

For information
on 22 July 2015

Legislation Council Panel on Transport

Regulation of workshops carrying out repair and maintenance of vehicles

Purpose

This paper outlines the current legislation on regulating workshops which carry out repair and maintenance of vehicles (“vehicle workshops”) in Hong Kong and reports the launching of a Voluntary Registration Scheme for Vehicle Maintenance Workshops.

Current legislation

2. As at June 2015, there are about 2 700 vehicle workshops and about 9 100 vehicle mechanics in Hong Kong.
3. While there is no overarching legislation governing vehicle workshops, different aspects of workshop operation are subject to a number of legal requirements under the respective responsibilities of different Government bureaux and departments. Apart from the need to obtain a business registration, the operation of vehicle workshops is subject to the following regulation -
 - (a) storage of dangerous goods – regulated under the Dangerous Goods Ordinance (Cap. 295);
 - (b) occupational safety and health of employees – regulated under the Factories and Industrial Undertakings Ordinance (Cap. 59)

and the Occupational Safety and Health Ordinance (Cap. 509);

(c) location, building and fire safety – regulated under the Buildings Ordinance (Cap. 123); and

(d) air pollution, water pollution, noise and waste disposal – regulated under the Air Pollution Control Ordinance (Cap. 311), Water Pollution Control Ordinance (Cap. 358), Noise Control Ordinance (Cap. 400) and Waste Disposal Ordinance (Cap. 354).

Details of the above regulatory arrangements for vehicle workshops are set out at **Annexes A to D** respectively.

4. Vehicle workshops which carry out repair and maintenance works involving the fuel system and associated components of liquefied petroleum gas (“LPG”) vehicles will be subject to further regulation relating to gas safety under the Gas Safety Ordinance (Cap. 51). Details of gas safety regulations for LPG vehicle maintenance are set out at **Annex E**.

Voluntary Registration Scheme for Vehicle Maintenance Workshops

5. As the then Environment, Transport and Works Bureau (“ETWB”) reported to the LegCo Panel on Transport (“the Panel”) in January 2004¹, while mechanical defect of vehicles has not been a major contributory factor of road accidents², proper maintenance of vehicles is conducive to the enhancement of road safety. Sub-standard maintenance services would also create nuisance to vehicle owners and bring about air pollution, which would have negative impact on the health of the public.

¹ LC Paper No. CB(1)848/03-04(05)

² In the past decade, only less than 1% of road traffic accidents per annum involved vehicles with mechanical defects.

As such, the Government sees a need to enhance the standard of the vehicle maintenance trade and has been working on the introduction of registration schemes for vehicle mechanics and vehicle workshops.

6. To minimise any possible impact on the trade, the Government agreed with the trade and reported to the Panel in 2004 that an incremental approach should be adopted by starting off with a voluntary registration scheme for vehicle mechanics³. In 2007, the Electrical and Mechanical Services Department (“EMSD”) launched a Voluntary Registration Scheme for Vehicle Mechanics. Under the Scheme, vehicle mechanics in possession of necessary qualification and/or experience may apply to become Registered Vehicle Mechanics (“RVM”). Details of the Voluntary Registration Scheme for Vehicle Mechanics are at **Annex F**. Members of the public may search on EMSD’s website to ascertain whether a vehicle mechanic is a RVM⁴. By the end of June 2015, 6 314 vehicle mechanics were registered as RVM, which is about 70% of the total number of vehicle mechanics in Hong Kong.

7. Following the Government’s report to the Panel in May 2005, EMSD has been liaising with the trade closely to pave the way for the introduction of a voluntary registration scheme for vehicle workshops. In 2012, a booklet entitled “Practice Guidelines for Vehicle Maintenance Workshops” (“Practice Guidelines”) was published to specify different aspects for compliance on a voluntary basis by vehicle workshops. One of the best practices set out in the Practice Guidelines is that a vehicle workshop should employ at least one RVM in each class of registered

³ In January 2004, the Government reported to the Panel a broad framework of a registration scheme for the vehicle maintenance trade and sought Members’ views on the voluntary registration scheme for vehicle mechanics. In May 2005, the Government reported to the Panel the findings of a survey on the proposed registration scheme for vehicle mechanics as well as the trade’s split view on whether vehicle workshops should be registered. It was considered then that it would be more practicable to develop a code of practice as a guideline for vehicle workshops on the best practices.

⁴ Searching could be done by typing in the Chinese or English name or registration number of a vehicle mechanic.

services⁵ provided to customers. In 2013, a voluntary Vehicle Maintenance Workshops Charter Scheme was launched. By subscribing to the Charter, eligible vehicle workshop⁶ owners undertake to comply with the Practice Guidelines on a voluntary basis. Vehicle workshops which have successfully subscribed to the Charter are listed in EMSD's website for reference of the public. EMSD will conduct site visits to ascertain the compliance of the listed vehicle workshops if necessary. By the end of June 2015, 448 vehicle workshops have subscribed to the Charter Scheme.

8. As a next step, EMSD will launch in July 2015 a Voluntary Registration Scheme for Vehicle Maintenance Workshops. While the service standard requirements for the Voluntary Registration Scheme are similar to the Charter Scheme, registered vehicle workshops will be classified into different types under the Voluntary Registration Scheme and subject to a sanction mechanism. To monitor the performance of registered vehicle workshops, EMSD will conduct surprise visits or inspections on a sampling basis to verify the registration documents and understand the operation of the vehicle workshops. Complaints against registered vehicle workshops will be handled in accordance with complaint handling procedures. In case of complaints against their operations not complying with the registration requirements, EMSD may issue improvement notices or warning letters or even de-register the vehicle workshops concerned, depending on the seriousness of the non-compliance. In case of complaints involving violation of existing legislation, EMSD will follow the existing practice to refer them to the responsible departments for follow-up. Details of the Voluntary Registration Scheme for Vehicle Maintenance Workshops are at **Annex G**.

⁵ The respective registered classes of RVM are mechanical services, electrical services, body repair, body painting, motorcycle maintenance, tyre work, battery work, lubrication work, car accessories work, air-conditioning work and body building work.

⁶ Vehicle workshops must fulfill the following criteria before they could subscribe to the Charter Scheme: holding a valid business registration certificate, employing at least one RVM and having a workshop permanent cover.

The Government will review the operation of the Voluntary Registration Scheme for Vehicle Maintenance Workshops in about a year's time.

9. To further enhance the trade standard, EMSD will start conducting an in-depth study on the feasibility of putting in place a mandatory registration system for the vehicle maintenance trade (both mechanics and workshops) having regard to the experience of the two voluntary registration schemes for vehicle mechanics and vehicle workshops. In considering a possible regulatory framework for a mandatory registration system, EMSD will conduct a survey to gauge the general acceptance by the trade and the public in respect of such mandatory registration, and carry out a regulatory impact assessment to assess the net benefits of mandating the registration of vehicle mechanics and vehicle workshops.

Advice Sought

10. Members are invited to note the contents of this paper.

Electrical and Mechanical Services Department
Transport and Housing Bureau
July 2015

**Regulations on Storage of Dangerous Goods
in Vehicle Workshops**

1. Dangerous goods such as acetylene, argon, oxygen, paint thinners, petrol and diesel oils are commonly used in vehicle workshops. The storage of such dangerous goods is regulated under the Dangerous Goods Ordinance (Cap. 295) (“DGO”).
2. Pursuant to the DGO, the storage of dangerous goods in excess of the prescribed exempt quantity shall require a Dangerous Goods Licence. The prescribed exempt quantities of dangerous goods commonly used in vehicle workshops are tabulated below –

Type of Dangerous Goods	Exempt quantity
Acetylene	2 cylinders
Argon	1 cylinder
Oxygen	2 cylinders
Paint Thinners	20 litres
Petrol	20 litres
Diesel Oils	2 500 litres

3. The Fire Services Department (“FSD”) will continue to enforce the DGO with a view to ensuring a proper and appropriate regulation over dangerous goods. The public can make use of the fire hazard reporting hotline 2723 8787 to report to FSD any fire hazards, including the suspected over-storage of dangerous goods.

**Fire Services Department
Security Bureau**

**Regulations on Occupational Safety and Health
of Employees in Vehicle Workshops**

1. Under the Factories and Industrial Undertakings Ordinance (Cap. 59), the Occupational Safety and Health Ordinance (Cap. 509) and their subsidiary regulations, the proprietor/ employers of vehicle workshops shall, so far as reasonably practicable, ensure the safety and health of their employees at work, including the provision and maintenance of safe plant, safe systems of work and personal protective equipment. Duty holders contravening the above requirements are liable to a maximum fine of \$500,000 and to imprisonment for 12 months.
2. The Labour Department (“LD”) conducts inspections to vehicle workshops pursuant to the above-mentioned legislation and will take enforcement action should there be sufficient evidence on non-compliance with the statutory requirements on occupational safety and health (“OSH”).
3. In addition, as the conduct of paint spraying in non-industrial buildings will give rise to high fire risk, vehicle workshops located in non-industrial buildings are not allowed to conduct paint spraying in order to safeguard OSH of workers. LD will issue “prohibition notices” to proprietors of vehicle workshops if and when the workshops are found to be engaged in paint spraying so as to prohibit such work process immediately.
4. LD will continue to step up its OSH promotional and publicity activities targeting at the vehicle repair and maintenance industry, including the preparation and dissemination of posters/ safety publications in order to enhance the OSH awareness of the industry.

**Labour Department
Labour and Welfare Bureau**

Regulations on Building and Fire Safety for Vehicle Workshops

1. Regulation 49(1) of the Building (Planning) Regulation (Cap. 123F) provides that, no building used or designed for domestic purposes or intended for habitation shall also be used as a motor repair shop or for automobile or carriage painting. They are generally regarded as vehicle workshops.
2. When Buildings Department (“BD”) receives reports on building safety issues or unauthorized building works from the public or referrals from other departments about vehicle workshops in private buildings, inspections and appropriate enforcement actions may be taken under the provisions of the Buildings Ordinance (Cap. 123) and the prevailing enforcement policy against unauthorized buildings works.
3. Immediate enforcement action may be taken, when a vehicle workshop constitutes obvious hazard or imminent danger to life or property, serious health or environmental nuisance in accordance with the policy. In assessing whether a vehicle workshop constitutes obvious hazard or imminent danger or serious nuisance, BD will take into account the advice given by the relevant departments.
4. As regards fire safety of vehicle workshops, pursuant to section 16(1)(b) of the Buildings Ordinance, all plans of building works require a certificate from the Director of Fire Services (“D of FS”) to the effect that the plans have shown all the fire service installations and equipment (“FSI”) as necessary for such building in accordance with the “Code of Practice for Minimum Fire Service Installations and Equipment” published by the D of FS. Upon completion of the building works, Fire Services Department will conduct compliance inspection and certify that the FSI as shown on the plans have been provided and are in efficient working order by issuing a certificate under section 21(6)(d) of the Buildings Ordinance.

**Buildings Department
Fire Services Department
Development Bureau
Security Bureau**

**Regulations on Environmental Protection
for Vehicle Workshops**

Air Pollution Control

1. Air pollutants emitted from vehicle workshops, like odours of sprayed paints, are controlled under the Air Pollution Control Ordinance (Cap. 311). If the emissions cause nuisance or air pollution to the nearby environment, the Environmental Protection Department (“EPD”) may issue an “Air Pollution Abatement Notice” to the responsible person of the vehicle workshop requiring mitigation of the pollution within a specified time. Failure to comply with such notice is an offence.

Water Pollution Control

2. Polluted water discharged from vehicle workshops is controlled under the Water Pollution Control Ordinance (Cap. 358). The responsible person should apply from EPD for a discharge licence and ensure that all discharges of polluted water comply with the terms and conditions of the licence. Failure to comply with the terms and conditions of the licence is an offence.

Noise Control

3. Noise emitted from vehicle workshops is controlled under the Noise Control Ordinance (Cap. 400). If the noise emitted from a vehicle workshop exceeds the relevant standard, the EPD may issue a “Noise Abatement Notice” to the relevant responsible person of the vehicle workshop requiring abatement of the noise to comply with the standard stipulated in the notice within a specified time. Failure to comply with such notice is an offence.

Waste Disposal

4. The “chemical waste” generated from vehicle workshops mainly comprises spent lubricating oil and is controlled under the Waste Disposal (Chemical Waste) (General) Regulation (Cap. 354C). “Chemical waste” shall be stored, labelled and packaged in an appropriate way in accordance with the regulation. The relevant vehicle workshop shall register as a Chemical Waste Producer and employ licensed chemical waste collector to transport the collected chemical waste to an authorized chemical waste treatment facility for disposal. The disposal record shall be kept for 12 months and be available for inspection by the EPD. Any violation of the above requirements is an offence.

Environmental Protection Department

Regulations on Gas Safety for Vehicle Workshops

1. Since the introduction of liquefied petroleum gas (“LPG”) vehicle scheme into Hong Kong in 1998, the Government has adopted a stringent and prudent approach to handle matters on the maintenance and repair of LPG vehicles in order to ensure public safety. The Gas Safety Ordinance (Cap. 51) regulates gas safety matters, with a view to ensuring the safety of importation, manufacture, storage, transport, supply and use of town gas, LPG and natural gas.
2. In respect of LPG storage and installation, any container with an aggregated nominal water capacity of more than 130 litres of LPG is a “notifiable gas installations (“NGI”)”. The construction and use of such installation require the approval of the Electrical and Mechanical Services Department (“EMSD”). At present, there are 571 approved LPG notifiable gas installations, including 29 vehicle workshops with approved NGI as well as five LPG fuel tank workshops.
3. Work involving the maintenance, repair or replacement of LPG vehicle fuel system or associated components and replacement of LPG fuel tank are required to be carried out by a Competent Person (Class 6) or a person under the supervision of a Competent Person (Class 6). Any maintenance, repair or replacement work related to LPG fuel system (not involving the structure of LPG fuel tank) or associated components can be carried out in all vehicle workshops that have Competent Persons (Class 6). Competent Persons (Class 6) approved by EMSD are required to complete the LPG Vehicle Servicing Programme course provided by the Vocational Training Council and possess relevant practical experience. At present, there are over 1 100 Competent Persons (Class 6) in Hong Kong.

4. As for maintenance work involving the structure of an LPG fuel tank or components within an LPG fuel tank (including the purging of LPG inside the tank, replacement of fuel pump within an LPG fuel tank, the conduct of gas tightness test of LPG fuel tank and the five-year revalidation test of LPG fuel tank), they should be carried out by a Competent Person (Class 1) approved by EMSD or a person under the supervision of a Competent Person (Class 1) and in an LPG fuel tank workshop approved by EMSD. Competent Persons (Class 1) is a member of a relevant professional association of engineers with at least one year relevant work experience and has passed EMSD's interview assessments.
5. Owners of LPG fuel cylinder (such as owners of LPG vehicle) are required to test and examine the LPG cylinder (including fuel tanks of LPG vehicle) at least once every five years. Revalidation test and examination for LPG fuel tank are required to be carried out by a Competent Person (Class 1) or a person under the supervision of a Competent Person (Class 1) in an LPG fuel tank workshop. The competent person are required to ensure that the inspection and testing of LPG fuel tank are carried out in accordance with the requirements, and certify that the LPG fuel tank complies with the required standards with a copy of the certificate sent to EMSD and copied to the owner.
6. As for general maintenance and repair of LPG vehicles not involving the procedures mentioned above, the work can be carried out in all vehicle workshops.

Electrical and Mechanical Services Department
Environment Bureau

Voluntary Registration Scheme for Vehicle Mechanics

Registration Classification

There are three Main Services for registration, namely Mechanical Services (M), Electrical Services (E) and Body Services (B) (including Body Repair (B1) and Body Painting (B2)). There are also seven Specific Services classes (S) covering those specific works related to vehicle maintenance but do not fully fit in with the aforesaid three main services. The seven specific services classes include Motorcycle Maintenance (S1), Tyre Work (S2), Battery work (S3), Lubrication Work (S4), Car Accessories Work (S5), Air-conditioning Work (S6) and Body Building Work (S7).

Registration Requirements

2. Vehicle mechanics may apply for registration with a primary service class under the Mechanical Services (M), Electrical Services (E) or Body Services (B). They shall possess the following qualification and/or experience:

- (i)
 - (a) pass in the relevant trade test organized by the Automobile Training Board of Vocational Training Council; or
 - (b) relevant craft certificate or above offered by a local training institute or equivalent and a minimum of 5 years' prior relevant working experience; or
 - (c) a minimum of 10 years of recent relevant working experience; and
- (ii) the applicant shall have at least 20 hours of continuing professional development record within the immediately past 3 years.

3. An application for registration under the Specific Services (S) shall possess the following experience:

(i) S1 : A minimum of 5 years of recent relevant working experience.

S2/S3/S4/S5/S6: A minimum of 1 year of recent relevant working experience.

S7 : A minimum of 3 years of recent relevant working experience.

(ii) And the applicant shall have at least 20 hours of continuing professional development record within the immediately past 3 years.

Renewal Requirements

4. Each registration and renewal is valid for three years. For renewal, one and a half years' relevant in-service record for the relevant service class and at least 20 hours of continuing professional development record within the previous three years registration period are required.

Application Procedures

5. Application for vehicle mechanic registration should be made to the Vehicle Maintenance Registration Unit ("VMRU") of the Electrical and Mechanical Services Department ("EMSD"). A "How to Apply" leaflet with details of the application procedures has been issued to provide guidance to applicants and is available on EMSD's website.

Registration Documents

6. A registration card and a registration certificate specifying all the registered service classes are issued to every registered vehicle mechanic. The registration card and the registration certificate are valid for 3 years. The registered vehicle mechanic is required to keep the registration card while the registration certificate may be displayed at his/her vehicle maintenance workshop subject to the consent of the workshop operator for easy identification by the public.

Recognized Qualifications for Registration

7. There is a list of recognized local qualifications for registration, based on the training courses and trade tests that are available locally. The list will be reviewed and updated regularly. If there are applications based on overseas qualifications, advice from the Education Bureau would be sought to ascertain their comparability with the local qualifications.

Continuing Professional Development

8. To enhance technical competence and upgrade personal skills and knowledge, registered vehicle mechanics are required to take within the 3-year registration period a minimum of 20 hours of continuing professional development.

Code of Conduct for Registered Vehicle Mechanics

9. Registered vehicle mechanics are required to follow a set of code of conduct, covering the responsibilities of a mechanic and some suggestions on best practices. A sample log sheet has been formulated for registered vehicle mechanics to keep good record of vehicle maintenance work if the workshops where they work do not have a job record system.

Performance Monitoring

10. To monitor the performance of registered vehicle mechanics, a performance monitoring points system has been developed. Any contravention of the code of conduct concerning a mechanic's responsibilities will incur certain points. The level of sanction to be imposed on non-performing vehicle mechanics will depend on the accumulated points. Inspectors of the VMRU will conduct surprise visits or inspections on a sampling basis to verify the registration documents and understand the works of registered vehicle mechanics. Inspections will also be conducted to follow up on complaints or investigate incidents where appropriate.

Appeal Mechanism

11. While the VMRU will process the registration applications and monitor the performance of registered vehicle mechanics, an independent appeal mechanism has been established to ensure that the registration assessment process for any applicant is fair and the sanctions imposed by the VMRU on non-performing registered vehicle mechanics are reasonable. An applicant for registration as a vehicle mechanic or a registered vehicle mechanic who is aggrieved by any decision or action of the VMRU may first initiate a review request to the VMRU and, if he/she is still not satisfied with the VMRU's review decision, may then appeal to the Appeal Panel which comprises members from the Vehicle Maintenance Technical Advisory Committee¹ and Government officers.

Electrical and Mechanical Services Department Transport and Housing Bureau

¹ The Voluntary Maintenance Technical Advisory Committee was set up to advise the Government on the voluntary registration schemes. There are currently 17 non-official members nominated by trade associations of vehicle mechanics and vehicle maintenance workshops, professional institutions, training institutes, transport operators employing a large number of vehicle mechanics, vehicle suppliers' and vehicle owners' associations as well as an independent person. The Committee is chaired by the Director of Electrical and Mechanical Services.

Voluntary Registration Scheme for Vehicle Maintenance Workshops

Registration Types

There are four types of registration, basically based on the size and capacity of the vehicle maintenance workshops (“vehicle workshops”). They include:

Type One	<ul style="list-style-type: none"> ● “Franchised Bus Company Workshop” or “Vehicle Dealer Workshop”, employing at least one registered vehicle mechanic under the Voluntary Registration Scheme for Vehicle Mechanics; and ● Operators must comply with and abide by the Practice Guidelines for Vehicle Maintenance Workshops (“Practice Guidelines”).
Type Two	<ul style="list-style-type: none"> ● Vehicle workshops employing at least 5 vehicle mechanics, with at least one being a valid registered vehicle mechanic, and the vehicle mechanics collectively are qualified for at least 2 different major registered service classes; and the vehicle workshop should have at least 5 vehicle working bays; and ● Operators must comply with and abide by the Practice Guidelines.
Type Three	<ul style="list-style-type: none"> ● Vehicle workshops employing at least one valid registered vehicle mechanic and having at least one vehicle working bay; and ● Operators must comply with and abide by the Practice Guidelines.
Type Four	<ul style="list-style-type: none"> ● Vehicle workshops only pledge to endeavor to abide by the Practice Guidelines; or ● Vehicle workshops situated at a residential building or a composite building with domestic part. <p>Note : No new application for this type of registration</p>

	will be considered 3 years after the launch of the voluntary registration scheme, whilst those already registered vehicle workshops under this type will be retained in the registration list subject to their compliance with the renewal registration requirements.
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Registration Requirements

2. Vehicle workshops meeting the basic requirements below may apply for registration to one of the four registration types:

- (i) having a valid business registration certificate;
- (ii) employing at least one registered vehicle mechanic; and
- (iii) having at least one vehicle working bay with permanent cover.

3. In addition, application for workshop registration Types One to Three should comply with the requirements for the respective registration type. Application for change of workshop registration type in general requires submission of information to demonstrate that corresponding requirements for respective registration type are complied with.

Renewal Requirements

4. Each registration and renewal will be valid for 3 years. For renewal, the requirements relevant to the workshop registration type should be complied with.

Application Procedures

5. Application for vehicle workshop registration should be made to the Vehicle Maintenance Registration Unit (“VMRU”) of the Electrical and Mechanical Services Department (“EMSD”). A “How to Apply” leaflet with details of the application procedures will be issued to provide guidance to applicants.

Registration Documents

6. A registration certificate and identification signage specifying the registered type and registration number will be issued to every registered vehicle workshop. The registration certificate will be valid for 3 years. The registered vehicle workshop should display the signage at the workshop for easy identification by the public.

Compliance of Practice Guidelines

7. Types One to Three registered vehicle workshops are required to comply with and abide by the Practice Guidelines, while Type Four registered vehicle workshops shall pledge to endeavor to abide by the Practice Guidelines. The Practice Guidelines have been issued to all vehicle workshops and registered vehicle mechanics. Electronic copy of the Practice Guidelines can be downloaded from the website of EMSD.

Performance Monitoring

8. To monitor the performance of registered vehicle workshops, a complaint handling procedure has been developed. The level of sanction to be imposed will depend on the aspect of non-compliance with the Practice Guidelines. Inspectors of VMRU will conduct surprise visits or inspections on a sampling basis to verify the registration documents and understand the works of registered vehicle workshops. Inspections will also be conducted to follow up on complaints or investigate incidents where appropriate. In case of complaints involving violation of existing legislation, VMRU will follow the existing practice to refer them to the responsible departments for follow-up. In case of complaints against operations not complying with the registration requirements, the VMRU may issue improvement notices or warning letters or even de-register the vehicle workshops concerned.

Appeal Mechanism

9. While VMRU will process the registration application and monitor the performance of registered vehicle workshops, an independent appeal mechanism has been established to ensure that the registration assessment process for any applicant is fair and the sanctions imposed by VMRU on registered vehicle workshops failing to comply with the requirements are reasonable. An applicant for registration as a vehicle workshop or a registered vehicle workshop who is aggrieved by any decision or action of VMRU may first initiate a review request to VMRU and, if he/she is still not satisfied with the results of VMRU's review, may then appeal to the Appeal Panel which comprises members from the Vehicle Maintenance Technical Advisory Committee and Government officers.

Electrical and Mechanical Services Department
Transport and Housing Bureau