

立法會
Legislative Council

LC Paper No. CB(1)2298/09-10
(These minutes have been seen
by the Administration)

Ref : CB1/BC/6/09

Bills Committee on Motor Vehicle Idling (Fixed Penalty) Bill

**Minutes of the second meeting held on
Thursday, 27 May 2010, at 2:30 pm
in the Chamber of the Legislative Council Building**

- Members present** : Hon Audrey EU Yuet-mee, SC, JP (Chairman)
Hon CHAN Kam-lam, SBS, JP
Hon LEUNG Yiu-chung
Hon Miriam LAU Kin-ye, GBS, JP
Hon LI Fung-ying, BBS, JP
Hon WONG Kwok-hing, MH
Hon LEE Wing-tat
Hon Andrew LEUNG Kwan-yuen, SBS, JP
Hon CHEUNG Hok-ming, GBS, JP
Hon KAM Nai-wai, MH
Hon Cyd HO Sau-lan
Hon CHAN Hak-kan
Hon IP Wai-ming, MH
Hon Mrs Regina IP LAU Suk-ye, GBS, JP
Dr Hon PAN Pey-chyou
Hon Tanya CHAN
- Member absent** : Hon LEE Cheuk-yan
- Public officers attending** : **Agenda item II**
Mr Carlson CHAN
Deputy Director of Environmental Protection (3)

Action

Mr W C MOK
Assistant Director of Environmental Protection
(Air Policy)

Mr Edmond HO
Principal Environmental Protection Officer
(Mobile Source)

Mr Paul John O'BRIEN
Senior Assistant Law Draftsman
Department of Justice

Clerk in attendance : Ms Joanne MAK
Chief Council Secretary (1)2

Staff in attendance : Miss Kitty CHENG
Assistant Legal Adviser 5

Ms Sarah YUEN
Senior Council Secretary (1)6

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- I. Confirmation of minutes of meeting**
(LC Paper No. CB(1)1998/09-10 - Minutes of the meeting held
on 14 May 2010)

The minutes of the meeting held on 14 May 2010 were confirmed.

- II. Meeting with the Administration**
(LC Paper No. CB(3)598/09-10 - The Bill
File Ref: EP CR 9/150/27 - The Legislative Council
Brief issued by the
Environmental Protection
Department
LC Paper No. LS 58/09-10 - Legal Service Division
Report on the Bill
LC Paper No. CB(1)1967/09-10(01) - Assistant Legal Adviser 5's
letter dated 11 May 2010 to
the Administration and the
Administration's reply letter
dated 17 May 2010
LC Paper No. CB(1)1968/09-10 - Background brief on Motor
Vehicle Idling (Fixed

Action

Penalty) Bill prepared by
the Legislative Council
Secretariat)

2. The Bills Committee deliberated (index of proceedings attached at **Annex**).

3. The Bills Committee welcomed Miss Tanya CHAN as its new member.

Clerk 4. In consideration of the overwhelming response to the Bills Committee's invitation for public views, the Bills Committee agreed to schedule an additional meeting on Monday, 7 June 2010, from 4:30 pm to 7:30 pm to receive views from deputations. Members also agreed that the Secretary for the Environment should be invited to attend the next two meetings scheduled by the Bills Committee for meeting with deputations.

(Post-meeting note: The meeting on 7 June 2010 was subsequently rescheduled for 4:30 pm to 6:30 pm.)

5. The Administration briefed members on the Motor Vehicle Idling (Fixed Penalty) Bill (the Bill).

6. While indicating support for the proposal to prohibit the idling of motor vehicles (the idling prohibition) in principle, members emphasized the need to ensure that the proposed ban would not be too stringent or cause much nuisance to the trade concerned and the public, and that it could really bring environmental benefits and was enforceable, particularly the proposed grace period of three-in-sixty-minutes to drivers of all motor vehicles. Ms Miriam LAU opined that the Administration should give due regard to the operational needs of the transport trade. The Administration was requested to consider whether or not the scope of exemptions would be further expanded to cover, e.g. all taxi stands regardless of capacities, and suspending enforcement of the proposed ban on days when "very hot weather warnings", amber, red or black rainstorm signals were issued.

7. The Administration indicated that it was open to suggestions and would be willing to consider these if a consensus was reached in the course of future discussion of the Bills Committee and provided that they did not undermine the fundamental objectives of the Bill. The Administration also made the following points –

- (a) The Bill already provided that the Director of Environmental Protection might exempt a driver or class of drivers from complying with the idling prohibition, subject to any conditions he or she thought fit;

Action

- (b) In considering whether to grant exemption on extremely hot days, there was a need to strike a reasonable balance between the operational needs of the transport trade and the need to protect the public from environmental nuisances caused by idling vehicles, especially as roadside emissions would cause greater nuisance on very hot days. The Administration, however, was willing to consider suggestions to improve the current exemption arrangements provided that they did not undermine the fundamental objectives of the Bill and there was a consensus in the Bills Committee;
- (c) As to the granting of exemption on rainy days, it should be noted that the number of rainy days could amount to some 200 in a year. Moreover, many exemptions had already been proposed under the Bill to cater for the specific operation modes of the transport trades. The use of rain guards and towels could also help tackle the problem of fogging of glass panels on rainy days;
- (d) The following exemption arrangements would be able to cater for the operational needs of the taxi trade, namely the granting of exemption to a driver of a taxi which was in a queue of taxis any of which was moving into a taxi stand, and also to a driver of any of the first five (instead of the first two as originally proposed) taxis at taxi stands; and
- (e) Exemption would also be granted to drivers of vehicles which were required to run their engines (including on-board auxiliary engines) for conducting an operational activity.

8. Some members pointed out that exemption was given under the relevant legislation of Canada to vehicles when ambient temperature inside the vehicles was more than 27°C. The Administration advised that Canada was conducting a review of the legislation with an aim to remove the exemption.

Admin 9. The Administration was requested to provide supplementary information and written responses to the following issues raised by members -

Approach of law enforcement in overseas jurisdictions

- (a) Detailed information on the approaches of enforcement of laws prohibiting idling vehicles in Singapore, Japan, Canada, Finland, the United Kingdom and Switzerland;

Concerns about arrangements during days of very hot weather/heavy rain

Action

- (b) The numbers (by year) of days on which "very hot weather warnings" were issued since the system of issuing "very hot weather warnings" had been put in place;
- (c) In the past year, the number of days on which "very hot weather warnings" were issued with details of the temperature, wind speed and humidity, as well as the respective temperatures of different regions in Hong Kong on those days;
- (d) The number of days on which amber, red and black rainstorm signals were issued in the past year;
- (e) Response to concerns expressed by the taxi trade about compliance problem. As taxis would be required to switch off the engine and air-conditioning and open the windows even during heavy rain, passengers and the seats would get wet;
- (f) Response to the report of a trial conducted by Ms Miriam LAU in collaboration with the taxi trade in August 2009 on impacts of the proposed prohibition on taxis waiting at a taxi stand;
- (g) Response to a suggestion that the implementation of the proposed ban should be temporarily suspended during days on which "very hot weather warnings" were issued, and its initial plan on the possible implementation details if the suggestion were to be adopted. Such details should include the weather conditions in which implementation of the ban might be suspended, and the drivers to whom the suspension should apply, etc;

Environmental impact assessment

- (h) The environmental and health benefits to the public and motorists expected to be brought about by the implementation of the Bill, with details of emission reductions in terms of carbon monoxide, particulates, etc;
- (i) Comparison of exhaust emissions produced by a running engine with an idling engine;
- (j) Response to concerns that the environment benefits expected to be achieved by the Bill might be offset by the harms brought about if some drivers chose to circulate on the road instead of switching off their engines and as a result, the air pollution problem might even deteriorate;

Action

Issues relating to taxi stands and green minibus operation

- (k) Explanation of the Administration's considerations in deciding not to exempt those larger taxi stands (about 185) which could accommodate more than five taxis, particularly the environmental considerations involved. The Administration was also requested to explain whether the current proposal of exempting only the first five taxis at a taxi stand could cater to the trade's operational needs, and to provide a breakdown on these 185 taxi stands by capacities as well as the environmental impacts of expanding the scope of exemption to cover these 185 taxi stands;
- (l) Details of how the Administration planned to implement the relevant proposals related to green minibuses as they might not necessarily have stands; and

Concerns about the wear-and-tear of the engine components

- (m) Information to substantiate the Administration's claim that the proposed ban on idling vehicles with running engines would cause less wear-and-tear of the engine components as based on a study conducted in Canada.

10. The Bills Committee agreed to accept the transport trade's invitation to a trial to be conducted on the impacts of the idling prohibition on taxis, public light buses and pedestrians, preferably when the weather was hot. Details of arrangement would be further discussed by the Bills Committee.

11. Members noted that the next meeting would be held on 1 June 2010 from 2:30 pm to 6:30 pm to receive views from the public.

III Any other business

12. There being no other business, the meeting ended at 4:30 pm.

Council Business Division 1
Legislative Council Secretariat
24 June 2010

**Proceedings of the second meeting of
the Bills Committee on Motor Vehicle Idling (Fixed Penalty) Bill
on Thursday, 27 May 2010, at 2:30 pm
in the Chamber of the Legislative Council Building**

Time marker	Speaker	Subject(s)	Action required
Agenda Item I – Confirmation of minutes of meeting			
000048 – 000055	Chairman	- Confirmation of minutes of meeting.	
Agenda Item II – Meeting with the Administration			
000056 – 000237	Chairman	- The Bills Committee welcomed its new member Miss Tanya CHAN - Agreement to schedule an additional meeting on 7 June 2010 to receive views from deputations	The Clerk to take follow-up action (paragraph 4 of minutes)
000238 – 001734	Chairman Administration	- Administration's briefing on the Bill	
001735 002346	Mr CHAN Kam-lam Administration	- Mr CHAN's emphasis of the need to ensure that the idling prohibition would be enforceable and not too stringent - Discussion on the possibility of granting exemptions from compliance with the idling prohibition under justifiable circumstances - Mr CHAN's enquiry about whether vehicles granted exemptions could be issued appropriate windscreen labels to indicate their exemption status, and the Administration's explanation that this might be infeasible because exemptions were granted to such vehicles not at all times but only when they were performing duties that warranted an exemption from the idling prohibition	
002347– 002830	Mrs Regina IP Administration	- Administration's confirmation in response to Mrs IP that the idling prohibition would apply to consular personnel but some of them might	

Action

Time marker	Speaker	Subject(s)	Action required
		<p>enjoy immunity as a matter of protocol</p> <ul style="list-style-type: none"> - Administration's confirmation in response to Mrs IP that the idling prohibition would apply to hybrid vehicles when they were operating in fuel mode - Discussion on how the environmental benefits of the Bill could be assessed 	
002831 – 003510	Chairman Ms Miriam LAU Administration	<ul style="list-style-type: none"> - Ms LAU's emphasis of the need for the idling prohibition to give due regard to the operational needs of the transport trade - Discussion on whether a considerate approach would be adopted when enforcing the idling prohibition, such as that verbal warnings should be given before issuing a fixed penalty ticket for contravention of the prohibition - Discussion on the need to grant exemptions on days when "very hot weather warnings" were issued - Discussion on the proposed grace period of three-in-sixty-minutes for drivers of all motor vehicles (the proposed grace period) 	Administration to provide information (paragraph 9 of minutes)
003511 – 004031	Mr WONG Kwok-hing Administration	<ul style="list-style-type: none"> - Mr WONG's view that the Bills Committee and the Administration should accept the trade's invitation to a visit to understand the impacts of the idling prohibition on taxis - Administration's confirmation in response to Mr WONG that dump trucks, refuse collection vehicles, and vehicles for clearing blocked drains were exempted from compliance with the idling prohibition if idling the vehicles was necessary for a purpose for which the vehicles were primarily designed 	

Action

Time marker	Speaker	Subject(s)	Action required
		<ul style="list-style-type: none"> - Discussion on the taxi trade's call for exemption from compliance with the idling prohibition at taxi stands 	
004032 – 004524	Mr CHAN Hak-kan Administration	<ul style="list-style-type: none"> - Discussion on the need to exempt taxis from compliance with the idling prohibition on days on which "very hot weather warnings" were issued - Mr CHAN's recapitulation of the transport trade's concern that frequent switching-off and restarting of the vehicle engines while waiting would cause wear-and-tear of the engine components, and the Administration's claim to the contrary as based on a study conducted in Canada. Moreover, the exemption arrangements had already been revised to reduce the frequency of switching-off vehicle engines. 	Administration to provide information (paragraph 9 of minutes)
004525 – 005048	Mr KAM Nai-wai Administration	<ul style="list-style-type: none"> - Request for information on the numbers (by year) of days on which "very hot weather warnings" were issued since the system of issuing "very hot weather warnings" had been put in place - Request for information on the environmental and health benefits to the public and motorists expected to be brought about by the implementation of the Bill - Discussion on why traffic wardens would be made the main enforcement agents of the idling prohibition - Discussion on whether the Bill should stipulate the erection or placement of signs at places such as car parks to warn motorists of the idling prohibition 	Administration to provide information (paragraph 9 of minutes) Administration to provide information (paragraph 9 of minutes)
005049 – 005642	Dr PAN Pey-chyou Administration	<ul style="list-style-type: none"> - Discussion on the definition of "a taxi which is in a queue of taxis any of which is moving into a taxi stand" - Discussion on the need to grant exemptions to vehicles with a genuine need for their engines to be left idling 	

Action

Time marker	Speaker	Subject(s)	Action required
		for a while before switching off and restarting, especially dump trucks queuing for entry to landfills	
005643 – 010239	Ms Cyd HO Administration	<ul style="list-style-type: none"> - Discussion on the appropriateness of following Canada's practice of granting exemptions when the ambient temperature inside a vehicle was more than 27 °C - Discussion on the justification for exempting a driver of a medical, emergency or law enforcement vehicle from compliance with the idling prohibition (section 3(1)(a) to Schedule 1 of the Bill) 	Administration to provide information (paragraph 9 of minutes)
010240 – 010827	Mr LEUNG Yiu-chung Administration	<ul style="list-style-type: none"> - Mr LEUNG's emphasis of the need for a comparison of exhaust emissions produced by a running engine with an idling engine, and to note Hong Kong's unique urban design - Discussion on the need to grant exemptions on extremely hot or rainy days, especially when "very hot weather warnings", or amber, red or black rainstorm signals were issued 	Administration to provide information (paragraph 9 of minutes) Administration to provide information (paragraph 9 of minutes)
010828 – 011407	Chairman Mr IP Wai-ming Administration Mrs Regina IP	<ul style="list-style-type: none"> - Discussion on the need for the Secretary for the Environment to attend meetings of the Bills Committee - Discussion on the need to exempt taxis from compliance with the idling prohibition when "very hot weather warnings" were issued - Discussion on the granting of exemption to vehicles carrying live animals idling for operational needs or protecting public health (section 4 of Schedule 1 to the Bill), and whether dump trucks and refuse collection vehicles would be similarly granted exemption 	
011408 – 012105	Chairman Ms LI Fung-ying Administration Ms Miriam LAU	- Discussion on the implementation details of the proposed grace period, whether this would lead to disputes between law enforcement agents and	

Action

Time marker	Speaker	Subject(s)	Action required
		<p>drivers, and whether verbal warnings would be given to the driver concerned before counting the grace period or imposing the fixed penalty</p> <ul style="list-style-type: none"> - Discussion on how exemption from compliance with the idling prohibition on very hot days would be granted - Discussion on whether frequent switching off and restarting of engines would produce more exhaust emissions 	
012106 – 012821	Chairman Ms Miriam LAU Administration	<ul style="list-style-type: none"> - Discussion on the need to grant exemptions on days on which "very hot weather warnings" or amber, red and black rainstorm signals were issued, and reference was made to the trial conducted by Ms LAU in collaboration with the taxi trade on impacts of the idling prohibition on taxis queuing at a taxi stand - Request for information on the environmental benefits expected to be brought about by the implementation of the Bill - Discussion on how the Administration planned to implement the relevant proposals related to green minibuses as they might not necessarily have stands 	<p>Administration to provide information (paragraph 9 of minutes)</p> <p>Administration to provide information (paragraph 9 of minutes)</p> <p>Administration to provide information (paragraph 9 of minutes)</p>
012822 – 013557	Chairman Mr WONG Kwok-hing Administration	<ul style="list-style-type: none"> - Discussion on the suggestion that the implementation of the idling prohibition should be temporarily suspended during days on which "very hot weather warnings" were issued - Discussion on whether the current proposal of exempting only the first five taxis at a taxi stand could cater to the trade's operational needs, and the feasibility of expanding the scope of exemption to cover those larger taxi stands (about 185) which could accommodate more than five taxis 	<p>Administration to provide information (paragraph 9 of minutes)</p> <p>Administration to provide information (paragraph 9 of minutes)</p>

Action

Time marker	Speaker	Subject(s)	Action required
013558 – 014456	Chairman Dr PAN Pey-chyou Administration	<ul style="list-style-type: none"> - Discussion on the definition of "a queue of taxis any of which is moving into a taxi stand" (section 2(1)(b) of Schedule 1 to the Bill), and how the proposed grace period would be counted should there be a short break in the moving queue - Discussion on how the proposed grace period would be enforced 	
014457 – 014955	Ms LI Fung-ying Administration	<ul style="list-style-type: none"> - Discussion on whether frequent switching off and restarting of engines would produce more exhaust emissions, and whether a running engine would produce more exhaust emissions than an idling engine - Discussion on how the grace period would apply to a vehicle which had to stop for loading and unloading in an industrial zone every few minutes 	Administration to provide information (paragraph 9 of minutes)
014956 – 015525	Chairman Ms Miriam LAU Administration	<ul style="list-style-type: none"> - Discussion on whether the current proposal of exempting only the first five taxis at a taxi stand could cater to the trade's operational needs and could prevent vehicles from circulating on the road to avoid switching off the engine 	
015526 – 020152	Chairman Mr WONG Kwok-hing Administration Ms Miriam LAU Mr LEE Wing-tat	<ul style="list-style-type: none"> - Discussion on whether and when to accept the trade's invitation to a trial on the impacts of the idling prohibition - Date of next meeting 	