

立法會 CB(2) 285/00-01(01)號文件  
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**URGENT - BY FAX ONLY**

Mrs Constance Li,  
Secretary,  
Sub-committee on the Fixed Penalty Fine,  
Legislative Council,  
8 Jackson Road,  
Central

15 November 2000

Fax: 2509 0775

Dear Mrs Li,

**Sub-Committee on the Fixed Penalty (Criminal Proceedings) (Amendment) (No. 3)  
Regulation 2000**

We understand that LegCo has decided not to hear the views of public interest groups during its deliberations on the implementation date of the Fixed Penalty Ticket (FPT) for smoky vehicles. This is regrettable in view of the tremendous public concern and interest in this issue. New members of the Legislative Council may not be aware of the several hundred public submissions received by LegCo in support of the increased smoky vehicle FPT. Civic Exchange, a non-profit public policy think-tank, therefore presents this written submission in lieu of a formal presentation. We would be grateful if you could forward this to the members of the Sub-Committee.

Hong Kong's air pollution has reached a point where immediate measures need to be taken to arrest the decline and protect public health. In 1999 the daily average Air Quality Objective for Respirable Suspended Particulates (RSP) was breached 38 times over one month at 10 monitoring stations. Air pollution has not shown any improvement since June, when LegCo passed the increase in the FPT. It is likely as the winter months draw on that we will see many more high Air Pollution Index readings. Today's API reading in Central is 98 and it is predicted it could exceed 100 tomorrow. Clearly LegCo should be taking any practicable measure to reduce air pollution as a matter of urgency.

The reasons cited by the motor vehicle trade for further delaying the introduction of the fine include lack of equipment, information and trained personnel in the maintenance trade. However, this is belied by the fact that over 90% of the vehicles called in for testing actually pass the test after repair. This clearly shows that the majority of vehicles can be properly tuned.

**Civic Exchange**

16/F, Cheung Kong Centre, 2 Queen's Road Central, Central  
Tel: 2893 0213 Fax: 2575 8430

There is no excuse for a vehicle emitting black smoke. A properly maintained vehicle using legal diesel will not emit black smoke. It is well known that Hong Kong lacks a culture of preventive maintenance. A higher penalty for smoky vehicles is the best incentive to make owners of vehicles maintain their engines better and thus comply with the law.

The other reasons given by the trade include the fact that there are insufficient LPG filling stations and that the trial of catalytic converters is still underway. These are separate initiatives undertaken to help reduce overall air pollution and were not introduced to help drivers and owners of vehicles emit less black smoke. When LegCo passed the resolution to increase the fine in June this year, it was not contingent on the completion of any other government air pollution initiative. This should not be introduced as an excuse at this late stage.

For many members of the public the fact that the fine was delayed by 6 months was already a significant concession to the trade. No further delay should be tolerated. Otherwise, LegCo risks sending a signal to the public that breaking the law is acceptable, and that public health is a lower priority than private interests.

We hope that members will not support any further delay to the implementation of the smoky vehicle fine.

Thank you.

Yours sincerely,

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Christine Loh

*Lisa Hopkinson*

Lisa Hopkinson

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