

立法會
Legislative Council

LC Paper No. CB(1)289/10-11
(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 seventh meeting held on
Tuesday, 21 September 2010, at 2:30 pm
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 Miriam LAU Kin-ye, GBS, JP
Hon LI Fung-ying, SBS, JP
Hon WONG Kwok-hing, MH
Hon KAM Nai-wai, MH
Hon Cyd HO Sau-lan
Hon IP Wai-ming, MH
Hon LEUNG Kwok-hung
Hon Tanya CHAN
- Members absent** : Hon LEE Cheuk-yan
Hon LEE Wing-tat
Hon Andrew LEUNG Kwan-yuen, GBS, JP
Hon CHEUNG Hok-ming, GBS, JP
Hon CHAN Hak-kan
Dr Hon PAN Pey-chyou
- Public officers attending** : **Agenda item II**
Mr Carlson CHAN
Deputy Director of Environmental Protection (3)

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

Miss Susanna LAI
Senior Administrative Officer
(Air Policy Division)
Environmental Protection Department

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

Ms Angie LI
Government Counsel
Department of Justice

Mr Stephen Harvey VERRALLS
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

Dr Raymond LEUNG
Occupational Health Consultant (1)
Labour Department

Mr Charles WU Yu-man
Principal Transport Officer/Bus & Railway 2 (Ag)
Transport Department

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

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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)2852/09-10 - Minutes of meeting held on
1 June 2010
LC Paper No. CB(1)2853/09-10 Minutes of meeting held on
7 June 2010)

The minutes of the meetings held on 1 and 7 June 2010 respectively were confirmed.

II Meeting with the Administration

- (LC Paper No. CB(3)598/09-10 - The Bill
File Ref: EP CR 9/150/27 - Legislative Council Brief
issued by the
Environmental Protection
Department
LC Paper No. CB(1)2834/09-10(01) - Assistant Legal Adviser 5's
letter dated 12 August 2010
to the Administration and
the Administration's reply
letter dated September 2010
LC Paper No. CB(1)2837/09-10(01) - Administration's response
to issues raised at the
meeting on 21 July 2010
LC Paper No. CB(1)2240/09-10(02) - Administration's response
to issues raised at the
meeting on 27 May 2010
LC Paper No. CB(1)2240/09-10(03) - Administration's response
to issues raised at the
meeting on 1 June 2010
LC Paper No. CB(1)2366/09-10(01) - Administration's
supplementary response to
issues raised at the meeting
on 1 June 2010
LC Paper No. CB(1)2240/09-10(04) - Administration's response
to the issues raised at the

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LC Paper No. CB(1)2366/09-10(02)	- meeting on 7 June 2010 Administration's supplementary response to issues raised at 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)2891/09-10(01)	- Submission from 全港的士反停車熄匙聯盟
LC Paper No. CB(1)2891/09-10(02)	Submission from Public Light Bus General Association
LC Paper No. CB(1)2891/09-10(03)	Submission from G.M.B. Maxicab Operators General Association Ltd.
LC Paper No. CB(1)2903/09-10(01)	Record of temperature for the site visit on 26 July 2010
L C Paper No. CB(1)2903/09-10(02)	Record of temperature for the site visit on 9 September 2010)

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

3. The Administration took the Bills Committee through the suggestions raised by the trades and Members for additional exemptions, including blanket exemptions for taxis and min-buses, providing further exemptions to taxi and mini-bus stands, extending the three-minute idling exemption for franchised buses, waiving the idling ban when temperature exceeded a certain threshold or during the hottest months in the light of the experience gathered during the two site visits in July and September. The Administration considered that there was an arguable case to provide further exemption to taxis waiting in taxi stands, taking account of their mode of operation and the potential environmental impact on the vicinity of the taxi stands. Some members asked the Administration to clarify whether the proposal would provide exemption to all taxis waiting in the taxi stands or simply increase the number of taxis to be exempted in the taxi stands. The Administration said that based on its soundings with members of this Bills Committee and the taxi trades, the majority views were that exemption should be given to all taxis waiting in the taxi stands. The Administration was prepared to go along with this broad consensus and propose amendments to the Bill on this basis.

4. While welcoming the Administration's new proposal, members raised the following concerns and suggestions for the Administration's consideration -

- (a) Taxis at informal taxi stands could not benefit from the above proposed additional exemption. Hence, there was a need to

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convert existing informal taxi stands (and informal red minibus (RMB) stands as well) into formal ones as far as possible, so that they could also benefit from the exemptions applicable to designated taxi and public light bus (PLB) stands;

- (b) There was a need to also exempt all PLB stands, or at least the first three or four PLBs of each route, from coverage of the Bill because it was not practical to suggest that PLB drivers could leave their vehicles when the engines stopped as there was often no provision of shelters/covers at PLB stands. The limited space and double-parking problem at these stands also made it difficult for PLB drivers to get off or find anywhere to go after leaving their vehicles;
- (c) To exempt drivers of all vehicles from the proposed idling prohibition during hot months, such as from June to September or to October;
- (d) To exempt all commercial vehicles from coverage of the Bill; and
- (e) To grant the same exemption as that applicable to non-franchised buses to school private light buses with less than 16 seats.

5. The Administration responded that the Bill was an important step towards improving roadside air quality and reducing nuisance caused by idling vehicles. Since a wide range of exemptions had already been committed to cater to the specific operational needs of different transport trades, care should be exercised in considering additional exemptions in order not to undermine the fundamental objectives of the Bill. The Administration did not agree to exempt commercial vehicles in order to deliver the objectives of the Bill. The Administration pointed out that taxis and mini-buses using liquefied petroleum gas (LPG) was not emission free. Unless properly maintained, these vehicles could emit a high level of air pollutants, particularly in respect of nitrogen oxides. Indeed, the level of nitrogen dioxide on the roadside had soared in the past few years and was a cause for concern. The Administration also did not agree to grant further exemptions to PLBs considering that PLB stands were often situated at busy streets in great proximity to shops and hence posed great impact on roadside air quality. The Administration would, however, urge the operators of green minibus routes to allow PLB drivers under their employment to leave their PLBs to take cover from the heat or rain as necessary, and would liaise with the Transport Department for improvements to the environment at taxi/PLB stands, such as by providing covers and shades and other supporting facilities.

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6. Some members criticized the Labour Department (LD)'s stance regarding the protection for professional drivers after passage of the Bill as reflected in the Administration's paper [LC Paper No. CB(1)2837/09-10(01)]. Mr IP Wai-ming requested that official(s) of a more senior rank from LD (say, Deputy Commissioner for Labour (Occupational Safety and Health)) should attend the next meeting to join the discussion. After discussion, the Administration was requested to provide written response to the following concerns raised by members –

- (a) To enquire with the Hong Kong Productivity Council whether the retrofit device being developed to enable the operation of air-conditioning system by battery when the engine was switched off would be ready for members to visit;
- (b) To provide a timetable for reprovisioning shades/covers and planting trees at taxi stands where such were currently unavailable;
- (c) To provide information on the existing informal taxi and RMB stands, and to propose which of them could be converted into formal ones;
- (d) To provide information on the number of days in 2009 on which the temperature reached 27 degrees Celsius or above;
- (e) To respond to some members' suggestion of exempting all vehicles from the proposed idling prohibition during hot months, such as from June to September or to October;
- (f) To provide information on (i) the activities that would be categorized as "operational activities" for the conduct of which the vehicles listed in section 3(2) of Schedule 1 to the Bill would be exempted, and on (ii) the authority to determine whether an activity fell within the coverage of "operational activities";
- (g) To respond to a member's view that school private light buses with less than 16 seats should be granted the same exemption as that applicable to non-franchised buses;
- (h) To further consider members' suggestion of extending the exemption at PLB stands from the first two PLBs to the first three PLBs of each route; and
- (i) LD to assess, with reference to the actual circumstances at the PLB stands in Mongkok visited by the Bills Committee in July, the health impact of the proposed idling prohibition on drivers of

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PLBs working there and to advise whether any measures (provision of guidelines) could be taken to mitigate the impact.

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7. The Bills Committee noted that the Administration intended to improve the drafting of relevant provisions to clearly specify the "traffic conditions" under which exemption from the idling prohibition would be granted.

Date of next meeting

8. Members agreed that the next meeting would be held on Monday, 11 October 2010, at 8:30 am.

II Any other business

9. There being no other business, the meeting ended at 4:35 pm.

Council Business Division 1
Legislative Council Secretariat
4 November 2010

**Proceedings of the seventh meeting of
the Bills Committee on Motor Vehicle Idling (Fixed Penalty) Bill
on Tuesday, 21 September 2010, at 2:30 pm
in Conference Room A of the Legislative Council Building**

Time marker	Speaker	Subject(s)	Action required
Agenda item I – Confirmation of minutes of meeting			
000230 – 000433	Chairman	<ul style="list-style-type: none"> - Confirmation of minutes of meetings - Opening remarks 	
Agenda item II – Meeting with the Administration			
000434 – 001414	Administration	<ul style="list-style-type: none"> - Administration's consolidated response to members' views expressed at previous meetings and the two site visits conducted on 26 July and 9 September 2010 respectively 	
001415 – 002327	Ms Miriam LAU Administration	<ul style="list-style-type: none"> - Discussion on a suggestion of exempting PLB stands from the proposed idling prohibition in recognition that the conditions there might not allow PLB drivers to leave their PLBs to take cover from the heat or rain - Discussion on the need to develop as soon as practicable a retrofit device, in particular that for commercial vehicles, which would enable the operation of air conditioning system by battery when the engine was switched off - Ms LAU's emphasis of the need to clarify that despite section 2(4) of Schedule 1 to the Bill, franchised buses that had any passenger on board would be exempted from the proposed idling prohibition - Ms LAU's emphasis of the need to grant the same exemption as that applicable to non-franchised buses to school private light buses with fewer than 16 seats 	Administration to provide information (paragraph 6 of minutes)
002328 – 003318	Mr LEUNG Yiu-chung Administration	<ul style="list-style-type: none"> - Discussion on the need and desirability of granting additional exemptions from the proposed idling prohibition, particularly for PLBs considering that the likelihood of abuse was remote because of fuel cost considerations, that most shops near PLB stands were air-conditioned and hence unaffected by roadside emissions, and that it was 	

Time marker	Speaker	Subject(s)	Action required
		<p>impracticable to ask the drivers of unexempted PLBs to leave their PLBs to take cover from the heat</p> <ul style="list-style-type: none"> - Discussion on the need to exempt all taxis in recognition that informal taxi stands would not be exempted 	
003319 – 004136	Ms LI Fung-ying Administration	<ul style="list-style-type: none"> - Discussion on suspending the idling prohibition during days on which "very hot weather warnings" or amber, red and black rainstorm signals were issued - Discussion on how concerns about the impacts of the Bill on the occupational health of professional drivers could be addressed 	
004137 – 004715	Chairman Mr LEUNG Kwok-hung	<ul style="list-style-type: none"> - Mr LEUNG's view on the need to take into account humidity and the radiant heat inside a vehicle when assessing the impact of the proposed idling prohibition, and that apart from affecting professional drivers' health, the proposed idling prohibition would also impact on the competitiveness of PLB service 	
004716 – 005432	Mr IP Wai-ming Administration	<ul style="list-style-type: none"> - Mr IP's view on the need to take into account humidity when assessing the impact of the proposed idling prohibition, and to provide sufficient supporting facilities to enable professional drivers who were on duty to take cover from the heat and rain as necessary, and to have proper rest breaks - Discussion on the need to specify clearly in the Bill the "traffic conditions" under which exemption from the proposed idling prohibition would be granted 	
005433 – 010019	Chairman Mr WONG Kwok-hing Administration	<ul style="list-style-type: none"> - Discussion on the additional exemptions proposed to be granted to taxi and PLB stands 	
010020 – 010900	Mr CHAN Kam-lam Administration	<ul style="list-style-type: none"> - Discussion on the need and desirability of granting additional exemptions from the proposed idling prohibition, particularly to commercial vehicles, in recognition of the difference between the temperature inside a vehicle and air temperature, and the fact that most vehicles were already using more 	

Time marker	Speaker	Subject(s)	Action required
		environmentally-friendly fuels	
010901 – 011350	Chairman Administration	- Administration's briefing on LC Paper No. CB(1)2837/09-10(01)	
011351 – 012731	Chairman Ms Cyd HO Administration Ms Miriam LAU	<ul style="list-style-type: none"> - Discussion on a suggestion of exempting all vehicles from the proposed idling prohibition during hot months, such as from June to September or to October - Discussion on the activities that would be categorized as "operational activities" for the conduct of which the vehicles listed in section 3(2) of Schedule 1 to the Bill would be exempted - Discussion on the need to quickly re-provision shades/covers and plant trees at taxi stands where such were currently unavailable 	<p>Administration to provide information (paragraph 6 of minutes)</p> <p>Administration to provide information (paragraph 6 of minutes)</p> <p>Administration to provide information (paragraph 6 of minutes)</p>
012732 – 013419	Chairman Ms Miriam LAU Administration	<ul style="list-style-type: none"> - Discussion on the need to amend the Occupational Safety and Health Ordinance (Cap. 509) to protect PLB drivers against the potential health impact of the proposed idling prohibition during hot months - Discussion on the need to convert informal taxi and RMB stands into formal ones to enable them to enjoy exemptions from the proposed idling prohibition available for taxi and PLB stands - Discussion on the need to grant the same exemption as that applicable to non-franchised buses to school private light buses with less than 16 seats 	<p>Administration to provide information (paragraph 6 of minutes)</p> <p>Administration to provide information (paragraph 6 of minutes)</p> <p>Administration to provide information (paragraph 6 of minutes)</p>
013420 – 013925	Mr LEUNG Kwok-hung	- Mr LEUNG's view on the need to improve the environment, such as ventilation, at covered taxi/PLB stands and bus termini, and to liaise with professional drivers' employers for improvements to their working conditions to ensure professional drivers' occupational health	

Time marker	Speaker	Subject(s)	Action required
		<ul style="list-style-type: none"> - Mr LEUNG's view on the impact of the proposed idling prohibition on the competitiveness of PLB and bus services 	
013926 – 014617	Mr WONG Kwok-hing Administration Ms Miriam LAU	<ul style="list-style-type: none"> - Mr WONG's criticism of LD's stance regarding protection of professional drivers from potential health impact of the proposed idling prohibition, i.e. that Cap. 509 would not need to be amended to extend its coverage to the driving work of professional drivers - Discussion on Mr WONG's suggestion of extending the exemption at PLB stands from the first two PLBs to the first three PLBs of each route 	Administration to provide information (paragraph 6 of minutes)
014618 – 015436	Chairman Mr LEUNG Yiu-chung Administration	<ul style="list-style-type: none"> - Mr LEUNG's query of whether informal taxi and RMB stands could, as the Administration undertook to examine, be converted into formal ones - Discussion on when the Administration would encourage light goods vehicles and more PLBs to switch to use of liquefied petroleum gas (LPG), which in Mr LEUNG's view should be pursued in parallel with the Bill. The Administration's explanation of the difficulty in identifying sites to provide adequate LPG filling stations 	
015437 – 020300	Chairman Ms LI Fung-ying Administration Mr IP Wai-ming	<ul style="list-style-type: none"> - Ms LI's expression of regrets at LD's assessment of the health risk posed by the proposed idling prohibition to professional drivers, and its suggestions to mitigate such risk - Mr IP's view that the Deputy Commissioner for Labour (Occupational Safety and Health) should attend the next meeting of the Bills Committee to join the discussion 	Administration to provide information (paragraph 6 of minutes)
020301 – 020314	Chairman	<ul style="list-style-type: none"> - Date of next meeting 	