



**Motor Vehicle Idling (Fixed Penalty) Ordinance Cap 611 Laws of Hong Kong
aka
'The Amazing Grace Ordinance'**

RTHK 3 HONG KONG TODAY 05 August 2013 Idling car engines

It's been two-and-a-half years since the government introduced a statutory ban on idling car engines. But how successful is the scheme and has it done anything at all to really clean up the air? Mike Weeks asks "Clear the Air" chairman, James Middleton for more. (3.56) http://programme.rthk.hk/assets/contentindex/asx/radio3_513_227574_29447.asx

ENFORCEMENT FACTS:

Idling engine fixed penalty tickets issued between 15/12/2011 and 22/5/2012 : **00**
Tickets issued since the Idling Engine law came into force (588 days) (15/12/2011 – 31/07/2013) : **47**

Listen to Amazing Grace

<http://www.youtube.com/watch?v=aplqbOQZNj4>

-----Original Message-----

From: ldlingengq@epd.gov.hk [mailto:ldlingengq@epd.gov.hk] Sent: 05 August, 2013 11:56 To: James Middleton Cc: ldlingengq@epd.gov.hk
Subject: RE: Idling engine amazing grace ordinance

Dear Mr Middleton,

Thanks for your email of 5 August 2013.

The Motor Vehicle Idling (Fixed Penalty) Ordinance came into operation on

15 December 2011. From its commencement **till end of July 2013**, we have totally issued **47 Fixed Penalty Notices** to drivers violating the idling engine ban.

Regards,

Rachel CHU

Environmental Protection Department.

-----Original Message-----

From: ldlingengq@epd.gov.hk [mailto:ldlingengq@epd.gov.hk] Sent: 05 August, 2013 08:49 To: James Middleton Cc: ldlingengq@epd.gov.hk
Subject: Re: Idling engine amazing grace ordinance

Dear Mr. Middleton,

Thanks for your email of 2 August 2013.

As of end July 2013, the law enforcement staff have totally issued **47 fixed penalty notices** to drivers violating the idling engine ban.

Thank you for your concern about our environment. We will continue our enforcement and publicity efforts to urge drivers to comply with the idling engine ban and to encourage motorists to develop the green driving habit.

Regards,

Rachel CHU

Environmental Protection Department


From: ldlingengq@epd.gov.hk [mailto:ldlingengq@epd.gov.hk] Sent: **22 May, 2012** 18:52 To: James Middleton Cc: ldlingengq@epd.gov.hk Subject: RE: Statistics

Dear Mr. Middleton,

The EPD has conducted 165 roadside publicity and joint enforcement actions in total, 58 more since the end of March, and the traffic wardens have continued to enforce during normal patrol against drivers who contravenes the idling prohibition. So far, drivers have been cooperative and **no Penalty Notice has been issued**. As the summer is approaching, the EPD has stepped up the ongoing publicity activities to remind drivers to observe the law, including staging outdoor roving exhibitions between May and June. Meanwhile, environmental protection inspectors and traffic wardens will continue to strengthen roadside publicity and joint enforcement actions.

Regards, Ray LEUNG

Environmental Protection Department

Chapter: 611  Title: **Motor Vehicle Idling (Fixed Penalty) Ordinance** Gazette Number: E.R. 1 of 2012
Schedule: 1 Heading: **Drivers to Whom Idling Prohibition does not Apply** Version Date: 09/02/2012

[sections 5(2)(a) & 32]

1. Vehicles generally

Section 5 does not apply to—

- (a) a driver of a motor vehicle that is stationary because of traffic conditions;
- (b) a driver of a motor vehicle who cannot prevent the vehicle from **idling** because of a mechanical difficulty over which the driver has no control; or
- (c) a driver of a motor vehicle while a person (other than the driver) is boarding or alighting from the vehicle.

2. Passenger transport vehicles

- (1) Section 5 does not apply to a driver of a taxi that is at a taxi stand.
- (2) Section 5 does not apply to a driver of a green minibus at a green minibus stand if the minibus is the first or second red minibus at the stand if—

- (a) the minibus is the first or second red minibus at the stand;
- (b) any passenger is on board; or
- (c) the minibus is immediately behind another red minibus at the stand that has any passenger on board.

(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.

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

(6) In this section—

bus (巴士) has the same meaning as in the Road Traffic Ordinance (Cap 374);

franchised bus (專利巴士) means a bus in respect of which a franchise is in force under the Public Bus Services Ordinance (Cap 230);

green minibus (綠色小巴) means a public light bus on a scheduled service;

green minibus stand (綠色小巴站) means, subject to subsection (7), an area of road that is designated under the Road Traffic (Public Service Vehicles) Regulations (Cap 374 sub. leg. D) as a stand for public light buses on a scheduled service only;

public light bus (公共小巴) has the same meaning as in the Road Traffic Ordinance (Cap 374);

red minibus (紅色小巴) means a public light bus on a service other than a scheduled service;

red minibus stand (紅色小巴站) means, subject to subsection (7), an area of road that is designated under the Road Traffic (Public Service Vehicles) Regulations (Cap 374 sub. leg. D) as a stand for public light buses on a service other than a scheduled service;

scheduled service (專綫服務) has the same meaning as in the Road Traffic (Public Service Vehicles) Regulations (Cap 374 sub. leg. D);

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

taxi (的士) has the same meaning as in the Road Traffic Ordinance (Cap 374); 1st or second minibus on a particular scheduled service at the stand.

taxi stand (的士站) has, subject to subsection (7), the same meaning as in the Road Traffic (Public Service Vehicles) Regulations (Cap 374 sub. leg. D).

(7) For the purposes of this section, an area of road is not a taxi stand, green minibus stand or red minibus stand at any time when a suspension is in force in relation to the area under regulation 32 of the Road Traffic (Public Service Vehicles) Regulations (Cap 374 sub. leg. D).

3. Vehicles idling for medical, emergency or law enforcement purposes

(1) Section 5 does not apply to—

- (a) a driver of a medical, emergency or law enforcement vehicle if **idling** the vehicle is necessary for conducting an operational activity (including a training activity) for or related to medical, emergency or law enforcement purposes; or
- (b) a driver of a motor vehicle who is assisting in an emergency or accident if **idling** the vehicle is necessary for that purpose.

(2) In this section—

medical, emergency or law enforcement vehicle (醫療、緊急或執法車輛) means a motor vehicle used by any of the following bodies—

- (a) the Auxiliary Medical Service;
- (b) the Civil Aid Service;
- (c) the Correctional Services Department;
- (d) the Customs and Excise Department;
- (e) the Fire Services Department;
- (f) the Fish Marketing Organization;
- (g) the Government Flying Service;
- (h) the Hong Kong Police Force;
- (i) the Hong Kong St. John Ambulance;
- (j) the Hospital Authority;
- (k) the Immigration Department;
- (l) the Independent Commission Against Corruption.

4. Vehicles carrying live animals idling for operational needs or protecting public health

(1) Section 5 does not apply to a driver of a motor vehicle for a specified body, or for or as a contractor of a specified body, if—

- (a) the vehicle is carrying any live animals; and
- (b) **idling** the vehicle is necessary for conducting an operational activity or protecting public health.

(2) In this section—

contractor (承辦商) includes service provider;

operational activity (運作活動)—

- (a) in relation to a specified department, means an activity conducted for the purpose of the operations of the department;
- (b) in relation to a specified licence or permit holder, means an activity conducted under the holder's licence, permit or special permit;

specified body (指明團體) means—

- (a) a specified department; or
- (b) a specified licence or permit holder;

specified department (指明部門) means—

- (a) the Agriculture, Fisheries and Conservation Department;
- (b) the Food and Environmental Hygiene Department; or
- (c) the Leisure and Cultural Services Department;

specified licence or permit holder (指明牌照或許可證的持有人) means the holder of a licence, permit or special permit granted or issued under any of the following provisions—

- (a) regulation 57A of the Public Health (Animals and Birds) Regulations (Cap 139 sub. leg. A);
- (b) regulation 5(1) of the Public Health (Animals and Birds) (Animal Traders) Regulations (Cap 139 sub. leg. B);
- (c) regulation 4(1) or 8(1) of the Public Health (Animals and Birds) (Exhibitions) Regulations (Cap 139 sub. leg. F);
- (d) regulation 5(1) of the Public Health (Animals) (Boarding Establishment) Regulations (Cap 139 sub. leg. I);
- (e) regulation 5(1) of the Public Health (Animals) (Riding Establishment) Regulations (Cap 139 sub. leg. J);
- (f) section 12 of the Rabies Regulation (Cap 421 sub. leg. A).

5. Security transit vehicles

(1) Section 5 does not apply to a driver of a security transit vehicle if **idling** the vehicle is necessary for providing armoured transportation services.

(2) In this section—

security transit vehicle (護衛押運車輛) means a motor vehicle operated by a licensee within the meaning of the Security and Guarding Services Ordinance (Cap 460) for the provision of armoured transportation services.

6. Garrison vehicles

Section 5 does not apply to a driver of a motor vehicle of the Hong Kong Garrison of the Chinese People's Liberation Army if **idling** the vehicle is necessary for conducting an operational activity (including a training activity) of the Garrison.

7. Vehicles necessarily idling for certain purposes

Section 5 does not apply to a driver of a motor vehicle if—

- (a) the vehicle is lawfully designed primarily for a purpose other than the carriage of the driver, any passengers and their personal effects; and
- (b) **idling** the vehicle is necessary for a purpose for which the vehicle is primarily designed.

8. Vehicles necessarily idling for compliance testing or repairs

Section 5 does not apply to a driver of a motor vehicle if **idling** the vehicle is necessary for—

- (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
- (b) carrying out on the vehicle any maintenance, repairs or other works that is or are necessary to enable the vehicle to be removed without undue delay.

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 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.



Idling Legislation Current status

