

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

**List of Follow-up Actions Arising from
Discussion at Meeting on 11 October 2010**

Administration's Response

- (a) *To ascertain the details of the retrofit device which, according to the Hon. Andrew Leung, had been developed for trial on taxis to enable the operation of air conditioning system by battery when the engine was switched off, and to arrange for trial of the device where appropriate.*
1. The retrofit device that the Hon. Andrew Leung mentioned at the Bills Committee (BC) meeting on 11 October 2010 is being developed by Richburg Motors Limited (Richburg Motors) and Gold Peak Batteries International Limited (GP Batteries). According to the two companies, the battery of the device is charged by the vehicle engine during its operation. Once fully charged, the device could enable the air conditioning system of a motor vehicle to operate for an hour after the engine is switched off. The two companies have completed a trial to ascertain the conceptual design of the device on a liquefied petroleum gas taxi imported from Japan and planned to have the prototype ready by end October 2010. As the next step, they will seek comments from the transport trades and relevant government departments (including the Transport Department, Electrical and Mechanical Services Department and Environmental Protection Department) on the prototype. Their initial estimate of the cost of the device is less than \$20,000, subject to the scale of production.
- (b) *To convey to the Hong Kong Productivity Council (HKPC) a Member's suggestion that the public light bus (PLB) trade should be involved in conducting trials on the retrofit device being developed by HKPC for PLBs to enable the operation of air conditioning system by battery when the engine was switched off.*
2. According to HKPC, the main objective of installing its automatic engine idle-stop and air conditioning systems into the testing vehicles is to ascertain the technical viability of the design concept of these systems. The vehicle type to which these systems are to be installed may not be the most important factor to consider as the cooling load requirement of different vehicle types can be estimated and the design of the systems could be suitably adjusted to cater to the requirements of different vehicle types. HKPC have already selected and purchased a private car and a light goods vehicle as the two

testing vehicles for the installation and testing of its developed automatic engine idle-stop system and the two types of air conditioning systems (using electric and phase change material respectively).

3. The fabrication of components for the two testing vehicles is nearly completed and the developed systems will be installed into the vehicles in early November 2010. Although the cabin volume of a light goods vehicle is relatively large, it is still smaller than the cabin volume of a PLB. Due to the difference in the specifications of the fabricated components, HKPC could not install the developed systems into a minibus for trial at this stage. Nevertheless, HKPC should have more concrete data to facilitate it in designing a system suitable for PLBs upon the completion of the trial for the two testing vehicles.
4. HKPC is planning to commercialize its developed technology into products after the completion of field testing. Subject to the satisfactory performance during testing, HKPC's plan is to showcase the developed systems into the testing vehicles and develop the tried system into preliminary system design that would be applicable to taxis, PLBs, different types of private cars or other vehicles. In such way, various stakeholders should know whether the proposed systems could be applicable to their vehicles. If they want to install such systems for trial, HKPC would be pleased to discuss with individual interested party for the detailed arrangements.

(c) To advise on which of the designated taxi and PLB stands presently not provided with covers / shades for passengers / queuing taxis / PLBs would be provided with the facilities.

5. Taking account of Members' view, we have recently proposed to grant exemption to all taxis queuing inside taxi stands and hence, the provision of more covers / shades for queuing taxis at designated taxi stands is no longer an issue.
6. The Transport Department (TD) has reviewed all designated PLB stands where covers / shades are currently not available. TD's review indicates that the majority of some 700 existing PLB stands are provided either with purpose-built shelters / covers for passenger protection, or having canopies / trees on pavements providing shades in close proximity to the PLB stands. These shelters and shades enable PLB drivers to stop their vehicle engines and to wait outside their vehicles when there is a long queue at the stands. For some 180 PLB stands that are without any form of shelters or shades, about 160 of them are having two or less vehicle spaces, which are exempted from the idling prohibition, whilst only some 20 PLB stands may require special attention to facilitate compliance with the idling prohibition. TD will consider the feasibility of providing shelters or shades at the aforesaid 20 PLB

stands, taking into account operational need, traffic management and site conditions of these stands together with the relevant parties.

- (d) *To clearly explain with examples the types of 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 Motor Vehicle Idling (Fixed Penalty) Bill (the Bill) would be exempted, and to review the Chinese translation of the term “operational activities”.*

Examples of “Operational Activities”

7. The exemption proposed in section 3 of Schedule 1 to the Bill is to enable a driver of a motor vehicle listed in subsection (2) to idle the vehicle if the idling is necessary for conducting an operational activity (including a training activity) for or related to medical, emergency or law enforcement purposes. As illustration, the following are some examples when the drivers will have to idle the vehicles –
- (a) Medical vehicles (such as ambulances) – for operating the medical equipment when treating a patient on board; for maintaining the temperature inside the cargo compartment within the optimal range for proper storage of drugs and therapeutic blood components, etc.
 - (b) Emergency vehicles – for operating on-board fire fighting, rescue or other equipments of fire engines necessary for or ancillary to fire fighting and rescue operations (including training); or operating the onboard system of refueling trucks for refueling helicopters at helicopter landing sites during emergency operations such as fire-fighting, etc.
 - (c) Law enforcement vehicles – for maintaining ventilation of vehicles being used to transport any person under custody (who may be a suspect, prisoner or witness), as such vehicles may not have any windows at the passenger compartments or even if they have, all doors and windows must keep closed and locked for security reasons; for maintaining ventilation of vehicles being used as temporary command centres or observation posts during observation and surveillance operations when all doors and windows of the vehicles must keep closed and locked to prevent leakage of information and unnecessary disturbance, etc.
8. As the operation modes of the vehicles concerned are very diverse even within the same group, it is impractical to list out in the Bill all operational activities or scenarios under which the drivers are allowed to idle the vehicles. We have thus proposed to exempt the drivers only during the time when the operational activities necessitate the vehicles to idle for medical, emergency or law enforcement purposes. In other words, if an operational activity is

related to any of the three purposes concerned but does not require idling of the vehicle, the exemption would not be applicable to the driver. Taking the first example in paragraph 7(c) above as an example, when the person under custody had alighted from the law enforcement vehicle and the windows of the vehicle could be opened for ventilation, the operational activity requiring idling of the vehicle ceases to exist, hence the driver will no longer be exempted from the proposed idling prohibition.

9. The current proposal will restrict the application of exemption to those vehicles which have genuine operational needs to idle for the three purposes concerned. This restrictive approach is in line with the objective of the Bill and the principles for formulating exemption arrangements. As we explained in the BC meeting on 11 October 2010, to facilitate drivers of the vehicles listed in section 3 of Schedule 1 to the Bill in observing the requirement of the idling prohibition, the relevant departments and bodies would, in consultation with the Environmental Protection Department, prepare detailed guidelines on the applicability of the exemption concerned. All relevant drivers must strictly adhere to the law or they would be issued with a fixed penalty notice and subject to disciplinary actions.

Chinese Equivalent of “Operational Activities”

10. Under section 4 of Schedule 1 of the Bill, the term “operational activity” is defined as “an activity conducted for the purpose of the operations of the department”. “運作活動” corresponds the two terms “operation / 運作” and “activity / 活動”. It is noteworthy that “operational activity” is also rendered as “運作活動” under rule 78B of the Prison Rules (Cap. 234A), while “operational need” is rendered as “運作需要” under section 13(1)(d)(i) of the Non-local Higher and Professional Education (Regulation) Ordinance (Cap. 493). In light of these precedent translations, we consider that the current Chinese equivalent of the term “operational activities” appropriate.
11. Alternatively, Members may consider rendering “operational activities” as “作業”, which is the Chinese equivalent of “operation” in a number of provisions. Some examples include section 2 of the Railways Ordinances (Cap. 519), section 9 of the Dumping at Sea Ordinance (Cap. 466) and section 47 of the Merchant Shipping (Local Vessels) Ordinance (Cap. 548). In the dictionary 《國語活用辭典》, one of the meanings of “作業” is “機關行號或公務人員對有關業務作出適當安排而一步一步地去做”. Subject to the views of BC, we would prepare the draft Committee Stage Amendments (CSAs) for Members’ deliberation during clause-by-clause examination of the Bill.

(e) To consider Members’ view that school private light buses (SPLBs) with

fewer than 16 seats should be granted the same exemption as that applicable to non-franchised buses.

12. Given the general support among Members at the BC meeting on 11 October 2010 to include in the Bill an exemption for SPLBs that have any passenger onboard, we will prepare the draft CSAs for Members' deliberation during clause-by-clause examination of the Bill.
 - (f) *To consider a Member's view that the Labour Department (LD) should issue guidelines to advise what measures should be taken to protect drivers working at public transport vehicle stands (e.g. PLBs) in overcrowded streets and without shades from the impact of the proposed idling prohibition.*
13. On the heat stroke prevention guidelines issued by LD, please refer to item (i) of the Administration's response to the list of follow-up actions arising from the discussion at the meeting on 21 September 2010 [LC Paper No. CB(1)2962/09-10(01)]. As we have pointed out in the response, drivers may also refer to the publications, namely "Prevention of Heat Stroke at Work in a Hot Environment" and "Risk Assessment for the Prevention of Heat Stroke at Work", for general information on risk factors, symptoms and preventive measures for heat stroke. LD will follow up with the relevant transport trades on the applicability of the guidelines to their situations under the idling prohibition, after the exemptions to be provided by the Bill have been finalised by the Environment Bureau.

**Environmental Protection Department
October 2010**