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25 May 2005

(By fax and post)

Ms Miranda Hon
Clerk to Public Accounts Committee
Legislative Council Building
8 Jackson Road
Central
Hong Kong

Dear Ms Hon,

**The Director of Audit's Report on the
Results of value for money audits (Report No. 44)**

Chapter 2: Diesel vehicle emission controls

Thank you for your letter of 17 May 2005. I would like to provide the following information for the Public Accounts Committee to consider:

- (a) *according to paragraph 3.18 of the Director of Audit's Report (Audit Report), the Environmental Protection Department (EPD) will consider the feasibility of further shortening the 14-working-day period allowed for smoky vehicle owners to have their vehicles passed its smoke test. Whether the EPD had made a decision in this respect; if so, what is the decision; if not, when it will make a decision;*

The transport trades have previously indicated that they would have difficulty in coping with a shorter period for smoky vehicles to pass smoke tests. With general improvements to the standard of vehicle maintenance in recent years, we consider it feasible to shorten the 14-working-day period to, say, 12 working days. We will consult the transport trades on introducing this new requirement in 2005.

(b) whether the EPD will implement the following three ways for promoting the enthusiasm of spotters suggested in paragraph 3.34 of the Audit Report:

(i) informing the spotters of the outcome of their reports;

(ii) giving recognition to the more productive spotters; and

(iii) organizing discussion sessions for spotters and setting up a forum in its website for experience sharing;

We believe the decline in the number of smoky vehicles detected is due to the reduction of the number of smoky vehicles on the road rather than a lack of enthusiasm among spotters. Nonetheless, to keep up the enthusiasm of spotters, we shall inform spotters of the outcome of their reports from August this year. We shall also issue letters of appreciation to the more active spotters at the end of the year. Subject to spotters' response, we shall also organize discussion sessions for spotters. Additionally, we are considering the setting up of a forum on the Internet for spotters to share their experience.

(c) according to paragraph 3.3.6 of the Audit Report, the EPD will explore the possibility of making use of its website for publicizing the recruitment of spotters and promoting spotter enthusiasm. Whether the EPD has made a decision in this respect and if so, what are the details;

We plan to start publicizing the recruitment of spotters on our website from this August. To maintain a high level of enthusiasm among spotters, we shall send appreciation letters to the more active spotters at year end. We are also considering the setting up of a forum on the Internet for spotters to share their experience.

(d) the Committee notes that the form for use by spotters to report smoky vehicles is very complicated and may discourage spotters from making reports. Whether the EPD will consider simplifying the form;

The existing form requires spotters to fill in some basic information about the vehicle spotted and the date, time and location of the exceedance observed. We must bear in mind that in addition to repair costs, a vehicle owner who receives an emission testing notice will be required to pay \$310 per test to demonstrate that the vehicle has been properly repaired, plus other costs such as the down-time of the vehicle during repair and testing. Hence it is necessary to ensure accurate reporting under the scheme. The information contained in the form enables the department to carry out checks on the registration number, vehicle type and colour against the records of Transport Department, which is necessary in order to minimise any possibility of mis-reporting. The date and location of spotting will enable further investigation to be made if a vehicle owner raises objections to the report.

- (e) *the numbers of roadside free acceleration smoke tests jointly conducted by the EPD and the Police in each of the past five years and whether the numbers were increasing or decreasing (paragraphs 3.24 and 3.25 of the Audit Report refer); if the numbers were decreasing, what were the reasons; whether more such joint operations will be launched;*

The numbers of joint operations and roadside free acceleration smoke tests jointly conducted by the EPD and the Police in the past five years are summarized in the table below. It will be seen that although the number of joint operations has generally increased from 2000, the number of smoke tests carried out has actually gone down, which reflects the fewer number of smoky vehicles on the road. It is an indication of the effectiveness of the measures taken to combat smoky vehicles.

Year	2000	2001	2002	2003	2004
No. of Joint Operations	61	42	62	67	72
No. of smoke tests conducted	991	447	552	584	497

(f) according to Table 5 in paragraph 3.11(b) of the Audit Report, the owners of 10 vehicles were allowed more than 200 days to take their vehicles to the designated vehicle emission testing centres for smoke test:

(i) what were the reasons for the long time allowed in these cases; whether it was due to negligence on the part of the vehicle owners or the EPD; and

(ii) if it was due to the owner's negligence, whether any penalty has been imposed; if there was no provision for penalty in the law, whether the EPD will consider amending the relevant legislation;

From time to time, there are cases where the Emission Testing Notices (ETN) could not reach the owners by registered mail because they have changed their addresses. To deal with these cases, this department asks the Transport Department to add a code to the records of the concerned vehicles. Once the owners approach Transport Department to renew the licences or to change the ownership of these vehicles, they will be served ETNs. The time needed to get in touch with owners of such cases varies. While more than 6 months were required for the department to get in touch with the 10 vehicle owners, no negligence was involved.

(g) according to the EPD's estimation, what is the impact on the level of air pollution caused by suspected smoky vehicles which are allowed to remain on the road for more than 14 days;

On average, 8,900 smoky vehicles undergo a smoke test each year. About 80% of them are tested within 14 working days. The rest cannot complete the tests within the period for various reasons, such as where the owners cannot be served an ETN by registered mail as explained above. Taking very conservative assumptions that these vehicles take an average of 40 days to pass the smoke test and that a smoky vehicle is six times more polluting, the additional pollution from these vehicles still accounts for less than 1% of the total load from the fleet of 140,000 diesel vehicles.

- (h) *how the EPD ensures that the improvement to air quality brought about by emission reduction will not be offset by its allowing suspected smoky vehicles to remain on the road for an unduly long period of time?*

The most effective means is to reduce the total number of smoky vehicles on the road. The introduction of dynamometers has been proven to be an effective measure in reducing the number of smoky vehicles by 80% since 1999. To prevent suspected smoky vehicles from being used on the road for an unduly long period of time, EPD scrutinises every application for extension of the ETN very carefully. No extension would normally be granted unless strong reasons supported by evidence are given to justify the application. We will also pursue the possible reduction of the period allowed for smoky vehicles to pass smoke tests.

Yours sincerely

A handwritten signature in black ink, appearing to read 'K K Kwok', followed by a long horizontal line extending to the right.

(K K Kwok)

Director of Environmental Protection

c.c. Secretary for the Environment, Transport and Works
Commissioner for Transport
Director of Audit