

《汽車引擎空轉(定額罰款)條例草案》摘要

前言

空轉引擎無論對公眾衛生、個人健康和空氣的質素都有很大的影響。為了改善問題，政府在完成對停車熄匙為期 5 個月的公眾諮詢後，於 2010 年 4 月 28 日向立法會提出《汽車引擎空轉(定額罰款)條例草案》，希望立法監管車輛空轉引擎的問題。

在香港空轉引擎的情況普遍，天氣炎熱會影響自己及乘客的健康、重新啓動引擎會傷害電池等等都成為司機停車不熄匙的理由。然而他們沒有意識到空轉引擎會嚴重影響公眾健康。比較之下司機們犧牲一點方便與舒適就能夠換來清新空氣，讓下一代有更好的成長環境。所以我們是支持法案的。

立法內容

立法的方式是仿效加拿大的做法，讓所有汽車的司機在每 60 分鐘的時段內可享有 3 分鐘的寬限時間。而為了照顧職業司機的需要，政府亦考慮為他們提供豁免，例如的士司機和小巴司機等。而醫療、緊急或執法車輛、因工作性質而要空轉引擎的車輛亦可獲得豁免。詳細的立法詳情可見附件。

停車熄匙如何影響公眾健康

空轉引擎是其中一個路邊空氣污染的源頭，而不同的科學研究顯示路邊的污染會引致身體出現以下的問題：

- 在高濃度路邊廢氣中暴露約兩小時會導致心跳率上升
- 增加中風及心臟病的機會
- 增加患上深層靜脈栓塞或腿部血塊形成的機會
- 增加患上哮喘及支氣管炎的機會，及減低哮喘吸入器的功效
- 削弱免疫力
- 令小孩氣喘及咳嗽
- 嬰兒及孕婦：令初生嬰兒體重不足及死亡率增加、降低智商、對嬰兒肺部發展構成影響
- 對長者：患上肺炎的風險增加一倍

停車熄匙如何影響司機健康



- 車廂之中通風不足，司機容易受積聚的污染物影響身體 (美國環境保護署校巴研究，2004)
- 職業司機長期吸入廢氣會增加患上肺癌機會 (美國美國癌症協會報導，2002)
- 空轉引擎的車廂之中，空氣污染的程度比正常行駛中的車輛更高 (美國自然資源保護委員會新聞公報，2007)。

支持立法的意見：

- 立法的目標是讓香港的司機改變他們的態度與行為，令他們明白空氣污染的重要性，從而令公眾更加注意香港的路邊空氣污染問題。
- 路邊空氣污染是香港其中一項最主要空氣污染源，會嚴重影響健康。它不單止影響行人的健康，司機的健康亦不能倖免。所以我們要打擊路邊空氣污染，改善公眾健康，停車熄匙是政府現在就需要推行的政策。
- 相比起更換路上較污染的柴油車輛，停車熄匙是一項可以立即推行並能有效改善空氣質素的措施。
- 在美國已經有 15 個州訂立了停車熄匙的法律。而其他國家如日本、台灣、英國、法國、德國、意大利等等，亦已經有法例監管停車熄匙。由此可見停車熄匙立法是世界各地的大趨勢，而她們亦提供了足夠的經驗與文獻幫助政府推行停車熄匙的法律。

反對立法的意見：

1. 法例建議，的士站首 5 輛的士可以獲得豁免。然而為某些的士站規模龐大，可以容納的士數目眾多，所以有人士認為只有首 5 輛的士獲得豁免是不足夠的，因為仍會為其他的士帶來不便。

相反意見：立法應該基於典型的情況，而非特殊例子。香港大部分的士站都不能夠容納 5 輛的士以上，所以政府的豁免已經考慮實際的情況。

2. 有的士業界曾模擬停車熄匙的運作，結果有的士在輪候時反覆熄匙及撻匙 10 多次，令車輛電池容易損壞。

相反意見：令車輛損壞的並非只有反覆熄匙及撻匙的舉動，其實空轉引擎對車輛的影響亦很嚴重。根據一個美國 EPA 的研究，引擎以慢速或者空轉的模式運行所引致的零件耗損比正常運行高出兩倍。既然兩者同樣對車輛零件構成影響，但停車熄匙可以同時改善空氣質素，對司機、行人都會帶來更大的利處。

3. 有意見認為 3 分鐘的寬限時間執法上有困難，因為會涉及舉報者所觀察的時間與執法人員的觀察時間，而且亦可能引起前線執法人員與市民爭執。



相反意見如下：

警察執法必須按照法例，沒有清晰計時是不能發出告票的。故此我們可以放心前線執法人員並不會與市民有所爭執。

在外國有成功的例子，執法人員顯示執法可行。

立法的原意並非為了拘捕犯事者，而是希望司機的習慣與行為可以因此而改變，對香港空氣質素作出承擔。我們可以預期法例生效後會有更多的司機停車熄匙，而這就是法例的教育作用。單單以執法成功的數字來衡量法例是否有效是不恰當的。

4. 停車熄匙後空調系統亦會關閉，有司機表示夏季時車廂溫度將會達 30 度以上，令司機健康受到影響。

相反意見：在日本和新加坡都有為停車熄匙立法。這些地方都是既炎熱又潮濕，和香港的氣候是很相似的。香港可以借鑑這些地方的立法經驗。

而立法之後，所有的司機都需要遵守法律。為了公眾健康，每個市民和司機都需要付出的。空轉引擎受監管後，受益的人包括了兒童、長者、戶外工作者、孕婦等等，所以無論是職業司機還是一般的駕駛人士都應該出一分力的。

相關資料：

•政府提交汽車引擎空轉（定額罰款）條例草案公報，

<http://www.info.gov.hk/gia/general/201004/15/P201004150143.htm>

•《汽車引擎空轉(定額罰款)條例草案》立法會參考資料摘要

http://www.legco.gov.hk/yr09-10/english/bills/brief/b24_brf.pdf

•美國環境保護署校巴停車熄匙網頁，

<http://www.epa.gov/otaq/schoolbus/antiidling.htm#bkgrd>

•香港電台 2010-04-25 城市論壇” 停車熄匙為環境 政策寬緊探民情” ”

http://www.rthk.org.hk/rthk/tv/city_forum/

•美國環境保護署校巴停車熄匙研究報告

http://www.epa.gov/region1/eco/diesel/pdfs/Diesel_truck_bus_CT.pdf

•美國環境保護署北州停車熄匙研究報告

<http://www.epa.gov/SmartwayLogistics/presentations/nescam-041404.pdf>

•美國癌症協會新聞

http://www.cancer.org/docroot/NWS/content/NWS_1_1x_EPA_Reports_Diesel_Linked_To_Lung_Cancer.asp

•美國自然資源保護委員會新聞公報

<http://www.nrdc.org/media/2007/071204.asp>



Briefing Paper on the Motor Vehicle Idling (FIXED PENALTY) Bill

Introduction

Idling engines do harm to public health and air quality. In order to improve the situation, the HKSAR government has introduced the Motor Vehicle Idling (FIXED PENALTY) Bill to Legco on 28th April 2010. The aim of the bill is to reduce cases of idling engines through legislation and to **modify behavior and attitudes of Hong Kong drivers.**

In Hong Kong, drivers idle their engines for different reasons. For example, for comfort in the summer heat; to avoid restarting the vehicle because of the perception of engine wear and tear. But they do not realize that idling their engines harms public health a lot. If we compare the harm to public health from idling to the benefits resulting from restricting this behavior, it's obvious that drivers should give up some convenience for the greater good.

Content of the Legislation

The Government suggests that we follow Canada's practice to provide a grace period of three-in-sixty-minutes to drivers of all motor vehicles. The government has granted exemptions to taxis and minibuses to take account of operational needs and the health of individual drivers. The full bill is attached here for your easy reference.

Idling engines harm our health

Idling engines can be a significant component of roadside emissions. Public health research shows that roadside pollution is dangerous to health in the following ways:

- After 20 minutes of high roadside pollution, there are arterial changes;
- After 2 hours exposure to high roadside pollution, heart rate will increase;
- Increased risk of heart attack or stroke on days of high roadside pollution;
- Increased risk of deep vein thrombosis or blood clots in the legs;
- Increased incidence of asthma, bronchitis and reduced effectiveness of asthma inhalers;



- Lowered immunity;
- Causes young children to wheeze and cough;
- Unborn children & pregnant women: premature birth, lower birth weight, lower IQ and impaired lung development;
- Elderly: long-term exposure doubles risk of contracting pneumonia.

Idling harms drivers' health

- Idling vehicles suffer from less ventilation inside the vehicle leading to a toxic buildup of pollutants (Source: EPA school bus idling research, 2004);
- Drivers who work closely to diesel are more likely to develop lung cancer; (Source: America Cancer Society news, 2002);
- The air quality inside idling vehicles is worse than when they are in transit (Source: Natural Resources Defense Council press release, 2007).

Arguments in favor of the ordinance —

The main aim of the legislation is to modify behavior and attitudes of Hong Kong drivers, **to make the Hong Kong public more mindful of roadside emissions** in general.

It is roadside pollution which affects human beings the most. Hong Kong's roadside pollution is actually the heart of the problem. **Banning idling engines is therefore one of the most obvious things the Government can do within the borders of Hong Kong, to improve public health.** Remember, idling is dangerous not only to pedestrians but to drivers.

Compared to the replacement of the oldest most polluting commercial diesel vehicles, **banning idling engines is an expedient measure, with immediate results.**

Several countries at the same level of development as Hong Kong have already restricted idling: 15 states in the US plus Japan, Taiwan, England, France, Germany, and Italy. Therefore we can see that idling engine bans are **an accepted means of reducing roadside emissions around the world.**



Arguments against the ordinance —

1. Under the proposed law, taxis have been granted an exemption: the first 5 taxis at a taxi stand need not turn off their engines. But taxi drivers argue that taxi queues at stands can be very large. If the exemption only applies to the first five taxis at a taxi stand, it means that, from the 6th taxi onwards, all the drivers will be suffering.

COUNTERARGUMENT: Obviously, the Government had to choose a cut-off point, which would be reasonable in light of the typical taxi queue length. The 5-taxi limit is reasonable in 90% of cases. Laws must be made on the basis of the average, normal situation, not the exception.

2. The taxi union staged a demonstration of what it would be like in a real-life situation at a long taxi queue. In a queue of 30 taxis, they showed that it would require stopping and starting the engine 10 times in order not to violate the law. The taxi drivers claim that such stops and starts cause significant battery wear and tear.

COUNTERARGUMENT: According to research done by the US EPA on school buses, running an engine at low speed (idling) causes twice the wear on internal parts compared to driving at regular speed. Both idling and restarting vehicles can damage the internal parts of a car. Therefore, it's best to just turn the car off, which, at least, benefits the public's air quality.

3. Some people suggest that it is difficult to carry out the three-in-sixty-minutes grace period, as the timing of the 3-minute grace period is subject to human error and interpretation.

COUNTERARGUMENTS

The police will err on the side of NOT issuing a ticket unless the offense has been properly timed. In general, we rely on the police to exercise discretion in numerous situations, e.g., spot checks on the street for identification papers.

Other jurisdictions have effectively enforced a similar regime.



Finally, the effectiveness of the legislation is not solely dependent on how many offenders are ticketed, but on a change in drivers' behavior. If drivers idle less, as a general matter, because they are attentive to this new law, the law's intention and purpose will have been served.

4. The Hong Kong climate makes an anti-idling law suitable. In the summer, the temperatures inside a taxi can exceed 30 degrees, potentially affecting drivers' health.

COUNTERARGUMENT: Japan and Singapore have similar idling engine legislation despite hot, wet climates. Next, ALL drivers, not just one class, such as taxi drivers, are affected. This is the cost of saving public health, especially the health of pregnant women, the elderly and children.

Attachments for additional reading:

- Press Release of introduction of Motor Vehicle Idling (Fixed Penalty) Bill, <http://www.info.gov.hk/gia/general/201004/15/P201004150143.htm>
- Legislative Council Brief http://www.legco.gov.hk/yr09-10/english/bills/brief/b24_brf.pdf
- National Idle-Reduction Campaign website, <http://www.epa.gov/otaq/schoolbus/antiidling.htm#bkgrd>
- RTHK, 2010-04-25 City Forum "Banning of idling vehicles with running engines" (only with Cantonese) http://www.rthk.org.hk/rthk/tv/city_forum/
- EPA of USA, idling engine research on bus http://www.epa.gov/region1/eco/diesel/pdfs/Diesel_truck_bus_CT.pdf
- EPA of USA, idling engine research in Northern States, <http://www.epa.gov/SmartwayLogistics/presentations/nescaum-041404.pdf>
- ACS :: EPA Reports Diesel Exhaust Linked To Lung Cancer, http://www.cancer.org/docroot/NWS/content/NWS_1_1x_EPA_Reports_Diesel_Linked_To_Lung_Cancer.asp
- NRDC: Press Release – Diesel Exhaust Poses Health Threat to Port Truck Drivers, <http://www.nrdc.org/media/2007/071204.asp>

