

香港特別行政區政府  
The Government of the Hong Kong Special Administrative Region

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本局檔號 OUR REF.: THB(T)CR 30/5591/75  
來函檔號 YOUR REF.: LS/S/23/15-16

[Fax: 2877 5029]

18 May 2016

Legislative Council Complex,  
1 Legislative Council Road,  
Central, Hong Kong  
Miss Carrie Wong

Dear Carrie,

**Road Traffic (Parking) (Approved Cards) (Amendment) Notice 2016  
(L.N. 63 of 2016)**

I refer to your letter dated 16 May 2016, seeking our clarifications on the drafting matters relating to the captioned Notice. Having consulted the Department of Justice, we would like to provide our replies as follows.

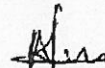
Regarding the reason why the Chinese rendition of the English term "device-based" used in the captioned Notice is different from that used in the Payment Systems and Stored Value Facilities Ordinance (Cap. 584), we would like to clarify that the contexts of section 8ZZZI of Cap. 584, and that of the definitions of "MasterCard Contactless", "UnionPay QuickPass" and "Visa payWave" (hereinafter referred to as "three types of contactless e-payment function") in the new section 1A of the captioned Notice, are different. In the former, the word "device-based" qualifies "stored value facility", meaning that the facility itself takes the form of a device. Therefore, the concept is expressed as "實體形式的" in Cap. 584. However, for the definitions of the three types of contactless e-payment function in the captioned Notice, the phrase "card or device-based" qualifies "contactless payment function", instead of a facility. In other words, the function is based on a card or device. Unlike a facility (工具), it cannot be said that a function (功能) takes the form

Unlike a facility (工具), it cannot be said that a function (功能) takes the form of a card or device. In this particular context, the proper interpretation of the clause "the function is based on a card or device" is that the function is used with the application of a card or device. Therefore, the concept in the captioned Notice is expressed as "應用卡片或實體物件的" in the Chinese text of the provision.

Regarding the use of "卡片" vis-à-vis "卡", the empowering provision (regulation 12A of the Road Traffic (Parking) Regulations (Cap. 374C)) empowers the approval of card or device by way of the captioned Notice. As far as the reference to an approved card is concerned, we agree that the wording should be consistent with the empowering provision and the expression "卡" should be used for any "card" to be approved. However, the reference to "card" in "card or device-based" in the captioned Notice is not a direct reference to a card to be approved. Rather, the reference is made in describing a necessary attribute of the three types of contactless e-payment function. In this particular context, we therefore consider that a different Chinese expression (i.e. "卡片"<sup>1</sup>) could be adopted to better enhance the readability of the Chinese text of the provision.

We hope the above clarifies the two matters raised. Please feel free to contact the undersigned at 3509 8199 if you have any further queries.

Yours sincerely,



(Alex LAU)

for Secretary for Transport and Housing

c.c.

Secretary for Justice

(Attn: Manuel Ng)

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Commissioner for Transport

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<sup>1</sup> According to "國語活用辭典 (周何總主編)", there are three meanings of the term "卡片", viz. (1) "電腦或一般登錄、處理資料時所使用的硬紙片"; (2) "寄送親朋好友以資祝賀、道謝或慰問的畫片"; and (3) "名片". Meaning (1) applies to the reference to "卡片" in the new section 1A of the captioned Notice. It reflects the meaning accurately in the context.