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**Transport and
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Panel on Transport
Legislative Council Secretariat
Legislative Council Complex
1 Legislative Council Road
Central, Hong Kong
(Attn: Ms Macy NG)

30 September 2015

(Fax No. 2978 7569)

Dear Ms NG,

Panel on Transport – Special Meeting on 22 July 2015

**Regulation of workshops
carrying out repair and maintenance of vehicles**

The Government was requested at the captioned meeting to provide information on a number of issues concerning vehicle maintenance workshops. Please find attached the consolidated replies from the relevant Government bureaux and departments as set out in the enclosures.

Yours sincerely,

(Niki KWOK)
for Secretary for Transport and Housing

c.c.

Secretary for Development

(Attn: Mr Arsene YIU)

Fax: 2899 2916

Secretary for the Environment

(Attn: Mrs Dorothy MA CHOW)

Fax: 2147 5834

Secretary for Labour and Welfare

(Attn: Mr Francis CHENG)

Fax: 2537 2751

Secretary for Security

(Attn: Mr Alex CHAN)

Fax: 2868 9159

Director of Buildings

(Attn: Mr KOON Chi-ming)

Fax: 2625 0914

Director of Electrical and Mechanical Services

(Attn: Mr Eric PANG)

Fax: 2890 7493

Director of Environmental Protection

(Attn: Mr Kenneth CHAN)

Fax: 2756 8588

Director of Fire Services

(Attn: Mr Robert LAU)

Fax: 2723 2197

Commissioner for Labour

(Attn: Mr WU Wai-hung)

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**Follow-up Actions of Panel on Transport
Special Meeting on 22 July 2015**

Information requested - item (a)

The Government was requested to provide information on the differences in terms of operational and regulatory requirements, safety and technical standards and work procedures observed by vehicle workshops which have subscribed to the Vehicle Maintenance Workshops Charter Scheme (“the Charter Scheme”) as compared to non-subscribers, and incentives put in place by the Government to encourage subscription to the Scheme.

Government’s Responses

By subscribing to the Charter Scheme, owners of vehicle maintenance workshops (“vehicle workshops”) pledge to abide by the Practice Guidelines for Vehicle Maintenance Workshops (“Practice Guidelines”), which stipulate the good practices in respect of the technical, environmental, safety, staff training, service arrangement and documentation in operating a vehicle workshop. Owners of vehicle workshops also undertake to operate their workshops at a quality level not lower than that specified in the Practice Guidelines.

2. Subscription to the Charter Scheme is free of charge. Upon successful subscription to the Charter Scheme, owners of vehicle workshops may display the logo of the Charter Scheme at the premises for easy identification by vehicle owners and the public. The logo also serves as a symbol of service quality which is indeed a recognition given to the vehicle workshops. In addition, the name and contact information of successfully subscribed workshops are listed on the website of Electrical and Mechanical Services Department (“EMSD”) for public’s reference. The publication of information would facilitate vehicle owners and motorists in making informed choices when selecting a vehicle workshop, thus serving as an incentive for vehicle workshop owners to join the Charter Scheme.

3. Vehicle workshops, irrespectively of whether they have successfully subscribed to the Charter Scheme or not, must abide by the statutory requirements imposed on their operation. Details of the statutory requirements in respect of safety, location, environmental requirements and occupational safety, etc. of vehicle workshops are explained via Legislative Council Panel on Transport paper no. CB(4)1344/1414-15(01).

**Electrical and Mechanical Services Department
Transport and Housing Bureau**

Information requested – item (b)

The Government was requested to provide information on its evaluation of the effectiveness of the Voluntary Registration Scheme for Vehicle Mechanics rolled out in 2007 to pave way for implementing a mandatory scheme for vehicle workshops; whether and if yes, when the Government has reported the evaluation result to the relevant Panel of the Legislative Council.

Government's Responses

In May 2005, the then Environment, Transport and Works Bureau ("ETWB") reported via paper no. CB(1)1605/04-05(04) to the Legislative Council Panel on Transport ("the Transport Panel") the proposed way forward for a registration scheme for vehicle mechanics. The then ETWB proposed to adopt an incremental approach, and aimed to put in place a voluntary registration scheme for vehicle mechanics ("VRSVM") in 2006, and then review the scheme in 2008 so as to decide how a mandatory scheme for vehicle mechanics could be introduced. As regards registration of vehicle maintenance workshops ("vehicle workshops"), the then ETWB reported to the Transport Panel via the same paper in 2005 that since workshop operators had split views on whether workshops should be registered, it was considered more practicable to develop for the trade a code of practice which would serve as a guideline on the best practices. The Transport Panel took note of the Government's plan.

2. Having consulted the trade and with the support of the Vehicle Maintenance Technical Advisory Committee ("VMTAC"), the VRSVM was rolled out in January 2007. The then ETWB reported the roll-out of the VRSVM to the Transport Panel in 2007 via paper no. CB(1)809/06-07(01). The Electrical and Mechanical Services Department ("EMSD") subsequently commenced a review of VRSVM in 2008. In the light of the trade feedback received in the review, the VMTAC agreed that more time would be needed to pave way for the

long term development of the VRSVM into a mandatory scheme for vehicle mechanics. Since then, EMSD has been working with VMTAC on the further development of the VRSVM.

3. Strictly speaking, the VRSVM is not to pave way for the implementation of a mandatory scheme for vehicle workshops, though there are views from the mechanics trade that it would be better if vehicle workshops could also be registered alongside with registration of vehicle mechanics. Regarding vehicle workshops, EMSD launched the Vehicle Maintenance Workshops Charter Scheme in 2013 and the Voluntary Registration Scheme for Vehicle Maintenance Workshops in July 2015. The Government will conduct in-depth study on the feasibility of putting in place a mandatory registration system for the vehicle maintenance trade (both mechanics and workshops) having regard to the experience of the two voluntary registration schemes for vehicle mechanics and vehicle workshops. We will consult the Transport Panel again once we are in the position to do so.

Electrical and Mechanical Services Department
Transport and Housing Bureau

Information requested – item (c)

The Government was requested to provide information on its considerations when introducing liquefied petroleum gas (“LPG”) into Hong Kong in 1999 in respect of vehicle models, repair and maintenance needs of LPG vehicles, adequacy of repair maintenance facilities, new licensing requirement and regulation for facilities carrying out repair and maintenance of LPG vehicles; as well as any holistic considerations in introducing new types of vehicles into Hong Kong.

Government’s Responses

Taxis and light buses mostly operate in densely populated areas. Diesel vehicles such as taxis and light buses contributed to high roadside particulates and nitrogen dioxide levels and hence posed a significant health risk to the public. To protect public health, the Government set up an interdepartmental working group in September 1996, comprising representatives of the then Planning, Environment and Lands Branch, Transport Branch, Transport Department (“TD”), Electrical and Mechanical Services Department (“EMSD”), Environmental Protection Department (“EPD”), Fire Services Department, Lands Department, and Planning Department to study the feasibility of replacing diesel vehicles with clean gaseous fuelled vehicles. Having considered emission performance, technology application and fuel supply, the interdepartmental working group concluded that LPG vehicles were safe and technically feasible for use in Hong Kong.

2. Subsequently, a one-year trial of LPG taxis was launched in November 1997 in collaboration with the taxi trade under the steer of a monitoring committee comprising representatives from the relevant Government departments, taxi trades, fleet managers, vehicle suppliers, oil companies and experts to collect local operating data, including emission performance, operation and reliability of LPG taxis, repair and maintenance of LPG taxis, workshops and mechanics servicing LPG taxis, and LPG consumption and filling facilities for formulating a practicable

policy of introducing LPG taxis. The trial confirmed that LPG taxis were a clean practical alternative to diesel taxis.

3. After completing public consultation and with the support from the Finance Committee of the Legislative Council in 2000, the Government launched a one-off grant scheme to encourage diesel taxi owners to replace their vehicles with LPG ones. Subsequently, the Government launched another one-off grant scheme in 2002 to encourage owners of diesel public light buses to replace their vehicles with LPG or electric ones. To support the LPG vehicle programme, EMSD has been adopting a stringent and prudent approach to regulate gas safety of LPG vehicles including the repair and maintenance of LPG vehicles as detailed in the Legislative Council Panel on Transport paper no. CB(4)1344/1414-15(01).

4. Besides, all vehicles for use on roads in Hong Kong have to be registered and licensed with TD under the Road Traffic Ordinance (Cap. 374). TD, EMSD and EPD will check the compliance of the vehicles concerned with the relevant statutory requirements in respect of safety, roadworthiness and emissions. In particular, EPD would advise TD on the compliance of statutory exhaust and noise emission standards while EMSD would advise TD on approval of the LPG fuel tank.

Environmental Protection Department

Enclosure D

Information requested – item (d)

The Government was requested to provide information on the total number of prosecution cases against vehicle workshops and convictions, if any, with details of the relevant regulations being contravened in the past three years, and the fines and/or penalties imposed.

Government's Responses

Gas Safety Ordinance (Cap. 51)

The Electrical and Mechanical Services Department (“EMSD”) enforces the Gas Safety Ordinance (Cap. 51) which regulates gas safety matters, with a view to ensuring the safety of importation, manufacture, storage, transport, supply and use of town gas, LPG and natural gas. Any container with the aggregated nominal water capacity of more than 130 litres of LPG is a “notifiable gas installation (NGI)”, the installation of which requires EMSD’s approval . Work involving the maintenance, repair or replacement of LPG vehicle fuel system or associated components and replacement of LPG fuel tank are required to be carried out by a Competent Person (Class 6) or a person under the supervision of a Competent Person (Class 6) approved by EMSD. In the past three years (2012-2014), there were two prosecution cases. The case in 2013 involved the handling of fuel supply system, and the other case took place in 2014 which involved the use of fuel tank of LPG vehicles, and both cases did not take place in vehicle maintenance workshops (“vehicle workshops”). EMSD is currently conducting investigation into four cases of suspected over-storage of LPG in vehicle workshops in contravention of Regulation 3(1) of the Gas Safety (Gas Supply) Regulation (Cap. 51B). The relevant workshop owners, if convicted, would be liable to a maximum fine of \$25,000 and to imprisonment for 6 months.

Factories and Industrial Undertakings Ordinance (Cap. 59) and Occupational Safety and Health Ordinance (Cap. 509)

2. The Labour Department took out 15 prosecutions against vehicle workshops for occupational safety and health offences in the past three years (2012-2014). The contraventions were mostly related to system of work; plant safety; provision of information, instruction, training and supervision to ensure employees' safety and health. 14 of such cases were convicted with fines ranging from \$1,000 to \$30,000.

Air Pollution Control Ordinance (Cap. 311), Water Pollution Control Ordinance (Cap. 358), Noise Control Ordinance (Cap. 400) and Waste Disposal (Chemical Waste) (General) Regulation (Cap. 354C)

3. The Environmental Protection Department ("EPD") initiated prosecutions against four vehicle workshops in the past three years (2012-2014) for violating environmental regulations, including causing air pollution during paint spraying, discharging wastewater to communal drain, failure to register as chemical waste producer and arrange the waste for delivery to a reception point, and operating a garage in conservation area. Offenders were convicted and fined \$3,000 to \$6,000 for each offence.

Dangerous Goods Ordinance (Cap. 295)

4. The Fire Services Department ("FSD") did not keep separate statistics of prosecutions cases against vehicle workshops in the past. Following the explosion-cum-fire incident of a vehicle workshop in Wong Tai Sin on 26 April 2015, FSD immediately conducted inspections of all vehicle workshops in the territory. Upon the completion of the territory-wide inspections in July 2015, FSD intends to take prosecution actions against six cases of suspected breaches of the Dangerous Goods Ordinance (Cap. 295), five of which are related to suspected over-storage of dangerous goods and one related to the suspected use of unapproved tanks for storing diesel oil.

Building (Planning) Regulation (Cap. 123F)

5. The Buildings Department does not keep separate statistics of prosecution cases against vehicle workshops.

Buildings Department

Electrical and Mechanical Services Department

Environmental Protection Department

Fire Services Department

Labour Department

Development Bureau

Environment Bureau

Labour and Welfare Bureau

Security Bureau

Information requested – item (e)

The Government was requested to provide information on the total number of inspections conducted by the Electrical Mechanical Services Department (“EMSD”) to the 2 700 vehicle workshops in the past five years in respect of the promulgated guidelines relevant to liquefied petroleum gas (“LPG”) vehicles, with a breakdown of the number of prosecutions cases, referrals made to other relevant government departments for enforcement/follow up actions, and warning letters issued to vehicle workshops.

Government’s Responses

Among the 571 notifiable gas installations (“NGI”) approved by EMSD, 29 are located inside vehicle maintenance workshops (“vehicle workshops”) and another five are located inside LPG fuel tank workshops. EMSD conducts regular inspections of these NGIs at least once a year as well as surprise inspections to these workshops. Other vehicle workshops are inspected on a risk basis. Inspections conducted in 2011 to 2015 (before the Wong Tai Sin workshop incident on 26 April 2015) were 55, 55, 50, 69 and 158 respectively. After the explosion-cum-fire incident in April 2015, EMSD completed inspections of about 3 000 vehicle workshops across the territory in July 2015.

2. There was one prosecution case in 2013 where a taxi driver who was not a qualified person conducted repair work on the fuel system of a LPG vehicle. Another prosecution case took place in 2014 and led to the conviction of a fuel tank owner for using the tank as LPG container in four taxis without EMSD’s approval. Four cases of suspected over-storage of LPG were found in 2015 and investigation is underway. No warning letter was issued during the period.

3. One case involving spray painting on public road at Fung Wong San Tsuen was referred to Labour Department in August 2015.

**Electrical and Mechanical Services Department
Environment Bureau**

Information requested – item (f)

The Government was requested to provide information on whether the Fire Services Department, Electrical and Mechanical Services Department, Labour Department, Environmental Protection Department and Buildings Department each have set a regular programme to inspect vehicle workshops for enforcing the respective regulation(s) under their purview, and if yes, details and record of such inspections by each department in the past three years; if not whether they would consider setting up such an inspection programme immediately.

Government's Responses

Electrical and Mechanical Services Department ("EMSD")

In respect of gas safety, EMSD conducts annual and surprise inspections to vehicle maintenance workshops ("vehicle workshops") with approved NGIs. Regular inspections conducted in 2012, 2013 and 2014 were 36, 35 and 36 respectively. In addition, EMSD conducts surprise inspections to other vehicle workshops according to a risk-based inspection plan. Inspections of vehicle workshops without NGIs conducted in the past three years were 19, 15 and 33 respectively.

2. By the end of July 2015, EMSD had completed inspections of about 3 000 vehicle workshops across the territory to check compliance with the Gas Safety Ordinance (Cap. 51), including: no storage of more than 130 litres of LPG in the vehicle workshops without approval to become an NGI; no unlawful maintenance work on LPG fuel tanks; repair and maintenance of LPG fuel system is conducted by or under the supervision of Competent Persons, i.e. Competent Person (Class 6) in vehicle workshops or Competent Person (Class 1) in fuel tank workshops.

3. EMSD will continue the stepped-up inspection of the vehicle workshops. Priority will be given to vehicle workshops providing services to LPG vehicles. EMSD will also follow up referrals of suspected breaches from Fire Services Department, Labour Department or other relevant government departments.

Labour Department (“LD”)

4. LD arranges and conducts surprise inspections to workplaces including vehicle workshops in respect of occupational safety and health in accordance with a set of risk-based criteria, including the potential hazards, nature of processes and past safety performance of workplaces.

5. In the past three years (2012 to 2014), LD conducted more than 4 100 inspections to vehicle workshops in respect of occupational safety and health, with issuance of 35 prohibition notices to prohibit the conduct of paint spraying process, nine suspension/ improvement notices and about 930 written warnings.

Environmental Protection Department (“EPD”)

6. Some aspects of the operation of vehicle workshops like, odour from paint spraying, noise from repair works, wastewater discharges and chemical waste disposal shall comply with environmental regulations. EPD would follow up and arrange investigation on each pollution or nuisance complaint received. In the past three years (2012-2014), EPD conducted about 3 200 inspections to some 770 vehicle workshops for complaint investigations, follow up work and proactive checks. EPD also promotes environmental operations to the trade for reducing the nuisance caused to residents of the district. EPD would continue with the enforcement and education programme and enhance its surveillance to the operation of vehicle workshops in its inspections.

Fire Services Department (“FSD”)

7. FSD is drawing up a risk-based inspection programme for vehicle workshops to ensure their compliance with regulations on dangerous goods and fire safety.

Buildings Department (“BD”)

8. BD acts on public reports and other departments’ referrals for enforcement. Therefore, BD has no programme for regular inspections.

9. Since the targeted vehicle workshops, the focus of inspections, and the available resources of each department may vary, it would be more effective and efficient for departments concerned to continue to conduct regular and surprise checks according to their respective risk-based inspection programmes.

Buildings Department

Electrical and Mechanical Services Department

Environmental Protection Department

Fire Services Department

Labour Department

Development Bureau

Environment Bureau

Labour and Welfare Bureau

Security Bureau