

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

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

Administration's Response

Protection for professional drivers available under the law

(a)(b) The Labour Department and the Transport Department to advise whether the Bill, if implemented as currently proposed, might pose a threat to or any adverse impact on professional drivers' health considering the long hours these drivers stayed inside a vehicle. The Environmental Protection Department to advise whether the proposals under the Bill and the recently proposed exemptions to be granted on days when the "Very Hot Weather Warning" or the "Amber, Red or Black Rainstorm Signal" was issued could adequately safeguard the health of professional drivers and the general public.

1. The objective of the Motor Vehicle Idling (Fixed Penalty) Bill (the Bill) is to reduce roadside air pollution and environmental nuisances caused by idling vehicles with running engines to pedestrians and people working or living nearby the roads. The proposed idling prohibition would also reduce the exposure of drivers to vehicle exhaust emissions, thereby safeguarding their health.
2. To cater for the operational needs of drivers and the transport trades, apart from the three-in-sixty-minute grace period, the Bill also provides an extensive list of exemptions covering drivers of different motor vehicles and various circumstances. 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, which would further cater for the needs of drivers during extreme weather.
3. In proposing the Bill, we have taken into account an important factor that the Bill with the proposed exemptions would not oblige drivers to stay inside their motor vehicles for a long period of time with the engine stopped. For example, taxi drivers at a taxi stand may wait outside their taxis with the engines stopped when there is already a long queue of taxis waiting for passengers. It is indeed the common practice in cities where there is legislative prohibition on idling vehicles that drivers wait outside their motor vehicles when the engines are turned off. In addition, taxi drivers are free to decide whether they should continue to wait in case there is already a long queue of taxis outside a taxi stand or move on to other places for passengers.
4. Notwithstanding the above, if some drivers have to stay inside their vehicles 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 vehicles would also be an important consideration. In this regard, drivers should, as far as practicable, avoid staying or at least shorten the duration of stay inside their vehicles with the engines stopped, and take other appropriate preventive

measures to minimize the risk of heat stroke on hot, humid days in summer.

5. It should also be stressed that drivers are also susceptible to the adverse health impacts of vehicle exhaust emissions emitted from idling vehicles. On the whole, the Administration is of the view that the legislative proposal would help reduce exposure of drivers, pedestrians and people working or living nearby the roads to vehicle exhaust emissions, and is of health benefits to professional drivers and the general public. That said, the Administration is prepared to consider any other suggestions which would help achieve community acceptance of the Bill.
- (c) (d) ***The Labour Department to advise, from the perspective of occupational safety and health, the risk of diseases such as heatstroke posed by the proposed motor vehicle idling prohibition to professional drivers' health, and whether it would conduct a study in this regard to collect relevant information. The Labour Department to give expert advice on the appropriate range of temperature, humidity and level of heat radiation inside a vehicle as a suitable working environment for professional drivers.***
6. The Bill with the proposed exemptions does not oblige professional drivers to stay inside their motor vehicles when the engines are turned off. Furthermore, the Administration has recently offered additional exemption to all drivers on days when the "Very Hot Weather Warning" or the "Amber, Red or Black Rainstorm Signal" has been issued.
7. Notwithstanding these developments, some representatives of the transport trades and Members of the Bills Committee have also put forth various additional exemptions, including exempting drivers of all commercial vehicles, taxis and minibuses waiting at taxi and minibus stands, exempting all drivers when the temperature exceeds certain threshold or during summer months, etc. The Administration is considering these suggestions and, therefore, does not think it is appropriate to conduct the study as suggested by the Bills Committee at this stage. The Administration will report our views to the Bills Committee at the coming meeting, and propose to revisit the case for conducting the study in the light of the discussion at the Bills Committee on whether further exemptions should be incorporated in the Bill and, if so, the scope of such exemptions. Nevertheless, should the study in question be eventually considered necessary, the Labour Department (LD) is devising a field study protocol which requires revision and testing to simulate the final implementation details of the idling prohibition and exemptions to be provided by the Bill, which remain an area to be further discussed with Members. .
8. It is important to reiterate the objective of the Bill is to reduce roadside air pollution and environmental nuisances caused by idling engines to both the pedestrians and people working or living nearby the roads. It will also reduce the exposure of drivers to vehicle exhaust emissions. With the extensive exemptions proposed in the Bill, drivers are unlikely required to stay for a prolonged period insider their vehicles when engines are switched off. On the other hand, when professional drivers are performing their driving work, as most of the commercial vehicles are normally air-conditioned, their working environment would unlikely expose drivers to a risk of heat stroke, even on hot, humid days in summer. Nevertheless, when the vehicles are idling and engines switched off for a prolonged period, the drivers may leave the compartment and wait outside the vehicles. As regards the issue of occupational safety and health, the Occupational Safety and Health Ordinance (OSHO) (Cap. 509) applies generally to workplaces but not to the driving work of professional drivers (please see paragraph 10 below). When enforcing OSHO to deter the improper management of the risk of heat stress at workplaces, LD relies on the measurement of the Wet Bulb Globe Temperature (WBGT) which is an internationally accepted composite index

for gauging the risk of heat stress on workers in hot environments, with a result exceeding the reference value given in the relevant standard.

- (e) ***The Labour Department to consider some members' views that the Occupational Safety and Health Ordinance (Cap. 509) should be reviewed to protect professional drivers.***
9. The safety of drivers performing driving work are related to a number of factors including the design and maintenance of vehicles and roads, driving skills and attitude of drivers, use of safety equipment such as seat-belts provided in the vehicles, and the use of roads by other users. Control of these aspects of land transport vehicles and behaviour of drivers, among other requirements, is stipulated in the road traffic legislation administered by the Transport Department, such as the Road Traffic (Construction and Maintenance of Vehicles) Regulations (Cap. 374A) which govern the construction and maintenance of vehicles, including their safety after alteration, the Road Traffic (Safety Equipment) Regulations (Cap. 374F) which govern vehicle safety equipment, the Road Traffic (Traffic Control) Regulations (Cap. 374G), and the Road Traffic (Driving Licences) Regulations (Cap. 374B).
10. As a comprehensive set of legislation is already in place for protecting the safety of drivers and members of the public on road, LD considers it unnecessary to extend the coverage of OSHO to the driving work of professional drivers. Nevertheless, when professional drivers perform other non-driving work assigned by their employers, their safety and health are protected by OSHO.
- (f) ***The Administration's response to further exemptions suggested by some members –***
- (i) ***exempting all taxi and public light bus stands, and all vehicles while queuing for refill at liquefied petroleum gas filling stations from coverage of the Bill; and***
- (ii) ***exempting drivers on days when the temperature reached 27 or 28 degree Celsius from the proposed idling prohibition.***
11. As noted in paragraph 6 above, the Administration is considering further exemptions put forth by some representatives of the transport trades and Members of the Bills Committee. We will report our views to the Bills Committee at the coming meeting.

**Environmental Protection Department
September 2010**