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By Fax (2572 0306)

11 May 2010

Mr Mok Wai Chuen
Assistant Director (Air Policy)
Environmental Protection Department
46/F, Revenue Tower
5 Gloucester Road
Wan Chai
Hong Kong

Dear Mr Mok,

Motor Vehicle Idling (Fixed Penalty) Bill

I refer to paragraph 5 of the LegCo Brief (ref: EP CR 9/150/27) on the Motor Vehicle Idling (Fixed Penalty) Bill issued by the Environmental Protection Department on 15 April 2010.

It is mentioned that certain countries such as Singapore, Japan, Canada, Finland, the UK and Switzerland have in place laws prohibiting idling vehicles. I wonder if you could let me have a note on the relevant statutory provisions and copies of them.

I look forward to your reply in bilingual form before 24 May 2010.

Yours sincerely,

Kitty Cheng
Assistant Legal Adviser

c.c. CCS(1)2

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By Fax - 2877 5029

17 May 2010

Miss Kitty Cheng
 Assistant Legal Advisor
 Legislative Council Secretariat
 Legislative Council Building
 8 Jackson Road
 Central, Hong Kong

Dear Ms Cheng,

Motor Vehicle Idling (Fixed Penalty) Bill

Thank you for your letter dated 11 May 2009 requesting notes and copies of the anti-idling provisions of Singapore, Japan, Canada, Finland, the United Kingdom and Switzerland.

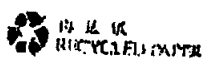
Among these countries, Japan and Canada do not have a national law prohibiting idling vehicles. We have visited Tokyo and Toronto to gather relevant Authorities' experience in introducing and enforcing the ban on idling vehicles. The anti-idling provisions of these two cities and other countries are at **Annex I** and a summary of these provisions is at **Annex II**.

Yours sincerely,

(W.C. MOK)

for Director of Environmental Protection

encl.



Annex I

Overseas Anti-idling Provisions

Singapore

Environmental Protection and Management (Vehicular Emissions) Regulations

Stationary motor vehicles

PART V

OFFENCES

21. —(1) Subject to paragraph (2), the driver of every motor vehicle shall, when the vehicle is stationary for reasons other than traffic conditions, stop the engine of or other machinery attached to or forming part of the vehicle.

(2) Nothing in paragraph (1) shall apply to the examination or working of the machinery attached to or forming part of a motor vehicle where any such examination or working is rendered necessary by any failure or derangement of the machinery or where the machinery is required to be worked for some ancillary purpose.

(3) Any person who fails to comply with paragraph (1) shall be guilty of an offence.

Source:

<http://app2.nea.gov.sg/TemSub.aspx?pagesid=20080713930606609527&pagemode=live&#Protection>

Tokyo of Japan

Ordinance on Environmental Preservation (Unofficial English translation)

Paragraph 2 Idling Stop

(obligation of person who drives car etc.)

Article 52 Drivers have the obligation to switch off their engines while the vehicles are parked or stopped. There are exceptions which apply to cases such as when the driver stops the vehicle in accordance with the Road Traffic Law.

(employer's obligation)

Article 53 Employers have the obligation to take appropriate measures in order that drivers of the vehicles under their supervision observe the regulation stated in Article 52.

(obligation of operators of parking lots)

Article 54 Anyone who has set up or supervises a parking lot which can accommodate 20 cars or more has the obligation to publicize to users of the parking lot the requirement to switch off the

engines as stated in Article 52 by means including the posting of a sign.

(installation effort obligation of external power supply equipment)

Article 55 For an operator served by loading and unloading operation of freezer trucks (with refrigeration system), he should try to provide external power supply facilities to maintain the refrigeration function etc., for freezer trucks when idling.

(advice)

Article 56 When considering that there is a person who is violating regulations from Article 52 to Article 54, the governor can recommend necessary measures for the person to be taken.

Original text:

http://www2.kankyo.metro.tokyo.jp/soumu/jyourei_2000/syousai/index170401.htm

Toronto of Canada

Toronto Municipal Code Chapter 517 IDLING OF VEHICLES AND BOATS

Section 2 Restrictions on idling; exceptions.

- A. No person shall cause or permit a vehicle or boat to idle for more than three minutes in a sixty-minute period.
- B. Subsection A does not apply to:
 - (1) Police, fire or ambulance vehicles or boats while engaged in operational activities, including training activities, except where idling is substantially for the convenience of the operator of the vehicle or boat.
 - (2) Vehicles and boats assisting in an emergency activity.
 - (3) Ferry boats operated by the City of Toronto or the Toronto Harbour Commissioners providing service to the Toronto Islands, including the Toronto Island Airport.
 - (4) Boats not at anchor or tied to a dock.
 - (5) Mobile workshops while they are in the course of being used for their basic function.
 - (6) Vehicles or boats where idling is required to repair the vehicle or boat or to prepare a vehicle or boat for service.
 - (7) Armoured vehicles where a person remains inside the vehicle while guarding the contents of the vehicle or while the vehicle is being loaded or unloaded.
 - (8) Vehicles or boats required to remain motionless because of an emergency, traffic, weather conditions or mechanical difficulties over which the driver has no control.
 - (9) Vehicles or boats engaged in a parade or race or any other event authorized by Council.
 - (10) Transit vehicles while passengers are embarking or disembarking en route or in terminals.
 - (11) Transit vehicles while at a layover or stopover location except where idling is substantially for the convenience of the operator of the vehicle.

- (12) Vehicles transporting a person where a medical doctor certifies in writing that for medical reasons a person in a vehicle requires that temperature or humidity be maintained within a certain range.
- (13) Vehicles or boats when the ambient temperature inside a vehicle or boat is:
 - (a) More than 27 degrees Celsius; or
 - (b) Less than 5 degrees Celsius.

Source: <http://www.toronto.ca/legdocs/municode/1184_517.pdf>

Finland

Decree on the Use of Vehicles on the Road (Unofficial English translation)

(1257/1992, amendments up to 791/2005 included)

Chapter 2 Use and condition of vehicles

Section 5 (1243/2002)

Prohibition of unnecessary idling of motor vehicles

1. If a motor vehicle is stationary for a reason other than an obligatory traffic obstruction, the engine must not run for more than two minutes. When the temperature is below -15 °C, the engine may run for a maximum of four minutes before the vehicle is driven. However, the engine of a tractor, power-driven work machine or a work machine on an automobile chassis may be run before starting to work with a vehicle or a machine for a period necessary to warm up the vehicle.
2. This prohibition shall not apply to an emergency vehicle in urgent duty nor other vehicle used by the police in official duty, nor a vehicle lined up for an exhaust emission test of a roadworthiness inspection. The prohibition shall also not apply to a vehicle the principal use of which requires the operation of an engine or an accessory, such as a refuse press, compressor, pump or lifting table that, as a precondition, requires the operation of the engine.

Source: <www.finlex.fi/fi/laki/kaannokset/1992/en19921257.pdf>

The United Kingdom

The Road Vehicles (Construction and Use) Regulations 1986

Regulation 98

- (1) Save as provided in paragraph (2), the driver of a vehicle shall, when the vehicle is stationary, stop the action of any machinery attached to or forming part of the vehicle so far as may be necessary for the prevention of noise.
- (2) The provisions of paragraph (1) do not apply –
 - (a) when the vehicle is stationary owing to the necessities of traffic;
 - (b) so as to prevent the examination or working of the machinery where the examinations

necessitated by any failure or derangement of the machinery or where the machinery is required to be worked for a purpose other than driving the vehicle; or
(c) in respect of a vehicle propelled by gas produced in plant carried on the vehicle, to such plant.

Source: The Road Vehicles (Construction and Use) Regulations 1986, London: HMSO

The Road Traffic (Vehicle Emissions) (Fixed Penalty)

PART 6 STOPPING OF ENGINES

Stopping of engine when vehicle stationary

12.—(1) An authorised person who has reasonable cause to believe that the driver of a vehicle that is stationary on a road is committing a stationary idling offence may, upon production of evidence of his authorisation, require him to stop the running of the engine of that vehicle.

(2) A person who fails to comply with a requirement under paragraph (1) shall be guilty of an offence and be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Issue of fixed penalty notice: stationary idling offence

13. An authorised person who considers that a stationary idling offence has been committed may, in accordance with Part 7, issue a fixed penalty notice to the driver of the vehicle.

Furnishing of information for the purposes of Part 6

14.—(1) In connection with the discharge of his functions under this Part, an authorised person may require the driver of a vehicle in respect of which a requirement under regulation 12(1) is imposed to disclose to him—

(a) his name and address;

(b) his date of birth; and

(c) if he is not the person in whose name the vehicle is registered under the Vehicle Excise and Registration Act 1994(a) at the time that the requirement is imposed, the name of that person.

(2) A person who fails to comply with a requirement to furnish information under paragraph (1) shall be guilty of an offence and be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Source: <http://www.opsi.gov.uk/si/si2002/uksi_20021808_en.pdf>

Switzerland

Federal State Law 741.11 Traffic Rule Regulation (Unofficial English translation)

Part 1: Rules for the Vehicular Traffic

Article 34 Avoidance of Other Annoyances

Paragraph 2

The engine has to be switched off also at short stops, as long as this does not delay depart.

Original text: German: <http://www.admin.ch/ch/d/sr/741_11/index.html>

French: <http://www.admin.ch/ch/fr/sr/741_11/index.html>

Environmental Protection Department

May 2010

Summary of Overseas Anti-idling Provisions

Country / City	Grace Period	Penalty	Enforcement agent
Singapore	Nil	Maximum fine for – first offence: SGP\$2,000 (~HK\$11,230); subsequent offence: SGP\$5,000 (~HK\$28,075)	Officers of Pollution Control Department
Tokyo, Japan	Nil	Publication of offender's name	Staff of Environment Bureau, Tokyo Metropolitan Government
Toronto, Canada	3 minutes	Fixed penalty: CAD\$125 (~HK\$948) Maximum fine: CAD5,000 (~HK\$37,917)	By-law enforcement officers
Finland	2 minutes (4 minutes before the vehicle is driven when the temperature is below -15°C)	Fixed penalty: €10 to €50 (~HK\$99 to HK\$494) in different municipalities	Police and Traffic Warden
The United Kingdom	Nil	Fixed penalty: £ 20 (~HK\$230)	Different in each local authorities, Mostly traffic wardens
Switzerland	Nil	Penalty: about CHF\$60 (~HK\$621)	Police

Environmental Protection Department
May 2010