



Make It a Habit

Motor Vehicle Idling (Fixed Penalty) Ordinance
comes into operation on
15 December 2011

BACKGROUND

Allowing idling vehicles to run their engines causes air pollution, heat and noise nuisances and wastes fuel, thereby contributing to global climate change. To tackle these environmental problems, the Administration introduced in April 2010 the Motor Vehicle Idling (Fixed Penalty) Bill to the Legislative Council (LegCo) after consulting the public. After deliberation and scrutiny by the Bills Committee of the LegCo, the Bill was passed in March 2011. The relevant subsidiary legislation has been published in the Gazette in August 2011.

Effective Date

The Ordinance comes into operation on **15 December 2011**.

Prohibition and Penalty

Under the Motor Vehicle Idling (Fixed Penalty) Ordinance (the Ordinance) (Cap. 611), the driver of a motor vehicle is prohibited from causing or permitting any internal combustion engine ("ICE")¹ which forms² part of a motor vehicle to operate for more than 3 minutes in aggregate within any continuous 60-minute period while the vehicle is stationary ("idling prohibition"), unless an exemption applies. A driver³ who contravenes the idling prohibition may be issued with a Penalty Notice requiring him or her to pay a fixed penalty of HK\$320. Traffic Wardens and Environmental Protection Inspectors are empowered to enforce the law.

If a driver, who has been issued with a Penalty Notice, continues to idle the vehicle for more than 3 minutes in any 60-minute period again, the enforcing agent may issue another Penalty Notice to the driver for the subsequent contravention.

1. An ICE means an engine where combustion of fuel takes place within the engine. 2. The ICE propelling the vehicle and any other ICEs forming part of, attached to or situated in or on the vehicle will be covered, regardless of their purposes. 3. A driver means any person who is in charge of, or assisting in the control of a vehicle.

Scope of Control

The idling prohibition is applicable:

- to all roads in Hong Kong, including private roads and car parks;
- all year round;
- to all motor vehicles with ICEs powered by fuels such as petrol, diesel or liquefied petroleum gas, as well as hybrid vehicles operating in fuel combustion mode. As electric vehicles and hybrid vehicles operating solely in electric mode do not emit pollutants, the idling prohibition should not apply on them;
- to all vehicles with ICEs including off road motor vehicles: apart from private cars, motor cycles and various commercial vehicles which run on the road, the idling prohibition will also apply to those that operate off road such as forklift trucks and golf carts; and
- to all ICEs on a motor vehicle, i.e. the ICE propelling the vehicle and any other ICEs forming part of, attached to or situated in or on the vehicle will be covered by the idling prohibition, regardless of their purposes.

Exemptions - Purpose and Content



The Ordinance provides for exemptions from the idling prohibition in some traffic or weather conditions. Some motor vehicles, such as refrigerator trucks, concrete mixer trucks, etc. are designed to rely on the continued operation of the vehicles' special features to prevent deterioration of their goods. In other cases there are operational needs for the engines of certain vehicles to be kept on in order to meet reasonable service requirements. To cater for these situations, the Ordinance provides for the following exemptions from the idling prohibition:

Applicable Vehicles / Situations	Exempted Drivers	Examples / Remarks
All Motor Vehicles	A driver of a motor vehicle that is stationary because of traffic conditions	Traffic conditions include: 1. traffic congestion; 2. traffic accident; 3. stopping as directed by a traffic light, traffic sign, road marking or police officer; 4. a queue of motor vehicles into a petrol filling station or a LPG filling station; 5. a queue of taxis into a taxi stand; 6. a queue of motor vehicles into a landfill; 7. a queue of motor vehicles into a car park; and 8. a queue of goods vehicles into a container terminal, etc
	A driver who cannot prevent a motor vehicle from idling because of a mechanical difficulty over which he or she has no control	
	A driver of a motor vehicle while a passenger is boarding or alighting from the vehicle	Note: The driver of a vehicle that is stationary for loading or unloading of goods is NOT exempted
	A driver who must idle a motor vehicle for assisting in an emergency or accident	
	A driver who must idle a motor vehicle for compliance testing (in relation to the Road Traffic Ordinance (Cap. 374), the Air Pollution Control Ordinance (Cap. 311) or the Noise Control Ordinance (Cap. 400)), or vehicle repairs	
	All drivers when a very hot weather warning or an amber, red or black rainstorm warning signal is in force, and until the midnight of the day when the warning or signal has ceased to be in force	For the latest weather information and the information about weather warning or signal that is in force, please visit Hong Kong Observatory's website
Taxis	A driver of a taxi that is at a taxi stand	
Green Minibuses (GMBs)	Drivers of any of the first two GMBs on a particular scheduled service at a GMB stand	

Applicable Vehicles / Situations	Exempted Drivers	Examples / Remarks
Red Minibuses (RMBs)	Drivers of any of the first two RMBs at a RMB stand A driver of a RMB at a RMB stand with any passenger on board; and the driver of the RMB immediately behind at the RMB stand	
Buses and School Private Light Buses	A driver of a bus (also known as "coach") or school private light bus with any passenger on board	
Franchised Buses	A driver of a franchised bus with any passenger on board A driver of a franchised bus at any time when the bus is available for boarding by passengers	
Specified Medical, Emergency or Law Enforcement Vehicles	A driver who must idle a specified medical, emergency or law enforcement vehicle for conducting an operational activity (including a training activity) related to any medical, emergency or law enforcement purpose	A specified medical, emergency or law enforcement vehicle means a motor vehicle used by any of the following bodies: 1. the Auxiliary Medical Service; 2. the Civil Aid Service; 3. the Correctional Services Department; 4. the Customs and Excise Department; 5. the Fire Services Department; 6. the Fish Marketing Organization; 7. the Government Flying Service; 8. the Hong Kong Police Force; 9. the Hong Kong St. John Ambulance; 10. the Hospital Authority; 11. the Immigration Department; and 12. the Independent Commission Against Corruption
Specified Motor Vehicles Carrying Live Animals	A driver who must idle a specified motor vehicle carrying any live animal for conducting a related operational activity or protecting public health	A specified motor vehicle means a motor vehicle driven for the parties below, or for or as a contractor of the parties below: 1. the Agriculture, Fisheries and Conservation Department; 2. the Food and Environmental Hygiene Department; 3. the Leisure and Cultural Services Department; and 4. 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. 139A); (b) regulation 5(1) of the Public Health (Animals and Birds) (Animal Traders) Regulations (Cap. 139B); (c) regulation 4(1) or 8(1) of the Public Health (Animals and Birds) (Exhibitions) Regulations (Cap. 139F); (d) regulation 5(1) of the Public Health (Animals and Birds) (Boarding Establishment) Regulations (Cap. 139J); (e) regulation 5(1) of the Public Health (Animals and Birds) (Riding Establishment) Regulations (Cap. 139J); and (f) section 12 of the Rabies Regulation (Cap. 421A)

Applicable Vehicles / Situations	Exempted Drivers	Examples / Remarks
Security Transit Vehicles	A driver who must idle a security transit vehicle which is operated by a licensee under the Security and Guarding Services Ordinance (Cap. 460) as described in Schedule 1 to the Ordinance for providing armoured transportation services	
Garrison Vehicles	A driver who must idle a motor vehicle of the Garrison for conducting an operational activity (including a training activity of the Garrison)	
Motor Vehicles Necessarily Idling for Certain Purposes	A driver who must idle a motor vehicle, which is lawfully designed for a purpose other than carriage of the driver, any passenger and their personal effects, for the primary purpose of such vehicle	Examples include: 1. a driver who must idle a refrigerator truck for carrying perishable freight at specified low temperatures; 2. a driver who must idle a tipper lorry for operating a tipping system for loading and unloading refuse; 3. a driver who must idle a recovery vehicle for providing vehicle recover and towing services; 4. a driver who must idle a vehicle equipped with a water jetting unit for clearing blocked drains; 5. a driver who must idle a hydraulic platform vehicle for operating a cage for truncating tree branches; 6. a driver who must idle a refuse collection vehicle for collecting refuse or waste; 7. a driver who must idle a street washing vehicle for washing the streets; and 8. a driver who must idle a vehicle to operate the tail board, etc This exemption does NOT apply to a driver of a motor vehicle which has been illegally modified This exemption does NOT apply to a driver who idles a motor vehicle for: (a) operating any accessory to the vehicle, such as television, radio, video player, computer, refrigerator, vacuum cleaner, etc; (b) providing air conditioning for the driver or any passengers; (c) a purpose that is substantially for the convenience of the driver or any passengers

Reference

For details of the Ordinance, please refer to the Motor Vehicle Idling (Fixed Penalty) Ordinance (Cap. 611).

Further Information

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