

**立法會**  
**Legislative Council**

LC Paper No. CB(1)1141/14-15  
(These minutes have been seen  
by the Administration)

Ref : CB1/SS/8/14/1

**Subcommittee on Road Traffic Ordinance  
(Amendment of Schedule 10) Order 2015**

**Minutes of first meeting  
held on Wednesday, 3 June 2015, at 8:30 am  
in Conference Room 2A of the Legislative Council Complex**

**Members present** : Hon Frankie YICK Chi-ming (Chairman)  
Hon Cyd HO Sau-lan, JP  
Hon CHAN Hak-kan, JP  
Hon POON Siu-ping, BBS, MH  
Hon TANG Ka-piu, JP

**Member absent** : Dr Hon KWOK Ka-ki

**Public Officers  
attending** : **For item II**

Mr MOK Wai-chuen, JP  
Assistant Director (Air Policy)  
Environmental Protection Department

Mr FONG Kin-wa  
Principal Environmental Protection Officer  
(Mobile Source)  
Environmental Protection Department

Mr Alex LAI  
Government Counsel  
Department of Justice

**Clerk in Attendance :** Ms Angel SHEK  
Chief Council Secretary (1)1

**Staff in attendance :** Miss Carrie WONG  
Assistant Legal Adviser 4

Ms Mandy LI  
Council Secretary (1)1

Miss Mandy POON  
Legislative Assistant (1)1

Ms PANG Yin-shan  
Clerical Assistant (1)1

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Action

**I. Election of Chairman**

Ms Cyd HO, the member with the highest precedence among those who were present at the meeting, presided over the election of the Chairman of the Subcommittee. She invited nominations for the chairmanship of the Subcommittee.

2. Mr Frankie YICK was nominated by Mr TANG Ka-piu and the nomination was seconded by Mr POON Siu-ping. Mr Frankie YICK accepted the nomination. There being no other nominations, Mr Frankie YICK was declared Chairman of the Subcommittee. Mr Frankie YICK then took the chair.

3. Members agreed that there was no need to elect a Deputy Chairman.

**II. Meeting with the Administration**

(L.N. 90 of 2015

— Road Traffic Ordinance  
(Amendment of Schedule 10)  
Order 2015

issued in May 2015

— Legislative Council Brief  
issued by the Environment  
Bureau/ Environmental  
Protection Department

Action

- LC Paper No. LS66/14-15 — Legal Service Division Report
- LC Paper No. CB(1)926/14-15(01) — Marked-up copy of relevant provisions to be amended by the subsidiary legislation prepared by the Legal Service Division (Restricted to members)
- LC Paper No. CB(1)926/14-15(02) — Background brief prepared by the Legislative Council Secretariat)

Discussion

4. The Assistant Director of Environmental Protection (Air Policy) briefed members on the Road Traffic Ordinance (Amendment of Schedule 10) Order 2015 ("the Order").
5. The Subcommittee deliberated (index of proceedings attached at the **Annex**).

Follow-up actions to be taken by the Administration

- Admin 6. The Administration was requested to provide written responses to address the concerns/views raised by members as follows –

*Requirement to pass the emission test*

- (a) difficulties for vehicle owners to ensure the emission problems of their vehicles could be rectified timely (e.g. due to a long waiting time for vehicle repair services or delivery of replacement parts) in order to pass a emission test within the prescribed period of 12 working days upon receipt of a emission testing notice ("ETN") issued by the Environmental Protection Department if their vehicles had been caught emitting excessively by roadside remote sensing system;
- (b) measures to address the concern about the cost burden on vehicle owners if their vehicles needed to be re-tested after repair because the emission problems had not been fixed properly, including whether the Government would consider exempting these vehicle owners from payment of the re-testing fees;

Action

*Emission test fee level*

- (c) the higher emission test fee for light diesel vehicles than that for heavy diesel vehicles as proposed under the Order was unfair to light diesel vehicle owners;

*Operation of Designated Vehicle Emission Testing Centres ("DVETCs")*

- (d) sustainability of DVETCs in view of the decreasing number of vehicles with excessive emission problems as a result of strengthened emission control measures implemented by the Government (e.g. phasing out of pre-Euro IV diesel commercial vehicles) and hence fewer vehicles to be required to undergo emission tests at DVETCs in the long run;
- (e) the Government should consider providing emission test services, as well as earmarking spaces at public facilities (such as car parking facilities for heavy vehicles) under planning for lease to DVETC operators at rental levels affordable to them, with a view to enhancing the sustainability of their operations; and
- (f) measures to help the vehicle repair trade to improve their skills for rectifying problems of vehicles to pass the emission test, with a view to minimizing re-testing after repair.

7. The Administration was requested to provide the following information –

- (a) types of emission test services provided by the 12 DVETCs in 2005 and the six DVETCs at present, with indication on the number of DVETCs in operation;
- (b) the number of vehicles served with ETNs and emission tests conducted by DVETCs in the past year (with breakdown by vehicle types); and in view that only two DVETCs were currently in operation, assessment of whether the number and capacity of DVETCs could cope with the demand for emission test services for different types of vehicles; and
- (c) the number of emission tests that vehicles had to undergo on average upon each ETN served, with breakdown by vehicle types.

*(Post-meeting note: The Administration's written response was issued vide LC Paper No. CB(1)964/14-15(02) on 9 June 2015).*

Action

Invitation of public views

8. Members agreed to post a notice on the website of the Legislative Council and write to the 18 District Councils ("DCs") to invite views from the public and DCs on the Order. Members also decided that the Subcommittee would meet with deputations to receive views on the Order at the second meeting.

Date of next meeting

9. The Chairman said that he would work out the date of next meeting with the Clerk and inform members accordingly.

*(Post-meeting note: With the concurrence of the Chairman, the second meeting was scheduled for Wednesday, 10 June 2015 at 8:30 am. The notice of meeting was issued to members vide LC Paper No. CB(1)941/14-15 on 3 June 2015.)*

Legislative timetable

10. Members noted that the scrutiny period of the Order would expire at the Council meeting of 17 June 2015, and that the deadline for giving notice of amendment to the Order was 10 June 2015 if the scrutiny period was not extended. To allow more time for the Subcommittee to study the Order, members agreed that the Chairman should move a motion at the Council meeting of 10 or 17 June 2015 to extend the scrutiny period of the Order to 8 July 2015.

*(Post-meeting note: The motion moved by the Chairman to extend the scrutiny period of the Order to 8 July 2015 was passed at the Council meeting of 10 June 2015.)*

**III. Any other business**

11. There being no other business, the meeting ended at 9:18 am.

**Subcommittee on Road Traffic Ordinance (Amendment of Schedule 10) Order 2015**

**Proceedings of the first meeting  
on Wednesday, 3 June 2015, at 8:30 am  
in Conference Room 2A of the Legislative Council Complex**

<b>Time marker</b>	<b>Speaker</b>	<b>Subject(s)</b>	<b>Action required</b>
<i>Agenda Item I - Election of Chairman</i>			
000540 - 000649	Ms Cyd HO Mr Frankie YICK Mr POON Siu-ping Mr TANG Ka-piu	Election of Chairman	
<i>Agenda Item II - Meeting with the Administration</i>			
000650 - 000747	Chairman	Opening remarks	
000748 - 001035	Chairman Administration	Briefing by the Administration on the Road Traffic Ordinance (Amendment of Schedule 10) Order 2015 ("the Order") which increased the fee for a vehicle emission test ("test fee") to three levels, i.e. \$620 for petrol or liquefied petroleum gas ("LPG") vehicles, \$730 for light diesel vehicles, and \$680 for heavy diesel vehicles.	
001036 - 001540	Chairman Ms Cyd HO Administration	<p>Ms HO expressed concern about –</p> <p>(a) the waiting time for emission test services might be prolonged if the number of designated vehicle emission testing centres ("DVETCs") continued to drop in future; and</p> <p>(b) the financial hardship and inconvenience caused to commercial vehicle owners when their vehicles were caught emitting excessively as they had to suspend business in order to undertake repair and emission tests for the vehicles.</p> <p>The Administration responded that –</p> <p>(a) the smoky vehicle control programme had successfully raised vehicle owners' awareness of properly repairing their diesel vehicles and made the vehicle repair trade more focused on emission-related repair such that the number of diesel vehicles found to have excessive emissions had been significantly reduced from</p>	

Time marker	Speaker	Subject(s)	Action required
		<p>some 40 000 in 2000 to around 5 000 in 2014; and</p> <p>(b) a DVETC could conduct about three to four emission tests per hour (or about 32 tests per day, and about 7 700 tests a year assuming 240 working days a year). The testing capacity exceeded the demand. Prolonged waiting was not a problem at DVETCs.</p>	
001541 - 002452	Chairman Mr TANG Ka-piu Administration	<p>In response to Mr TANG's enquiry, the Administration explained the provision of emission test services for the three types of vehicles by DVETCs at present and the number of emission tests conducted by DVETCs in 2014.</p> <p>The Administration was requested to provide supplementary information on –</p> <p>(a) types of emission test services provided by the 12 DVETCs in 2005 and the six DVETCs at present, with indication on the number of DVETCs in operation; and</p> <p>(b) the number of vehicles served with emission testing notices ("ETNs") and emission tests conducted by DVETCs in the past year (with breakdown by vehicle types).</p> <p>Mr TANG expressed concern about –</p> <p>(a) whether the DVETCs, given their number and capacity, could cope with the demand for emission test services for the three types of vehicles (in particular as there was only one DVETC in operation at present providing emission test services for heavy diesel vehicles); and</p> <p>(b) sustainability of DVETCs in view of the decreasing number of vehicles with excessive emission problems as a result of the strengthened emission control measures (including phasing out of pre-Euro IV diesel commercial vehicles) and hence fewer vehicles to be required to undergo emission tests at DVETCs in the long run.</p>	<p>The Administration to take action as paragraph 7(a) and (b) of the minutes</p> <p>The Administration to take action as paragraphs 6(d) and 7(b) of the minutes</p>

Time marker	Speaker	Subject(s)	Action required
		<p>The Administration advised that –</p> <ul style="list-style-type: none"> <li>(a) although motor vehicles with more advanced emission reduction technology had less exhaust emissions, the neglect of proper and timely maintenance could cause them to emit excessively. If caught, they would be required to undergo emission tests;</li> <li>(b) the major concern of DVETC operators was the unsustainability of the prevailing test fee level. The operators had indicated that they would continue providing emission test services if the test fee was raised to a level that could help reduce the operating loss of the DVETCs; and</li> <li>(c) as nearly all DVETC operators were also in the business of vehicle repair, it should be in their interest to be equipped with dynamometers to show their customers that the repair work had been properly done.</li> </ul>	
002453 - 003301	Chairman Mr POON Siu-ping Administration	<p>Mr POON enquired whether the Administration would consider providing emission test services with its own resources instead of relying on the private sector to conduct the tests in the long run.</p> <p>The Chairman suggested that the Administration should consider earmarking spaces at public facilities (such as car parking facilities for heavy vehicles) under planning for lease to DVETC operators at rental levels affordable to them, with a view to enhancing the sustainability of the DVETCs.</p> <p>The Administration responded that –</p> <ul style="list-style-type: none"> <li>(a) the test fee would still have to be fixed on a full cost recovery basis even if the emission tests were to be conducted by the Government. Moreover, compared to operation of DVETCs by the Government, operators of privately-run DVETCs could react more promptly and flexibly to market changes; and</li> <li>(b) the test fee increase would not affect vehicle owners who properly maintained their vehicles.</li> </ul> <p>In response to Mr POON's concern that the new test fees might be further increased in the near</p>	The Administration to take action as paragraph 6(e) of the minutes

Time marker	Speaker	Subject(s)	Action required
		<p>future, the Administration advised that it would in future review the test fees from time to time to keep the fees in pace with cost increases and avoid making substantial fee increase at one time.</p>	
003302 - 004259	Chairman Administration	<p>The Chairman expressed concern that after completion of the one-off subsidy scheme to assist owners of petrol and LPG taxis and public light buses to replace the catalytic converters and oxygen sensors of their vehicles to reduce emissions, some of these vehicles were still caught emitting excessively. The Chairman enquired whether the Administration would consider –</p> <ul style="list-style-type: none"> <li>(a) relaxing the requirement for vehicles to pass a emission test within the prescribed period of 12 working days, given the difficulties for vehicle owners to ensure the emission problems of their vehicles could be rectified timely (e.g. due to a long waiting time for vehicle repair services or delivery of replacement parts);</li> <li>(b) exempting vehicle owners from payment of re-testing fees if their vehicles needed to undergo re-testing because the emission problems of their vehicles had not been properly fixed by the mechanics of vehicle repair workshops; and</li> <li>(c) measures to help the vehicle repair trade to improve their skills for rectifying problems of vehicles to pass the emission test, with a view to minimizing re-testing after repair.</li> </ul> <p>The Administration responded that –</p> <ul style="list-style-type: none"> <li>(a) during the initial periods of introducing the dynamometer-based emission tests (in 2000 for smoky diesel vehicles and in 2014 for petrol/LPG vehicles with excessive emissions), the Administration paid the test fees once for those vehicle owners whose vehicles failed the emission test within a certain margin, as the vehicle repair trade then had not fully mastered the skills to fix the emission problem;</li> <li>(b) it was not justifiable to extend the period of providing free emission tests having regard to the additional financial implications for the Government, and as the vehicle repair trade had generally become conversant with the repair;</li> </ul>	<p>The Administration to take action as paragraph 6(a), (b) and (f) of the minutes</p>

Time marker	Speaker	Subject(s)	Action required
		<p>(c) the average number of emission tests that vehicles had to undergo on average upon each ETN served on them in 2014 was 1.2 for diesel vehicles over 5.5 tonnes and 1.5 for petrol/LPG vehicles. The problem for vehicles to be re-tested for each ETN issued was not serious;</p> <p>(d) for vehicle owners who had overlooked proper vehicle maintenance, the current fee increase could be a deterrent to their negligence;</p> <p>(e) Environmental Protection Department ("EPD") was now operating a hotline to provide technical advice on vehicle repair to the vehicle mechanics. If necessary, EPD staff would join the mechanics on site in diagnosing the excessive emission problem and the necessary repair works; and</p> <p>(f) it was already a standing practice to extend the prescribed period for vehicles to pass the emission test if more time was required to fix their excessive emission problems. The owner or his mechanic could apply for the extension with justifications. Each case would be considered on its merits.</p> <p>At the request of the Chairman, the Administration undertook to provide supplementary information on the number of emission tests that vehicles had to undergo on average upon each ETN served, with breakdown by vehicle types.</p>	<p>The Administration to take action as paragraph 7(c) of the minutes</p>
004300 - 004729	Chairman Mr POON Siu-ping Administration	<p>Mr POON enquired about the rationale for setting a higher test fee for light diesel vehicles (i.e. \$730) than that for heavy diesel vehicles (i.e. \$680).</p> <p>The Administration advised that the new test fees were set having regard to the operating costs of DVETCs in respect of the emission tests for the three types of vehicles in question.</p> <p>The Chairman reiterated his suggestion that the Administration should earmark spaces at public facilities under planning for lease to DVETC operators.</p> <p>The Administration advised that maintaining operation of DVETCs under the market mechanism would facilitate provision of emission test services at locations where the test services were required.</p>	<p>The Administration to take action as paragraph 6(c) of the minutes</p>

<b>Time marker</b>	<b>Speaker</b>	<b>Subject(s)</b>	<b>Action required</b>
004730 - 004925	Chairman	Invitation of public views  Legislative timetable and arrangement to seek extension of the scrutiny period of the Order.  Meeting arrangements	The Clerk to take action as paragraph 8 of the minutes

Council Business Division 1  
Legislative Council Secretariat  
23 July 2015