

立法會
Legislative Council

LC Paper No. CB(4)918/16-17
(These minutes have been seen
by the Administration)

Ref: CB4/SS/6/16

**Subcommittee on Two Proposed Resolutions
under the Fixed Penalty (Traffic Contraventions) Ordinance and
the Fixed Penalty (Criminal Proceedings) Ordinance**

**Minutes of the first meeting held on
Tuesday, 21 March 2017, at 2:30 pm
in Conference Room 2A of the Legislative Council Complex**

- Members present** : Hon Frankie YICK Chi-ming, JP (Chairman)
Hon James TO Kun-sun
Hon Jeffrey LAM Kin-fung, GBS, JP
Hon Paul TSE Wai-chun, JP
Hon YIU Si-wing, BBS
Hon CHAN Han-pan, JP
Dr Hon Helena WONG Pik-wan
Hon CHAN Chun-ying
Hon Tanya CHAN
Hon HUI Chi-fung
Hon LUK Chung-hung
Hon LAU Kwok-fan, MH
Hon Jeremy TAM Man-ho
- Members absent** : Ir Dr Hon LO Wai-kwok, SBS, MH, JP
Hon CHEUNG Kwok-kwan, JP

- Public Officers attending** : Ms Ivy LAW
Deputy Secretary for Transport and Housing
(Transport)3
- Mr Tony LI
Principal Assistant Secretary for Transport and
Housing (Transport) 2
- Mr Chris CHAN
Assistant Commissioner/Planning
Transport Department
- Mr Luke YUEN Chi-kin
Chief Superintendent/Traffic (Acting)
Hong Kong Police Force
- Mr Michael YIP Siu-ming
Superintendent of Police (Administration)
(Traffic Branch Headquarters)
Hong Kong Police Force
- Mr Gary LI Ming-fung
Government Counsel
Department of Justice
- Clerk in attendance :** Ms Doris LO
Chief Council Secretary (4)6
- Staff in attendance :** Ms Vanessa CHENG
Assistant Legal Adviser 5
- Ms Macy NG
Senior Council Secretary (4)6
- Ms Emily LIU
Legislative Assistant (4)6
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I. Election of Chairman

Mr James TO, the member who had the highest precedence, presided over the election of the Chairman of the Subcommittee. He invited nominations for the chairmanship.

2. Mr Frankie YICK was nominated by Mr CHAN Chun-ying, and the nomination was seconded by Mr Jeffrey LAM. Mr Frankie YICK accepted the nomination. There being no other nominations, Mr Frankie YICK was declared the Chairman of the Subcommittee.

II. Meeting with the Administration

- (File Ref: THB(T)L1/12/65 - Legislative Council Brief
- LC Paper No. LS35/16-17 - Legal Service Division Report
- LC Paper No. CB(4)675/16-17(01) - Paper on the two proposed resolutions under the Fixed Penalty (Traffic Contraventions) Ordinance (Cap. 237) and the Fixed Penalty (Criminal Proceedings) Ordinance (Cap. 240) prepared by the Legislative Council Secretariat (Background brief)
- LC Paper Nos. CB(4)675/16-17(02) and (03) - Marked-up copies of the two proposed resolutions under the Fixed Penalty (Traffic Contraventions) Ordinance (Cap. 237) and the Fixed Penalty (Criminal Proceedings) Ordinance (Cap. 240) prepared by the Legal Service Division)

3. The Administration briefed members on the two proposed resolutions under the Fixed Penalty (Traffic Contraventions) Ordinance (Cap. 237) and the Fixed Penalty (Criminal Proceedings) Ordinance (Cap. 240) ("the two

proposed resolutions") with the aid of a powerpoint presentation (LC Paper No. CB(4)733/16-17(01)).

4. The Subcommittee deliberated (index of proceedings in **Annex**).

Follow-up actions to be taken by the Administration

5. The Administration was requested to provide supplementary information/responses on the followings –

- (a) whether the Legislative Council ("LegCo") may prescribe, by resolution, different levels of fixed penalties (which might be the same as the current level of penalty of \$320 or such larger amount) instead of a uniform penalty for the different offences as provided for in section 4, 5, 6, 7, 8, 9, 10 or 11(1) of the Fixed Penalty (Traffic Contraventions) Ordinance (Cap. 237) (i.e. 21 items of offences as detailed at Annex A of the LegCo Brief (File Ref: THB(T) L1/12/65)) pursuant to section 13 of Cap. 237 which provides that there should be a fixed penalty for a contravention of any of the provisions of section 4, 5, 6, 7, 8, 9, 10 or 11(1) which should be \$200 or such larger amount as may be prescribed by LegCo by resolution;
- (b) statistics on –
 - i) the ratios of the number of vehicles to the number of fixed penalty tickets ("FPTs") issued in respect of Congestion-Related Traffic Offences, and the number of vehicles to the number of parking spaces in 1994, comparing to such ratios in 2016 as well as the latest figures in 2017;
 - ii) breakdown of the 1.63 million FPTs issued in respect of Congestion-Related Traffic Offences in 2016 by district;
 - iii) the rate of increase in the number of private cars in Hong Kong in recent years comparing to that in adjacent cities;
 - iv) the current number, distribution and utilization of parking spaces by district;
 - v) the current utilization of parking spaces in those public car parks that were outsourced to private companies for management and operations;

- vi) the current number and distribution of on-street parking spaces with and without parking meters by district;
 - vii) the number of on-street parking spaces with parking meters in each of the past ten years, and the projected provisions in each of the next ten years;
- (c) extract of the Hong Kong Planning Standards and Guidelines on the provision of parking spaces;
- (d) details of the assessment regarding the requirements for the provision of parking spaces in the traffic impact assessment ("TIA") conducted for the redevelopment of the Middle Road Car Park, and advice on whether TIA reports were available for public access; and
- (e) whether the Administration had reviewed, including any internal reviews conducted within the relevant department/bureau, the levels of fixed penalty charges in respect of Congestion-Related Traffic Offences after the last increase in 1994; if it had conducted such review(s), the recommendations.

(Post-meeting note: The Administration's response was issued to members vide LC Paper No. CB(4)932/16-17(02) issued on 27 April 2017.)

III. Any other business

Invitation of views

6. Members agreed to receive views from deputations on the two proposed resolutions at the next meeting.

7. There being no other business, the meeting ended at 4:30 pm.

(Post-meeting note: Members were informed vide LC Paper No. CB(4)742/16-17 issued on 23 March 2017 that the next meeting to receive views from deputations was scheduled for 5 May 2017 at 9:00 am.)

Action

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Council Business Division 4
Legislative Council Secretariat
27 April 2017

**Proceedings of the first meeting of
Subcommittee on Two Proposed Resolutions
under the Fixed Penalty (Traffic Contraventions) Ordinance and
the Fixed Penalty (Criminal Proceedings) Ordinance
on Tuesday, 21 March 2017, at 2:30 pm
in Conference Room 2A of the Legislative Council Complex**

| Time marker | Speaker | Subject(s) | Action required |
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| Agenda item I – Election of Chairman | | | |
| 000056 – 000226 | Mr James TO Mr CHAN Chun-ying Mr Frankie YICK Mr Jeffrey LAM | Mr Frankie YICK was elected as the Chairman of the Subcommittee. | |
| 000227 – 000445 | Chairman Mr James TO Administration | <p>Mr James TO suggested holding a public hearing to receive public views on the two proposed resolutions under the Fixed Penalty (Traffic Contraventions) Ordinance (Cap. 237) and the Fixed Penalty (Criminal Proceedings) Ordinance (Cap. 240) ("the two proposed resolutions").</p> <p>Members noted a submission tabled at the meeting (LC Paper No. CB(4)733/16-17(02)).</p> <p>The Chairman reminded members to disclose any direct or indirect pecuniary interests relating to the two proposed resolutions in accordance with Rule 83A of the Rules of Procedure.</p> | |
| Agenda item II – Meeting with the Administration | | | |
| 000446 – 001402 | Chairman Administration | Briefing by the Administration on the two proposed resolutions which sought to increase the fixed penalty charges for "Congestion-Related Traffic Offences" (i.e. all offences under Cap. 237 and six offences under Cap. 240) with the aid of a powerpoint presentation (LC Paper No. CB(4)733/16-17(01)) | |
| 001403 – 002140 | Chairman Mr LAU Kwok-fan Administration | <p>Mr LAU disagreed with the broad-brush approach of the Administration to increase the fixed penalty charges for Congestion-Related Traffic Offences across the board by 50%. He pointed out that:</p> <p>(a) it was not justified increasing the fixed penalty charges for Congestion-Related Traffic Offences to a level excessively higher than that for other offences like speeding and overloading of vehicles;</p> <p>(b) with a lack of effective means to address the problem of the shortage of parking spaces, it was unfair to substantively increase the fixed penalty charges for Congestion-Related Traffic Offences.</p> | |

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| | | <p>The proposed increase might trigger a rise in parking fees, and hence potentially increase the incentive of drivers to park illegally; and</p> <p>(c) a more effective means to combat illegal parking was to step up enforcement. The Police should take targeted enforcement actions at black spots. The deterrent effect could be achieved by the multiple/repeated issuance of fixed penalty tickets ("FPTs") to the drivers involved in illegal parking.</p> <p>The Administration responded that:</p> <p>(a) to follow up on the recommendations by Transport Advisory Committee ("TAC") in its "Report on Study of Road Traffic Congestion in Hong Kong" to alleviate road traffic congestion, the Administration proposed to increase the level of the fixed penalties in respect of Congestion-Related Traffic Offences as a matter of priority. For other offences such as speeding or overloading, which might not directly result in, or were less likely to cause traffic congestion, the Administration would also review the need to increase the respective penalty levels but at a later juncture;</p> <p>(b) the proposed magnitude of a 50% increase was considered appropriate to restore the deterrent effect of the fixed penalties taking into account inflation since the last increase in 1994;</p> <p>(c) some illegal parking cases were not related to the lack of parking spaces as there were public parking facilities available nearby; and</p> <p>(d) the Police had been taking stringent enforcement actions against Congestion-Related Traffic Offences. About 1.63 million FPTs were issued in 2016, including repeated issuance of FPTs to drivers illegally parking their vehicles by roadside for a long time. Yet, illegal parking was still rampant. The number of complaints relating to illegal parking received by the Transport Complaints Unit of TAC increased by about 24% between 2015 and 2016.</p> | |
| 002141 – 002505 | Chairman Mr CHAN Chun-ying Administration | Mr CHAN declared that he was a motorist. To facilitate members' consideration of the appropriateness of the proposed increase in the fixed penalty charges, he requested the Administration to provide statistics on the ratios of the number of vehicles to the number of FPTs | Administration (paragraph 5 of the minutes refers) |

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| | | issued in respect of Congestion-Related Traffic Offences, and the number of vehicles to the number of parking spaces in 1994, comparing to such ratios in 2016 as well as the latest figures in 2017. | |
| 002506 – 003038 | Chairman Mr LUK Chung-hung Administration | <p>Mr LUK stated that The Hong Kong Federation of Trade Unions disagreed with increasing the fixed penalty charges for parking-related offences as proposed without addressing the root problem of the lack of parking spaces. He was of the view that:</p> <p>(a) the Administration should review the standards for the provision of parking spaces in residential, commercial and industrial areas set out in the Hong Kong Planning Standards and Guidelines ("Planning Guidelines") to take into account the latest position. It was necessary to increase the provision of parking spaces to meet the current demand, whilst it should not be overly worried that provision of more parking spaces would induce purchases of private cars; and</p> <p>(b) many motorists were forced to park illegally by the roadside due to a lack of parking spaces, thus aggravating the congestion problems particularly in busy districts. The lack of suitable parking spaces was particularly critical for specific classes of vehicles such as school buses.</p> <p>The Administration responded that:</p> <p>(a) apart from parking-related offences, the Administration also proposed to increase the fixed penalty charges for traffic offences which would cause traffic congestion. In fact, some public transport operators had reflected that unauthorized stopping at bus stops and traffic congestion, which was sometimes caused by illegal parking, had affected their normal operation; and</p> <p>(b) the existing policy was to accord priority to meeting the parking need of commercial vehicles. The Transport Department ("TD") would soon conduct a parking review in respect of commercial vehicles, including school buses.</p> | |
| 003039 – 003843 | Chairman Mr Jeremy TAM Administration | Mr TAM shared the views that it was not justified increasing the fixed penalty charges for parking-related offences without addressing the shortage in parking spaces. However, he supported increasing the fixed penalty charges for other Congestion-Related Traffic | |

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| | | <p>Offences, such as unlawfully entering box junction. He also urged the Administration to curb the growth of private cars to ease congestion. He enquired:</p> <p>(a) whether the Administration would consider excluding those offences caused by unavailable parking facilities instead of a uniform increase in the penalties for all offences under Cap. 237. Otherwise, he would not support the proposal to increase the fixed penalties; and</p> <p>(b) about the reason why TD conducted parking review in respect of commercial vehicles only but not other vehicles.</p> <p>The Administration responded that:</p> <p>(a) because of the way section 13 of Cap. 237 was constructed, there should be a single fixed penalty for a contravention of any of the provisions of section 4, 5, 6, 7, 8, 9, 10 or 11(1) of Cap. 237. In other words, any changes to the fixed penalty by resolution pursuant to section 13 of Cap. 237 should uniformly apply to all offences under sections 4, 5, 6, 7, 8, 9, 10 and 11(1) of Cap. 237;</p> <p>(b) it would be unfair to the majority of law-abiding drivers as well as the general public using public transport who were affected by traffic congestion if the deterrent effect of the fixed penalty charges against Congestion-Related Traffic Offences could not be restored;</p> <p>(c) it was undesirable and impossible to provide extra parking spaces continuously to meet the rapidly growing number of private cars, given the scarce land resources in Hong Kong; and</p> <p>(d) priority was accorded to considering and meeting the parking need of commercial vehicles, taking into account their important roles in the economy and with a view to alleviating pressure on the livelihood of commercial vehicle drivers.</p> | |
| 003844 – 004711 | Chairman Dr Helena WONG Administration | Dr WONG declared that she was a motorist. She stated that The Democratic Party supported increasing the fixed penalty charges for the six road traffic offences under Cap. 240 suitably and in phases so that the public would find the increases more acceptable, while it disagreed with the increase in the fixed penalty charges | |

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| | | <p>for parking-related offences under Cap. 237 in the absence of a comprehensive policy for addressing the shortage of parking spaces for private cars and commercial vehicles. She considered that:</p> <ul style="list-style-type: none"> (a) the serious shortage of parking spaces had forced some drivers not to park in authorized parking places; and (b) certain public car park buildings, such as those in Tsim Sha Tsui and Yau Ma Tei, would be demolished for redevelopment projects in the districts, but the Administration had yet to give a concrete reprovisioning plan. She asked about the planning parameters of the provision of parking spaces in these redevelopment projects. <p>The Administration responded that:</p> <ul style="list-style-type: none"> (a) the proposed magnitude of 50% increase was merely to restore the deterrent effect eroded by inflation over the years since the last increase in 1994. That said, the Administration would actively consider the suggestion to increase the penalty charges in phases; (b) before the demolition of a public car park building, the Administration would conduct a traffic impact assessment ("TIA") to review the demand for parking facilities in the area concerned and determine the number of parking spaces to be reprovisioned. It would make reference to the Planning Guidelines in planning for the provision of parking spaces; and (c) before demolishing the Yau Ma Tei Multi-storey Carpark ("YMTMCP") to facilitate construction of the Central Kowloon Route ("CKR"), the Administration would provide other parking spaces in short-term tenancy car parks in the vicinity. On this, a site currently used as a temporary public transport interchange ("PTI") at the junction of Jordan Road/Lin Cheung Road was being planned for parking use after the temporary PTI was relocated and the site vacated following the commissioning of the Hong Kong section of the Guangzhou—Shenzhen—Hong Kong Express Rail Link. | |

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| 004712 – 005327 | Chairman Mr HUI Chi-fung Administration | <p>Mr HUI declared that he was a motorist. He supported increasing the fixed penalty charges for Congestion-Related Traffic Offences, except those related to parking, given that the charges had not been adjusted for years. Yet, he considered that the increase should be implemented in phases. He pointed out that:</p> <ul style="list-style-type: none"> (a) the Administration should adopt a multi-pronged approach to step up the law enforcement actions to tackle the problem of traffic congestion, which included recruiting more traffic wardens to enable taking of thorough enforcement actions particularly at black spots of illegal parking, taking stricter actions such as towing away illegally parked vehicles, and actively taking forward the initiative of introducing Electronic FPTs to enhance enforcement efficiency; and (b) as the number of parking spaces to be reprovisioned after demolition of existing public car park buildings would be fewer than originally provided, the parking needs in the districts concerned would unlikely be met. <p>The Administration responded that:</p> <ul style="list-style-type: none"> (a) it had been adopting a multi-pronged approach and progressively implementing the measures recommended by TAC to tackle traffic congestion; (b) the Police had been taking stringent enforcement actions against Congestion-Related Traffic Offences. Apart from implementing the Selected Traffic Enforcement Priorities 2016, the number of FPTs issued in 2016 had increased. In fact, about 1.63 million FPTs in relation to Congestion-Related Traffic Offences were issued in 2016, an increase of 20% compared to that of 2015. For serious offences, the Police would issue FPTs without prior warning and would issue more than one FPT for illegally parked vehicles if justified. The establishment of traffic wardens had remained stable over the years to support enforcement against illegal parking; and (c) enforcement actions aside, continuous education and publicity were considered instrumental in bringing about law-abiding behaviour of road users. | |

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| 005328 – 005932 | Chairman Administration | <p>The Chairman stated his objection against the broad-brush approach to increase the fixed penalties for Congestion-Related Traffic Offences in one step before completion of the parking review. He was of the view that:</p> <p>(a) the redevelopment of the Middle Road Car Park in Tsim Sha Tsui had aggravated the shortage of parking spaces and the illegal parking problem in the district. Likewise, the planned demolition of Murray Road Multi-storey Carpark, Star Ferry Carpark and Rumsey Street Carpark for redevelopment would definitely worsen the illegal parking problem in the Central and Western District. The Administration should address the newly generated parking needs arising from the new commercial buildings to be built after demolishing of these carpark buildings;</p> <p>(b) the Administration should make reference to the utilization rate of car parks during peak hours to better gauge the demand for parking spaces, instead of taking an average of the utilization rate in a 24-hour period. Further, it should also consider the social costs associated with the shortfall of parking spaces when conducting the parking review;</p> <p>(c) many drivers of commercial vehicles, including school buses and nanny vans, had to park the vehicles by their own means and at their own costs. Many of them used to park at open air parking lots on brownfield sites, but many of these sites had been used for housing developments in recent years;</p> <p>(d) the parking review should also cover private cars. Provision of more parking spaces for private cars would not directly induce an increase in the purchases of private cars; and</p> <p>(e) the deterrent effect of the fixed penalties could be achieved through repeated issuance of FPTs for illegally parked vehicles.</p> | |
| 005933 – 010819 | Chairman Dr Helena WONG Administration | <p>At the request of Dr WONG, the Administration agreed to provide:</p> <p>(a) an extract of the Planning Guidelines on the provision of parking spaces;</p> | Administration (paragraph 5 of the minutes refers) |

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| | | <p>(b) details of the assessment regarding the requirements for the provision of parking spaces in the TIA conducted for the redevelopment of the Middle Road Car Park, and advice on whether TIA reports were available for public access; and</p> <p>(c) the current number and distribution of on-street parking spaces with and without parking meters by district.</p> <p>The Chairman also enquired about the re-provisioning plan of the Middle Road Car Park.</p> <p>The Administration gave its preliminary responses that:</p> <p>(a) the Administration would follow the guidance in parking standards under the Planning Guidelines when planning for the provision of parking spaces;</p> <p>(b) for development projects, TD would conduct TIA to determine the number of public parking spaces to be provided. As for YMTMCP, which would be demolished three years after commencement of the construction works of CKR, TD had conducted a preliminary assessment on the number of parking spaces required after its demolition and had coordinated with the Planning Department for earmarking a site for provision of a temporary car park in Yau Ma Tei before the close of YMTMCP. TD would also consider re-provisioning of parking spaces for the public when the existing site of YMTMCP would be developed, and would conduct a detailed TIA nearer the time to assess the demand for parking spaces in Yau Ma Tei;</p> <p>(c) as regards the redevelopment plan for the Middle Road Car Park, the Administration had conducted a TIA on the traffic condition and parking space demand in Tsim Sha Tsui. Based on the assessment, the Administration had requested the developer concerned to provide 72 ancillary parking spaces for private cars for the redevelopment project itself, together with an additional 345 private car parking spaces and 39 motorcycle parking spaces which were for the use of the general public;</p> <p>(d) under the revised Practice Note issued by the Buildings Department in March 2017, underground public parking spaces that were electric vehicle ("EV") charging-enabling would not be gross floor</p> | |

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| | | <p>area ("GFA") accountable (i.e. 100% concession from GFA calculation) in a private development project. This would provide an incentive for private developers to provide more parking spaces for public use; and</p> <p>(e) there were at present about 18 000 metered on-street parking spaces provided in Hong Kong to meet short-term parking needs.</p> | |
| 010820 – 011611 | Chairman Mr Jeremy TAM Administration | <p>Discussion and request for written response from the Administration on whether the Legislative Council ("LegCo") may prescribe, by resolution, different levels of fixed penalties (which might be the same as the current level of penalty of \$320 or such larger amount) instead of a uniform penalty for the different offences as provided for in section 4, 5, 6, 7, 8, 9, 10 or 11(1) of Cap. 237 (i.e. 21 items of offences as detailed at Annex A of the LegCo Brief (File Ref: THB(T) L1/12/65)) pursuant to section 13 of Cap. 237 which provides that there should be a fixed penalty for a contravention of any of the provisions of section 4, 5, 6, 7, 8, 9, 10 or 11(1) which should be \$200 or such larger amount as may be prescribed by LegCo by resolution.</p> <p>Mr TAM expressed concern about the inadequacy of parking spaces for motorcycles, and the problem of abandoned motorcycles occupying on-street parking spaces.</p> <p>The Administration responded that:</p> <p>(a) from 2006 to 2016, the number of motorcycles had increased by about 40%, meanwhile the number of parking spaces for motorcycles had also increased by about the same percentage. Apart from designated parking spaces, some motorcycles were also parked at non-designated parking spaces that would not affect traffic flow, e.g. inside private housing estates and private garages; and</p> <p>(b) the Police would take actions regarding abandoned motorcycles occupying on-street parking spaces.</p> | Administration (paragraph 5 of the minutes refers) |
| 011612 – 012811 | Chairman Mr CHAN Han-pan Administration | <p>Mr CHAN considered that:</p> <p>(a) when assessing whether there was a positive growth in the number of parking spaces in a district, the Administration should not leave out the provisions of open air parking lots, and should discount the</p> | |

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| | | <p>relevant provisions when the land lots concerned were later used for developments;</p> <p>(b) the Administration should, apart from reviewing the parking spaces for commercial vehicles, also conduct a review for private cars; and</p> <p>(c) the Administration's proposal to increase the fixed penalty charges for Congestion-Related Traffic Offences should be taken forward after completion of the parking review, otherwise this would induce parking fee increases given the shortage of parking spaces.</p> <p>The Administration responded that:</p> <p>(a) there had been a positive growth in the overall number of parking spaces over the years. That said, mismatch of parking space provision for commercial vehicles in some areas was noted. As such, TD would conduct a parking review in 2017, with priority accorded to considering and meeting the parking need of commercial vehicles. As a short-term measure, TD would endeavor to provide "on-street night-time only" parking spaces at various locations for goods vehicles and coaches;</p> <p>(b) the number of private cars had increased by about 50% over the past ten years. At present, the number of licensed vehicles was about 742 000, with the majority being private cars. There were about 745 000 parking spaces in total. It was not desirable to accommodate the growing private car fleet by providing extra parking spaces. The Government's policy was to encourage the use of public transport, while maintaining an appropriate supply of parking spaces for private cars. As such, when assessing the demand of parking spaces in a district, the Administration would, in addition to population growth, also consider the availability of public transport services there; and</p> <p>(c) the number of complaints about illegal parking received by the Transport Complaints Unit of TAC had increased by about 24% between 2015 and 2016. Illegal parking would cause traffic congestion which would adversely affect the journey time of passengers and roadside air quality, and had social and economic adverse consequences for the community. It was therefore necessary to increase</p> | |

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| | | <p>the fixed penalty charges for Congestion-Related Traffic Offences.</p> <p>At the request of Mr CHAN, the Administration agreed to provide the following statistics:</p> <p>(a) the current number, distribution and utilization of parking spaces by district; and</p> <p>(b) the rate of increase in the number of private cars in Hong Kong in recent years comparing to that in adjacent cities.</p> | <p>Administration (paragraph 5 of the minutes refers)</p> |
| <p>012812 – 013341</p> | <p>Chairman Mr YIU Si-wing Administration</p> | <p>Mr YIU pointed out that:</p> <p>(a) the proposed increase in fixed penalties of Congestion-Related Traffic Offence would increase the burden of professional drivers, whilst the effectiveness in solving the traffic congestion problem was yet to be seen;</p> <p>(b) stringent enforcement actions should be taken to combat the problem of illegal parking particularly at the black spots; and</p> <p>(c) the Administration should closely monitor the utilization of parking spaces in some public car parks outsourced to private companies for management and operations, so as to avoid a waste of parking resources.</p> <p>The Administration responded that:</p> <p>(a) the Police had strengthened law enforcement actions against Congestion-Related Traffic Offences, as reflected in the increase in the number of FPTs issued. The Police had also carried out special enforcement operations targeting undesirable behaviours that had caused traffic accidents or obstructed traffic flow at traffic black spots. However, illegal parking was still rampant as the deterrent effect of the fixed penalty charges had been eroded by inflation over years; and</p> <p>(b) the Administration had been monitoring the operation of public car parks outsourced to private companies for management and operations.</p> | |

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| | | At the request of Mr YIU, the Administration agreed to provide statistics on the current utilization of parking spaces in those public car parks that were outsourced to private companies for management and operations. | Administration (paragraph 5 of the minutes refers) |
| 013342 – 014106 | Chairman Mr James TO Administration Assistant Legal Adviser ("ALA")5 | <p>Mr TO asked what reference point was used by the Administration, such as professional drivers' income level, for ascertaining whether the proposed increase in the fixed penalties could restore its deterrent effect.</p> <p>The Administration advised that when the fixed penalty charges were last increased in 1994, the level of increase as approved by the then LegCo was considered effective to serve a deterrent effect. Using the level of the charges in 1994 as a baseline, the Administration proposed to restore the deterrent effect by making reference to the increase in the Composite Consumer Price Index ("CCPI") from 1994 to 2016. It was also noted that the growth in per capita Gross Domestic Product was even higher than that of CCPI.</p> <p>ALA5 informed members that the Administration introduced the Revenue Bill 1999 which, among others, sought to increase the fixed penalties for traffic-related offences. Yet, the Administration had withdrawn the relevant clauses from the Bill during its committee stage due to strong objection by LegCo Members against the proposed increase.</p> <p>At the request of Mr TO, the Administration agreed to provide supplementary information on whether the Administration had reviewed, including any internal reviews conducted within the relevant department/bureau, the levels of fixed penalty charges in respect of Congestion-Related Traffic Offences after the last increase in 1994; and if it had conducted such review(s), the recommendations.</p> | Administration (paragraph 5 of the minutes refers) |
| 014107 – 014524 | Chairman Mr LAU Kwok-fan Administration | Mr LAU opined that when determining the appropriateness of penalty charges, one major consideration should be the affordability of motorists. He doubted if the rate of increase in the income of professional drivers over the years had caught up with the proposed rate of increase in the fixed penalties by 50%. He supported holding a public hearing to receive public's views on the Administration's proposal. | |

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| | | <p>The Administration responded that:</p> <ul style="list-style-type: none"> (a) the proposed increase in fixed penalty charges by 50% was in line with the increase in inflation over the years; and (b) despite the strengthened enforcement actions taken by the Police, illegal parking and other Congestion-Related Traffic Offences were still rampant. <p>The Chairman said that rampant illegal parking was induced by the shortage of parking spaces. He also urged the Police to step up enforcement against illegal parking at all times and not just during special enforcement operations.</p> | |
| 014525 – 015212 | Chairman Mr CHAN Han-pan Administration | <p>Mr CHAN enquired:</p> <ul style="list-style-type: none"> (a) whether the number of traffic wardens had increased in recent years to support effective enforcement against illegal parking; and (b) whether the Administration would review the provision of parking spaces for private cars as well. <p>The Administration responded that:</p> <ul style="list-style-type: none"> (a) the number of traffic wardens in recent years stood at about 300. The Administration would review the establishment of the traffic warden grade from time to time; and (b) the Administration had been providing an appropriate number of parking spaces for private cars. It also encouraged private developers to provide more car parking spaces for public use. | |
| 015213 – 020126 | Chairman Dr Helena WONG Administration | <p>Dr WONG enquired about:</p> <ul style="list-style-type: none"> (a) the reasons for the persistently high number of FPTs issued in certain districts, and whether frontline police officers would be required to meet a target number of FPTs to be issued for the purpose of boosting the FPT figures; and (b) the manpower deployed for issuing FPTs daily in each police district. | |

| Time marker | Speaker | Subject(s) | Action required |
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| | | <p>The Administration responded that:</p> <p>(a) frontline police officers were not required to meet any target of issuing FPTs. On average, more than 4 000 FPTs were issued daily in 2016, and the daily average of FPTs issued in each police district was about 200 to 300. The Police would continue to step up enforcement against Congestion-Related Traffic Offences, in particular those which would cause road safety or serious congestion problems;</p> <p>(b) apart from enhancing enforcement actions including special traffic enforcement operations, the Police had stepped up publicity and public education to raise safety awareness of road users and change their behaviour and attitudes; and</p> <p>(c) FPTs could be issued by patrol officers and traffic wardens. The manpower deployed for issuing FPTs in each police district varied and was dependent on the size of individual police districts. Roughly speaking, there were about 20 to 30 patrol officers on duty in each shift.</p> <p>At the request of Dr WONG, the Administration agreed to provide the following statistics:</p> <p>(a) breakdown of the 1.63 million FPTs issued in respect of Congestion-Related Traffic Offences in 2016 by district; and</p> <p>(b) the number of on-street parking spaces with parking meters in each of the past ten years, and the projected provisions in each of the next ten years.</p> | <p>Administration (paragraph 5 of the minutes refers)</p> |
| Agenda item III – Any other business | | | |
| 020127 – 020146 | Chairman | Concluding remarks and date of next meeting to receive view from the public | |