

LEGISLATIVE COUNCIL BRIEF

MOTOR VEHICLE IDLING (FIXED PENALTY) REGULATION

INTRODUCTION

The Secretary for the Environment ('the Secretary') made the Motor Vehicle Idling (Fixed Penalty) Regulation ('the Regulation') at **Annex** on 23 August 2011 under section 31 of the Motor Vehicle Idling (Fixed Penalty) Ordinance ('the Ordinance') (Cap. 611) for implementing the statutory ban on idling vehicles with running engines ('idling prohibition'). Subject to negative vetting by the Legislative Council ('LegCo'), the legislation will come into force on 15 December 2011.

JUSTIFICATIONS

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 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 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 Regulation covers the prescription of-
 - (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 15 December 2011, a day appointed by the Secretary by notice published in the Gazette.

LEGISLATIVE TIMETABLE

6. The Regulation and the notice of commencement of the legislation will be gazetted on 26 August 2011 and tabled at LegCo on 12 October 2011.

IMPLICATIONS

7. The Regulation is essential for the effective enforcement of the Ordinance, which will benefit the environment and public health by reducing vehicle emissions and improving roadside air quality. Better air quality will also be conducive to enhancing Hong Kong's attractiveness as an international business centre. Besides the above positive implications on the environment, sustainability and the economy, the Regulation has no productivity, financial or civil service implications. It is in conformity with the Basic Law, including the provisions concerning human rights, and will not affect the binding effect of the Ordinance.

PUBLIC CONSULTATION

8. Before we started the legislative exercise for idling prohibition, we had conducted public consultation from November 2007 to March 2008. We had consultation meetings with stakeholders, including the LegCo Panel on Environmental Affairs ('the Panel'), the Advisory Council on the Environment, the 18 District Councils, the transport trades, green groups, professional bodies and other parties. There was broad-based support for pursuing the idling prohibition. The Bill was subsequently passed by the LegCo in March 2011. In July 2011, the Panel has been briefed on the making of the Regulation.

PUBLICITY

9. We have been promoting the practice of switching off the engines of idling vehicles as a green driving habit. More intensive publicity programmes are rolled out by phases in the second half of 2011 to disseminate information about the requirements of the legislation.

ENQUIRIES

10. For enquiries about this brief, please contact Mr W C Mok, Assistant Director of Environmental Protection (Air Policy) on 2594 6031.

Environmental Protection Department

August 2011

Motor Vehicle Idling (Fixed Penalty) Regulation

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Motor Vehicle Idling (Fixed Penalty) Regulation

(Made by the Secretary for the Environment under section 31 of the Motor Vehicle Idling (Fixed Penalty) Ordinance (3 of 2011))

1. Commencement

This Regulation comes into operation on the day on which the Motor Vehicle Idling (Fixed Penalty) Ordinance (3 of 2011) comes into operation.

2. Penalty notice

A penalty notice under section 8(1) of the Ordinance must be in accordance with Form 1 in the Schedule.

3. Demand notice

(1) A demand notice under section 11(2) of the Ordinance must be in accordance with Form 2 in the Schedule.

(2) A demand notice is valid only if the name of a public officer acting on behalf of the Authority is signed or printed on the notice.

4. Certificate of posting demand notice

A certificate of posting a demand notice under section 11(5) of the Ordinance must be in accordance with Form 3 in the Schedule.

5. Payment of fixed penalty

(1) The payment of the fixed penalty in respect of a penalty notice or a demand notice must be made—

- (a) by post addressed to the Treasury;
- (b) at a counter of any post office other than a mobile post office;
- (c) through an automated teller machine of a bank;
- (d) by phone by using the service commonly known as PPS;

- (e) through the Internet; or
 - (f) through the phone-banking service provided by a bank.
- (2) A person who wishes to pay the fixed penalty in accordance with subsection (1)(a) or (b) must deliver the notice to which the payment relates together with the payment in accordance with the payment instructions as set out in the notice.
- (3) If a payment is made in accordance with this section, it must be of the amount of the fixed penalty specified in the notice or, if the payment is made in respect of more than one notice, of the total amount of fixed penalties specified in the notices.
- (4) A payment made in accordance with subsection (1) must not include, or form part of, an amount in respect of a matter other than a matter specified in the notice or notices.
- (5) If a payment of the fixed penalty is made otherwise than in accordance with this Regulation, the fixed penalty is treated as unpaid and the Director of Accounting Services may return the amount of the payment to the payer.

6. Evidentiary certificate

A certificate under section 24(1) of the Ordinance must be in accordance with Form 4 in the Schedule.

Schedule

[ss. 2, 3, 4 & 6]

Forms

檔號 Reference No: 表格 1 FORM 1

《汽車引擎空轉(定額罰款)條例》(第 611 章)
MOTOR VEHICLE IDLING (FIXED PENALTY) ORDINANCE (Chapter 611)

關於指稱犯定額罰款汽車引擎空轉違例事項的詳情的通知書 (第 8(1)條)
NOTICE OF PARTICULARS OF ALLEGED FIXED PENALTY MOTOR VEHICLE IDLING CONTRAVENTION (Section 8(1))

右邊車輛的司機 The Driver of 登記號碼(如有的話) Registration Mark (If any)

車輛類別 Vehicle Type 檔號(如有的話) Transaction No. (If any)

英文全名(先寫姓氏) Full Name in English (Surname First)

中文全名 Full Name in Chinese 性別: 男 / 女* Sex: Male / Female*

中文電碼 Chinese Commercial Code

香港身分證 / 護照號碼* Hong Kong Identity Card / Passport No.* 出生日期 Date of Birth

駕駛執照號碼(如有的話) Driving Licence No. (If any) 聯絡電話(如有的話) Contact Tel No. (If any)

地址 Address

現被指稱犯汽車引擎空轉違例事項 IS ALLEGED TO HAVE COMMITTED MOTOR VEHICLE IDLING CONTRAVENTION

<p>定額罰款 三百二十元 FIXED PENALTY \$320</p>		<p>違例事項 CONTRAVENTION</p> <p>致使或容許上述車輛在道路上於任何 60 分鐘的時段內, 引擎空轉超過 3 分鐘(《汽車引擎空轉(定額罰款)條例》(第 611 章) 第 5(1)條) Caused or permitted the above vehicle to be idling on a road for more than 3 minutes in any 60-minute period (section 5(1) of the Motor Vehicle Idling (Fixed Penalty) Ordinance (Chapter 611))</p>
<p>違例事項詳情 CONTRAVENTION DETAILS</p>		
<p>時間 TIME</p> <p>由 From 日 Day 月 Month 年 Year 時 Hour 分 Minute 秒 Second</p> <p>至 To 日 Day 月 Month 年 Year 時 Hour 分 Minute 秒 Second</p> <p>共 / 超過 分鐘 for / over minute(s)</p>		<p>地點 PLACE (如以英文填寫請用正楷) (Use block letters if complete in English) 必須填寫每段時間的 A 及 B 部分 Always complete Parts A and B for each period</p> <p>A. 路名 ROAD</p> <p>B. 地點 LOCATION 在下述地點 1. <input type="checkbox"/> 外 / 對面 / 附近 / 內 屋宇 / 地段 / 路段 / 燈柱 / 咪錶號碼 O/S / OPP / NEAR / U/S Hse. / Lot / Ch. / L/P / Meter No. 2. <input type="checkbox"/> 在 / 近 AT / NEAR 與右列道路交匯處 Junction with 3. <input type="checkbox"/> 外 / 對面 O/S / OPP 大廈 / 建築物 / 其他有助識辨的特徵 Bldg. / Erection / Other identifying feature</p>

Motor Vehicle Idling (Fixed Penalty) Regulation

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請以上述格式填寫其他有關時段。 Please use the format above to fill in other relevant period(s).

<input type="checkbox"/>	由 From	共 / 超過 for / over	分鐘 minute(s)	A. 路名 ROAD
	至 To			B. 地點 LOCATION
<input type="checkbox"/>	由 From	共 / 超過 for / over	分鐘 minute(s)	A. 路名 ROAD
	至 To			B. 地點 LOCATION
<input type="checkbox"/>	由 From	共 / 超過 for / over	分鐘 minute(s)	A. 路名 ROAD
	至 To			B. 地點 LOCATION
總共超過 Total over				分鐘 minutes

在適當方格加上「✓」。或並刪去不適用者。 Tick the appropriate box(es) and delete where appropriate.

發出通知書人員簽署
Signature of Issuing Officer

發出通知書人員全名
Full Name of Issuing Officer

發出日期
Date of issue

日 Day 月 Month 年 Year

發出時間
Time of issue

時 Hour 分 Minute

編號
Number

職位及地區
Post and District

部門
Department

* 請刪去不適用者。 * Please delete where appropriate.

請細心閱讀背頁所載的繳款指示及附註。 Please read carefully the payment instructions and notes set out overleaf.

機印所示款項收訖。 Received the sum printed.

郵遞繳款回條 Slip for Payment by Post

CRC 129	表格 FORM	編號 SERIAL NUMBER	金額 AMOUNT
	1		\$320

日 Day 月 Month 年 Year
發出日期 Date of issue

<< 預印條紋碼 Preprinted Bar Code >>

Motor Vehicle Idling (Fixed Penalty) Regulation

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附註(請細心閱讀)

1. 如你於本通知書的發出後的 21 天內繳付定額罰款，即可解除就本通知書所指定的違例事項所須負的法律責任。你須按照繳款指示繳付款項。
2. 如你意欲就該違例事項的法律責任提出抗辯，你須以書面通知當局。請註明本通知書左上角所示的 10 位數字編號以作參考。
3. 繳款通知書將會在適當時候發出，如你已依照本通知書繳付定額罰款，則無須理會該通知書。
4. 如你不按照繳款通知書繳付罰款或通知當局你意欲就該違例事項的法律責任提出抗辯，則可能被判處附加罰款。
5. 如你提供明知是虛假的或具誤導性的關於你的姓名、出生日期、地址或聯絡電話號碼的任何詳情，以充作遵從根據《汽車引擎空轉(定額罰款)條例》(第 611 章)第 9(1)條提出的要求，即屬犯罪，可予檢控。

NOTES (Please read carefully)

1. You may discharge liability for the contravention specified in the notice by paying the Fixed Penalty within 21 days after the issue of this notice. You must make the payment in accordance with the Payment Instructions.
2. If you wish to dispute liability for the contravention, you should notify the Authority in writing. Please quote the 10-digit Reference No. shown at the top left hand corner of this notice for reference.
3. A Demand Notice will be issued in due course. You may ignore the Demand Notice only if you have made prior payment on this notice.
4. If you fail to pay in accordance with the Demand Notice or to notify the Authority that you wish to dispute liability for the contravention, an additional penalty may be imposed.
5. If you, in purported compliance with a requirement made under section 9(1) of the Motor Vehicle Idling (Fixed Penalty) Ordinance (Chapter 611), supply any particular of your name, date of birth, address or contact telephone number which you know to be false or misleading, you will commit an offence and will be liable to prosecution.

繳款指示

1. 你須按下述任何一種方法繳付定額罰款—

(a) 透過銀行自動櫃員機繳款

你可在任何貼有「繳費服務」標誌的自動櫃員機繳付款項。請選擇「政府機構」，然後選擇「引擎空轉定額罰款」，並輸入本通知書下半部所示的 16 位數字編號。

你亦可在大部分貼有「繳費易」標誌的自動櫃員機繳付款項。請選擇「輸入商戶編號」及輸入「6742」，然後輸入本通知書下半部所示的 16 位數字編號。

(b) 用電話使用「繳費靈」繳款

繳款前，請先致電 18013 登記本通知書。請輸入「商戶編號」「9942」。如欲繳款，請致電 18033，並按照指示輸入所需資料。如需查詢，

PAYMENT INSTRUCTIONS

1. You must pay the Fixed Penalty by one of the following methods—

(a) Payment through Bank Automated Teller Machine (ATM)

You can pay at any ATM affixed with "Bill Payment" signage. Please select "Government" and then "Motor Vehicle Idling Fixed Penalty", and key in the 16-digit serial number shown at the lower portion of this notice.

You can also pay at most ATMs affixed with a "JET Payment" signage. Please select "Merchant Code Entry" and key in "6742", then key in the 16-digit serial number shown at the lower portion of this notice.

(b) Payment by Phone using "PPS"

Before making payment, please dial 18011 to register this notice. Please key in the "Merchant Code" of "9942". For making payment, please dial 18031 and follow the instructions to enter

請致電「繳費靈」熱線：2311 9876。

(c) **透過互聯網繳款**

你可透過銀行及「繳費靈」(<http://www.ppskhk.com>)在互聯網上提供的繳費服務繳付款項(詳情請瀏覽庫務署網站<http://www.treasury.gov.hk>)。繳款時,請選擇「汽車引擎空轉(定額罰款)」。

(d) **透過電話理財服務繳款**

你可使用銀行提供的電話理財服務,透過有關的繳費服務繳付款項。

(e) **以郵遞方式繳款**

你可把支票、銀行匯票或本票連同本通知書下半部的「郵遞繳款回條」寄往香港告士打道郵政局信箱 28000 號庫務署收。請將本通知書下半部所示的 16 位數字編號寫在支票、銀行匯票或本票背面。請勿郵寄現金。請注意:以郵遞方式繳款將不會獲發收據。有關的郵戳日期會被視作繳款的日期。

(f) **透過郵政局櫃位繳款**

你可在任何郵政局(流動郵政局除外)的櫃位繳付款項。請保持本通知書**完整**並於繳款時出示。繳款後本通知書會發回收據。如欲查詢各郵政局地址及辦公時間,請致電香港郵政熱線: 2921 2222 或瀏覽香港郵政網站 <http://www.hongkongpost.com>。

2. 如果你透過自動櫃員機、使用「繳費靈」、透過互聯網或電話理財服務繳款,請輸入本通知書下半部所示的 16 位數字編號。於到期日午夜前繳款會被視作準時繳交。

the information required. For enquiries, please call "PPS" Hotline: 2311 9876.

(c) **Payment through Internet**

You can pay through the bill payment service provided by banks and "PPS" (<http://www.ppskhk.com>) on the Internet (for details, please visit Treasury's web site <http://www.treasury.gov.hk>). Please select "Motor Vehicle Idling (Fixed Penalty)" for payment.

(d) **Payment through Phone-banking Service**

You can pay through the bill payment service by using the phone-banking service provided by banks.

(e) **Payment by Post**

You can pay by sending a cheque, bank draft or cashier order, together with the "Slip for Payment by Post" at the lower portion of this notice, to the Treasury, P.O. Box No. 28000, Gloucester Road Post Office, Hong Kong. Please write the 16-digit serial number shown at the lower portion of this notice on the back of the cheque, bank draft or cashier order. You must not send cash through the post. Please note that no receipt will be issued for payment by post. The date of the relevant post mark will be regarded as the date of payment.

(f) **Payment at Post Office Counters**

You can pay at a counter of any post office (other than a mobile post office). Please keep this notice **intact** and produce it at the time of payment. It will be receipted and returned to you upon payment. For addresses and opening hours of post offices, please call the Hongkong Post's Hotline: 2921 2222 or visit Hongkong Post's web site <http://www.hongkongpost.com>.

2. If you make a payment through ATM, by "PPS", through Internet or phone-banking service, please key in the 16-digit serial number shown at the lower portion of this notice for making payment. Payment made before midnight on the due date will be regarded as on-time payment.

3. 任何支票、銀行匯票或本票均須以「香港特別行政區政府」或「香港特區政府」為收款人,並加以劃線,以支票付款,只在支票首次提交付款銀行獲得兌現的情況下,繳款方為有效。期票不予接受。

3. Any cheque, bank draft or cashier order should be made payable to "The Government of the Hong Kong Special Administrative Region" or "The Government of the HKSAR" and crossed. For payment made by cheque, payment is valid only when the cheque is honoured on the first presentation to the drawee bank. Post-dated cheques will not be accepted.

如就本通知書有任何查詢,請致電有關部門的查詢熱線電話。

For any enquiry about this notice, please call the enquiry hotline of the relevant department.

Motor Vehicle Idling (Fixed Penalty) Regulation

Schedule

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通知書編號
Notice Serial No.

表格 2
FORM 2

《汽車引擎空轉(定額罰款)條例》(第 611 章)
MOTOR VEHICLE IDLING (FIXED PENALTY) ORDINANCE (Chapter 611)

繳付定額罰款通知書
(第 11(2)條)
NOTICE DEMANDING PAYMENT OF FIXED PENALTY
(Section 11(2))

致： (先寫姓氏)
To: (surname first)
地址為
of

於.....年.....月.....日.....時.....分至.....年.....月.....日.....時.....分，
在.....發生
一宗違反《汽車引擎空轉(定額罰款)條例》(第 611 章)第 5(1)條的事件，而你須為此事件負法律責任。

From (day) (month) (year) (hour) (minute)
to (day) (month) (year) (hour) (minute)
at
a contravention of section 5(1) of the Motor Vehicle Idling (Fixed Penalty) Ordinance (Chapter 611)
was committed for which you are liable.

本人現要求你繳付定額罰款\$320，並通知你若意欲就該違例事項的法律責任提出抗辯，你必須以書面通知本人。

I now demand payment of the Fixed Penalty of \$320 and inform you that if you wish to dispute liability for the contravention, you must inform me in writing.

你必須在本通知書送達日期後的 10 天內，即.....年.....月.....日或之前—
You are required, within 10 days after the date of service of this notice, that is, on or before (day) (month) (year)—

- (a) 繳付定額罰款；或
to pay the Fixed Penalty; or
- (b) (使用附上的通知表格)以書面通知本人你意欲就該違例事項的法律責任提出抗辯。
to notify me in writing that you wish to dispute liability for the contravention (by using the attached notification form).

Motor Vehicle Idling (Fixed Penalty) Regulation

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如你不按照本通知書繳付定額罰款，亦不按照本通知書以書面通知本人你意欲就該違例事項的法律責任提出抗辯，本人將向裁判官申請作出命令，命令你繳付定額罰款、相等於該項定額罰款數額的附加罰款及訟費\$300。

If you do not pay the Fixed Penalty or notify me in writing that you wish to dispute liability in accordance with this notice, an application will be made to a magistrate for an order that you pay the Fixed Penalty, an additional penalty equal to the amount of the Fixed Penalty and \$300 by way of costs.

日期
Date:
當局 (代行)
for the Authority

繳款 / 提交抗辯通知的最後日期
Last Date for Payment / Notification of Dispute:

- 請注意 Please note:
1. 如你已繳付上述指明的定額罰款，則無須理會本通知書。
If you have paid the Fixed Penalty specified above, you should ignore this notice.
 2. 你應按照背頁所載的繳款指示繳付款項。
You should make the payment according to the payment instructions set out overleaf.

機印所示款項收訖。 Received the sum printed.

郵遞繳款回條 Slip for Payment by Post

CRC	表格FORM	編號 SERIAL NUMBER										金額AMOUNT	
129	2												\$320

<< 預印條紋碼 Preprinted Bar Code >>

繳款指示

1. 你須按下述任何一種方法繳付定額罰款 —

(a) 透過銀行自動櫃員機繳款

你可在任何貼有「繳費服務」標誌的自動櫃員機繳付款項。請選擇「政府機構」，然後選擇「引擎空轉定額罰款」，並輸入本通知書下半部所示的 16 位數字編號。

你亦可在大部分貼有「繳費易」標誌的自動櫃員機繳付款項。請選擇「輸入商戶編號」及輸入「6742」，然後輸入本通知書下半部所示的 16 位數字編號。

(b) 用電話使用「繳費靈」繳款

繳款前，請先致電 18013 登記本通知書。請輸入「商戶編號」9942。如欲繳款，請致電 18033，並按照指示輸入所需資料。如需查詢，請致電「繳費靈」熱線：2311 9876。

(c) 透過互聯網繳款

你可透過銀行及「繳費靈」(<http://www.ppsbk.com>) 在互聯網上提供的繳費服務繳付款項(詳情請瀏覽庫務署網站 <http://www.treasury.gov.hk>)。繳款時，請選擇「汽車引擎空轉(定額罰款)」。

(d) 透過電話理財服務繳款

你可使用銀行提供的電話理財服務，透過有關的繳費服務繳付款項。

(e) 以郵遞方式繳款

你可把支票、銀行匯票或本票連同本通知書下半部的「郵遞繳款回條」寄往香港告士打道郵政局信箱 28000 號庫務署收。請將本通知書下半部所示的 16 位數字編號寫在支票、銀行匯票或本票背面。請勿郵寄現金。請注意：以郵遞方式繳款將不會獲發收據。有關的郵戳日期會被視作繳款的日期。

PAYMENT INSTRUCTIONS

1. You must pay the Fixed Penalty by one of the following methods—

(a) Payment through Bank Automated Teller Machine (ATM)

You can pay at any ATM affixed with “Bill Payment” signage. Please select “Government” and then “Motor Vehicle Idling Fixed Penalty”, and key in the 16-digit serial number shown at the lower portion of this notice.

You can also pay at most ATMs affixed with a “JET Payment” signage. Please select “Merchant Code Entry” and key in “6742”, then key in the 16-digit serial number shown at the lower portion of this notice.

(b) Payment by Phone using “PPS”

Before making payment, please dial 18011 to register this notice. Please key in the “Merchant Code” of “9942”. For making payment, please dial 18031 and follow the instructions to enter the information required. For enquiries, please call “PPS” Hotline: 2311 9876.

(c) Payment through Internet

You can pay through the bill payment service provided by banks and “PPS” (<http://www.ppsbk.com>) on the Internet (for details, please visit Treasury’s web site <http://www.treasury.gov.hk>). Please select “Motor Vehicle Idling (Fixed Penalty)” for payment.

(d) Payment through Phone-banking Service

You can pay through the bill payment service by using the phone-banking service provided by banks.

(e) Payment by Post

You can pay by sending a cheque, bank draft or cashier order, together with the “Slip for Payment by Post” at the lower portion of this notice, to the Treasury, P.O. Box No. 28000, Gloucester Road Post Office, Hong Kong. Please write the 16-digit serial number shown at the lower portion of this notice on the back of the cheque, bank draft or cashier order. You must not send cash through the post. Please note that no receipt will be issued for payment by post. The date of the relevant post mark will be regarded as the date of payment.

(f) 透過郵政局櫃位繳款

你可在任何郵政局(流動郵政局除外)的櫃位繳付款項。請保持本通知書完整並於繳款時出示。繳款後本通知書會發回作收據。如欲查詢各郵政局地址及辦公時間，請致電香港郵政熱線：2921 2222 或瀏覽香港郵政網站 <http://www.hongkongpost.com>。

2. 如你透過自動櫃員機、使用「繳費靈」、透過互聯網或電話理財服務繳款，請輸入本通知書下半部所示的 16 位數字編號。於到期日午夜前繳款會被視作準時繳交。

3. 任何支票、銀行匯票或本票均須以「香港特別行政區政府」或「香港特區政府」為收款人，並加以劃線。以支票付款，只在支票首次提交付款銀行獲得兌現的情況下，繳款方為有效。期票不予接受。

(f) Payment at Post Office Counters

You can pay at a counter of any post office (other than a mobile post office). Please keep this notice **intact** and produce it at the time of payment. It will be receipted and returned to you upon payment. For addresses and opening hours of post offices, please call the Hongkong Post’s Hotline: 2921 2222 or visit Hongkong Post’s web site <http://www.hongkongpost.com>.

2. If you make a payment through ATM, by “PPS”, through Internet or phone-banking service, please key in the 16-digit serial number shown at the lower portion of this notice for making payment. Payment made before midnight on the due date will be regarded as on-time payment.

3. Any cheque, bank draft or cashier order should be made payable to “The Government of the Hong Kong Special Administrative Region” or “The Government of the HKSAR” and crossed. For payment made by cheque, payment is valid only when the cheque is honoured on the first presentation to the drawee bank. Post-dated cheques will not be accepted.

欲就違例事項的法律責任提出抗辯者請注意

1. 如你意欲就汽車引擎空轉違例事項的法律責任提出抗辯，你須簽署附上的表格，並於本通知書送達日期後的 10 天內將之交付當局，以通知當局你有此意欲。在裁判官裁定有關申訴前，請不要繳付定額罰款。

2. 如你通知當局意欲就違例事項的法律責任提出抗辯，裁判官將按照《汽車引擎空轉(定額罰款)條例》(第 611 章)裁定有關申訴，傳票將會在適當時候向你送達。

3. 如你在通知當局意欲就違例事項的法律責任提出抗辯後，沒有應傳票出庭應訊，或在裁判官席前應訊時你並沒有提出免責辯護或你提出瑣屑無聊或無理取鬧的免責辯護，則在定額罰款及有關法律程序中命令的訟費之外，可另被判繳付相等於有關定額罰款數額的罰款。

NOTES FOR THOSE WHO WISH TO DISPUTE LIABILITY FOR CONTRAVENTION

1. If you wish to dispute liability for the motor vehicle idling contravention, you should notify the Authority by signing the attached form and delivering it to the Authority within 10 days after the date of service of this notice for notification of dispute. Please **do not** pay the Fixed Penalty before the complaint is determined by a magistrate.

2. If you notify the Authority that you wish to dispute liability for the contravention, a magistrate will determine the complaint in accordance with the Motor Vehicle Idling (Fixed Penalty) Ordinance (Chapter 611) and you will be served with a summons in due course.

3. If, having notified the Authority that you wish to dispute liability for the contravention, you do not appear in court to answer the summons or appear before a magistrate and offer no defence or a defence which is frivolous or vexatious, you are liable to, in addition to the Fixed Penalty and any costs ordered in the proceedings, a penalty equal to the amount of the Fixed Penalty.

Motor Vehicle Idling (Fixed Penalty) Regulation

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如就本通知書有任何查詢，請致電有關部門的查詢熱線電話。
For any enquiry about this notice, please call the enquiry hotline of the relevant department.

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通知書編號
Notice Serial No.

《汽車引擎空轉(定額罰款)條例》(第 611 章)
MOTOR VEHICLE IDLING (FIXED PENALTY) ORDINANCE (Chapter 611)

致當局的通知
(第 11(2)條)
NOTIFICATION TO AUTHORITY
(Section 11(2))

致：

To:

就 貴部門根據《汽車引擎空轉(定額罰款)條例》(第 611 章)第 11(2)條所送達的通知書(詳情本人經已閱悉)，本人意欲就該通知書所指明的違例事項的法律責任提出抗辯，特此通知。

Please take notice that I wish to dispute liability for the contravention specified in your notice (particulars of which I have taken notice) served under section 11(2) of the Motor Vehicle Idling (Fixed Penalty) Ordinance (Chapter 611).

日期 簽名
Date: Signature

中文全名
Full name in English (in block letters)

表格 3
FORM 3《汽車引擎空轉(定額罰款)條例》(第 611 章)
MOTOR VEHICLE IDLING (FIXED PENALTY) ORDINANCE (Chapter 611)繳款通知書郵遞證明書
(第 11(5)條)
CERTIFICATE OF POSTING OF DEMAND NOTICE
(Section 11(5))

現證明已於 年 月 日郵寄一份根據《汽車引擎空轉(定額罰款)條例》(第 611 章)第 11(2)條須予送達的繳款通知書。該繳款通知書的詳情如下—
This is to certify that on (day) (month) (year) a Demand Notice under section 11(2) of the Motor Vehicle Idling (Fixed Penalty) Ordinance (Chapter 611) was posted. The particulars of the Demand Notice are as follows—

編號 繳款通知書的日期
Serial No. Date of Demand Notice:

收件人姓名
Name of Addressee

地址
Address

日期
Date:

當局 (..... 代行)
for the Authority

表格 4
FORM 4《汽車引擎空轉(定額罰款)條例》(第 611 章)
MOTOR VEHICLE IDLING (FIXED PENALTY) ORDINANCE (Chapter 611)證據證明書
(第 24(1)條)
EVIDENTIARY CERTIFICATE
(Section 24(1))

現證明
This is to certify that—

- (a) 於 年 月 日 時 分 秒至 年 月 日 時 分 秒
在
於 年 月 日 時 分 秒至 年 月 日 時 分 秒
在
於 年 月 日 時 分 秒至 年 月 日 時 分 秒
在
以及於 年 月 日 時 分 秒至 年 月 日 時 分 秒
在
(下稱 **指明時間及指明地點**，登記號碼為 號的汽車 / 一輛沒有登記號碼的 (下稱 **指明車輛**)引擎空轉並違反《汽車引擎空轉(定額罰款)條例》(第 611 章)第 5(1)條：
on (day) (month) (year) from (hour) (minute) (second)
to (day) (month) (year) (hour) (minute) (second)
at
on (day) (month) (year) from (hour) (minute) (second)
to (day) (month) (year) (hour) (minute) (second)
at
on (day) (month) (year) from (hour) (minute) (second)
to (day) (month) (year) (hour) (minute) (second)
at and
on (day) (month) (year) from (hour) (minute) (second)
to (day) (month) (year) (hour) (minute) (second)
at (to be referred to as
the specified time and the specified location(s) below) the motor vehicle with registration
mark / a which does not have a registration
mark (to be referred to as **the specified vehicle** below) was idling in contravention of section 5(1)
of the Motor Vehicle Idling (Fixed Penalty) Ordinance (Chapter 611);

- (b) 於指明時間及指明地點，指明車輛的司機為 (下稱 **指明人士**)；
 at the specified time and at the specified location(s), the driver of the specified vehicle was (to be referred to as **the specified person** below);
- (c) 於指明時間，指明人士的地址為
 ;
 at the specified time, the address of the specified person was
 ;
- (d) 於 年 月 日前，指明人士未有就根據《汽車引擎空轉(定額罰款)條例》(第 611 章)第 11(2)條送達，日期為 年 月 日的繳款通知書(編號)內所指明的違例事項繳付定額罰款，亦沒有通知當局意欲就上述違例事項的法律責任提出抗辯。
 before (day) (month) (year), the specified person had not paid the Fixed Penalty for the contravention specified in Demand Notice No.
 dated (day) (month) (year) under section 11(2) of the Motor Vehicle Idling (Fixed Penalty) Ordinance (Chapter 611) and had not notified the Authority that he or she wished to dispute liability for the contravention.

日期

Date:
 當局 (..... 代行)
 for the Authority

Secretary for the Environment

2011

Explanatory Note

The purposes of this Regulation are to—

- (a) prescribe the forms of a penalty notice and demand notice for payment of the fixed penalty under the Motor Vehicle Idling (Fixed Penalty) Ordinance (3 of 2011) (**Ordinance**);
- (b) prescribe the form of a certificate of posting a demand notice under section 11(5) of the Ordinance;
- (c) specify the manner of payment of fixed penalties; and
- (d) prescribe the form of an evidentiary certificate under section 24(1) of the Ordinance as proof of certain matters in proceedings for recovery of fixed penalties.