

立法會
Legislative Council

LC Paper No. CB(1)2912/09-10
(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 fifth meeting held on
Thursday, 8 July 2010, at 8:30 am
in Conference Room A of the Legislative Council Building**

- Members present** : Hon Audrey EU Yuet-mee, SC, JP (Chairman)
Hon LEE Cheuk-yan
Hon LEUNG Yiu-chung
Hon Miriam LAU Kin-yee, GBS, JP
Hon LI Fung-ying, SBS, JP
Hon WONG Kwok-hing, MH
Hon Andrew LEUNG Kwan-yuen, GBS, JP
Hon KAM Nai-wai, MH
Hon Cyd HO Sau-lan
Hon CHAN Hak-kan
Hon IP Wai-ming, MH
Hon Tanya CHAN
- Members absent** : Hon CHAN Kam-lam, SBS, JP
Hon LEE Wing-tat
Hon CHEUNG Hok-ming, GBS, JP
Hon Mrs Regina IP LAU Suk-yee, GBS, JP
Dr Hon PAN Pey-chyou
Hon LEUNG Kwok-hung
- 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

Mr S H VERRALLS
Acting Chief Superintendent of Police
(Traffic Branch Headquarters)
Hong Kong Police Force

Ms Angela NG
Senior Superintendent of Police
(Administration, Traffic Branch Headquarters)
Hong Kong Police Force

Ms Nancy NGAN
Chief Inspector of Police (Law Revision and
Projects, Traffic Branch Headquarters)
Hong Kong Police Force

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

Staff in attendance : Ms Kitty CHENG
Assistant Legal Adviser 5

Ms Sarah YUEN
Senior Council Secretary (1)6

Mr Ken WOO
Council Secretary (1)2

-
- I. Confirmation of minutes of meeting**
(LC Paper No. CB(1)2298/09-10 - Minutes of the meeting held
on 27 May 2010)

Action

The minutes of the meeting held on 27 May 2010 were confirmed.

II Meeting with the Administration

- (LC Paper No. CB(3)598/09-10
 - File Ref: EP CR 9/150/27
 - LC Paper No. LS 58/09-10
 - LC Paper No. CB(1)1967/09-10(01)
 - LC Paper No. CB(1)1968/09-10
 - LC Paper No. CB(1)2090/09-10(01)
 - LC Paper No. CB(1)2117/09-10(01)
 - LC Paper No. CB(1)2117/09-10(02)
 - LC Paper No. CB(1)2240/09-10(02)
 - LC Paper No. CB(1)2240/09-10(03)
 - LC Paper No. CB(1)2240/09-10(04)
 - LC Paper No. CB(1)2366/09-10(01)
- The Bill
 - Legislative Council Brief
 - Legal Service Division report on the Bill
 - Assistant Legal Adviser 5's letter dated 11 May 2010 to the Administration and the Administration's reply letter dated 17 May 2010
 - Background brief on Motor Vehicle Idling (Fixed Penalty) Bill
 - Report of a trial conducted by Hon Miriam LAU in collaboration with the Hong Kong and Kowloon Taxi Merchants' Joint Committee
 - Administration's reply letter dated 24 September 2009 to Hon Miriam LAU
 - Administration's reply letter dated 6 November 2009 to Hon Miriam LAU
 - Administration's response to the list of follow-up actions arising from the meeting on 27 May 2010
 - Administration's response to the list of follow-up actions arising from the meeting on 1 June 2010
 - Administration's response to the list of follow-up actions arising from the meeting on 7 June 2010
 - Administration's supplementary response to the list of follow-up actions arising from the meeting on 1 June 2010

Action

LC Paper No. CB(1)2366/09-10(02) - Administration's supplementary response to the list of follow-up actions arising from the meeting on 7 June 2010)

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

Site visit to minibus/taxi stands

Admin 3. The Bills Committee agreed to schedule a site visit to taxi/public light bus (PLB)/bus stands for the afternoon of 26 July 2010 to understand the impacts of the motor vehicle idling prohibition (idling prohibition) on the operations of the trade. Ms Miriam LAU suggested that the visit should cover termini of buses and coaches as well. The Chairman suggested and members agreed that the Bills Committee would consider the matter further when drawing up the itinerary for the visit. Some members suggested that the itinerary should cover, in particular, the PLB stand in Mongkok, as well as major taxi stands each in urban area and the New Territories.

Admin 4. The Administration confirmed that the Secretary for the Environment (SEN) would participate. Members further agreed that representatives from the Labour Department and the Transport Department should join the visit.

New proposal from the Administration

5. The Administration advised that it had met with the transport trade after the recent death of a PLB driver while queuing for passengers at the PLB stand in Mongkok with the engine switched off. The Administration noted that there were strong views in the community in favour of providing suitable exemption from the idling prohibition during inclement weather, e.g. on very hot days. Subject to the views of the Bills Committee, the Administration proposed to incorporate in the Bill exemptions on days on which "very hot weather warnings"/amber, red and black rainstorm signals were issued (the proposed exemption). Details of the proposed exemption would be worked out after the Bills Committee had given views on this proposal. Meanwhile, the Administration was prepared to consider suggestions as to whether further exemptions should be granted to drivers of commercial vehicles in the light of their operational needs so long as these would not undermine the fundamental objectives of the Bill.

6. Some members considered the proposed exemption insufficient, stressing that commercial vehicles were the workplaces of professional drivers, and that the ambient temperature inside a vehicle was much higher than air

Action

temperature. They made the following suggestions of expanding the scope of exemption–

- (a) Exempting all taxi and PLB stands, and all vehicles while queuing for refill at liquefied petroleum gas (LPG) filling stations;
- (b) Exempting drivers who were able to submit medical proofs that they could not tolerate hot weather due to health problems;
- (c) Exemptions similar to that presently available in Toronto when the ambient temperature inside a vehicle was more than 27 degrees Celsius (the Toronto exemption) should be provided;
- (d) The "very hot weather warning" system should be made a graded system as that for rainstorm signals, so that professional drivers could be exempted from the idling prohibition even when the weather was not hot enough to warrant the issue of the conventional "very hot weather warning";
- (e) A blanket exemption should be granted for four months from June to September; and
- (f) A one-year grace period should be provided.

7. The Administration's initial response to the above suggested exemptions was as follows –

- (a) A wide range of exemptions had already been proposed in the Bill to cater to the specific operational requirements of different transport trades. Insofar as legislation to prohibit motor vehicle idling was concerned, the Bill provided more exemptions than the relevant legislation in any other jurisdictions;
- (b) On health concern, it should be noted that the Bill sought to protect not only the health of pedestrians and those working or living near the roads affected by roadside emissions, but also that of drivers as all air pollutants common to vehicle exhaust, including those emitted from idling vehicles, were also present in the air within the vehicles;
- (c) If Hong Kong was to follow the Toronto exemption, the days on which such exemption would be granted might amount to some 194 in a year. Moreover, Toronto was introducing legislative amendments to abolish the exemption due to enforcement difficulties;

Action

- (d) The "very hot weather warning" had been issued by the Hong Kong Observatory (HKO) as a general warning system to alert the public to very hot weather. The proposed graded system in paragraph 6(d) above would in effect lower the triggering point for the issue of the "very hot weather warning". HKO would have to be consulted on whether a graded system should be introduced;
- (e) The proposed exemption could more specifically respond to the needs of drivers than the blanket exemption proposed in paragraph 6(e) above because "very hot weather warning" or amber, red and black rainstorm signals might not necessarily be issued only during the hottest months; and
- (f) There might not be a need to provide a grace period because SEN would appoint the day on which the Bill would come into operation. The Administration would consider the suitable timing for effecting the Bill, taking into account of the necessary educational and publicity efforts required for alerting the public and the transport trades to the idling prohibition, including the exemption arrangements. Where necessary, the Environmental Protection Department would discuss with the Police on whether flexibility could be exercised in enforcing the prohibition during the first few months.

Follow-up actions required of the Administration

- Admin 8. The Administration was requested to provide written response to the following concerns raised by members -
- (a) A breakdown of the very hot days in 2009 by temperature;
 - (b) Whether the "very hot weather warning" system could be made a graded system as that for rainstorm signals, so that drivers could be exempted from the idling prohibition even when the weather was not hot enough to warrant the issue of the conventional "very hot weather warning";
 - (c) Analyze and establish the correlation between the air temperature and the ambient temperature in a vehicle;
 - (d) Advise if there was any legislative proposal in Toronto being made to replace the Toronto exemption and to provide further information on such legislative proposal;

Action

- (e) Supplement Annex C to the paper [LC Paper No. CB(1)2240/09-10(02)] with details on whether shades and covers (either for taxis or for passengers) were available at each of the 53 taxi stands listed therein. The Administration should also advise whether and how it planned to provide or install shades and covers where such were unavailable and, if not, the reasons; and
- (f) Obtain information from Designing Hong Kong on the technology which could allow the air conditioner in a vehicle to run on battery power for a short period whilst the engine was switched off as mentioned by their representative at an earlier meeting of the Bills Committee.

Date of next meeting

Clerk
Admin

9. Members agreed that the next meeting would be held on Wednesday, 21 July 2010, at 8:30 am, and that representatives from the Labour Department, HKO and the Transport Department should also attend the next meeting.

II Any other business

10. There being no other business, the meeting ended at 10:30 am.

Council Business Division 1
Legislative Council Secretariat
27 September 2010

**Proceedings of the fifth meeting of
the Bills Committee on Motor Vehicle Idling (Fixed Penalty) Bill
on Thursday, 8 July 2010, at 8:30 am
in Conference Room A of the Legislative Council Building**

Time marker	Speaker	Subject(s)	Action required
Agenda Item I – Confirmation of minutes of meeting			
000059 – 000149	Chairman	<ul style="list-style-type: none"> - Opening remarks - Confirmation of minutes of meeting. 	
Agenda Item II – Meeting with the Administration			
000150 – 003339	Chairman Mr WONG Kwok-hing Ms Miriam LAU Ms LI Fung-ying Mr IP Wai-ming Mr LEUNG Yiu-chung Mr CHAN Hak-kan Mr Andrew LEUNG Administration	<ul style="list-style-type: none"> - Discussion on the date, duration and locations of the planned visit to taxi/PLB/bus stands - Ms Miriam LAU's view on the need to visit New Territories (NT) taxi stands considering their unique operating environment, namely, the lack of parking and waiting areas - Discussion on the need to visit the stands/termini of all commercial vehicles, and agreement to visit taxi/PLB stands first - Discussion on the need for members to conduct trials during the visit, or that professionals should be commissioned to conduct the trials instead - Mr LEUNG Yiu-chung's views on the need to understand the operation of light goods vehicles as well, and on the desirability of enforcing the idling prohibition on rainy days - Discussion on the departments which should send representatives to participate in the visit - Ms Miriam LAU's view that after the visit, the Bills Committee should seriously discuss the need to grant special exemptions from the idling prohibition to the transport trade, in particular taxis and PLBs 	
003340 – 004125	Chairman Administration	<ul style="list-style-type: none"> - Administration's briefing on its latest stance regarding exemptions from the idling prohibition after the death of a PLB driver, namely, that subject to the views of the Bills Committee, it would 	

Time marker	Speaker	Subject(s)	Action required
		propose to incorporate in the Bill exemptions on days on which "very hot weather warnings", or amber, red and black rainstorm signals were issued (the proposed exemption)	
004126 – 004700	Mr WONG Kwok-hing Administration	<ul style="list-style-type: none"> - Mr WONG's view that the proposed exemption was insufficient, and discussion on his call to grant exemptions at all taxi and PLB stands, and when these vehicles were queuing for refill at LPG filling stations - Administration's response to Mr WONG's call upon it to meet with the relevant trade union(s) of professional drivers early to discuss possible exemptions 	
004701 – 005405	Mr IP Wai-ming Administration	<ul style="list-style-type: none"> - Discussion on the need to grant additional exemptions in the light of occupational safety and health, and the fact that the ambient temperature inside a vehicle was much higher than air temperature - Mr IP's view that SEN should attend meetings of the Bills Committee 	
005406 – 010106	Ms LI Fung-ying Administration	<ul style="list-style-type: none"> - Discussion on the need to note the fact that the ambient temperature inside a vehicle was much higher than air temperature, and that drivers' health would be greatly affected if the former was too high. - Ms LI's suggestion of granting exemption to drivers who were able to submit medical proofs that they could not tolerate hot weather due to health problems 	
010107 – 010819	Chairman Ms Miriam LAU Administration	<ul style="list-style-type: none"> - Discussion on the need to introduce a warning system instead of a fixed penalty system in recognition of Hong Kong's special circumstances, such as its high temperature and humidity, poor air ventilation, lack of relevant supporting facilities such as shaded or covered parking areas, and stringent transport legislation that required the driver to stay in the vehicle while idling (LC Paper No. CB(1)2240/09-10(02)) 	

Time marker	Speaker	Subject(s)	Action required
010820 – 011329	Mr CHAN Hak-kan Administration	- Discussion on the desirability and feasibility of providing exemptions similar to the Toronto exemption having regard that the Bill should aim to educate rather than to penalize	
011330 – 011959	Mr LEUNG Yiu-chung Administration	- Mr LEUNG's view on the need to grant professional drivers additional exemptions considering their readiness to refrain from idling their vehicles with engines running owing to fuel cost considerations, Hong Kong's unique urban design, and the fact that the ambient temperature inside a vehicle was much higher than air temperature	Administration to provide information (paragraph 8 of minutes)
012000 – 012711	Chairman Ms Cyd HO Administration Ms Miriam LAU	<ul style="list-style-type: none"> - Ms HO's indication of support for the proposed exemption while highlighting the need to note the differences in temperature of different regions, and to exercise care in working out the implementation details - Discussion on how "very hot weather" would be defined, in particular on whether the air temperature or the ambient temperature inside a vehicle would be the determining factor - Discussion on whether the "very hot weather warning" system could be made a graded system (the proposed graded system) as that for rainstorm signals, so that professional drivers could be exempted from the idling prohibition even when the weather was not hot enough to warrant the issue of the conventional "very hot weather warning" - Discussion on whether a blanket exemption should be granted during mid-June to mid-October of every year - Discussion on the Government representatives to be invited to attend the next meeting of the Bills Committee scheduled for 21 July 2010 	Administration to provide information (paragraph 8 of minutes)
012712 – 013417	Chairman Mr KAM Nai-wai Administration	- Discussion on the need to introduce a warning system instead of a fixed penalty system considering that the Bill aimed to educate rather than to penalize, and on the need to provide a one-year	

Time marker	Speaker	Subject(s)	Action required
		<p>grace period</p> <ul style="list-style-type: none"> - Discussion on the adequacy of supporting measures/facilities (e.g. provision of shades and covers at taxi/PLB stands) to facilitate implementation of the idling prohibition. Consideration should be given to amending the law to abolish the prohibition of the driver from leaving the vehicle while idling (Annex C to LC Paper No. CB(1)2240/09-10(02)) - Mr KAM's indication of support for the proposed graded system 	<p>Administration to provide information (paragraph 8 of minutes)</p>
013418 – 014312	Chairman Mr LEE Cheuk-yan Administration	<ul style="list-style-type: none"> - Discussion on the need to adopt a humane approach in considering the idling prohibition, to strike a balance between protection of the health of professional drivers and that of the general public, and to grant a blanket exemption from June to September of every year - Discussion on the need to note the correlation between the air temperature and the ambient temperature inside a vehicle, and to grant exemptions in the light thereof 	
014313 – 014842	Miss Tanya CHAN Administration	<ul style="list-style-type: none"> - Discussion on the need and feasibility of analyzing and establishing the correlation between the air temperature and the ambient temperature inside a vehicle, so as to provide objective data for introduction of the proposed graded system and other exemptions 	<p>Administration to provide information (paragraph 8 of minutes)</p>
014843 – 015548	Chairman Ms Miriam LAU Administration	<ul style="list-style-type: none"> - Discussion on the need to provide exemptions where reasonable to ensure the quality and competitiveness of taxi/PLB services - Discussion on the availability of supporting measures/facilities to facilitate implementation of the Bill, such as devices that could power vehicles' air conditioning systems whilst their engines were switched off (LC Paper CB(1)2240/09-10(04)) 	<p>Administration to provide information (paragraph 8 of minutes)</p>

Time marker	Speaker	Subject(s)	Action required
015549 – 020008	Chairman Mr LEE Cheuk-yan Administration Mr IP Wai-ming	<ul style="list-style-type: none">- Discussion on whether there was legislative proposal in Toronto to replace the Toronto exemption- Discussion on the need to pursue measures other than the idling prohibition to improve air quality, such as greening efforts, promotion of the use of electric cars, reduction of emissions from power generation, etc.	Administration to provide information (paragraph 8 of minutes)
020009 – 020030	Chairman	<ul style="list-style-type: none">- Closing remarks- Date of next meeting	

Council Business Division 1
Legislative Council Secretariat
27 September 2010