

立法會
Legislative Council

LC Paper No. CB(1)2913/09-10
(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 sixth meeting held on
Wednesday, 21 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 CHAN Kam-lam, SBS, JP
Hon LEUNG Yiu-chung
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 IP Wai-ming, MH
Dr Hon PAN Pey-chyou
Hon Tanya CHAN
- Members absent** : Hon LEE Cheuk-yan
Hon Miriam LAU Kin-yea, GBS, JP
Hon LEE Wing-tat
Hon CHEUNG Hok-ming, GBS, JP
Hon CHAN Hak-kan
Hon LEUNG Kwok-hung
- Public officers attending** : **Agenda item I**
Mr Carlson CHAN
Deputy Director of Environmental Protection (3)

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Mr Edmond HO
Principal Environmental Protection Officer
(Mobile Source)

Mr Ray LEUNG
Environmental Protection Officer
(Mobile Source) 23

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

Ms Angie LI
Government Counsel
Department of Justice

Mr Stephen Harvey VERRALLS
Acting Chief Superintendent (Traffic)
Hong Kong Police Force

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

Mr Shylock WONG
Superintendent (Law Revision and Projects, Traffic
Branch Headquarters)
Hong Kong Police Force

Miss Alice AU-YEUNG
Principal Transport Officer (Bus & Railway 2)
Transport Department

Dr Raymond LEUNG
Occupational Health Consultant (1)
Labour Department

Miss Sharon LAU
Acting Assistant Director of Hong Kong
Observatory (Aviation Weather Services)

Mr Edwin LAI
Acting Assistant Director of Hong Kong
Observatory (Forecasting and Warning Services)

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

Staff in attendance : Ms Kitty CHENG
Assistant Legal Adviser 5

Mr Ken WOO
Council Secretary (1)2

Miss Pauline NG
Clerical Assistant (1)1

I Meeting with the Administration

(LC Paper No. CB(3)598/09-10
File Ref: EP CR 9/150/27

- The Bill
- Legislative Council Brief issued by the Environmental Protection Department
- 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

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)

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- LC Paper No. CB(1)2366/09-10(02) - arising from the meeting on 1 June 2010
Administration's supplementary response to the list of follow-up actions arising from the meeting on 7 June 2010
- LC Paper No. CB(1)2541/09-10(01) - Administration's response to issues raised at the meeting on 8 July 2010
- LC Paper No. CB(1)2541/09-10(02) - Submission from Clear The Air dated 9 July 2010
- LC Paper No. CB(1)2541/09-10(03) - Submission from Clear The Air dated 19 July 2010
- LC Paper No. CB(1)2594/09-10(01) - Administration's supplementary response to issues raised at the meeting on 8 July 2010)

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

2. The Bills Committee noted that Mrs Regina IP had withdrawn from the Bills Committee with effect from 9 July 2010.

Site visit on 26 July 2010

3. Members discussed the itinerary for the site visit on 26 July 2010 tabled at the meeting and Ms Miriam LAU's suggestions as detailed in her letter to the Bills Committee. With reference also to the letters respectively from Green Sense, Citybus Limited and New World First Bus Services Limited, members agreed to revise the itinerary as follows –

- (a) The first stop would be Macau Ferry Bus Terminus instead of the parking area for buses in Sheung Wan as originally proposed;
- (b) The order of the visit to the taxi stands outside Hung Hom MTR Station and that to the Lam Tin Public Transport Interchange would be swapped; and
- (c) The Bills Committee would also visit the public light bus (PLB) stand at Soy Street, Mongkok.

Members requested that representatives from the Labour Department (LD) and the Transport Department (TD) should participate in the site visit.

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Clerk to
Bills
Committee

4. At the suggestion of Mr LEUNG Yiu-chung and Mr WONG Kwok-hing, the Bills Committee agreed to schedule another site visit to certain taxi stands in the New Territories. The Clerk to the Bills Committee would check with the Administration the availability of the Secretary for the Environment in fixing the date of the visit.

Protection to professional drivers

5. Members were concerned about the Administration's advice that the Occupational Safety and Health Ordinance (Cap. 509) did not cover the driving duties of professional drivers. Members were keen to ensure that the occupational safety and health of professional drivers would not be adversely affected by the proposed motor vehicle idling prohibition (idling prohibition). Mr CHAN Kam-lam said that members belonging to the Democratic Alliance for the Betterment and Progress of Hong Kong would not support the Bill unless they were satisfied that the occupational safety and health of professional drivers would not be compromised.

6. The Administration responded that it had given due regard to the safety and health of professional drivers and therefore had come up with the various exemptions from the proposed idling prohibition to be granted to them. The Administration advised that in considering further exemptions, care should be exercised to ensure they would not undermine the fundamental objectives of the Bill. It should also be noted that the idling prohibition could safeguard the health of not only those who lived or worked near the roads affected by roadside emissions but also drivers and passengers of idling vehicles because all air pollutants common to vehicle exhaust were also present in the air within the vehicles if they were left idling with running engines.

7. On the operation of Very Hot Weather Warning (VHWW), the Administration responded that it was based on the forecast temperatures of the Hong Kong Observatory (HKO) headquarters, around a threshold of 33 degrees Celsius for typical humidity and wind conditions during summer days in Hong Kong. Consideration would also be given to high temperatures generally recorded or forecasted elsewhere in Hong Kong. Given the inherent constraint of forecast uncertainty, the number of days with VHWW issued was not the same as the number of "very hot days" (conventionally defined as measured temperatures at HKO reaching 33 degrees Celsius or above), meaning there would be cases where VHWW was in force but the actual maximum temperature was below 33 degrees Celsius and cases where VHWW was not in force but the temperature threshold was reached. The latest VHWW status was broadcast through radio and television, and could be readily checked using the dial-a-weather service at 1878 200. While reported and forecast temperatures were routinely available for reference by members of the general public and users from specific sectors, VHWW was designed to alert the general public to very hot weather conditions and was not meant for

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tailor-made applications in specific sectors. It might also last for a number of days (the longest VHWW spell was 13 days). As such, the warning could be in force even during a night when the temperature was not that high. Adopting a graded warning system with lower temperature thresholds to cover not-so-hot conditions would significantly increase the number of days with a warning by many times, hence reducing the awareness of the general public to genuinely very hot conditions. For reference of the meeting, based on 2000-2009 data, there were on average 182 days per year with a maximum temperature of 27 degrees Celsius or above.

Admin

8. The Administration was requested to provide written response to address the following concerns raised by members –

- (a) LD and TD to advise whether the Bill, if implemented as currently proposed, might pose any adverse impact on professional drivers' health considering the long hours these drivers worked inside a vehicle;
- (b) The Environmental Protection Department (EPD) to advise whether the proposals under the Bill and the recently proposed exemptions to be granted on days when "very hot weather warnings" or when amber, red and black rainstorm signals were issued could adequately safeguard the health of professional drivers and the general public;
- (c) LD to advise, from the perspective of occupational safety and health, the risk of heatstroke posed by the proposed idling prohibition to professional drivers, and whether it would conduct a study in this regard;
- (d) LD to advise on the appropriate range of temperature, humidity and radiant heat inside a vehicle as a suitable working environment for professional drivers;
- (e) LD to consider some members' views that the Occupational Safety and Health Ordinance (Cap. 509) should be reviewed to extend its coverage to the driving duties of professional drivers; and
- (f) The Administration's response to further exemptions suggested by some members –
 - (i) exempting all taxi and PLB stands, and all vehicles while queuing for refill at liquefied petroleum gas (LPG) filling stations from coverage of the Bill; and

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- (ii) exempting drivers on days when the temperature reached 27 or 28 degrees Celsius from the proposed idling prohibition.

Date of next meeting

Clerk

9. Members agreed to schedule the next meeting for September 2010. The Clerk would consult the Chairman on the date of the next meeting and inform members in due course.

II Any other business

10. There being no other business, the meeting ended at 10:40 am.

Council Business Division 1
Legislative Council Secretariat
27 September 2010

**Proceedings of the sixth meeting of
the Bills Committee on Motor Vehicle Idling (Fixed Penalty) Bill
on Wednesday, 21 July 2010, at 8:30 am
in Conference Room A of the Legislative Council Building**

Time marker	Speaker	Subject(s)	Action required
000001 – 000858	Chairman Administration	<ul style="list-style-type: none"> - Opening remarks - The Bills Committee noted Mrs Regina IP's withdrawal of membership with effect from 9 July 2010 - Report on the latest progress and arrangements of the site visit on 26 July 2010 	
000859 – 005007	Chairman Mr LEUNG Yiu-chung Ms LI Fung-ying Administration Mr WONG Kwok-hing Mr KAM Nai-wai Mr Andrew LEUNG	<ul style="list-style-type: none"> - Discussion on the itinerary of the site visit and suggestion of scheduling another site visit to taxi stands in the New Territories 	
005008 – 005700	Chairman Administration	<ul style="list-style-type: none"> - Administration's briefing on LC Papers Nos CB(1)2240/09-10(02) and CB(1)2541/09-10(01) 	
005701 – 012220	Chairman Mr WONG Kwok-hing Administration Ms LI Fung-ying Dr PAN Pey-chyou Mr IP Wai-ming	<ul style="list-style-type: none"> - Discussion on the impact of the proposed idling prohibition on professional drivers' health and judgement and hence road safety - Members' expression of concern that the Occupational Safety and Health Ordinance (Cap. 509) (OSHO) did not cover the driving duties of professional drivers - Discussion on whether employers had the statutory obligation under OSHO to ensure the occupational safety and health of the drivers under their employment when the latter were performing driving duties and non-driving duties respectively 	<p>Administration to provide information (paragraph 8 of minutes)</p> <p>Administration to provide information (paragraph 8 of minutes)</p>
012221 – 013030	Chairman Mr LEUNG Yiu-chung Administration	<ul style="list-style-type: none"> - Discussion on the need to provide exemption from the proposed idling prohibition during hot months considering that the air temperature inside a vehicle was much higher than the ambient temperature 	Administration to provide information (paragraph 8 of minutes)

Time marker	Speaker	Subject(s)	Action required
		<ul style="list-style-type: none"> - Discussion on the risks of professional drivers suffering from heatstroke if the proposed idling prohibition would be in force during hot months 	
013031 – 013850	Chairman Mr CHAN Kam-lam Administration	<ul style="list-style-type: none"> - Discussion on the need to provide safeguards for professional drivers' occupational safety and health 	
013851 – 014831	Chairman Administration	<ul style="list-style-type: none"> - Discussion on the "very hot weather warning" system - Discussion on the proposed exemption to be granted on days when "very hot weather warnings" were issued, in particular the relevant notification mechanism 	
014832 – 015218	Chairman Mr WONG Kwok-hing Administration	<ul style="list-style-type: none"> - Mr WONG's expression of regret over the recent death of a PLB driver who was reported to be suffering from heatstroke while queuing for passengers at the PLB stand in Mongkok with the engine switched off - Discussion on the need for LD to conduct a study, from the perspective of occupational safety and health, on the risk of heatstroke posed by the proposed idling prohibition to professional drivers - Discussion on the rationale for not exempting a professional driver from the idling prohibition unless there was a passenger on board his/her vehicle 	
015219– 015642	Chairman Mr CHAN Kam-lam Administration	<ul style="list-style-type: none"> - Mr CHAN's emphasis of the need to ensure professional drivers' health would not be compromised by the Bill - Discussion on the adequacy of the recently proposed exemption to be granted on days when "very hot weather warnings" were issued, and on whether a lower triggering temperature for the exemption, such as 26 or 27 degrees Celsius, could be adopted 	Administration to provide information (paragraph 8 of minutes)

Time marker	Speaker	Subject(s)	Action required
015643– 020028	Chairman Ms Cyd HO Administration	- Discussion on the suggestion of exempting drivers from the proposed idling prohibition on days when the temperature reached 27 or 28 degrees Celsius, and of granting a blanket exemption for four months from mid-June to mid-October	Administration to provide information (paragraph 8 of minutes)
020029 – 020650	Chairman Mr IP Wai-ming Mr WONG Kwok-hing Dr PAN Pey-chyou	- Discussion on the need to exempt all taxi and PLB stands, and all vehicles while queuing for refill at LPG filling stations from coverage of the Bill	Administration to provide information (paragraph 8 of minutes)
020651 – 020738	Mr WONG Kwok-hing	- Mr WONG's request for LD to provide a paper on the impact of the proposed idling prohibition on professional drivers' health, and to provide in the paper advice on the appropriate range of temperature, humidity and radiant heat inside a vehicle as a suitable working environment for professional drivers	Administration to provide information (paragraph 8 of minutes)
020739 – 020852	Chairman	- Date of next meeting and the additional visit to NT taxi stands	