

**Bills Committee on
Motor Vehicle Idling (Fixed Penalty) Bill**

**List of Follow-up Actions Arising from
Discussion at Meeting on 21 September 2010**

Administration's Response

- (a) *To enquire with the Hong Kong Productivity Council (HKPC) as to 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.*
1. According to HKPC, the retrofit device would undergo field testing from November 2010 to January 2011. After completion of testing and compilation of testing results, it is expected that the retrofit device would be ready for inspection by Members around February 2011.
- (b) *To provide a timetable on when the Administration would re-provision shades / covers and plant trees at taxi stands where such were unavailable now.*
2. The Transport Department (TD)'s current policy for provision of shelters / covers at taxi stands is for protection of taxi passengers thereat when needed. Upon receiving suggestions for provision of passenger shelter / cover at existing taxi stands, TD will consider the proposal, together with the relevant parties, by taking account of the operational need, traffic management and site condition thereat etc.
- (c) *To provide information on the existing informal taxi and red minibus stands, and to propose which of them could be converted into formal ones.*
3. According to TD, there is no such "informal taxi and red minibus (RMB) stands" in the territory. The existing arrangement is that other than designated taxi / RMB stands, taxis and RMBs like other motor vehicles are allowed to pick up and drop off passengers at non-restricted zones at the kerbside, but not for waiting of passengers. For designation of taxi / RMB stands, TD will consider any proposal received by taking account of the operational need, traffic impact and site conditions, etc.
- (d) *To provide information on the days in 2009 on which the temperature reached 27 degrees Celsius or above.*
4. The following table shows the number of days on which the temperature reached 27 degrees Celsius or above in 2009 –

HKO Daily Maximum Temperature	Month	No. of days in 2009											Total no. of days	
		Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov		Dec
27°C or above		0	2	3	6	26	30	31	31	29	28	8	0	194
28°C or above		0	1	1	5	23	30	30	29	29	22	3	0	173
29°C or above		0	0	0	2	14	27	29	29	27	12	2	0	142
30°C or above		0	0	0	1	9	22	28	26	25	9	1	0	121
31°C or above		0	0	0	0	5	11	26	23	21	6	0	0	92
32°C or above		0	0	0	0	1	7	19	22	19	1	0	0	69
33°C or above		0	0	0	0	0	0	6	14	10	0	0	0	30

(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.*

5. In considering the proposed exemptions under the Bill, we aim to strike a balance between reducing environmental nuisances caused by idling vehicles and the needs of drivers under different circumstances. We have therefore included a three-in-sixty-minute grace period as well as an extensive list of exemptions covering drivers of different motor vehicles and various circumstances in the Bill. We have also proposed to grant exemption to all drivers on days when the "Very Hot Weather Warning" or the "Amber, Red or Black Rainstorm Signal" has been issued. In 2009, there were 49 such days during June to October. In our view, this targeted approach in drawing up exemption arrangements should better help deliver the objectives of the Bill.

(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*

(ii) *the authority to determine whether an activity fell within the coverage of "operational activities".*

6. Section 3(1)(a) of Schedule 1 to the Bill provides that a driver of a medical, emergency or law enforcement vehicle, as stipulated under subsection (2), would be exempted if it is necessary for him to idle the vehicle for conducting "an operational activity (including a training activity) for or related to medical, emergency or law enforcement purposes". In other words, if the driver could conduct such activity without idling the motor vehicle, he would not be exempted. Some examples of such activities would include operation of medical equipment on an ambulance, operation of communication equipment on a law enforcement vehicle, operation of a prisoners' escorting vehicle when there are prisoners aboard and operation of water pump and ladder on a fire engine.

7. All relevant drivers must strictly adhere to the law or they would be issued with a fixed penalty notice. Drivers of government vehicles are no exception. Indeed, they would also be subject to disciplinary actions should they contravene the idling prohibition. To facilitate drivers of Government vehicles and other relevant bodies in observing the requirements upon passage of the Bill, the relevant departments and bodies would in

consultation with the Environmental Protection Department prepare detailed guidelines on the applicability of this exemption.

- (g) ***To respond to a member's view that school private light buses with fewer than 16 seats should be granted the same exemption as that applicable to non-franchised buses.***
8. We would like to hear the views of other members of the Bills Committee before taking a view on whether an exemption should be provided for drivers of school private light buses that have any passenger on board.
- (h) ***To further consider members' suggestion of extending the exemption at public light bus (PLB) stands from the first two PLBs to the first three PLBs of each route.***
9. Under the Bill, for green minibuses (GMBs) at a stand, a driver would be exempted when his GMB is any of the first two GMBs on a particular route (subject to the size of the stand concerned). For RMBs at a stand, a driver would be exempted when his RMB is any of the first two RMBs (subject to the size of the stand concerned), when his RMB has any passenger on board, or when his RMB is immediately behind another RMB at the stand which has any passenger on board. This arrangement would effectively exempt the first two RMBs of each route.
10. Taking into account all the relevant factors including the coverage of the proposed exemptions, the close proximity of many minibus stands to pedestrians and people working or living nearby the roads, as well as the time required for filling a minibus with passengers and for minibuses at the end of the queue to move up, we do not consider that it is justifiable to further extend the exemption to cover the first three minibuses of each route at a stand. Indeed, as the Bill does not oblige drivers to stay inside a minibus with the engine stopped for a long period of time, drivers may wait outside the minibus when there is a long queue at the stand. They may also choose to stay inside another minibus at the front of the queue whose driver would be exempted from the idling prohibition, which is a rather common practice of RMB drivers.
- (i) ***The Labour Department (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 PLBs working there and to advise whether any measures (provision of guidelines) could be taken to mitigate the impact.***
11. On the health impact of the proposed idling prohibition on drivers, including PLB drivers, please refer to items (a) and (b) in the Administration's response to the list of follow up actions arising from the discussion at the meeting on 21 July 2010 [LC Paper No. CB(1)2837/09-10(01)]. As we have stressed in our response to item (h) above, the Bill does not oblige drivers to stay inside a PLB with the engine stopped, and drivers may wait outside their PLBs when there is a long queue at the stand.
12. Notwithstanding the above, in the event that some drivers have to stay inside their PLBs for various reasons when the engines are turned off on hot, humid days in summer, the risk of heat stroke to these drivers depends mainly on the environmental condition within the vehicles (air temperature, air movement, humidity and radiant heat), and the health condition of the drivers themselves (elderly, having cardiovascular diseases, on treatment with drugs affecting sweating and hydration of the body, and acclimatization to heat). The duration the drivers are staying inside their PLBs would also be an important consideration.

13. To minimise the potential health impact, drivers should, as far as practicable, avoid staying or at least shorten the duration of stay inside their PLBs with the engines stopped. They should also take appropriate preventive measures while staying inside their PLBs, e.g. opening the windows and doors of their PLBs, increasing air flow with portable fans, drinking cool potable water, using cooling towels or similar products to cool down their bodies, etc. For general reference by employers and employees, LD has published relevant guidelines, namely “Prevention of Heat Stroke at Work in a Hot Environment” and “Risk Assessment for the Prevention of Heat Stroke at Work”. Drivers may also refer to these publications for general information on risk factors, symptoms and mitigation measures for heat stress.

**Environmental Protection Department
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