

**For discussion on
26 May 2008**

**LEGISLATIVE COUNCIL
PANEL ON ENVIRONMENTAL AFFAIRS**

Banning Idling Vehicles with Running Engines

PURPOSE

The public consultation on a proposal to ban idling vehicles with running engines ("idling vehicles") ended on 31 March 2008. This paper informs Members of the consultation findings and highlights issues being considered in the course of finalising the proposal.

BACKGROUND

2. The Environmental Protection Department (EPD) launched on 2 November 2007 a public consultation on a proposal to ban idling vehicles. During the consultation period, consultation documents and questionnaires were widely distributed, and the general public was encouraged to express their views through various channels. Apart from conducting telephone surveys and inviting discussion at Public Affairs Forum, EPD also conducted 44 meetings with stakeholders, including this Panel, the Advisory Council on the Environment, all the 18 District Councils (DCs), transport trades, green groups, professional bodies, and other relevant parties to gauge their views. The consultation ended on 31 March 2008.

FINDINGS OF CONSULTATION

General Response

3. The community has actively put forth their views. We have altogether received 263 written submission and 1349 returns of questionnaires.

In general, the feedback has revealed a broad-based support from the community on the proposed ban on idling vehicles. Detailed findings of the public consultation are at **Annex**.

4. The key findings of the questionnaire returns are as follows-

	Agree	Disagree	Not indicated or other comments
A statutory ban to require switching off the engines of idling vehicles should be introduced in principle	77%	23%	<1%
The ban should cover petrol and LPG vehicles in addition to diesel ones	75%	23%	2%
The ban should be made territory-wide	73 %	23%	4%
Allowing no grace period for drivers to leave their engines idle for a while after stopping	52 %	42%	6%
Making the violation a contravention (a minor infraction), with a fixed penalty of \$320 as the only punishment	73%	24%	3%

	Throughout the year	Waived during summer	Other comments	Not indicated
The ban should be effective throughout the year or waived during summer	56%	25%	13%	6%

Number of questionnaires = 1349

Feedback of District Councils (DCs) and NT Heung Yee Kuk

5. All the 18 DCs supported the proposed ban. The DCs also requested the Government to consider transport trades' operational requirements, provide suitable exemptions on a need basis, and carefully plan the enforcement logistics when drawing up the control scheme. Similarly, the NT Heung Yee Kuk supported the proposal. Members suggested offering more exemption in the rural areas, where the congestion and air pollution problems are less serious.

Feedback of Transport Trades, Vehicles Suppliers, and Vehicle Maintenance Trades

6. The transport trades in general did not object to the proposed ban. However, many operators, notably operators of non-franchised buses (such as tourist coaches), taxis and public light buses, asked for further exemptions to cater for their operational needs. Vehicles suppliers, represented by Hong Kong Motor Traders Association and the Right Hand Drive Association, supported the proposed idling ban. A supplier of hybrid vehicles asked for full exemption for hybrid vehicles. As regards vehicles maintenance trades, while they supported the proposed ban in principle, they have emphasised that very frequent restarting of engines might cause pre-mature damage to the batteries.

Feedback of Green Groups

7. The green groups supported the proposed ban but have advised the Administration to take into account transport trades' operational requirements when drawing up the control scheme. Some of them stressed that too much exemption would nullify the effect of the ban and demanded a more stringent control.

Feedback of Travel Organisation

8. The Travel Industry Council of Hong Kong was concerned that as most tourist buses were installed with sealed windows, and the ventilation system was driven by the engines, there was a need to turn on the engine to

maintain the ventilation system. The Council worried that some tourists may not understand the ban and the idling ban might damage the reputation of Hong Kong tourism.

9. The Council suggested a flexible enforcement on hot days to reduce potential conflict between tourists and drivers. The Council also suggested stepping up promotion effort to tourists and defining clearly the requirement to get rid of grey areas.

Feedback of Professional Bodies

10. The Association of Engineering Professionals in Society and the Hong Kong Institution of Engineers (HKIE) supported an across the board banning of idling vehicles. The HKIE suggested providing a short grace period and granting exemption when the ambient temperature is above certain limit. They also suggested stepping up the enforcement effort when the Air Pollution Index exceeds 100.

Observation

11. There is obviously a much wider acceptance in the community of introducing a statutory control on idling vehicles than eight years ago, when we conducted a consultation on the same subject.

12. Many of the consultees, including transport trade operators, District Councils and members of the Legislative Council, have suggested that the Administration should give due consideration to the operational needs of the transport trades when drawing up the control scheme. There are also divergent views on whether a grace period should be provided and some groups have advocated offering exemption when the ambient temperature is above a certain level.

13. In response to such requests, the following areas are being further considered in our course of working out the final proposal -

(a) Taxis

The taxi trades are worried that the proposed exemption provisions at a taxi stand (i.e exempting the first two taxis and those in a moving queue) cannot fully cater for the unpredictable arrival pattern of passengers. Some have asked for extending the exemption to the first five taxis and some to all taxis at a taxi stand. While understanding the taxi trade's worry, we also have to take into account whether such extended exemption will dilute the effectiveness of the ban in reducing the nuisance caused by the exhausts of these idling taxis to the people nearby and the surrounding environment. Thus, we will carefully consider all relevant factors before deciding on our final proposal.

(b) Red minibuses (RMBs)

RMB operators consider exempting just the first two minibuses at an RMB stand inadequate because RMBs are often shared by more than one route. They would like the exemption be granted to the first two RMBs for each route at an RMB stand.

According to the Transport Department (TD), RMB 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".

We are still looking into the suggestion and the relevant issues for working out a suitable arrangement.

(c) Tourist Coaches

Tourist coach operators are concerned that tourist coaches with sealed windows, if banned from switching on their engines while idling, will fail to provide sufficient ventilation to passengers waiting inside the coaches for departure. They have asked for exemption from the ban. Some respondents to the consultation suggested that this potential problem could be overcome by allowing boarding only when all passengers are ready. Given these conflicting opinions, we will

consider carefully all the views collected and assess possible options from the perspective of genuine operation requirement and the effectiveness of the ban before finalising our proposal.

(d) Vehicles equipped with turbochargers

Some vehicle manufacturers have suggested that for certain commercial vehicles equipped with turbochargers, it is necessary to keep the engines running for a short period after the vehicles stop. We understand that the control frameworks being implemented in Canada, the UK, Japan and Singapore do not provide for exemption for vehicles equipped with turbochargers. Among these countries, the Canadian municipalities have put in place grace period arrangement but not the others. In this connection, we note that the views of the public are rather divided on whether grace period should be provided (please see para. 4). When working out the final proposal, we will give due consideration to the practical need of such vehicles and advice from vehicle manufacturers.

14 Whether to waive the proposed ban during summer is another issue that has drawn divergent views. We note that the control frameworks by different governments involve different arrangements. For example, in Singapore there is no exemption granted on grounds of hot weather whereas in Canada, the idling ban will be exempted when the temperature exceeds 27 °C. In Hong Kong, given our sub-tropical climate, exempting the proposed ban during summer or hot weather would effectively mean that the ban would not be enforced for a large part of the year. This would greatly undermine the effectiveness of the scheme given that the nuisance caused by running engines to pedestrians is usually the greatest amidst high ambient temperature.

WAY FORWARD

15 We are considering all the views collected in the consultation and will work out the details of the control scheme, including the legislative

framework, exemption scope and enforcement arrangements in conjunction with the Police, TD and Department of Justice. We aim at finalising the control scheme by end-2008 and introducing the new legislation for scrutiny by the Legislative Council in the first half of 2009 for implementation within 2009.

Environmental Protection Department
May 2008

**Public Consultation on a Proposal
to Ban Idling Vehicles with running Engines
Views Collected**

On 2 November 2007, Government launched a consultation exercise to gauge public views and to solicit support for banning idling vehicles. The consultation lasted until 31 March 2008 to allow sufficient time for the community to thoroughly discuss the proposal, and to cater for the transition of the District Councils (whose new terms started in January 2008).

2. During the consultation exercise, we consulted the LegCo Panel of Environmental Affairs, the Advisory Council on the Environment (ACE), 18 District Councils and NT Heung Yee Kuk. Including the meeting sessions with the transport trades, green groups and professional bodies, we held altogether 44 meetings with stakeholders to seek their views on our proposal.

3. Copies of the consultation document and questionnaires were made available for collection at the District Offices, Regional Offices of EPD, Licensing Offices of the Transport Department and Public Libraries. The Consultation document and questionnaires were uploaded to EPD's website for public access.

4. To promote public engagement, we held three roving exhibitions at shopping malls¹.

5. The community actively put forth their views through postage-free mail, by email and by fax. By the end of the public consultation period, we received 263 written submission and 1349 returns of questionnaires. Respondents included members of the general public as well as transport trades, green groups, academics and political parties. The breakdown of the

¹ The roving exhibitions were held in Tsuen Wan Plaza (11-13 January 2008), Island Resort Mall (18-20 January 2008) and Olympian City 2 (22-24 February 2008).

written submissions and the result of the questionnaires are at **Appendix A** and **Appendix B** respectively.

6. We also posted our proposal to the Public Affairs Forum, which is a web-based platform maintained by the Home Affairs Bureau, to facilitate forum members exchanging and expressing their views on the proposal. The statistical result of the polling in the forum is at **Appendix C**.

7. The transport trades, green groups, professional bodies, political parties and some associations expressed their views on the proposal through submissions to the LegCo Panel on Environmental Affairs. A summary of their views and our response is at Administration's paper on the summary of views on the proposal to ban idling vehicles with running engines (follow-up paper) CB(1)907/07-08(01).

Environmental Protection Department
May 2008

Appendix A

Breakdown of Written Submissions

Group Submissions	Number of Submissions
Political Parties	2
Transport Trades	13
Vehicles Suppliers	1
Academics	2
Professional Organisations	1
Green Groups	1
Travel Organisations	2
Community Groups	3
Other Organisations	9
	Sub-total 34
Individual Submissions	Sub-total 229
	Total <u>263</u>

Result of the Questionnaires

Question 1.

Do you agree that a statutory ban to require switching off the engines of idling vehicles should be introduced in principle?

	Agree	Disagree	Not indicated	Total
Number	1036	305	8	1349
Percentage	76.80%	22.61%	0.59%	

Question 2.

In addition to diesel vehicles, do you agree that the ban, if introduced, should also cover petrol and LPG vehicles?

For those who agreed a statutory ban on idling vehicles

	Agree	Disagree	Not indicated	Total
Number	970	55	11	1036
Percentage	93.63%	5.31%	1.06%	

For those who did not agree a statutory ban on idling vehicles

	Agree	Disagree	Not indicated	Total
Number	39	249	17	305
Percentage	12.79%	81.64%	5.57%	

All respondents

	Agree	Disagree	Not indicated	Total
Number	1013	305	31	1349
Percentage	75.09%	22.61%	2.30%	

Question 3.

Do you agree that certain types of vehicles be exempted from the ban for operational reasons?

For those who agreed a statutory ban on idling vehicles

	Agree	Disagree	Not indicated	Total
Number	605	387	44	1036
Percentage	58.40%	37.36%	4.25%	

For those who did not agree a statutory ban on idling vehicles

	Agree	Disagree	Not indicated	Total
Number	187	75	43	305
Percentage	61.31%	24.59%	14.10%	

All respondents

	Agree	Disagree	Not indicated	Total
Number	794	463	92	1349
Percentage	58.86%	34.32%	6.82%	

There are also some respondents suggesting that all commercial vehicles be exempted.

Question 4.

Do you agree that the ban should be made territory-wide or applied only to some selected areas or hours during which the air is most polluted? If you are in favour of the latter approach, what would be the criteria for selecting the areas or hours for exemption?

For those who agreed a statutory ban on idling vehicles

	Agree that the ban be made territory-wide	Disagree that the ban be made territory-wide	Not indicated	Total
Number	942	75	19	1036
Percentage	90.93%	7.24%	1.83%	

For those who did not agree a statutory ban on idling vehicles

	Agree that the ban be made territory-wide	Disagree that the ban be made territory-wide	Not indicated	Total
Number	40	235	30	305
Percentage	13.11%	77.05%	9.84%	

All respondents

	Agree that the ban be made territory-wide	Disagree that the ban be made territory-wide	Not indicated	Total
Number	985	310	54	1349
Percentage	73.02%	22.98%	4.00%	

For those who disagreed that the ban be made territory-wide, some suggested adopting certain criteria for selecting the areas or hours of exemption, such as -

- selecting locations where pedestrians are most vulnerable to the nuisance and adverse effect of idling engines, e.g. bus termini and in the vicinities of hospitals and schools;
- selecting areas where air pollution is serious;
- imposing the ban only in winter months;
- lifting the ban at night; and
- lifting the ban during typhoon.

Question 5.

Do you accept allowing no grace period for drivers to leave their engines idle for a while after stopping? If not, what should be the appropriate grace period?

For those who agreed a statutory ban on idling vehicles

	Accept	Not Accept	Not indicated	Total
Number	662	348	26	1036
Percentage	63.90%	33.59%	2.51%	

For those who did not agree a statutory ban on idling vehicles

	Accept	Not Accept	Not indicated	Total
Number	39	222	44	305
Percentage	12.79%	72.79%	14.43%	

All respondents

	Accept	Not Accept	Not indicated	Total
Number	702	573	74	1349
Percentage	52.04%	42.48%	5.49%	

Question 6.

We would welcome views on the proposed framework set out in sections 6.1-6.2 of the consultation paper.

In general, the majority of the respondents agreed with our proposed framework. While some respondents considered the proposed framework adequate in addressing the need of commercial drivers, some opined that further exemption should be granted to commercial vehicles to cater for the operational need.

Meanwhile, some respondents suggested a phased implementation and some considered that the exemption terms in the final proposal should be clearly defined for easy compliance.

Question 7.

Do you agree that the Government may exempt a particular area or a particular period of time from statutory ban? If yes, what should be the criteria for considering such an exemption?

For those who agreed a statutory ban on idling vehicles

	Agree	Disagree	Not indicated	Total
Number	229	769	38	1036
Percentage	22.10%	74.23%	3.67%	

For those who did not agree a statutory ban on idling vehicles

	Agree	Disagree	Not indicated	Total
Number	153	94	58	305
Percentage	50.16%	30.82%	19.02%	

All respondents

	Agree	Disagree	Not indicated	Total
Number	385	864	100	1349
Percentage	28.54%	64.05%	7.41%	

For those who agreed that the Government may exempt a particular area of a particular period of time from the ban, some suggested that the discretion for granting exemption should only be exercised when there is genuine need.

Examples include:

- during national events;

- for the sake of public security; and
- traditional/cultural events.

Question 8.

Do you agree that the ban should be effective throughout the year or waived during summer to allow drivers to keep the air-conditioning running for the comfort of drivers and passengers?

For those who agreed a statutory ban on idling vehicles

	Through-out the year	Waived during summer	Other comments	Not indicated	Total
Number	733	193	86	24	1036
Percentage	70.75%	18.63%	8.30%	2.32%	

For those who did not agree a statutory ban on idling vehicles

	Through-out the year	Waived during summer	Other comments	Not indicated	Total
Number	16	148	91	50	305
Percentage	5.25%	48.52%	29.84%	16.39%	

All respondents

	Through-out the year	Waived during summer	Other comments	Not indicated	Total
Number	751	342	179	77	1349
Percentage	55.67%	25.35%	13.27%	5.71%	

Question 9.

Do you accept that the violation be made a contravention (a minor infraction, with a fixed penalty of \$320 as the only punishment)?

For those who agreed a statutory ban on idling vehicles

	Accept	Not Accept	Not indicated	Total
Number	870	152	14	1036
Percentage	83.98%	14.67%	1.35%	

For those who did not agree a statutory ban on idling vehicles

	Accept	Not Accept	Not indicated	Total
Number	111	175	19	305
Percentage	36.39%	57.38%	6.23%	

All respondents

	Accept	Not Accept	Not indicated	Total
Number	984	328	37	1349
Percentage	72.94%	24.31%	2.74%	

Question 10.

Do you accept that the ban be implemented by fixed penalty system rather than summons? The former legislative scheme is to afford an opportunity for the drivers to discharge his liability to contravention (or liability to conviction for that offence, if the violation is made a criminal offence) by payment of fixed penalty.

For those who agreed a statutory ban on idling vehicles

	Accept	Not Accept	Not indicated	Total
Number	847	162	27	1036
Percentage	81.76%	15.64%	2.61%	

For those who did not agree a statutory ban on idling vehicles

	Accept	Not Accept	Not indicated	Total
Number	143	123	39	305
Percentage	46.89%	40.33%	12.79%	

All respondents

	Accept	Not Accept	Not indicated	Total
Number	992	286	70	1349
Percentage	73.61%	21.20%	5.19%	

Question 11.

Do you accept pitching the level of fine at the same level as illegal parking, i.e. \$320? If not, what should be the appropriate level?

For those who agreed a statutory ban on idling vehicles

	Accept	Not Accept	Not indicated	Total
Number	667	338	31	1036
Percentage	64.38%	32.63%	2.99%	

For those who did not agree a statutory ban on idling vehicles

	Accept	Not Accept	Not indicated	Total
Number	108	159	38	305
Percentage	35.41%	52.13%	12.46%	

All respondents

	Accept	Not Accept	Not indicated	Total
Number	776	499	74	1349
Percentage	57.52%	36.99%	5.49%	

For those who did not accept pitching the level of fine at \$320, some suggested increasing the penalty to \$1,500, which is the fine level for littering. Meanwhile, some took the view that the fine should be increased for repeated contravention of the ban. Apart from financial deterrent, some respondents suggested publicising the name of drivers who idle their vehicles unnecessarily.

Statistical Result of the Polling at Public Affairs Forum

Question 1.

Do you agree that a statutory ban to require switching off the engines of idling vehicles should be introduced in principle?

	Agree	Disagree	No comment	Total
Number	41	13	0	54
Percentage	75.93%	24.07%	0%	

Question 2.

In addition to diesel vehicles, do you agree that the ban, if introduced, should also cover petrol and LPG vehicles?

	Agree	Disagree	Not comment	Total
Number	39	7	2	48
Percentage	81.25%	14.58%	4.17%	

Question 3.

Do you agree that certain types of vehicles be exempted from the ban for operational reasons?

	Agree	Disagree	Not comment	Total
Number	41	10	2	53
Percentage	77.36%	18.87%	3.77%	

Question 4.

Do you agree that the ban should be made territory-wide or applied only to some selected areas or hours during which the air is most polluted?

	Made territory-wide	Applied only to some selected areas or hours during which the air is most polluted	Not comment	Total
Number	42	8	3	53
Percentage	79.25%	15.09%	5.66%	

Question 5.

Do you accept allowing no grace period for drivers to leave their engines idle for a while after stopping? If not, what should be the appropriate grace period?

	Allow no grace period	Allow a grace period of not more than 3 minutes	Allow a grace period of over 3 minutes but below 5 minutes	Allow a grace period of over 5 minutes	Total
Number	18	12	15	3	48
Percentage	37.5%	25%	31.25%	6.25%	

Question 6.

We would welcome views on the proposed framework set out in sections 6.1-6.2 of the consultation paper.

Question 7.

Do you agree that the Government may exempt a particular period of time from statutory ban?

	Agree	Disagree	Not comment	Total
Number	24	20	2	46
Percentage	52.17%	43.48%	4.35%	

Question 8.

Do you agree that the ban should be effective throughout the year or waived during summer to allow drivers to keep the air-conditioning running for the comfort of drivers and passengers?

	Effective throughout the year	Waived during summer	No comments	Total
Number	31	17	2	50
Percentage	62%	34%	4%	

Question 9.

Do you accept that the violation be made a contravention (a minor infraction, with a fixed penalty of \$320 as the only punishment)?

	Accept	Not Accept	No comment	Total
Number	37	9	1	47
Percentage	78.72%	19.15%	2.13%	

Question 10.

Do you accept that the ban be implemented by fixed penalty system rather than summons?

	Accept	Not Accept	No comment	Total
Number	45	2	1	48
Percentage	93.75%	4.17%	2.08%	

Question 11.

Do you accept pitching the level of fine at the same level as illegal parking, i.e. \$320?

	Reasonable	Too high	Too low	No comment	Total
Number	32	8	3	6	49
Percentage	65.31%	16.33%	6.12%	12.24%	