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EP150/V6/2

**Environmental Protection Department
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19 May 2008

LegCo Secretariat
LegCo Panel on Environmental Affairs
3/F, Citibank Tower
Garden Road, Hong Kong
(Attn: Ms Mandy POON)

Dear Ms POON,

**Public Consultation on Banning Idling Vehicles with Running Engines
Follow-up Response to Panel Meeting on 16 January 2008**

At the Panel on Environmental Affairs meeting on 16 January 2008,
the Administration was asked to provide -

- (a) the experience of Singapore, Canada and the United Kingdom in the implementation of anti-idling legislation and the enforcement details; and
- (b) a written response to address members' concerns, namely,

why exemption is not provided for the following -

- *high temperature (27 °C);*
- *vehicles being serviced or repaired;*
- *vehicles equipped with turbo-chargers; and*

operators of the following transport trades may have difficulty complying with the ban -

- *vehicles required to run their engines for ancillary purposes;*
- *taxi drivers (uncertainty in predicting when passengers will come);*
- *red minibuses (different routes awaiting passengers at the same stand); and*
- *tourist coaches (sealed windows and inadequate parking spaces).*

2. We provide our response in the **Information Notes A and B** attached.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Tee', with a large, sweeping initial 'T'.

(Tony Y T Lee)
for Director of Environmental Protection

encl.

**Experience of Singapore, Canada and the United Kingdom in
Implementation of Anti-idling legislation and Enforcement Details**

The ban on idling vehicles has been in place for several years in Singapore, a number of municipalities in Canada and the United Kingdom. The following gives an account of the ban and the enforcement details.

Singapore

2. The ban has been in place since 1999. The legislation is at **Annex A**.

3. The officers of the Pollution Control Department enforce the regulation during their regular patrol and in response to complaints. If non-compliance is found, the enforcement officer will issue a warning letter to the driver on site and advise him to switch off his idling engine. Offenders are liable to a fine not exceeding SGD\$2,000 (about HK\$11,400) and SGD\$5,000 (about HK\$28,500) for the first and subsequent conviction respectively. The enforcement officer would only take enforcement action against drivers who ignore their advice repeatedly. As a result, no one has been prosecuted for violating the regulation up to early December 2007 although the legislation provides only very few exemptions.

Canada

4. The ban has been in place in 28 municipalities up to 2005. While the municipalities have their own pieces of legislation, they are in general quite similar. We have examined the ban in Toronto, which was the first municipality introducing the ban in Canada.

5. The anti-idling by-law of Toronto is at **Annex B**. The by-law is enforced by enforcement officers in response to complaints and in enforcement

blitzes¹. Similar to Singapore, enforcement officers will first issue warning. If warning is not successful, the officer can issue a ticket providing for a fine of CAD\$130 (about HK\$1,015). The by-law provides for a fine of up to a maximum of CAD\$5,000 (about HK\$38,900) for multiple offenders. Between 2006 and 2007, the enforcement officers issued 1838 warnings, 99 tickets and 1 summons against idling vehicles.

The United Kingdom

6. The ban has been in place since 1988. The power to enforce the ban was delegated to all English local authorities in 2002. The anti-idling legislation is at **Annex C**. Local authorities would train and authorize their officers, mostly traffic wardens to carry out the enforcement activity.

7. The legislation does not provide much exemption but enforcement officers are provided with internal guidelines for exercising discretion in the enforcement. Fixed penalty notice of £20 (about HK\$300) would be issued to drivers who idle their vehicles unnecessarily. So far, there is no report of fixed penalty ticket being issued.

Environmental Protection Department
May 2008

¹ Enforcement blitzes are usually week-long or week-end long actions, usually advertised heavily in advance. The City plans a blitz twice a year, one week in the Spring and one week in the Fall which is focused on educating the public.

Anti-idling Legislation of Singapore

ENVIRONMENTAL PROTECTION AND MANAGEMENT ACT

(CHAPTER 94A, SECTIONS 12 (5) AND 77)

ENVIRONMENTAL PROTECTION AND MANAGEMENT (VEHICULAR EMISSIONS) REGULATIONS

Part V

Stationary motor vehicles

Regulation 21

- (1) Subject to paragraph (2), the driver of every motor vehicle shall, when the vehicle is stationary for reasons other than traffic conditions, stop the engine of or other machinery attached to or forming part of the vehicle.

- (2) Nothing in paragraph (1) shall apply to the examination or working of the machinery attached to or forming part of a motor vehicle where any such examination or working is rendered necessary by any failure or derangement of the machinery or where the machinery is required to be worked for some ancillary purpose.

- (3) Any person who fails to comply with paragraph (1) shall be guilty of an offence.

(Source : http://www.nea.gov.sg/cms/ld/legislation/EPMA_Reg_6.pdf)

Anti-idling Legislation of Toronto

BY-LAW No. 673-1998 To Prohibit Excessive Idling of Vehicles and Boats.

Section 2

- (1) No person shall cause or permit a vehicle or boat to idle for more than three (3) minutes in a sixty-minute period.
- (2) Subsection A does not apply to:
 - (a) Police, fire or ambulance vehicles or boats while engaged in operational activities, including training activities, except where idling is substantially for the convenience of the operator of the vehicle or boat.
 - (b) Vehicles and boats assisting in an emergency activity.
 - (c) Ferry boats operated by the City of Toronto or the Toronto Harbour Commissioners providing service to the Toronto Islands, including the Toronto Island Airport.
 - (d) Boats not at anchor or tied to a dock.
 - (e) Mobile workshops while they are in the course of being used for their basic function.
 - (f) Vehicles or boats where idling is required to repair the vehicle or boat or to prepare a vehicle or boat for service.
 - (g) Armoured vehicles where a person remains inside the vehicle while guarding the contents of the vehicle or while the vehicle is being loaded or unloaded.
 - (h) Vehicles or boats required to remain motionless because of an emergency, traffic, weather conditions or mechanical difficulties over which the driver has no control.
 - (i) Vehicles or boats engaged in a parade or race or any other event authorized by Council.
 - (j) Transit vehicles while passengers are embarking or disembarking en route or in terminals.
 - (k) Transit vehicles while at a layover or stopover location except where idling is substantially for the convenience of the operator of the vehicle.
 - (l) Vehicles transporting a person where a medical doctor certifies in writing that for medical reasons a person in a vehicle requires that temperature or humidity be maintained within a certain range.
 - (m) Vehicles or boats when the ambient temperature inside a vehicle or boat is:
 - (i) More than twenty-seven degrees Celsius (27°C.); or
 - (ii) Less than five degrees Celsius (5°C.).

(Source : <http://www.toronto.ca/legdocs/bylaws/1998/law0673.htm>)

Anti-idling Legislation of the United Kingdom

The Road Vehicles (Construction and Use) Regulations 1986

Regulation 98

- (1) Save as provided in paragraph (2), the driver of a vehicle shall, when the vehicle is stationary, stop the action of any machinery attached to or forming part of the vehicle so far as may be necessary for the prevention of noise.
- (2) The provisions of paragraph (1) do not apply –
 - (a) when the vehicle is stationary owing to the necessities of traffic;
 - (b) so as to prevent the examination or working of the machinery where the examinations necessitated by any failure or derangement of the machinery or where the machinery is required to be worked for a purpose other than driving the vehicle; or
 - (c) in respect of a vehicle propelled by gas produced in plant carried on the vehicle, to such plant.

(Source: The Road Vehicles (Construction and Use) Regulations 1986, London: HMSO)

The Road Traffic (Vehicle Emissions) (Fixed Penalty) (England) Regulations 2002

PART 6 STOPPING OF ENGINES

Stopping of engine when vehicle stationary

Regulation 12

- (1) An authorised person who has reasonable cause to believe that the driver of a vehicle that is stationary on a road is committing a stationary idling offence may, upon production of evidence of his authorisation, require him to stop the running of the engine of that vehicle.
- (2) A person who fails to comply with a requirement under paragraph (1) shall be guilty of an offence and be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Issue of fixed penalty notice: stationary idling offence

Regulation 13

An authorised person who considers that a stationary idling offence has been committed may, in accordance with Part 7, issue a fixed penalty notice to the driver of the vehicle.

Furnishing of information for the purposes of Part 6

Regulation 14

- (1) In connection with the discharge of his functions under this Part, an authorised person may require the driver of a vehicle in respect of which a requirement under regulation 12(1) is imposed to disclose to him –
- (a) his name and address;
 - (b) his date of birth; and
 - (c) if he is not the person in whose name the vehicle is registered under the Vehicle Excise and Registration Act 1994[8] at the time that the requirement is imposed, the name of that person.
- (2) A person who fails to comply with a requirement to furnish information under paragraph (1) shall be guilty of an offence and be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(Source: <http://www.opsi.gov.uk/>)

Written Response to Address Members' Concerns

Rationale behind the Exemption Proposals

Temperature Exemption

Granting exemption from an idling vehicle ban when certain ambient temperature is exceeded is not universal. In Canada, some municipalities (such as Toronto) exempt vehicles from idling control when the ambient temperature exceeded 27 while some, like Greater Vancouver Regional District and City of Guelph, do not. Singapore, though hotter and more humid than Hong Kong, does not provide temperature exemption. The United Kingdom (UK) has no temperature exemption either.

2. We do not propose to introduce exemption based on temperature because it will allow drivers to operate air conditioners for comfort with the pedestrians and shops nearby suffering both the ambient heat and the exhaust heat of the vehicles, let alone the nuisance from the exhaust emissions. Furthermore, allowing vehicles to idle in Hong Kong when the ambient temperature exceeds 27 will virtually nullify the ban throughout a large part of the year.

Vehicles being serviced or repaired

3. The anti-idling by-law of Toronto specifies that vehicles can idle when being serviced or repaired. Our proposal does not specify the same because vehicles should be repaired inside garages instead of on the road, and our proposal is intended for prohibiting motorists from idling their vehicles when waiting.

Vehicles equipped with turbochargers

4. We understand that the control framework being implemented in Canada, the UK, Japan and Singapore does not provide for exemption for vehicles equipped with turbochargers. Among these countries, the Canadian municipalities have put in place grace period arrangement. Nevertheless,

when working out the final proposal, we will give due consideration to the practical need of such vehicles and advice from vehicle manufacturers.

Transport Trades Having Difficulty in Compliance

Vehicles required to run their engines for ancillary purposes

5. The exemptions in the proposal have already made provision for idling vehicles to run their engines for ancillary purposes other than providing air-conditioning for the comfort of drivers or passengers.

Taxi Drivers

6. The unpredictable arrival pattern of passengers to a taxi stand has already been taken into account in the proposal. To avoid taxis queuing at taxi stands to restart frequently, causing much inconvenience to their operation and possibly pre-mature failure of batteries, we have proposed in the consultation document to exempt the first two taxis at a taxi stand and all the taxis in a moving queue at a stand. When working out the final proposal, we will carefully consider the views collected from the taxi trade and others in the consultation

Red minibuses (RMBs)

7. As for RMB operators having difficulty complying with the ban at RMB stands, which are often shared by more than one route, we have noted the suggestion of some operators to exempt the first two RMBs for each route at red PLB stands.

8. According to the Transport Department, RMBs stands are designed for use by red PLB vehicles going to different destinations without "specified routes". As there are no "specified routes" for RMB service, there would be practical difficulty in exempting the first two RMBs for "each route". Nevertheless, we are looking into the issue and will take into account all the views when finalising the arrangement.

Tourist Coaches

9. Regarding the concern of tourist coach operators that tourist coaches with sealed windows will have problem complying with the ban, some respondents to the consultation suggested that this potential problem could be overcome by allowing boarding only when all passengers are ready. Despite these conflicting opinions, we will consider carefully all the views collected and assess all options from the perspective of genuine operation requirement and the effectiveness of the ban before finalising the arrangement.

Environmental Protection Department
May 2008