

For discussion
on 15 January 2009

Legislative Council
Panel on Environmental Affairs
BANNING IDLING VEHICLES
WITH RUNNING ENGINES

Purpose

This paper informs Members of the revised proposal to ban idling vehicles with running engines (idling vehicles) and the outcome of our further consultation with the transport trades.

Background

2. Idling vehicles cause air pollution, heat and noise nuisances to the nearby pedestrians and shops. These environmental nuisances are more acute during poor air pollution days. In November 2007, we launched a five-month public consultation on the proposal to introduce a statutory ban against idling vehicles. On 26 May 2008, we briefed the Panel on Environmental Affairs on the outcome of the public consultation vide LC Paper No. CB(1) 1595/07-08 (03).

Key Issues

3. The public consultation revealed a broad-based support for the proposed ban. Some consultees, including members of the Legislative Council (LegCo) and District Councils, also suggested that the Government should give due consideration to the operational

needs of the transport trades when formulating the final proposal. Our discussions with the transport trades have identified the following issues that warrant closer examination –

(a) Taxis at Taxi Stands

Our original proposal was to exempt the first two taxis at a taxi stand from the ban (as well as those which are in the process of passenger boarding or alighting and those in a moving queue waiting for their turns to pick up passengers). Considering the intermittent arrival pattern of passengers, the taxi trade has requested the Government to exempt all taxis at a taxi stand.

(b) Minibuses at Minibus Stands

We proposed to exempt the first two minibuses at a minibus stand from the ban (as well as those which are in the process of passenger boarding or alighting and those in a moving queue waiting for their turns to pick up passengers).

Some green minibus stands are shared by minibuses operating on different routes. The green minibus trade considered that this proposal could not meet its operational needs adequately. It has therefore requested the Government to extend the exemption to the first two green minibuses of each route using the same minibus stand.

Although red minibuses do not operate on a route basis, some of their operators have also requested for a blanket exemption for all red minibuses at a red minibus stand, while others have

demanded exemption for at least the first two red minibuses going to the same destination.

(c) Coaches

The great majority of present day coaches have sealed windows. Thus, if a coach is unable to provide air conditioning to its passengers while waiting, there would be a genuine ventilation problem. The coach operators have therefore requested the Government to exempt coaches with one or more passengers on board from the ban.

(d) Diesel Commercial Vehicles with Turbochargers

The transport trades have sought exemption for diesel commercial vehicles with turbochargers on the ground that according to the designs of the engines, drivers must idle their turbocharger-equipped diesel commercial vehicles for a few minutes to allow the turbochargers to cool down before they could switch off the engines of the vehicles. If not, the engines could be damaged or suffered from reduced durability. We have since sought the advice of vehicle manufacturers and got their confirmation on this technical requirement. However, turbocharger-equipped petrol private cars do not have such requirement.

Revised Exemptions

4. Having considered the operational needs of the transport trades, the impact of the proposal on mitigating environmental nuisances caused by idling vehicles and the enforcement practicability,

we propose the following revisions to the exemption arrangements.

Taxis at Taxi Stands

5. We have carefully considered the proposal to exempt all taxis at a taxi stand. While around 60% of taxi stands have capacity for five taxis or less, there are some taxi stands which could accommodate a large number of taxis, for example those at the airport and outside major railway stations. Providing a blanket exemption would greatly undermine the impact of the ban and may not be justified.

6. After weighing the need to protect the environment against the operational needs of the trade, we propose to extend the exemption to cover the first five taxis at a taxi stand (in addition to those which are in the process of passenger boarding or alighting and those in a moving queue waiting for their turns to pick up passengers). We further note that the voluntary guidelines “Stop Idling Engines Good for Everyone”, which the Government prepared jointly with the transport trades in 2001, also advise the exemption for the first five taxis in taxi stands.

7. For those taxi stands which could accommodate more than five taxis, we would put up road signs or markings to demarcate the exemption areas to facilitate taxi drivers to comply with the ban.

Green Minibuses at Minibus Stands

8. To cater for their operational needs, we propose to revise the exemption to cover the first two green minibuses of each route at a

minibus stand (in addition to those which are in the process of passenger boarding or alighting). With this additional exemption and given the longer boarding time in the case of a minibus, we consider that there is no longer any need to retain the exemption catering for minibuses in a moving queue waiting for their turns to pick up passengers (i.e. the moving queue exemption).

Red Minibuses at Minibus Stands

9. The revised exemptions for red minibuses at their stands are drawn up based on a similar principle as that for green minibuses, i.e. the first two minibuses going to the same destination should be exempted. However, legally speaking red minibuses do not operate on “routes” per se. We therefore propose to exempt, in addition to the first two red minibuses at a stand, those with one or more passengers on board, plus the one immediately behind each of these red minibuses. As with green minibuses, we propose to do away with the moving queue exemption.

Coaches

10. To address the concern regarding the sealed windows of coaches, we propose to exempt coaches with one or more passengers on board from the ban.

Commercial Vehicles

11. There is a genuine case for drivers to idle their turbocharger-equipped diesel commercial vehicles for a short while so as to allow their turbochargers to cool down before switching off their engines. At present, about 70% of the diesel commercial vehicles are

equipped with turbochargers. Their numbers will increase when the older diesel commercial vehicles are replaced by new ones. We therefore propose to provide to all commercial vehicles¹ (except liquefied petroleum gas (LPG) vehicles which do not have turbochargers) a three-minute grace period within which drivers of these commercial vehicles are allowed to have their engines switched on before they are required to switch off the engines when their vehicles idle. To avoid possible abuse of this grace period and taking account of the Canadian experience, we also propose that drivers could only enjoy this three-minute grace period once every 60 minutes.

12. When enforcing this proposed 3-in-60-minute grace period arrangement, an enforcing agent will go near to an idling vehicle to ascertain the case and then start timing. If the driver fails to switch off the engine of his vehicle after three minutes, the enforcing agent will issue a fixed penalty ticket to him. This is similar to the enforcement arrangement of Toronto, Canada, which has been successfully enforcing the ban for years².

13. This grace period arrangement may reduce the enforcement effectiveness of the proposed ban against idling vehicles. Nevertheless, we believe the introduction of the ban, together with our continued promotion of the good driving practice of switching off

¹ Petrol commercial vehicles do not have turbochargers but are provided the 3-in-60-minute grace period because they cannot be identified from diesel vehicles by their appearance. Petrol commercial vehicles account for about 1.2% of the commercial vehicle fleet. Their number stands at about 1,800.

² Toronto's anti idling vehicle regulation provides a 3-in-60 minute grace period to all vehicles. With a team of 32 enforcing agents, which enforces the ban alongside other transport-related regulations, Toronto issued in 2006 1,003 warnings and 66 tickets, and in 2007, 853 warnings, 33 tickets and one summon to drivers contravening the ban. The enforceability of the grace period arrangement is further attested by Canada's inclusion of it in its model anti-idling vehicle regulation, which has been developed after a comprehensive review in 2005.

vehicle engines when idling, would go a long way in cultivating behavioral changes among drivers. The success of the ban after its implementation should thus be gauged by such behavioral changes instead of the number of fixed penalty tickets issued.

Retained Exemptions

14. The above revised exemptions along with the retained exemptions in the original proposal are set out at **Annex**.

Further Consultation with Transport Trades

15. We have further consulted the transport trades on the revised exemptions on 2 and 3 January 2009. In general, while many of them note that the revised proposals have taken into account the operational needs of the transport trades, some representatives continue to request for further exemptions. Their views are as follows –

(a) Taxis

The taxi trades consider that the revised exemptions are still inadequate to meet their operational needs. They demand for a blanket exemption for all taxis or at least for those at a taxi stand. Some ask for exemption when the temperature reaches a certain level. Their main concerns lie in the need to ensure a reasonably comfortable cabin for both the drivers and passengers, and potential damages to the engines and ignition systems arising from frequent switching on and off the engines.

(b) Minibuses at Minibus Stands

Some green minibus representatives request the Government to further extend the proposed exemption to cover the first three green minibuses of each route at a minibus stand to allow sufficient time for running the air conditioner to cool down the compartment before picking up passengers.

For red minibuses, the majority of the trade representatives consider the revised proposal feasible. One of them has requested for a blanket exemption for all red minibuses because of the inadequate number of minibus stands in the territory.

(c) Coaches

The coach operators agree that the revised exemptions have addressed their concerns on the sealed windows and the cooling requirement of the turbochargers of their coaches. However, some coach operators are still worried that the revised exemption would not meet the expectation of their passengers for a cool compartment and have asked for a grace period of three years before imposing the ban on coaches.

(d) Franchised Buses

Considering that the great majority of present day franchised buses have sealed windows, the representatives have requested for further exemptions to ensure that there would be sufficient time for running the air conditioner to cool down the bus compartment before picking up passengers during hot

weather. Their proposal is to allow drivers to switch on the engines of franchised buses five minutes before the scheduled departure time. For those franchised buses which are parked in uncovered areas, the drivers should be allowed to switch on the engines 10 minutes in advance.

Furthermore, in order to maintain adequate ventilation and comfortable temperature inside the compartment, the representatives have also requested the Government to exempt franchised buses with one or more passengers on board from the ban as in the case of coaches.

16. Our responses to the views of the transport trades are set out below –

(a) Taxis

The revised exemptions for taxis at a taxi stand is drawn up to strike a reasonable balance between protecting the environment and catering for the operational needs of the taxi trades. These extensive exemptions would obviate the need for drivers to switch on and off their taxi engines frequently. As explained in paragraph 5 above, we do not support the request to exempt all taxis in the territory or at a taxi stand justifiable, especially in view of the significant number of taxis involved and the degree of environmental nuisances they may cause.

On the request to exempt all taxis when the temperature

reaches a certain level as in the case of Toronto of Canada³, this would effectively mean that the proposed ban would not be enforced during the summer when environmental nuisances caused by idling vehicles are most serious amidst high ambient temperature. We also note that in Singapore and Japan where the mandatory ban of idling engines is in place, there is no exemption when the ambient temperature reaches a certain level.

(b) Minibuses at Minibus Stands

We consider that the revised exemptions for green and red minibuses at a minibus stand would be adequate to meet their operational needs. For the same reason as that for taxis, we do not support the trades' proposals to exempt the first three green minibuses at a minibus stand and all red minibuses in the territory.

(c) Coaches

As the coach operators agree, the revised exemptions have fully addressed their concerns on the sealed windows and the cooling requirement of the turbochargers of their coaches. We do not support a three year grace period before imposing the ban on coaches.

(d) Franchised Buses

Our proposal allows franchised buses to switch on their

³ In Toronto, the ban will be lifted when the ambient temperature inside a vehicle exceeds 27°C. or less than 5°C.

engines and run their air conditioners once they start picking up passengers. The bus compartments will cool off when the air conditioners have taken full effect. However, there is a case for franchised buses to run their engines when there are passengers on board just like coaches because of their sealed window design. Apart from that, we do not support the need for further exemptions.

Other Issues

17. During the consultation sessions, the transport trades have also raised a number of issues regarding enforcement. In response, we have explained to the representatives that –

- (a) if a vehicle remains motionless because of traffic condition, e.g., when a taxi or minibus is queuing outside a LPG filling station, or a truck is queuing outside a construction site or container terminal, it would be exempted from the ban under the proposal; and
- (b) if a vehicle is idling for an ancillary purpose other than providing air conditioning for the comfort of a driver or passenger, e.g., when a coach or truck is idling in order to raise its compressed air to an adequate pressure for operating its braking system, it would be exempted from the ban.

18. We have also taken note the following views and suggestions of the transport trades –

- (a) the Government should issue clear guidelines to the enforcing agents so as to ensure enforcement certainty;

- (b) the enforcing agents should adopt a flexible enforcement approach during large public events, when priority should be given to dispersing the crowds efficiently;
- (c) to avoid disputes between the enforcing agent and the driver, the enforcing agent, after ascertaining that an idling commercial vehicle has its engine running, should firstly warn the driver and then start timing. He should also allow a reasonable safety margin when counting the 3-in-60-minute grace period to avoid disputes;
- (d) the Government should empower owners to suitably impose the proposed ban in private areas, such as the container ports, in order to maximize its effectiveness; and
- (e) the Government should also step up public education programmes to promote more environment-friendly driving habits among all drivers.

Way Forward

19. There is wide acceptance in the community of introducing a statutory ban against idling vehicles. Our assessment is that the revised exemptions proposed above have maintained a good balance between the operation needs of the transport trades and the need to protect the public from the environmental nuisances caused by idling vehicles.

20. Subject to Members' views, we aim at introducing a bill to LegCo for scrutiny in the current legislative year for implementing the

proposed ban as soon as possible. Meanwhile, we will continue to roll out public education programmes to promote this good driving habit.

21. Members are invited to offer their comments on the proposed revised exemptions set out in paragraphs 4 to 14 above.

Environmental Protection Department

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Proposed Exemptions

	Vehicle Type	Revised Proposal	Original Proposal
1	All types of vehicle	<ul style="list-style-type: none">• Vehicles remaining motionless because of traffic conditions, including traffic congestions, accidents and stoppings as directed by traffic signs and markings, traffic lights or police officers.• Vehicles which stop at the roadside for active boarding or alighting.	
2	Taxis	<ul style="list-style-type: none">• The first five taxis at a taxi stand.• Taxis at a taxi stand which are in the process of passenger boarding or alighting.• Taxis in a moving queue at a taxi stand for their turns to pick up passengers.	<ul style="list-style-type: none">• The first two taxis at a taxi stand.• Taxis at a taxi stand which are in the process of passenger boarding or alighting.• Taxis in a moving queue at a taxi stand for their turns to pick up passengers.
3	Green minibuses	<ul style="list-style-type: none">• The first two green minibuses of each route at a minibus stand.• Green minibuses at a minibus stand which are in the process of passenger boarding or alighting.	<ul style="list-style-type: none">• The first two green minibuses at a minibus stand.• Green minibuses at a minibus stand which are in the process of passenger boarding or alighting.• Green minibuses in a moving queue at a minibus stand waiting for their turns to pick up passengers.

	Vehicle Type	Revised Proposal	Original Proposal
4	Red minibuses	<ul style="list-style-type: none"> • The first two red minibuses at a minibus stand. • Red minibuses at a minibus stand with one or more passengers on board plus the ones immediately behind each of these red minibuses. • Red minibuses at a minibus stand which are in the process of passenger boarding or alighting. 	<ul style="list-style-type: none"> • The first two red minibuses at a minibus stand. • Red minibuses at a minibus stand which are in the process of passenger boarding or alighting. • Red minibuses in a moving queue at a minibus stand waiting for their turns to pick up passengers.
5	Coaches	<ul style="list-style-type: none"> • Coaches with one or more passengers on board. 	---
6	Others	<ul style="list-style-type: none"> • Vehicles of disciplinary forces and other emergency vehicles (such as those of the Civil Aid Service, the Auxiliary Medical Service and the St. John's Ambulance) while engaging in operational activities, including training activities. • Security transit vehicles operated by a security company holding a valid Security Company Licence issued by the Security and Guarding Services Industry Authority under the Security and Guarding Services Ordinance (Chapter 460) for the provision of armoured transportation services. • Vehicles which are required to run their engines (including on-board auxiliary engines) for ancillary purposes other than providing air conditioning for the comfort of drivers or passengers. Examples of such vehicles include lorry cranes, refrigerator trucks, vehicles with aerial platforms, mobile concrete pumps or traffic warning signs. • Vehicles engaged in a parade or any other event authorized by the Commissioner of Police. 	

	Vehicle Type	Revised Proposal	Original Proposal
7	Special exemptions	<ul style="list-style-type: none"> To cater for the unique requirements of a local community, the Secretary for the Environment may exempt a particular area or a particular period of time from the ban. In deciding on such exemptions, the Secretary for the Environment will consider the views of the relevant District Councils. 	
8	3-in-60-minute grace period for commercial vehicles (except LPG ones)	<ul style="list-style-type: none"> Commercial vehicles (except LPG ones) will be provided with a 3-in-60-minute grace period. 	---

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