

MOTOR VEHICLE IDLING (FIXED PENALTY) BILL

COMMITTEE STAGE

Amendments to be moved by the Secretary for the Environment

<u>Clause</u>	<u>Amendment Proposed</u>
2(1)	In the definition of "driving authority", by deleting "driving authority" (駕駛權限) and substituting "driving licence or permit" (駕駛執照或許可證) .
2	By deleting subclause (2) .
6(1)	By adding ", if the Director is satisfied that exceptional circumstances exist that make it impractical or unreasonable for the driver or drivers of the class to comply with section 5" after "fit" .
8	In the Chinese text, by deleting subclause (2) and substituting - <p style="text-align: center;">"(2) 給予有關通知書的方式是將之當面交付有關的人，或附著於或張貼於有關汽車上。"</p>

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- 9 In the heading, by deleting "authority" and substituting "licence or permit".
- 9(1)(b) By deleting "authority" and substituting "licence or permit".
- 11(3)(b) In the Chinese text, by deleting "有關的拒絕的日期後" and substituting "罰款通知書遭拒絕接受當日後".
- 14(2) (a) In the English text, by deleting "attention" and substituting "notice".  
(b) In the Chinese text, by adding "本身" after "申請人".
- 15(1) (a) In the English text, by deleting "attention" and substituting "notice".  
(b) In the Chinese text, by adding "本身" after "信納申請人".
- 17 By deleting "the person who is the subject of" and substituting "the defendant in relation to".

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- 18(1) (a) By deleting "a person served with a summons" and substituting "the defendant".
- (b) By adding "of a complaint" after "the hearing".
- (c) By deleting "the person" and substituting "the defendant".
- 18(2) (a) By deleting "of the person" and substituting "of the defendant".
- (b) In paragraph (a), by adding "on the defendant" after "the summons".
- (c) In paragraph (b), by deleting "person" and substituting "defendant".
- 18(3) By deleting "person" and substituting "defendant".
- 18(4) (a) By deleting "person" and substituting "defendant".
- (b) By deleting "person's" and substituting "defendant's".
- 19(2) By adding "and, if the defendant does not at that stage expressly put in issue any allegation of fact stated in a certificate under section 24

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that has been produced by the complainant, the defendant cannot at any later stage dispute or adduce evidence to contradict that fact without the leave of the magistrate" after "defence".

- 19 By deleting subclause (3).
- 20(2) By adding "under section 21(2)" after "proceedings".
- 21(2) (a) By deleting "a person" and substituting "the defendant".
- (b) By deleting "the person" and substituting "the defendant".
- 23(1) By deleting "person who is served with a summons to answer" and substituting "defendant who has been served with a summons in relation to".
- 23(2) and (5) By deleting "person" and substituting "defendant".
- New By adding -

**"33. Consequential amendments**

- (1) Section 113C(1)(c) of the Criminal

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Procedure Ordinance (Cap. 221) is amended by repealing "or the Fixed Penalty (Smoking Offences) Ordinance (Cap. 600)" and substituting ", the Fixed Penalty (Smoking Offences) Ordinance (Cap. 600) or the Motor Vehicle Idling (Fixed Penalty) Ordinance ( of 2011)".

(2) Section 2(1B) and (3) of the Rehabilitation of Offenders Ordinance (Cap. 297) is amended by repealing "or the Fixed Penalty (Smoking Offences) Ordinance (Cap. 600)" and substituting ", the Fixed Penalty (Smoking Offences) Ordinance (Cap. 600) or the Motor Vehicle Idling (Fixed Penalty) Ordinance ( of 2011)".

Schedule 1,  
section 2

- (a) In the heading, by deleting "**Taxis, green and red minibuses and buses**" and substituting "**Passenger transport vehicles**".
- (b) By deleting subsection (1) and substituting -
- "(1) Section 5 does not apply to a driver of a taxi that is at a taxi stand."
- (c) By deleting subsection (4) and substituting -

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"(4) Section 5 does not apply to a driver of either of the following vehicles that has any passenger on board -

(a) a bus;

(b) a school private light bus.

(4A) Section 5 does not apply to a driver of a franchised bus at any time when the bus is available for boarding by passengers."

(d) In subsection (5), by deleting the definition of "designated area".

(e) In subsection (5), in the Chinese text, in the definition of "綠色小巴士", by deleting the full stop and substituting a semicolon.

(f) In subsection (5), by adding -

"school private light bus" (學校私家小巴) has the same meaning as in the Road Traffic Ordinance (Cap. 374);".

Schedule 1, section 7 By deleting everything after paragraph (b).

Schedule 1, section 8 (a) In the heading, by deleting "Emissions" and substituting "Vehicles necessarily idling for compliance".

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(b) By deleting paragraph (a) and substituting -

"(a) testing the vehicle in accordance with a requirement under the Road Traffic Ordinance (Cap. 374) or to determine whether the vehicle complies with the Air Pollution Control Ordinance (Cap. 311) or the Noise Control Ordinance (Cap. 400); or".

Schedule 1 By adding -

**"9. Rainstorms and very hot weather**

(1) Section 5 does not apply to a driver of a motor vehicle -

(a) at any time when a rainstorm warning or very hot weather warning is in force; and

(b) if the warning is in force for part of a day only, at any time after the warning has ceased to be in force until midnight on that day.

(2) In this section -

"rainstorm warning" (暴雨警告) means a warning issued by the Director of the Hong Kong Observatory by the use of the heavy

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rainstorm signal commonly referred to  
as Amber, Red or Black;

“very hot weather warning” (酷熱天氣警告) means  
a warning issued by the Director of the  
Hong Kong Observatory commonly referred  
to as a very hot weather warning.”.

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