environmental Vehicle (Taxi) Representatives Association

Mr Ricky WONG
Secretary General
Hong Kong Container Tractor Owner Association Ltd.

Mr YAM Tai-ping
Chairman
The Kowloon Taxi Owners Association Ltd.

Mr Simon NG
Chairman
Lantau Taxi Association

Mr LEUNG Hung
Chairman
HK, Kln & NT Public & Maxicab Light Bus Merchants' United
Association

Mr FUNG Chuen
Chairman
Public Light Bus General Association

Mr HO Hung-fai
Secretary
Hong Kong Dumper Truck Drivers Association

Mr S H TEH
Chairman
Service Managers Association

Mr Dick CHAN
Hon. Secretary
Service Managers Association

Ir Iain Seymour-Hart
Head of Department of Automotive Engineering
Hong Kong Institute of Vocational Education
Vocational Training Council

Mr CHENG Hak-wo
Hon. Chairman
Taxi Dealers & Owners Association Ltd.

Mr NG Kwan-sing
Chairman
Taxi Dealers & Owners Association Ltd.

Mr WONG Wing-chung
Chairman
N.W. Area Taxi Drivers & Operators Association

Mr LAU Hak-kai
Chairman
Sai Kung Taxi Operators Association Ltd.

Mr YIP Yiu-leung
Director
The Hong Kong Taxi and Public Light Bus Association Ltd.

Mr LING Chi-keung
Deputy Chairman
Public Light Bus General Association

Mr LEUNG Ping-foon
Deputy Chairman
The Taxi Operators Association Ltd.

Mr LEE Chi-leung
Chairman
Rambo Taxi Owners Association Ltd.

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 Meeting with deputations

The Chairman welcomed representatives of the 12 deputations to the meeting. At the Chairman's invitation, these deputations presented their views on the commencement date of the new level of fixed penalty for smoky vehicles.

Motor Transport Workers General Union

2. The Chairman of the Motor Transport Workers General Union said that the Union had more than 32 000 members serving in the transport trade. The Union opposed the Administration's proposal that the new level of fixed penalty should take effect on 1 December 2000. The Union was of the view that the proposed increase of fixed penalty could not improve air quality in Hong Kong and would pose financial hardship to professional drivers. Since the effectiveness of the emission control measures introduced by the Administration had yet to be proved, the Union considered that the new level of fixed penalty for smoky vehicles should be deferred until all complementary measures to assist the trade in reducing vehicle emissions were fully implemented.

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Monitoring Committee of the Diesel Oxidization Catalysts Trial

3. Dr HUNG Wing-tat, representative of the Monitoring Committee of the Diesel Oxidization Catalysts Trial, informed members that the Hong Kong Polytechnic University had been appointed by the Environmental Protection Department (EPD) to conduct a trial of diesel catalysts. He said that the trial scheme commenced in early 2000 to study the feasibility of installing diesel catalysts for heavy vehicles (over 5 tons). Starting from August 2000, different types of diesel catalysts provided by suppliers had been installed in over 56 heavy vehicles. It was expected that the trial scheme would be completed in mid-2001. Dr HUNG added that during the trial period, most of the heavy vehicles installed with diesel catalysts operated smoothly. Although minor problems were detected while the vehicles were in still motion, the suppliers indicated that the problems could be resolved.

Hong Kong Vehicle Repair Merchants Association Ltd

4. The Chairman of Hong Kong Vehicle Repair Merchants Association Ltd said that the Association represented 700 to 800 small garages. He urged the Administration to seriously consider deferring the effective date of the new level of fixed penalty based on the following reasons -

- (a) The majority of the vehicle maintenance operators had yet to receive the technical data on pre-Euro diesel vehicles from the Services Manager Association. Information released by different manufacturers was inconsistent and incomplete, and technical data on Euro diesel vehicles had yet to be provided by manufacturers;
- (b) The supply of particulate traps could not meet the demand and new particulate traps would not be available until February/March 2001. It would be unfair if vehicle owners were penalized while awaiting installation of particulate traps to their vehicles; and
- (c) The emission problem of pre-Euro vehicles was caused by defects in the design, rather than the skill of the vehicle maintenance trade in repairing pre-Euro engines.

The Hong Kong Vehicle Repair Merchants Association Ltd urged that the Administration should consider introducing a mandatory registration/licensing of vehicle maintenance mechanics, and that in the long-run all car manufacturers should be required to release maintenance information.

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Environmental Vehicle (Taxi) Representatives Association Ltd

5. Representative of the Environmental Vehicle (Taxi) Representatives Association Ltd said that the Association comprised about 250 members. The Association requested Government to require all vehicle manufacturers to release vehicle maintenance information. The Association also urged Government to strengthen support for the transport trade, such as providing venues for drivers to clean the vehicular emission systems, and not to increase the fixed penalty for smoky vehicles until all complementary measures to assist the trade in reducing vehicle emissions had been put in place.

Hong Kong Container Tractor Owner Association Ltd.

6. The Secretary General of Hong Kong Container Tractor Owner Association Ltd. said that the Association represented some 400 companies involving about 10 000 container tractors. The Association objected to the proposal that the new level of fixed penalty for smoky vehicles should take effect on 1 December 2000 for the following reasons -

- (a) The trial scheme of diesel catalyts conducted by the Hong Kong Polytechnic University was not yet completed and it would take at least one year to ascertain the effectiveness of diesel catalyts;
- (b) There were fundamental defects in the emission system design in pre-Euro diesel vehicles, which could not meet the present-day emission standards. Pre-Euro heavy vehicles represented some 60% of the running heavy vehicles in Hong Kong; and
- (c) It was rather difficult, if not impossible, for the trade to master the skills required for repairing different models of vehicles. Moreover, many small and medium size vehicle maintenance operators did not possess advanced testing/repairing equipment, and chassis dynamometer for heavy vehicles was not yet available.

The Kowloon Taxi Owners Association Ltd.

7. The Chairman of the Kowloon Taxi Owners Association Ltd. said that the Association represented about 3 000 owners (25%) of taxis running in the urban areas. He said that the transport trade welcomed the various initiatives to achieve better air quality in Hong Kong but did not consider that an increase in the fixed penalty was an effective measure against excessive smoke emissions. While many taxi owners would like to switch to LPG taxis, they were restrained by the insufficient supply of LPG taxis and the quota system which was abolished only recently. Most taxi owners therefore retrofitted diesel catalyts and particulate traps to their diesel taxis as an interim measure

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for reducing smoky emissions. However, there were also problems of inadequate supply of diesel catalyts and particulate traps, as well as insufficient LPG filling stations. The transport trade therefore requested the Administration to defer the commencement date of the new level of fixed penalty.

Lantau Taxi Association

8. The Chairman of the Lantau Taxi Association said that the Association represented some 150 members. He pointed out that taxis operating in Lantau could not switch to LPG taxis because there were no LPG filling stations in Lantau. The Association hoped that the Administration could defer the effective date of the new level of fixed penalty until all complementary measures for reducing smoke emissions were fully implemented.

HK, Kln & NT Public & Maxicab Light Bus Merchants' United Association

9. The Chairman of the HK, Kln & NT Public & Maxicab Light Bus Merchants' United Association urged the Administration to defer the commencement date of the new level of fixed penalty for smoky vehicles because -

- (a) The design of emission systems of pre-Euro diesel vehicles could not be converted to meet the emission standards nowadays and such vehicles should not be imported; and
- (b) The findings of the trial scheme of LPG vans would only be available by the end of 2000; and
- (c) There was inadequate supply of particulate traps.

Public Light Bus General Association

10. The Chairman of the Public Light Bus General Association said that the Association comprised 1 085 members. He pointed out that the transport trade also wanted to improve air quality, but the complementary measures to assist the trade to reduce emissions were not yet fully implemented. Moreover, the supply of diesel catalyts and particulate traps could not meet the demand, and the trial of LPG vans was not yet completed. The Association therefore urged the Administration to defer the implementation date of the new level of fixed penalty.

Hong Kong Dumper Truck Drivers Association

11. The Chairman of the Hong Kong Dumper Truck Drivers Association pointed out that its members were worried about the implementation of the new level of fixed penalty

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for excessive smoke emissions. He said that the Administration had neglected the problems for repairing heavy vehicles, such as the lack of spare parts. Moreover, the trade had found that the use of chassis dynamometer for heavy vehicles often produced inconsistent results, and that the testing methods adopted by enforcement departments might not accurately reflect the emission conditions of the vehicles. The Association urged that the Administration should defer the effective date of the increased level of fixed penalty to allow sufficient time for the transport trade to take appropriate measures to reduce smoky emission of their vehicles.

Hong Kong Institute of Vocational Education, Vocational Training Council
[LC Paper No. CB(2) 242/00-01(02)]

12. Referring to the submission, Head of Department of Automotive Engineering, Hong Kong Institute of Vocational Education, Vocational Training Council (HKIVE/VTC) briefed members on the training courses provided by VTC for the vehicle maintenance trade -

- (a) A range of full-time, part-time and short courses were provided for mechanics and technicians at all levels and there were currently 1 300 students attending these courses. In the past five years, an average of 117 technician level students and 420 craft level students completed their courses each year. VTC would also provide Continuing Professional Development courses, and smoky vehicle spotter courses jointly with EPD as and when the need arose;
- (b) VTC would set up an Automotive Engineering Database Centre to enable vehicle maintenance and transport trades to access to a whole range of vehicle maintenance data for all types of vehicles;
- (c) Advisory and consultancy services would be provided, through a dedicated team of academic staff, to industry members on how to use the maintenance information and various testing/repairing equipment; and
- (d) VTC would arrange for experts to come to Hong Kong each year to share their experience and knowledge with local academics, VTC students and major stakeholders.

He stressed that all vehicles must be maintained properly, no matter what fuel they used. He said that the preventive maintenance programme recommended by the manufacturers should be adhered to. A properly maintained vehicle would use less fuel and have less emission problems.

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Taxi Dealers & Owners Association Ltd.

[LC Paper No. CB(2) 242/00-01(01)]

13. The Honorary Chairman of the Taxi Dealers & Owners Association Ltd. said that the Association comprised some 1 000 members. He pointed out that since there were insufficient LPG filling stations and inadequate supply of new LPG taxis to meet the demand, many diesel taxi owners could not switch to LPG taxis before 1 December 2000, i.e. the proposed commencement date of the new level of fixed penalty. The Association therefore requested deferment of the implementation of the new level of fixed penalty.

Discussion

Vehicle maintenance

14. Referring to paragraphs 5.10 and 5.15 of the Final Report on Survey on Vehicle (LPG, Petrol & Diesel) Maintenance Garages and Mechanics, Mrs Miriam LAU pointed out that only one-third of the mechanical repair workshops were equipped with vehicle emissions monitoring equipment and that about 60% of the mechanics were either at Secondary 3 level or below or had no educational qualifications. Mrs Miriam LAU sought clarification from the Head of Department of Automotive Engineering, HKIVE/VTC as to whether he considered that the conditions for proper vehicle maintenance as set out in paragraph 4 of his submission [Paper No. CB(2) 242/00-01(02)] had been satisfied in these circumstances.

15. Head of Department of Automotive Engineering, HKIVE/VTC pointed out that VTC had been providing training for vehicle maintenance mechanics for more than 20 years. In his view, the requisite conditions for proper vehicle maintenance, namely, the availability of competent mechanics/technicians, the creation of properly equipped, safe and environmentally friendly workshops, and access to the right data for all vehicles types, were not yet fully met. He would prefer to have in place a licensing system for vehicle maintenance mechanics before the implementation of the new level of fixed penalty for smoky vehicles. He pointed out that the proposal to introduce mandatory licensing/registration of mechanics was unanimously supported by the Working Group on Vehicle Maintenance Services which comprised representatives from the trade and professional bodies.

16. Responding to Mrs Miriam LAU, the Chairman of Hong Kong Vehicle Repair Merchants Association Ltd said that -

- (a) many of the smoky vehicles required to attend EPD's smoke emission test passed the test after maintenance/repair;

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- (b) while vehicle maintenance publications (including those on the pre-Euro design) were available in the market, such information was too general for one to grasp the actual technique. It was extremely difficult to repair some systems of certain models of vehicles without the necessary technical data from the manufacturers; and
- (c) the information recently released by the Services Manager Association on vehicles of pre-Euro design was incomplete. There was also no information from the manufacturers on vehicles of Euro design.

17. With regard to Mrs Miriam LAU's question of whether there was a guarantee period after repair, the deputations made the following responses -

- (a) The Chairman of Hong Kong Vehicle Repair Merchants Association Ltd said that frequent cleaning of emission systems could reduce smoke emissions. However, as far as small and medium size garage were concerned, they would not guarantee that a vehicle would not emit excessive smoke again within a specified period after repair.
- (b) The Chairman of the Service Managers Association pointed out that the authorized vehicle dealers normally provided warranty for a period of six to 12 months for their vehicle maintenance service. During the warranty period, the vehicle dealers would provide free service if problems were found after repair/maintenance. Some dealers even paid the fixed penalty tickets if the vehicle was found emitting excessive smoke again during the warranty period.
- (c) Head of Department of Automotive Engineering, HKIVE/VTC stressed that a vehicle, including its emission system, would function properly if the preventive maintenance recommended by the manufacturers was strictly adhered to.

EPD spotters

18. The Managing Director of Skytruck Transportation Limited expressed concern about the training and performance of EPD's spotters. In view of the high passing rate of the EPD smoke tests, he had doubts that some of the "smoky" vehicles spotted were in fact in good conditions and did not require repair for the sake of passing such tests.

Installation of particulate traps and diesel catalysts

19. The Chairman of the Kowloon Taxi Owners Association Ltd cited his personal experience and pointed out that although his vehicle recently passed the smoke test

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conducted by the University of Hong Kong and TVB using the chassis dynamometer, his vehicle only marginally passed the smoke test of Police checkpoints which supposedly adopted a less stringent emission standard. He said that the transport trade had great concern about the accuracy of smoke tests conducted at Police checkpoints, because failing the test would lead to the issue of fixed penalty tickets. The trade therefore urged that the increased level of fixed penalty for smoky vehicles should not be implemented until all vehicles were properly equipped with particulate traps and diesel catalysts.

II Meeting with the Administration

Commencement date of new level of fixed penalty

20. Mr Henry WU said that he was given the impression that the deputations were supportive of the need to protect our environment and they did not oppose the increased level of fixed penalty. However, he also noted that the trade expressed some difficulties such as insufficient maintenance data and equipment to maintain or repair vehicles to meet the current emission standards. As the trial schemes or studies on particulate traps and LPG taxis were not yet completed, Mr WU sought clarification from the Administration about the justifications for implementing the new level of fixed penalty on 1 December 2000.

21. Ms Emily LAU also asked whether consideration could be given to further postponing the commencement date of the new level of fixed penalty in the light of concerns expressed by deputations. She also sought clarification on the effectiveness of the current measures in reducing excessive smoke emissions from vehicles.

22. Deputy Secretary for the Environment and Food (DS(EF)) explained the circumstances under which a fixed penalty ticket would be issued to smoky vehicles. He said that the Smoky Vehicle Control Programme was implemented through two measures. A fixed penalty ticket would be issued if a vehicle was found emitting excessive smoke at the Police checkpoints on the road. In addition, the Police would refer the smoky vehicle to EPD for a smoke test. If the vehicle failed to pass the EPD smoke test within a specified period, the vehicle licence could be cancelled. Another measure was carried out by spotters trained by EPD to report smoky vehicles. The vehicles spotted were required to attend the EPD smoke test within a specified period. Failure to pass the test would result in cancellation of the vehicle licences but no fixed penalty tickets would be issued.

23. Regarding the commencement date of the new level of fixed penalty, DS(EF) said that when the Secretary for the Environment and Food moved the resolution to increase the fixed penalty in relation to smoky vehicles from \$450 to \$1,000 on 31 May 2000, she stated that the Administration proposed to bring the new level of fixed penalty into

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operation on 1 December 2000 to allow time for the vehicle maintenance trade and the transport trade to improve their maintenance standard. In addition, the Administration needed time to make corresponding amendment to Form 1 in the Schedule to the Fixed Penalty (Criminal Proceedings) Regulations on the increase in fixed penalty for smoky vehicles. The resolution was passed by the Legislative Council at the meeting on 31 May 2000. DS(EF) stressed that the Administration had not made any undertaking that the new level of fixed penalty would come into operation until the complementary measures were fully implemented.

24. DS(EF) pointed out that during the period from June to September 2000, over 90% of the smoky vehicles which attended the EPD smoke test passed the test. More than 80% of these vehicles were of the pre-Euro design. In addition, of the smoky vehicles which passed the smoke test, about 80% of these vehicles did not need to attend further smoke tests in the following six months. This showed that the maintenance trade had largely acquired the necessary skills to repair smoky vehicles, even before the release of maintenance information, and before the implementation of the financial assistance scheme for installation of particulate traps as well as the completion of the trial scheme of diesel catalyts. Despite the satisfactory passing rate for smoke tests, DS(EF) said that about 300 fixed penalty tickets were issued daily, which indicated that the problem of excessive smoke emission was still serious. To increase deterrence against smoky vehicles and to better safeguard public health, the Administration did not see any reasons that implementation of the new level of fixed penalty should be deferred.

25. Regarding the standards of smoke tests, DS(EF) said that the EPD adopted a more stringent emission standard than the Police checkpoints. He would like to have more details of the case cited by the Chairman of the Kowloon Taxi Owners Association Limited in paragraph 19 above. DS(EF) stressed that while installation of particulate traps and diesel catalyts and use of LPG could reduce emission of particulate and nitrogen dioxide, these measures could not reduce excessive smoke emission which was caused by improper vehicle maintenance.

26. On retrofitting of particulate traps to vehicles of pre-Euro design, Assistant Director/Environmental Protection Department (AD/EPD) explained that particulate traps could reduce the emission of particulate by 30% to 50%. The Administration therefore considered it cost-effective to provide subsidies to the trade to assist them to install particulate traps to vehicles of pre-Euro design, in order to have cleaner air in Hong Kong. AD/EPD added that the Administration had obtained assurance from the suppliers that that there was no problem in the continuous supply of particulate traps, and that there would be sufficient supply of diesel catalyts in the coming week to meet the demand. In response to the Chairman, DS(EF) clarified that particulate traps and diesel catalyts could not remove vehicle smoke emissions although they could help improve air quality generally.

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27. The Chairman thanked representatives of deputations and the Administration for attending the meeting. He reminded members that the next meeting would be held on 17 November 2000 at 8:30 am.

28. There being no other business, the meeting ended at 4:35 pm.

Legislative Council Secretariat

8 June 2001