

立法會
Legislative Council

LC Paper No. CB(1) 843/07-08
(These minutes have been seen
by the Administration)

Ref : CB1/PL/EA/1

Panel on Environmental Affairs

**Minutes of special meeting
held on Wednesday, 16 January 2008, at 8:30 am
in the Chamber of the Legislative Council Building**

- Members present** : Hon Audrey EU Yuet-mee, SC, JP (Chairman)
Hon Emily LAU Wai-hing, JP (Deputy Chairman)
Hon SIN Chung-kai, SBS, JP
Hon WONG Yung-kan, SBS, JP
Hon Howard YOUNG, SBS, JP
Hon LAU Kong-wah, JP
Hon Miriam LAU Kin-ye, GBS, JP
Hon CHOY So-yuk, JP
Hon LEE Wing-tat
Hon Jeffrey LAM Kin-fung, SBS, JP
Hon Mrs Anson CHAN, GBM, JP
- Member attending** : Hon WONG Kwok-hing, MH
- Members absent** : Ir Dr Hon Raymond HO Chung-tai, SBS, S.B.St.J., JP
Hon Martin LEE Chu-ming, SC, JP
Hon CHEUNG Hok-ming, SBS, JP
- Public officers
Attending** : Mr Carlson KS CHAN
Deputy Director of Environmental Protection (3)
- Mr Benny WONG
Assistant Director of Environmental Protection (Air
Policy)
- Mr Tony LEE
Acting Senior Environmental Protection Officer (Mobile
Source Control)²
Environmental Protection Department

**Attendance by
invitation**

: Green Sense

Ms HO Ka-po
Project Manager

Urban Taxi Drivers Association Joint Committee Co Ltd

Mr KWOK Chi-piu
Chairman

Hong Kong Waste Disposal Industry Association

Mr Thomas TAM
Chairman

Hong Kong Vehicle Transportation Association

Mr KONG Chi-keung
Chairman

Clear The Air

Mr Philip HEUNG
Vice Chairman

Clean Air Action Group

Ms Yolanda NG
Convenor

Coalition of Hong Kong Newspaper and Magazine
Merchants

Mr LIU Sair-ching
Chairman

Greeners Action

Mr Angus HO
Executive Director

Taxi & Public Light Bus Concern Group

Mr LAI Ming-hung
Chairman

屯門及元朗區旅運巴士同業聯會

Mr Leo YI

Clerk in attendance : Miss Becky YU
Chief Council Secretary (1)1

Staff in attendance : Mrs Mary TANG
Senior Council Secretary (1)1

Miss Mandy POON
Legislative Assistant (1)4

Action

I. Public consultation on banning idling vehicles with running engines

The Chairman said that the meeting was held to continue discussion on the proposed ban on idling vehicles with running engines. She also reminded members that the meeting had to be ended at 10:00 am sharp to make available the venue for the Council meeting afterwards.

Meeting with Green Sense
(LC Paper No. CB(1) 519/07-08(32))

2. Ms HO Ka-po, Project Manager, said that the Green Sense supported the proposed ban in principle as there was a need to improve roadside air quality. Apart from the ban, other transport measures, such as strengthening rail transport, should also be implemented. She said that drivers should not be allowed to keep air-conditioning on for their own comfort when vehicles were idling, as vehicles should not be used for air-conditioning purpose. If taxis and public light buses (PLBs) were expected to wait at their designated stands for a considerable length of time, they should be required to switch off their engines. In the long run, the bus companies should be requested to procure buses with windows that could be opened, so that passengers could enjoy fresh air without the need to rely on air-conditioning all the time. Bus drivers could then choose to turn off air-conditioning if the weather allowed which could help achieve savings in vehicle fuels. Consideration should also be given to improving the interior design and materials of buses to help cool the temperature of bus compartments.

Meeting with Urban Taxi Drivers Association Joint Committee Co Ltd
(LC Paper No. CB(1) 594/07-08(01))

3. Mr KWOK Chi-piu, Chairman, said that the taxi trade acknowledged that there was a price to pay for environmental protection and had participated in the switch to liquefied petroleum gas (LPG) taxis where the Government had subsidized \$700 million and the rest of the \$400 million being borne by the trade. However, the proposed ban was too much of a price to be paid by the taxi trade because it would cause an immense impact on their operation. Given the hot summer in Hong Kong, taxi drivers would have to endure extremely high temperatures if they were not allowed to switch on their air-conditioning while vehicles were idling. The frequent switching off and restarting of engines and air-conditioning would likely have impact on the health of drivers, making them more prone to breathing diseases. He said that the Government should establish a compensatory fund to provide financial assistance to taxi drivers who suffered from health problems arising from the ban.

Meeting with Hong Kong Waste Disposal Industry Association
(LC Paper No. CB(1) 319/07-08(02))

4. Mr Thomas TAM, Chairman, said that while the Association all along supported measures to protect the environment, it did have some reservations on the proposed ban because there were certain types of vehicles which were required to run their engines for ancillary purposes. To prevent intractable enforcement problems, there should be clear guidelines on the implementation of the ban and the exemptions to be granted. He said that the transport trades would not keep their engines running while vehicles were idling because this would incur more fuel and hence higher operating cost.

Meeting with H.K. Vehicle Transportation Association
(LC Paper No. CB(1) 519/07-08(29))

5. Mr KONG Chi-keung, Chairman, said that while the Association supported the Blue Skies Campaign, it was concerned that the proposed ban did not have the consensus of drivers. There was also a lack of clear guidelines on the types of vehicles to be exempted. The Administration should understand the operation of the transport trades before introducing the legislative proposal. The enforcement officers should also familiarize with the different types of engines as some of which required idling time for switching on and off. He further pointed out that public education on the need to protect the environment was more desirable than the imposition of the ban.

Meeting with Clear The Air

6. Mr Philip HEUNG, Vice Chairman, said that Clear The Air fully supported the territory-wide implementation of the proposed ban. He wished to express concerns about the poor roadside air quality on behalf of those who were exposed to roadside pollution. A recent study conducted by Clear The Air at Sai Yeung Choi Street revealed that the roadside air quality was 77% worse than that in the middle of the road. The study also indicated that those who were working on the streets, such as newspaper vendors and delivery workers, were prone to breathing diseases and allergy. The poor air quality would have significant impact on public health, increase health cost, reduce production and affect the economy of Hong Kong.

Meeting with Clean Air Action Group
(LC Paper No. CB(1) 594/07-08(02))

7. Ms Yolanda NG, Convenor, said that Clean Air Action Group had been promoting clean driving practices and the control on idling engines and no driving day were some of its initiatives. In its study on roadside air quality, it was found that streets parked with vehicles with running engines could raise the ambient temperatures by as much as 3°C, and that those who worked on the streets were more prone to sore throats, cough, and head aches. Requests for drivers to switch off their engines while their vehicles were idling were often met with disapproval because the drivers had to keep their air-conditioning running for the comfort of passengers. Therefore, there was a need to introduce legislation to ban idling vehicles with running engines.

However, exemptions should be provided for certain types of vehicles with operating needs, such as emergency vehicles and vehicles with on board auxiliary engines etc. Vehicles in moving queues as well as the first two taxis and PLBs at their designated stands should likewise be exempted. Consideration should also be given to providing exemptions for vehicles used for carrying elderlies and the handicapped. More efforts should be made to provide for cleaner and more efficient transport, such as installation of emission reduction devices for vehicles and the use of more environment friendly vehicles.

Meeting with Coalition of Hong Kong Newspaper and Magazine Merchants

8. Mr LIU Sair-ching, Chairman, said that the Coalition of Hong Kong Newspaper and Magazine Merchants supported the proposed ban as newspaper vendors were exposed to roadside pollution arising from idling vehicles with running engines. However, the Coalition would accept the need for exemptions for certain types of vehicles.

Meeting with Greeners Action

(LC Paper No. CB(1) 594/07-08(03))

9. Mr Angus HO, Executive Director, said that Greeners Action was supportive of the proposed ban which was an important step to tackle the air pollution problem. Apart from the proposed ban which should be implemented territory-wide, the Administration should take further steps to improve the situation, including the implementation of electronic road pricing system which would effectively reduce traffic congestion. Bus companies should consider procuring buses with windows which could be opened to allow for fresh air, thereby reducing the reliance on air-conditioning and energy consumption. Effort should also be made to promote the use of bicycles as a means of transport.

Meeting with Taxi & PLB Concern Group

(LC Paper No. CB(1) 535/07-08(09))

10. Mr LAI Ming-hung, Chairman, said that while the Concern Group supported measures to improve the environment, these measures should not affect the survival of the trades. He hoped that environmental groups would appreciate the difficulties faced by the transport trades in complying with the ban. The proposed exemption for the first two PLBs at the PLB stands could only be applicable to green minibuses and not red minibuses. This was because red minibuses did not have their own designated stands and there might be several red minibuses of different routes waiting at the same stand at the same time. It would be difficult to tell which were the first two minibuses where the exemption applied. As such, the Concern Group would urge for exempting red minibuses from the ban. The Administration should also take into account difficulty in enforcing the ban when there were the long queues of taxis waiting at taxi stands at airport and ferry piers, where the waiting times would vary depending on the availability of passengers.

Meeting with 屯門及元朗區旅運巴士同業聯會

LC Paper No. CB(1) 519/07-08(16) and 554/07-08(02)

11. Mr Leo YI hoped that the operational needs of the public transport system should be taken into account in implementing the ban. By way of illustration, bus drivers had to turn on the air-conditioning for a longer time in order to reach an optimum temperature for the comfort of passengers in view of the size of buses. The problem associated with fixed windows should also need to be addressed. He would suggest that a trial study should be conducted before considering implementation of the ban.

12. The Chairman also drew members' attention to the following submissions from deputations not attending the meeting –

LC Paper No. CB(1) 519/07-08(05) — Submission from Non-franchised Public Buses Workers Association

LC Paper No. CB(1) 594/07-08(04) — Submission from Hongkong International Terminals Ltd

LC Paper No. CB(1) 594/07-08(05) — Submission from Ir Iain Seymour HART

LC Paper No. CB(1) 594/07-08(06) — Submission from New Lantau Bus Co. (1973) Ltd

LC Paper No. CB(1) 594/07-08(07) — Submission from Hong Kong Environment Industry Association

Meeting with the Administration

(LC Paper No. CB(1) 594/07-08(08) — Administration's response to members' concerns raised at the meeting on 8 January 2008

Ref: EP150/V6/2 — The Legislative Council Brief

LC Paper No. CB(1) 283/07-08(03) — Administration's paper on public consultation on banning idling vehicles with running engines

LC Paper No. CB(1) 283/07-08(04) — Paper on control of idling engines prepared by the Legislative Council Secretariat (Background brief)

LC Paper No. CB(1) 519/07-08(34) — Administration's response to members' concerns raised at the meeting on 26 November 2007

LC Paper No. CB(1) 519/07-08(35) — Hon Miriam LAU's letter dated 4 December 2007 to the Administration

LC Paper No. CB(1) 519/07-08(36) — Administration's response to LC Paper No. CB(1) 519/07-08(35))

13. The Deputy Director of Environmental Protection (3) (DDEP(3)) noted that the main concern of the taxi trade was the problem of wear and tear of engines associated with the need to switch off and restart engines more frequently in order to comply with the ban. There was also concern about the health impact on drivers if

they had to switch on and off their air-conditioning frequently. To address their concerns, the Administration had proposed to exempt vehicles which stopped at the roadside for active boarding or alighting as well as the first two taxis/PLBs at their designated stands, the latter had undergone consultation with the trades and had their support. Taxi/PLB drivers would be required to switch off their engines if they had to wait for a considerable length of time at the stands. As regards concern that certain types of vehicles, particularly those with turbo engines, would require a longer idling time before the engines could be switched on and off, he said that the Administration would liaise with the relevant vehicle importers on the performance of these vehicles. It would also make reference to the practices in the United Kingdom and Japan on the imposition of the ban on these vehicles. Clear guidelines on the implementation and enforcement of the ban would be worked out.

14. Given that the public consultation exercise on the proposed ban would not expire until the end of March 2008, Ms Emily LAU opined that there was ample time for further exchanges between the affected trades and the Administration with a view to achieving a balance between the interests of the public and the trades, as in the case of the smoking ban which was initially met with strong opposition from the affected trades but was well received by the public after implementation. There was also a need for change in driving practices and for passengers to accept that engines should be switched off while idling. Referring to the consultation document, Ms LAU noted with concern that the focus of consultation seemed to have put on vehicle owners/drivers, but not those who were exposed to roadside air pollution. She said that the health impact of emissions from idling engines on street workers, such as newspaper vendors and delivery workers, would need to be looked into. The Administration was requested to make available all the relevant information before consideration could be given to implementing the ban. In response, DDEP(3) said that the Administration had been actively exchanging views with affected trades. It had also written to the vehicle manufacturers enquiring about the performance of vehicles which required idling time for switching on and off their engines. The Acting Senior Environmental Protection Officer, (Mobile Source Control)2 (Atg SEPO(MSC)2) added that the Administration would revert to the Panel upon receipt of the reply from the manufactures.

15. Mr Jeffrey LAM noted with concern the taxi trade's strong opposition to the proposed ban. Contrary to what was set out in the Administration's paper that restarting of vehicles would have little impact on engine components, the taxi trade was worried about the problem of wear and tear associated with the frequent switching off and restarting of engines in order to comply with the ban. Besides, taxis queuing at taxi stands would not turn on their engines if a long wait was expected. Noting from the advice of the Office of Energy Efficiency of the Natural Resources Canada that "ten seconds of idling can use more fuel than turning off the engine and restarting it", Mr LAM opined that this might not be true with the aging of vehicles. To facilitate better understanding, more information on the performance of old and new vehicles should be provided for members' reference. He also enquired if the Administration was prepared to perform tests on vehicles to ascertain the impact of frequent switching off and restarting on engines.

16. In response, DDEP(3) said that the control on idling vehicles with running engines had been discussed in 2000/2001. As there were different views on the control, the Administration had formulated some guidelines on the voluntary control of idling engines for reference by the transport trades. These included, among others, that apart from the first two taxis and PLBs in their designated stands, the third and others waiting in line should switch off their idling engines. With the growing concern about air quality and the increased number of complaints against idling engines, there was a need to conduct further public consultation on the proposed introduction of a statutory ban on idling engines. Atg SEPO(MSC)2 added that the figure of the Office of Energy Efficiency of the Natural Resources Canada on the fuel consumption of idling engines had been quoted as reference by many sources, albeit it did not indicate the age of the tested vehicles. Through the Chair, Mr LAI Ming-hung/Taxi & PLB Concern Group pointed out that the study might not be of relevance to taxis as they were running on LPG and not diesel. Atg SEPO(MSC)2 said that the results should in general apply to different types of vehicle engines.

17. Ms Miriam LAU noted that anti-idling legislation was implemented in overseas countries, such as Singapore, Canada and United Kingdom. However, in Singapore, no one had been prosecuted for violation since the anti-idling legislation was passed in 1999. Instead, the Singaporean Government had been taking an educational approach, coupled with the issue of advisories and warning letters, to encourage drivers to switch off the engines of their vehicles while waiting. In the United Kingdom, warnings would be given to drivers before enforcement actions were taken against idling engines. As the public transport system and the types of vehicles used in these countries were quite similar to those in Hong Kong, the Administration should provide the relevant overseas experience in implementing anti-idling legislation. It might also be worthwhile to organize an overseas duty visit to some of the countries with anti-idling legislation. The Chairman requested and the Administration undertook to provide the experience of Singapore, Canada and United Kingdom in the implementation of anti-idling legislation and the enforcement details.

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18. Referring to the Canadian experience in implementing the ban on idling engines, Ms Miriam LAU noted that the Canadian Government had provided a number of exemptions, such as when the ambient temperature inside a vehicle was more than 27°C, when idling was required to repair the vehicle or to prepare a vehicle for service, and turbo engines which required idling time for switching on and off. However, these exemptions were not included in the Administration's consultation document. She enquired about the rationale for the selective inclusion of exemptions in the consultation document. She emphasized the need for the Administration to take into account the transport trades' concerns on the impact of the proposed ban on their operation and to address these concerns as far as possible. She further pointed out that taxi drivers queuing at taxi stands would switch off their engines if a considerable length of waiting time was anticipated. However, there were difficulties for taxi drivers to comply with the ban due to the uncertainty associated with the availability of passengers. Given the high cost of fuels, drivers would only switch on their engines when needed as the fuel cost had to be paid out

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of their own pockets. As regards the problem of red minibuses, Ms LAU said that this had yet to be resolved since they did not have their own designated stands. The situation where several red minibuses of different routes awaiting passengers at the same stand would make it difficult to identify which were the first two minibuses to which the exemption applied. There was also the concern about the compliance of vehicles which were required to run their engines for some ancillary purposes. The problem of fixed window in buses as well as the lack of proper parking spaces for tourist buses would also need to be addressed. It would be difficult for the trades to comply with the proposed ban before these problems were resolved. The Administration was requested to provide a written response to address her concerns.

19. Miss CHOY So-yuk said that the concerns raised by the transport trades were justified. She urged the Administration and the trades to work together with a view to arriving at a mutually acceptable solution. In this connection, the Administration was requested to provide an undertaking that it would meet with the affected trades within the next two weeks. DDEP(3) said that the Administration had held around 10 meetings with the trades to discuss the proposed ban. It would continue to work closely with the trades and had planned to conduct site visits to the taxi and PLB stands. It would also listen to the views of District Councils. Ms Miriam LAU stressed the need for the Administration to address the concerns of the transport trades.

20. Mr SIN Chung-kai held the view that the wider the scope of exemptions, the less effective the control would be. With the increasing concern over the effects of global warming, everyone should endeavour to reduce emissions. While appreciating the operating difficulties of the transport trades in complying with the proposed ban, he considered it necessary to educate the passengers on the need for a proper compromise between their own comfort and improvements to the environment. As with the smoking ban, the proposed ban on idling engines might encounter opposition at first, but the public would appreciate the improvements to air quality which the ban would bring. He sought the trades' views in this respect.

21. Mr LAI Ming-hung/Taxi & PLB Concern Group said that taxis would lose their competitiveness to other modes of transport if drivers were to turn off their air-conditioning. The livelihood of taxi drivers would be adversely affected. Mr Leo YI/屯門及元朗區旅運巴士同業聯會 said that the hot weather in summer and the relatively short distances between tourist spots in Hong Kong made it virtually not possible for tourist buses to switch on and off the air-conditioning. To circumvent the proposed ban, bus drivers might have no choice but to circulate on the road instead of switching off their engines. Mr KWOK Chi-piu/Urban Taxi Drivers Association Joint Committee Co Ltd drew members' attention to a recent study on the temperatures inside taxis during the summer. It was found that the inside temperature was 22°C when the air-conditioning was on and 41°C when the air-conditioning was off for five minutes. It would be unbearable for both drivers and passengers if the air-conditioning had to be turned off in the summer. He opined that the ban should not be imposed at the expense of drivers and passengers.

22. Mr WONG Kwok-hing said that the Administration should use a practical, scientific and people-oriented approach in implementing the ban. It should take into account the concerns and operational difficulties of the affected trades. He urged the Administration to work out with the trades the needed exemptions and to conduct tests on the impact of the ban on the performance of vehicles. Mr KWOK Chi-piu/Urban Taxi Drivers Association Joint Committee Co Ltd said that the Administration's proposal of exempting only the first two taxis and PLBs at the designated stands had not been accepted by the transport trades when this was raised during the consultation in 2000/2001. The transport trades did not raise objection then because it was their understanding that the control would be voluntary and no enforcement would be taken. Besides, the proposal was in line with the statutory requirement for the drivers of the first two taxis and PLBs to sit in or stand beside their vehicles. Mr LAI Ming-hung/Taxi & PLB Concern Group said that Government officials should pay a site visit to the taxi stands and experience for themselves what it was like to turn off the air-conditioning of taxis during the summer. He said that the ban would be a further blow to the taxi trade which was already experiencing difficulties in operation. Mr KWOK Chi-piu/Urban Taxi Drivers Association Joint Committee Co Ltd said that the Environmental Protection Department had declined to pay site visits to the taxi stands. Mr Thomas TAM/Hong Kong Waste Disposal Industry Association said that there was a need to ensure the practicability of enforcement as otherwise it would be pointless to pass the legislation.

23. Ms Yolanda NG/Clean Air Action Group said that she would welcome further exchanges between the Administration and the trades to resolve their differences. Clean Air Action Group would support the development of clean driving practices, not only for the transport trades, but for all drivers. However, without a statutory ban, it would be difficult to require drivers to switch off their idling engines. She also said that there was a need for buildings in Hong Kong to adopt more environment friendly features. Mr Philip HEUNG/Clear The Air pointed out that unlike Singapore where there were many sheltered carparks, there were not enough parking spaces or shaded areas where drivers could park their vehicles for a short while. The problems associated with the implementation of the ban could be partly resolved if more parking spaces were provided. Mr Angus HO/Greeners Action said that the problem of fixed windows of buses raised by a number of trade representatives should be looked into.

24. Miss CHOY So-yuk opined that apart from the proposed ban on idling engines, there were other more effective measures to improve air quality. She enquired about the progress of these measures. DDEP(3) said that the Panel would discuss the progress of measures to improve air quality and Government efforts in addressing climate change at the next meeting scheduled for 28 January 2008. Some of these measures would include the introduction of emission caps on power generation, provision of duty concessions for Euro V diesel and mandatory use of ultra low sulphur diesel in industrial and commercial processes. Miss CHOY further asked if the Administration would re-consider the electronic road pricing system and other transport measures to reduce traffic congestion. DDEP(3) said that these would have to be worked out with the Transport and Housing Bureau.

25. Ms Emily LAU enquired about the way forward. DDEP(3) said that the Administration would consult the District Councils and collect views during the consultation period which would end on 31 March 2008. A report was expected to be ready for discussion by the Panel in May 2008. Subject to members' support, the Administration would proceed with the formulation of enforcement procedures and drafting of the legislation for introduction in 2009. The Chairman requested the Administration to report to the Panel as early as possible. Meanwhile, the Secretariat was requested to prepare a summary of views expressed at the last meeting on 8 January and the current meeting for the Administration's response.

II. Any other business

26. There being no other business, the meeting ended at 9:55 am.

Council Business Division 1
Legislative Council Secretariat
22 February 2008