

立法會

Legislative Council

LC Paper No. CB(4)874/19-20

(These minutes have been seen by
the Administration)

Ref: CB4/BC/2/19

Bills Committee on Road Traffic Legislation (Parking Spaces) (Amendment) Bill 2019

Minutes of first meeting on Tuesday, 19 May 2020, at 4:30 pm in Conference Room 1 of the Legislative Council Complex

Members present : Hon Frankie YICK Chi-ming, SBS, JP (Chairman)
Hon LUK Chung-hung, JP
Hon Vincent CHENG Wing-shun, MH, JP
Hon Tony TSE Wai-chuen, BBS

Member attend : Hon Charles Peter MOK, JP

**Public Officers
attending** : **Agenda item II**

Miss Winnie TSE
Deputy Secretary for Transport and Housing
(Transport) 3
Transport and Housing Bureau

Ms Shirley KWAN
Principal Assistant Secretary for Transport and
Housing (Transport) 2
Transport and Housing Bureau

Ms Candy KWOK
Assistant Commissioner /
Management and Paratransit
Transport Department

Mr Ken WONG
Chief Transport Officer /
Transport Facilities Management
Transport Department

Mr Alan CHONG
Senior Government Counsel
Department of Justice

Clerk in attendance : Ms Sophie LAU
Chief Council Secretary (4)2

Staff in attendance: Miss Joyce CHAN
Assistant Legal Adviser 1

Ms Angela CHU
Senior Council Secretary (4)2

Miss Mandy LAM
Legislative Assistant (4)2

I. Election of Chairman

Mr Frankie YICK, the member who had the highest precedence among members of the Bills Committee present at the meeting, presided over the election of the Chairman of the Bills Committee. He invited nominations for the chairmanship.

2. Mr LUK Chung-hung nominated Mr Frankie YICK and the nomination was seconded by Mr Vincent CHENG. Mr Frankie YICK accepted the nomination. There being no other nominations, Mr Frankie YICK was declared Chairman of the Bills Committee.

3. Members decided that there was no need to elect a Deputy Chairman for the Bills Committee.

Action

II. Meeting with the Administration

(File Ref: THB(T)CR 30/5591/75, LC Paper Nos. CB(3)130/19-20, LS22/19-20, CB(4)564/19-20(01)-(04))

4. The Bills Committee deliberated (index of proceedings in the **Annex**).

Legislative timetable

5. The Bills Committee completed clause-by-clause examination of the Bill. The Administration indicated that it would propose amendments to the Bill which would be circulated to members when ready, and would provide the proposed date of resumption of the Second Reading debate on the Bill later.

(Post-meeting note: The amendments proposed by the Administration to the Bill were circulated to members vide LC Paper No. CB(4)656/19-20(01) on 1 June 2020.)

III. Any other business

6. There being no other business, the meeting ended at 6:26 pm.

Council Business Division 4
Legislative Council Secretariat
26 August 2020

**Bills Committee on Road Traffic Legislation (Parking Spaces)
(Amendment) Bill 2019**

**Proceedings of the first meeting
Tuesday, 19 May 2020, at 4:30 pm
in Conference Room 1 of the Legislative Council Complex**

Time marker	Speaker	Subject(s)	Action required
<i>Agenda Item I – Election of Chairman</i>			
000550 – 000627	Mr Frankie YICK Mr LUK Chung-hung	Election of Chairman	
<i>Agenda Item II – Meeting with the Administration</i>			
000628 – 001358	Chairman Administration	Briefing by the Administration on the Road Traffic Legislation (Parking Spaces) (Amendment) Bill 2019 (“the Bill”)	
001359 – 003431	Chairman Mr Tony TSE Administration	<p>Noting that the new generation of parking meters would enable a wide range of new features, Mr TSE enquired about details of those features and whether the system could support functions like issuance of electronic penalty tickets for prolonged parking and be equipped with charging facilities for electric vehicles. He urged the Administration to be forward thinking and allow flexibility in the legislation to cater for technological advancements in future.</p> <p>The Administration advised that the new parking system would have the following new features:</p> <ul style="list-style-type: none"> (a) acceptance of multiple electronic payment means for paying parking fees including stored value facilities, contactless credit cards and so forth; (b) acceptance of remote payment of parking fees through a mobile application; and (c) use of space sensors to detect occupation of on-street metered parking spaces. <p>On issuing electronic penalty tickets through a mobile application, the Administration advised that the space sensors to be installed at parking meters would not collect personal data of individual motorists or vehicle identification number, hence it would not be feasible to issue penalty tickets via such means. As regards charging facilities for electric vehicles, the electricity consumption would be huge and exceed the power limit of parking meters. It might also increase demand</p>	

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		for metered parking spaces and adversely affect their turnover.	
003432 – 005625	Chairman Mr Charles MOK Administration	<p>Mr MOK asked if –</p> <ul style="list-style-type: none"> (a) it was necessary to amend existing legislation should new payment methods emerge in future; (b) any details were available on the arrangement for remote payment via a mobile application and whether this function could facilitate collection of useful data for managing on-street parking spaces; (c) the space sensors could detect unlawful occupation of on-street parking spaces; and (d) the acceptance of multiple electronic payment means could be extended to other public transport services. <p>The Administration advised that:</p> <ul style="list-style-type: none"> (a) the Bill sought to amend the Road Traffic Ordinance (Cap. 374) and the Road Traffic (Parking) Regulations (Cap. 374C) to empower the Commissioner for Transport to approve by notice in the Gazette any payment means for paying parking fees instead of prescribing them by subsidiary legislation. This arrangement would allow greater flexibility for the Administration to adopt any emerging payment methods in a simple and direct manner; (b) a motorist could make remote payment via a mobile application and the maximum parking time will be limited to a total of two sessions of the "longest parking period" of the parking meter concerned; (c) information collected on the utilization and turnover of on-street metered parking spaces could facilitate the Administration to manage on-street parking meters more effectively, having regard to traffic conditions and the demand for such parking spaces in different districts. It would also offer real-time vacancy information to motorists via the mobile application; 	

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		<p>(d) the Transport Department (“TD”) was conducting trials to ascertain the space sensors’ ability to detect miscellaneous items placed at on-street metered parking spaces. In any event, the management, operation and maintenance contractor engaged by TD would conduct on-site inspections regularly as per the established practice and would refer cases of unlawful occupation of on-street metered parking spaces to relevant government departments for follow-up; and</p> <p>(e) the Administration would keep an open mind on the adoption of emerging electronic payment methods for other public transport services.</p>	
005626 – 005707	Chairman	The Chairman remarked that by varying the "longest parking period" of parking meters in different districts, parking spaces could be optimally utilized having regard to their usage and occupancy situations.	
Clause-by-clause examination of Road Traffic Legislation (Parking Spaces) (Amendment) Bill 2019			
005708 – 010056	Chairman Administration	<p>Part 1 – Preliminary</p> <p><u>Clause 1 – Short title and commencement</u></p> <p>Members raised no questions.</p>	
010057 – 012548	Chairman Administration Mr Tony TSE Assistant Legal Adviser (“ALA”)	<p>Part 2 – Amendments to Road Traffic Ordinance</p> <p><u>Clause 2 – Road Traffic Ordinance amended</u></p> <p>Mr TSE enquired about the number of parking meters to be installed and whether one parking meter could manage more than two parking spaces so that the number of parking meters could be trimmed down. He also expressed concern about difficulties, in terms of enforcement, in identifying vehicles which had been parked for more than 24 hours continuously at a parking space.</p> <p>The Administration advised that some 9 700 parking meters which were approaching their serviceable life would be replaced and some new metered parking spaces had been identified, amounting to the installation of 12 000 parking</p>	

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		<p>meters. TD had conducted a trial on using one parking meter to manage four instead of two parking spaces, but the result was not satisfactory. On enforcement, TD would share with the Hong Kong Police Force (“HKPF”) periodic reports generated by the system on the occupancy and payment status of parking meters for their reference. Subject to manpower deployment and enforcement priorities, it might be possible for HKPF to use the information for taking targeted enforcement actions.</p> <p><u>Clause 3 – Section 2 amended (interpretation)</u></p> <p>Mr TSE enquired about the definition and application of the “pay and display machine”. He also suggested the issuance of electronic tickets instead of printed tickets.</p> <p>The Administration explained that no pay and display machines were being in use in Hong Kong. Relevant provisions were maintained and updated in the current legislative exercise merely to cater for the possible adoption of pay and display machines in Hong Kong in future.</p> <p>ALA enquired about the definitions of the terms "parking space" and "parking spaces in a parking place" under the Bill.</p> <p>On the difference in usage between the two terms under the Bill, the Administration explained that it was common for a parking place to comprise several parking spaces. Unlike a parking meter, a pay and display machine was installed for use in connection with multiple parking spaces within the same parking place. It was appropriate to use "a parking space within a parking place" to accurately reflect the nature and the anticipated operation mode of pay and display machines.</p> <p><u>Clause 4 - Section 12 amended (regulation of parking of vehicles)</u></p> <p>The Chairman enquired about the meaning of “card” under the Bill as the Bill proposed to allow payment of parking fees by various electronic means, including card. The Administration advised that the term "card" was a generic term, and its ordinary meaning applied to both the existing legislation and the Bill.</p>	

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		<p><u>Clause 5 - Section 111 amended (forgery of documents)</u></p> <p>Members raised no query.</p>	
012549 – 015228	Chairman Administration ALA Mr Tony TSE	<p>Part 3 - Amendments to Road Traffic (Parking) Regulations</p> <p><u>Clause 6 - Road Traffic (Parking) Regulations amended</u></p> <p><u>Clause 7 - Regulation 2 amended (interpretation)</u></p> <p><u>Clause 8 - Regulation 11 amended (erection of parking meters, etc.)</u></p> <p><u>Clause 9 - Regulation 12 repealed (parking cards)</u></p> <p>Members raised no questions on the above clauses.</p> <p><u>Clause 10 - Regulation 12AA added</u></p> <p>ALA enquired about the arrangement regarding the cessation of refund arrangements for parking cards and the legal basis for the proposed change in policy to impose a time limit on the existing refund arrangement.</p> <p>The Administration explained that parking cards branded as e-Park Cards had ceased to be accepted as payment means for using on-street parking meters since 2003-2004. From then on, the Administration allowed refund arrangements for holders of e-Park Cards. As only a small number of refund requests were received in recent years and the electronic readers which determined the residual values of individual e-Park Cards were approaching the end of their serviceable life, the Administration considered it appropriate to announce the cessation of acceptance of refund applications for e-Park Cards with effect from 1 January 2022. TD would step up publicity efforts to inform the public of the cessation of refund arrangements.</p> <p>The Chairman suggested publicizing the cessation of refund arrangements to motorists through distributing leaflets at the Licensing Offices of TD.</p> <p><u>Clause 11 - Regulation 12A substituted</u></p>	

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		<p><u>Clause 12 - Regulation 12B repealed (specification of coins and conditions for operating parking apparatus)</u></p> <p><u>Clause 13 - Regulation 12D amended (offences relating to parking cards and display tickets)</u></p> <p>ALA sought clarification on whether the proposed amendment to the heading of regulation 12D of the Road Traffic (Parking) Regulations (Cap. 374C) under clause 13(1) was intended to take effect prior to the repeal of the whole of regulation 12D(1) of Cap. 374C and the reasons for the arrangement.</p> <p>The Administration advised that the proposed amendment to the heading of regulation 12D of Cap. 374C under clause 13(1), i.e. replacing "parking cards" by "payment means" was intended to take effect on 1 May 2020 prior to the repeal of the whole of regulation 12D(1) of Cap. 374C under Clause 13(3), which was proposed to take effect on 1 January 2022. Such arrangement was consistent with the objective of removing the obsolete reference to "parking cards" without affecting the continued operation of regulation 12D(1) until "parking cards" ceased to exist. It was considered that the term "payment means" was a generic term covering any means of payment. Furthermore, according to section 18 of the Interpretation and General Clauses Ordinance (Cap. 1), a section heading to any provision of an Ordinance did not have any legislative effect and did not in any way limit the interpretation of the relevant Ordinance.</p> <p>Mr TSE asked about the need to review the penalty level (i.e. \$500) for offences relating to parking cards. The Administration advised that it had maintained the penalty level to be on a par with similar offences relating to display tickets under the existing legislation. As there was no evidence of a rising trend for relevant offences being committed, the Administration did not see a need to review the penalty level at present. The Administration added that a heavier penalty would be imposed for offences relating to the operation of a parking meter or a pay and display machine other than by the use of an approved payment means.</p>	

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		<p><u>Clause 14 - Regulation 13 amended (interfering with parking apparatus)</u></p> <p><u>Clause 15 - Regulation 13A added</u></p> <p><u>Clause 16 - Schedule 1 amended (figures)</u></p> <p>ALA enquired whether it was intended that the proposed repeal of the definition of "card operated parking meter" under regulation 2 of Cap. 374C and the proposed amendment to add a new Figure No. 18A to Schedule 1 to Cap. 374C would take effect prior to the proposed repeal of Figure No. 18 in Schedule 1 to Cap. 374C and the reasons for the arrangement.</p> <p>The Administration explained that the traffic sign shown in Figure No. 18 might be used even though the definition of "card operated parking meter" was repealed. Figure No. 18 was needed for a certain period because of the practical difficulty to replace all existing traffic signs in one go. It was estimated that the replacement exercise would take around two years to complete in mid-2022 and the existing parking meters and the new parking meters would co-exist for a period of around two years.</p> <p><u>Clause 17 - Schedule 2 substituted</u></p> <p><u>Clause 18 - Schedule 5 repealed (conditions for issue of parking cards)</u></p> <p>Members raised no questions on the above clauses.</p>	
015229 – 015323	Chairman Administration	<p>Part 4 - Repeal of Road Traffic (Parking) (Approved Cards) Notice</p> <p><u>Clause 19 – Road Traffic (Parking) (Approved Cards) Notice repealed</u></p> <p>Members raised no query on the clause.</p>	
015324 – 015559	Chairman Administration	<p>Part 5 - Related Amendments Division 1—Amendments to Fixed Penalty (Traffic Contraventions) Ordinance</p> <p><u>Clause 20 - Fixed Penalty (Traffic Contraventions) Ordinance amended</u></p> <p><u>Clause 21 - Section 2 amended (interpretation)</u></p>	

Time marker	Speaker	Subject(s)	Action required
		<p><u>Clause 22 - Section 10 amended (parking at parking meters and pay and display parking spaces)</u></p> <p><u>Clause 23 - Section 11 amended (parking without payment)</u></p> <p>Division 2—Amendments to Fixed Penalty (Traffic Contraventions) Regulations</p> <p><u>Clause 24 - Fixed Penalty (Traffic Contraventions) Regulations amended</u></p> <p><u>Clause 25 - Schedule amended</u></p> <p>Members raised no questions on the above clauses.</p>	
<i>Agenda Item III – Any other business</i>			
015560-015926	Chairman Administration	Administration's proposed amendments to the Bill, legislative timetable and closing remark by the Chairman.	