

For information
20 July 2011

LEGISLATIVE COUNCIL
PANEL ON ENVIRONMENTAL AFFAIRS

Motor Vehicle Idling (Fixed Penalty) Regulation

Purpose

This paper provides an update on the making of subsidiary legislation under the Motor Vehicle Idling (Fixed Penalty) Ordinance (the Ordinance) (Cap. 611) for implementing the statutory ban on idling vehicles with running engines.

Background

2. To tackle emissions from idling vehicles, which cause air pollution, heat and noise nuisances, the Administration introduced the Motor Vehicle Idling (Fixed Penalty) Bill to the Legislative Council (LegCo) in April 2010 after consulting the public. With a number of amendments agreed during the examination by the Bills Committee, the Bill was passed in March 2011.

3. Under section 31 of the Ordinance, the Secretary for the Environment may, for the purposes of the Ordinance, make regulations prescribing notices and certificates, specifying how penalties may be paid and the duties of persons receiving penalty payments, etc. The regulations are necessary for carrying out the Ordinance.

The Regulation

4. The Motor Vehicle Idling (Fixed Penalty) Regulation ('the Regulation') will be made to prescribe the following -

- (a) a Penalty Notice to be given under section 8(1) of the Ordinance to persons required to pay the fixed penalty for contravention of the idling prohibition under section 5;
- (b) a Demand Notice to be served under section 11(2) of the Ordinance if a person fails to pay the fixed penalty within 21 days or refuses to accept a penalty notice;
- (c) a Certificate of Posting for certification under section 11(5) of the Ordinance of a demand notice having been served;
- (d) an Evidentiary Certificate for certification under section 24 of the Ordinance of facts relating to a contravention and non-payment of fixed penalty; and
- (e) arrangements for payment of the fixed penalty, including the payment methods, the information to be supplied by persons paying the fixed penalty, and the duties of persons receiving the penalty payments.

5. The Regulation will come into operation at the same time as the Ordinance, on a day to be appointed by the Secretary for the Environment by notice published in the Gazette.

Way Forward

6. Following the applicable legislative procedures, the Regulation will be published in the Gazette in August and tabled at LegCo in October for negative vetting. We expect the Ordinance and Regulation to take effect in mid-December 2011.

Environmental Protection Department
July 2011