

# 立法會

## *Legislative Council*

LC Paper No. CB(4)92/20-21

Ref : CB4/BC/2/19

### **Second report of the Bills Committee on Road Traffic Legislation (Parking Spaces) (Amendment) Bill 2019**

#### **Purpose**

This paper reports on the scrutiny of the Administration's proposed new amendments to the Road Traffic Legislation (Parking Spaces) (Amendment) Bill 2019 ("the Bill") by the Bills Committee on the Road Traffic Legislation (Parking Spaces) (Amendment) Bill 2019 ("the Bills Committee").

#### **Background**

2. The Bills Committee submitted its first report to the House Committee ("HC") on 12 June 2020. HC noted that the Bills Committee has completed its scrutiny work on the Bill and raised no objection to the resumption of Second Reading debate on the Bill at the Legislative Council ("LegCo") meeting of 8 July 2020. The Administration thereafter gave notice for resuming the Second Reading debate on the Bill at that LegCo meeting and proposed to move an amendment to the Bill relating to the commencement date relevant to the phased installation of the new generation of parking meters.<sup>1</sup> However, the resumption of the Second Reading debate on the Bill was not dealt with before the end of the 2019-2020 legislative session due to insufficient time.

#### **Administration's proposed new amendments to the Bill**

3. The Bill was introduced into LegCo on 27 November 2019. It seeks to amend the Road Traffic Ordinance (Cap. 374) and other specified traffic legislation to provide for the introduction of a new generation of parking meters and other related matters. The original commencement date of the Amendment Ordinance, if so passed, as set out in clause 1(2) of the Bill except for the provisions specified in clauses 1(3) and 1(4), was 1 May 2020. Due to lapse of time, the Administration

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<sup>1</sup> The Bills Committee tabled its report at the LegCo meeting of 8 July 2020 under LC Paper No. CB(4)775/19-20. The deadline for giving notice of amendments to the Bill was 27 June 2020.

proposed to move an amendment to revise the commencement date from 1 May 2020 to 1 August 2020.<sup>2</sup>

4. As the Bill will be carried forward to the 2020-2021 legislative session, the Secretary for Transport and Housing ("STH") wrote to the Bills Committee on 25 September 2020 to inform members of the Administration's intended withdrawal of the original amendment to the Bill, as well as the Administration's plan to propose new amendments. The Administration proposes to revise the commencement date to 12 December 2020 to tie in with their latest programme for the installation and operation of the new parking meters by batches from December 2020 onwards.

5. In addition, according to the Administration, the date for cessation of applications for the refund of parking cards was originally proposed to be 1 January 2022. In anticipation that the Second Reading debate on the Bill could be resumed by the conclusion of the 2019-2020 legislative session, the proposed arrangement was intended to give approximately 18 months for holders of unredeemed parking cards to seek refund if they so wished. In order to adhere to the original time frame for the refund arrangement, the Administration now proposes to change the effective date for cessation of refund from 1 January 2022 to 1 July 2022. The deadline for a person to return or surrender the parking card for refund as set out in clause 10 of the Bill will correspondingly have to be revised from 31 December 2021 to 30 June 2022. In this connection, the Administration also proposes to move amendments relevant to clause 1(3) and clause 10 of the Bill to reflect the above changes.

### **Consideration of the Administration's proposed new amendments by the Bills Committee**

6. The Administration has invited the Bills Committee to consider their proposed new amendments to the Bill vide STH's letter dated 25 September 2020. The legal adviser to the Bills Committee has advised that no difficulties relating to the legal and drafting aspects of the amendments have been identified. The Bills Committee has also noted that the deadline for giving notice of amendments to the Bill, i.e. 27 June 2020, has passed and the Administration needs to seek leave of the President of LegCo ("the President") to dispense with the notice requirement under Rule 57(2) of the Rules of Procedure ("RoP").

7. On the direction of Hon Frankie YICK Chi-ming, Chairman of the Bills Committee, Bills Committee members were invited to consider the Administration's proposed new amendments to the Bill vide LC Paper No. CB(4)911/19-20 on 30 September 2020, and whether they had any objection to the Administration seeking the President's leave under RoP 57(2) to dispense with the notice of

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<sup>2</sup> The President of LegCo had approved the moving of a Committee Stage Amendment to the Bill by the Administration relevant to the commencement date at the LegCo meeting on 8 July 2020 vide LC Paper No. CB(3)586/19-20 issued on 24 June 2020.

amendments proposed to be moved to the Bill. Members were also notified by the same circular that subject to members' views on the arrangement, HC will be invited to consider supporting the Administration's proposal.

8. By the specified deadline, all members of the Bills Committee<sup>3</sup> had returned the reply slips and signified no objection to the Administration's seeking leave of the President to dispense with the notice of amendments proposed to be moved to the Bill. They did not give specific comment on the Administration's proposed new amendments and did not request that the proposed new amendments be considered at a meeting. In the light of the Bills Committee members' views, the Administration has written to the Clerk to LegCo on 12 October 2020 to ask for the President's leave to dispense with the notice of amendments proposed to be moved to the Bill.

### **Consultation with the House Committee**

9. HC was consulted on 16 October 2020. HC failed to reach consensus to support the President's giving permission to dispense with the notice of amendments proposed to be moved to the Bill. In the light of the above, the Administration withdrew the notice of resumption of second reading debate on the Bill at the LegCo meeting of 8 July 2020 and the Committee Stage Amendments ("CSAs") proposed to be moved to the Bill, and gave afresh notice on 22 October 2020 to resume the Second Reading debate on the Bill and notice of the new CSAs to be moved to the Bill at the LegCo meeting of 11 November 2020.

Council Business Division 4  
Legislative Council Secretariat  
3 November 2020

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<sup>3</sup> There are four members in the Bills Committee. Apart from the Chairman, the other three members are Hon LUK Chung-hung, Hon Vincent CHENG Wing-shun and Hon Tony TSE Wai-chuen.