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# Road Traffic Legislation (Parking Spaces) (Amendment) Bill 2019

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# A BILL

## To

Amend the Road Traffic Ordinance and other specified traffic legislation to provide for the use of electronic means to pay for using parking spaces; to provide for the installation of sensors to detect the occupancy of parking spaces; and to provide for related matters.

Enacted by the Legislative Council.

### **Part 1**

#### **Preliminary**

##### **1. Short title and commencement**

- (1) This Ordinance may be cited as the Road Traffic Legislation (Parking Spaces) (Amendment) Ordinance 2019.
- (2) Subject to subsections (3) and (4), this Ordinance comes into operation on 1 May 2020.

- (3) Sections 3(4), 4(1) and (5), 5, 9, 13(3) and 18 come into operation on 1 January 2022.
  - (4) Section 16(3) comes into operation on 1 January 2023.
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## Part 2

### Amendments to Road Traffic Ordinance

#### 2. Road Traffic Ordinance amended

The Road Traffic Ordinance (Cap. 374) is amended as set out in this Part.

#### 3. Section 2 amended (interpretation)

(1) Section 2—

**Repeal the definition of *parking meter***

**Substitute**

**“*parking meter* (停車收費錶)—**

- (a) means an apparatus constructed and designed to receive and indicate, or to indicate, payment for the use of a parking space; and
- (b) includes a space sensor installed, whether or not on the apparatus, in relation to the parking space;”.

(2) Section 2—

**Repeal the definition of *pay and display machine***

**Substitute**

**“*pay and display machine* (憑票泊車機)—**

- (a) means a machine or apparatus constructed and designed to issue a display ticket in relation to parking spaces in a parking place; and
- (b) includes a space sensor installed, whether or not on the machine or apparatus, in relation to the parking spaces;”.

- (3) Section 2—

**Repeal the definition of *automatic vending machine*.**

- (4) Section 2—

**Repeal the definition of *parking card*.**

- (5) Section 2—

**Add in alphabetical order**

“*space sensor* (車位感應器) means a device installed by the Commissioner in respect of a parking meter, or pay and display machine, for detecting whether a parking space, for which the meter or machine is erected, is occupied;”.

**4. Section 12 amended (regulation of parking of vehicles)**

- (1) Section 12(1)—

**Repeal paragraphs (k), (l), (m), (n) and (o).**

- (2) Section 12(1)(p)—

**Repeal**

everything after “any card”

**Substitute**

“or device, or an electronic system, for use in payment of a parking fee in conjunction with any parking meter, or pay and display machine, as the Commissioner may specify with reference to class, construction, location or otherwise;”.

- (3) Section 12(1)—

**Repeal paragraph (q)**

**Substitute**

“(q) the determination by the Commissioner of directions and conditions relating to the use of a card or device, or an electronic system, referred to in paragraph (p);”.

(4) Section 12(1)(r)—

**Repeal**

everything after “any parking meter”

**Substitute**

“or pay and display machine;”.

(5) Section 12(1)(s)—

**Repeal**

“parking cards or”.

(6) After section 12(1)—

**Add**

“(1A) A notice referred to in subsection (1)(p) is not subsidiary legislation.”.

**5. Section 111 amended (forgery of documents)**

Section 111(2A)(a) and (b)—

**Repeal**

“a parking card or”.

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## Part 3

### Amendments to Road Traffic (Parking) Regulations

#### 6. Road Traffic (Parking) Regulations amended

The Road Traffic (Parking) Regulations (Cap. 374 sub. leg. C) are amended as set out in this Part.

#### 7. Regulation 2 amended (interpretation)

(1) Regulation 2(1)—

- (a) definition of *approved card*;
- (b) definition of *card operated parking meter*;
- (c) definition of *coin operated parking meter*—

**Repeal the definitions.**

(2) Regulation 2(1)—

**Add in alphabetical order**

“*approved payment means* (認可繳費媒介) means a card or device, or an electronic system, approved by the Commissioner under regulation 12A;”.

#### 8. Regulation 11 amended (erection of parking meters, etc.)

(1) Regulation 11—

**Repeal subregulation (1)**

**Substitute**

“(1) For a parking space within a parking place, the Commissioner may erect a parking meter, or a pay and display machine, on Government land, or at the parking place.”.

(2) Regulation 11—

**Repeal subregulation (2)**

**Substitute**

“(2) The Commissioner—

- (a) may erect a traffic sign in accordance with Figure No. 18 in Schedule 1 at a place where a parking meter is erected;
- (b) may erect a traffic sign in accordance with Figure No. 18A in Schedule 1 at a place where a parking meter is erected; and
- (c) may erect a traffic sign in accordance with Figure No. 19 in Schedule 1 at a place where a pay and display machine is erected.

(2A) Subregulation (2)(a) expires at the end of 31 December 2022.”.

(3) Regulation 11—

**Repeal subregulation (3)**

**Substitute**

- “(3) For a parking space in respect of which a parking meter is erected, the fee specified in column 1 of Part 1 of Schedule 2 is the maximum fee that may be charged for the use of the parking space for the period specified in column 2 of that Part.
- (3A) For a parking space in respect of which a pay and display machine is erected, the fee specified in column 1 of Part 2 of Schedule 2 is the maximum fee that may be charged for the use of the parking space for the period specified in column 2 of that Part.”.

- (4) Regulation 11(4)(c)—

**Repeal**

“in the case of—”

**Substitute**

“the following information, or the place where such information can be found—”.

- (5) Regulation 11(4)(c)—

**Repeal subparagraph (i).**

- (6) Regulation 11(4)(c)—

**Repeal subparagraphs (ii) and (iii)**

**Substitute**

“(ii) for a parking meter—the approved payment means for the meter, and the directions or conditions for using the approved payment means to pay the parking fee;

(iii) for a pay and display machine—the approved payment means for the machine, and the manner in which it may be used for obtaining a display ticket.”.

- (7) Regulation 11—

**Repeal subregulation (5).**

**9. Regulation 12 repealed (parking cards)**

Regulation 12—

**Repeal the regulation.**

**10. Regulation 12AA added**

Before regulation 12A—

**Add**

**“12AA. Limitation on refund arrangement under regulation 12(7) and (9)**

- (1) A person is not entitled to a refund under regulation 12(7) unless the person returns the parking card pursuant to regulation 12(6) on or before 31 December 2021.
- (2) A person is not entitled to a refund under regulation 12(9) unless the person surrenders the parking card and applies for the refund under regulation 12(8) on or before 31 December 2021.”.

**11. Regulation 12A substituted**

Regulation 12A—

**Repeal the regulation**  
**Substitute**

**“12A. Approved payment means**

- (1) The Commissioner may, by notice published in the Gazette, approve the following for use in payment of a parking fee in conjunction with a parking meter or a pay and display machine—
  - (a) a card or device that the Commissioner considers appropriate;
  - (b) an electronic system that the Commissioner considers appropriate.
- (2) The Commissioner may, by the notice under subregulation (1), specify the parking meter, or the pay and display machine, to which that subregulation applies with reference to class, construction, location or otherwise.

- (3) The Commissioner may determine the directions and conditions relating to the use of an approved payment means in paying a parking fee or obtaining a display ticket.”.

**12. Regulation 12B repealed (specification of coins and conditions for operating parking apparatus)**

Regulation 12B—

**Repeal the regulation.**

**13. Regulation 12D amended (offences relating to parking cards and display tickets)**

- (1) Regulation 12D, heading—

**Repeal**

**“parking cards”**

**Substitute**

**“payment means”.**

- (2) Regulation 12D(1)—

**Repeal paragraph (b).**

- (3) Regulation 12D—

**Repeal subregulation (1).**

- (4) Before regulation 12D(2)—

**Add**

- “(1A) If a person, without lawful authority or reasonable excuse, uses or attempts to use, for the purpose of operating a parking meter or a pay and display machine, an approved payment means which has been interfered with, altered or damaged, the person commits an offence and is liable to a fine of \$500.”.

**14. Regulation 13 amended (interfering with parking apparatus)**

(1) Regulation 13—

**Repeal paragraph (a)**

**Substitute**

“(a) interferes with a parking meter or a pay and display machine;”.

(2) Regulation 13—

**Repeal paragraph (c)**

**Substitute**

“(c) operates or attempts to operate—

(i) a parking meter, other than by the use of an approved payment means; or

(ii) a pay and display machine, other than by the use of an approved payment means; or”.

(3) Regulation 13—

**Repeal paragraph (d).**

**15. Regulation 13A added**

Part III, after regulation 13—

**Add**

**“13A. Offences relating to unauthorized access to parking meters etc.**

(1) A person commits an offence if the person knowingly obtains unauthorized access to data or information contained in a parking meter, a pay and display machine, or an associated electronic system.

(2) A person commits an offence if the person, without lawful authority or reasonable excuse—

- (a) erases, in whole or in part, alters or damages the data or information processed or stored in a parking meter, a pay and display machine, or an associated electronic system; or
  - (b) tampers with the operation or any part of the operation of an associated electronic system.
- (3) A person who commits an offence under subregulation (1) or (2) is liable on conviction to a fine at level 2 and to imprisonment for 3 months.
- (4) In this regulation—
- associated electronic system*** (相聯電子系統) means an electronic system that is associated with a parking meter or a pay and display machine—
- (a) for ascertaining or indicating whether a parking fee is paid for using a parking space;
  - (b) for ascertaining or indicating whether a parking space is occupied; or
  - (c) for the management or operation of the parking meter or the pay and display machine.”.

## 16. Schedule 1 amended (figures)

- (1) Schedule 1—
- Repeal Figure No. 17.**
- (2) Schedule 1, Figure No. 18, note—
- Repeal**
- “a parking card or an approved card”
- Substitute**
- “an approved payment means”.
- (3) Schedule 1—

**Repeal Figure No. 18.**

- (4) Schedule 1, before Figure No. 19—

**Add**

“Figure No. 18A



Time Plate

This plate may be used in conjunction with Figure Nos. 1, 2 or 3 to advise that an approved payment means must be used to operate the parking meter erected in relation to the parking spaces during the times indicated.

The wording may be changed to specify any period of time and any system of charging that is in effect at these parking spaces, or to specify a new or additional telephone number.”

**17. Schedule 2 substituted**

Schedule 2—

**Repeal the Schedule**



**Substitute**

**“Schedule 2**

[reg. 11]

**Parking Fees**

**Part 1**

**Maximum Fee for Use of Metered Parking Space**

Column 1	Column 2
Fee	Period
\$2	each 15 minutes

**Part 2**

**Maximum Fee for Use of Pay and Display  
Parking Space**

Column 1	Column 2
Fee	Period
\$2	each 15 minutes”.

18. **Schedule 5 repealed (conditions for issue of parking cards)**  
Schedule 5—  
**Repeal the Schedule.**

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## **Part 4**

### **Repeal of Road Traffic (Parking) (Approved Cards) Notice**

**19. Road Traffic (Parking) (Approved Cards) Notice repealed**

The Road Traffic (Parking) (Approved Cards) Notice (Cap. 374 sub. leg. V) is repealed.

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## Part 5

### Related Amendments

#### Division 1—Amendments to Fixed Penalty (Traffic Contraventions) Ordinance

**20. Fixed Penalty (Traffic Contraventions) Ordinance amended**

The Fixed Penalty (Traffic Contraventions) Ordinance (Cap. 237) is amended as set out in this Division.

**21. Section 2 amended (interpretation)**

(1) Section 2, Chinese text, definition of **憑票泊車機**—

**Repeal the semicolon**

**Substitute a full stop.**

(2) Section 2—

(a) definition of *approved card, parking place, parking space* and *temporary parking space*;

(b) definition of *card operated parking meter* and *coin operated parking meter*;

(c) definition of *parking card, parking fee* and *parking meter*—

**Repeal the definitions.**

(3) Section 2—

**Add in alphabetical order**

“*approved payment means* (認可繳費媒介) has the meaning given by regulation 2(1) of the Road Traffic (Parking) Regulations (Cap. 374 sub. leg. C);

*parking fee* (泊車費) has the meaning given by section 2 of the Road Traffic Ordinance (Cap. 374);

*parking meter* (停車收費錶) has the meaning given by section 2 of the Road Traffic Ordinance (Cap. 374);

*parking place* (泊車處) has the meaning given by regulation 2(1) of the Road Traffic (Parking) Regulations (Cap. 374 sub. leg. C);

*parking space* (泊車位) has the meaning given by regulation 2(1) of the Road Traffic (Parking) Regulations (Cap. 374 sub. leg. C);”.

**22. Section 10 amended (parking at parking meters and pay and display parking spaces)**

(1) Section 10(1)—

**Repeal**

“a motor vehicle in—”

**Substitute**

“a motor vehicle in a parking space must—”.

(2) Section 10(1)—

**Repeal paragraph (a)**

**Substitute**

“(a) if the parking space is a space in respect of which there is a parking meter (*metered parking space*), as soon as practicable after the motor vehicle is driven in, use an approved payment means in accordance with the directions exhibited on the parking meter; or”.

(3) Section 10(1)(b)—

**Repeal**

“a pay and display parking space shall,—”

**Substitute**

“if the parking space is a pay and display parking space—”.

- (4) Section 10(1)(b)(i)—

**Repeal**

“or cause to be displayed”.

- (5) Section 10(2)—

**Repeal**

“The—”

**Substitute**

“The following provisions apply in relation to payment for the use of the metered parking space, or the pay and display parking space—”.

- (6) Section 10(2)—

**Repeal paragraph (a).**

- (7) Section 10(2)—

**Repeal paragraphs (b) and (c)**

**Substitute**

- “(b) the use of an approved payment means as required by subsection (1)(a) is payment for the use of the metered parking space in respect of the motor vehicle in it, for the period indicated on the parking meter as the period in respect of which payment is made, commencing from the time the payment means is so used; and

(c) the display of the display ticket in accordance with subsection (1)(b) is payment for the use of the pay and display parking space in respect of the motor vehicle in it until the time and date indicated on the ticket as the time and date of expiry of the period to which the payment relates.”

(8) Section 10(4)—

**Repeal**

“whether there is a coin operated parking meter or a card operated parking meter in respect of such parking space or spaces or”

**Substitute**

“whether there is a parking meter in respect of the parking space or spaces or”.

**23. Section 11 amended (parking without payment)**

(1) Section 11(2)(a)—

**Repeal**

“notwithstanding that an appropriate coin, a parking card or an approved card, as the case may be, was inserted in the meter or used as directed on the meter”

**Substitute**

“even though an approved payment means was used as directed on the meter”.

(2) Section 11(2)(b)—

**Repeal**

“insert a coin, or use a parking card or an approved card, as the case may be, in”

**Substitute**

“use an approved payment means for”.

## **Division 2—Amendments to Fixed Penalty (Traffic Contraventions) Regulations**

### **24. Fixed Penalty (Traffic Contraventions) Regulations amended**

The Fixed Penalty (Traffic Contraventions) Regulations (Cap. 237 sub. leg. A) are amended as set out in this Division.

### **25. Schedule amended**

(1) The Schedule, Form 1, list of contraventions—

**Repeal Contravention Code No. (14).**

(2) The Schedule, Form 1, list of contraventions—

**Repeal Contravention Code No. (15)**

**Substitute**

“(15) 停泊在設有停車收費錶的泊車位，但沒有在泊車後盡快使用認可繳費媒介繳付泊車費（條例第10(1)(a)條）。”

Parked in a parking space in respect of which there is a parking meter without as soon as possible after parking using an approved payment means for the payment of the parking fee (section 10(1)(a)).”.

(3) The Schedule, Form 1, list of contraventions—

**Repeal Contravention Code No. (18).**

(4) The Schedule, Form 1, list of contraventions—

**Repeal Contravention Code No. (19)**

**Substitute**

“(19) 停泊在設有停車收費錶的泊車位時佔用超過 1 個泊車位，但沒有使用認可繳費媒介，就每個泊車位繳付泊車費（條例第 10(4) 條）。

Parked in more than one parking space in respect of which there is a parking meter without using an approved payment means for payment of the parking fee for each parking space (section 10(4)).”.

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## Explanatory Memorandum

The main purposes of this Bill are to amend the Road Traffic Ordinance (Cap. 374) (*Ordinance*) and the Road Traffic (Parking) Regulations (Cap. 374 sub. leg. C) (*Parking Regulations*) to—

- (a) provide for the use of electronic means to pay for using parking spaces;
- (b) provide for the installation of sensors to detect the occupancy of parking spaces;
- (c) repeal references to certain outdated terms like *approved card*, *automatic vending machine*, *card operated parking meter*, *coin operated parking meter* and *parking card*; and
- (d) impose a limitation period for making refund applications for the residue value contained in parking cards, which have ceased to be in use since 2004.

### Part 1—Preliminary

2. Clause 1 sets out the short title and provides for commencement generally.
3. The limitation period for making a refund application for the residue value contained in a parking card will expire on 31 December 2021 (see clause 10 under which a new regulation 12AA is added to the Parking Regulations providing for the limitation period), after which all provisions relating only to parking cards will become unnecessary and will be repealed. Clause 1(3) therefore specifically provides for the repeal of those provisions on 1 January 2022.

4. The time plate represented by Figure No. 18 under Schedule 1 to the Parking Regulations will be wholly replaced with a new time plate represented by Figure No. 18A under that Schedule by 31 December 2022. Clause 1(4) therefore specifically provides for the repeal of Figure No. 18 on 1 January 2023.

## Part 2—Amendments to Ordinance

5. Clause 3 amends section 2 of the Ordinance by—
  - (a) amending the definitions of *parking meter* and *pay and display machine*;
  - (b) repealing the definitions of *automatic vending machine* and *parking card*; and
  - (c) adding the definition of *space sensor*.
6. Clause 4 amends section 12 of the Ordinance by—
  - (a) removing the references to automatic vending machines and parking cards;
  - (b) empowering the Commissioner for Transport (*Commissioner*) to approve the use of any card, device or electronic system that the Commissioner considers appropriate (*approved payment means*) for paying parking fees;
  - (c) substituting section 12(1)(q) to empower the Commissioner to determine directions and conditions relating to the use of approved payment means for paying parking fees;
  - (d) removing from section 12(1)(r) the reference to a machine or apparatus that issues parking cards; and
  - (e) adding a new section 12(1A) to provide that a notice referred to in section 12(1)(p) is not subsidiary legislation.

7. Clause 5 amends section 111 of the Ordinance by removing the references to parking cards.

### **Part 3—Amendments to Parking Regulations**

8. Clause 7 amends regulation 2(1) of the Parking Regulations by—
- (a) repealing the definitions of *approved card*, *card operated parking meter* and *coin operated parking meter*; and
  - (b) adding the definition of *approved payment means*.
9. Clause 8 amends regulation 11 of the Parking Regulations by—
- (a) removing the references to card operated parking meters and coin operated parking meters;
  - (b) empowering the Commissioner to erect a traffic sign in accordance with a new Figure No. 18A in Schedule 1;
  - (c) repealing regulation 11(5) which relates to automatic vending machines; and
  - (d) making certain provisions more reader-friendly.
10. Regulation 12 of the Parking Regulations relates to parking cards only. Clause 9 repeals that regulation.
11. Clause 10 adds a new regulation 12AA to the Parking Regulations to provide that no refund may be made to a person under regulation 12(7) or (9) unless the person—
- (a) returns the parking card pursuant to regulation 12(6) by 31 December 2021; or
  - (b) surrenders the parking card and applies for the refund under regulation 12(8) by 31 December 2021.

12. Clause 11 substitutes regulation 12A of the Parking Regulations to empower the Commissioner to approve the use of any card, device as well as electronic system for paying parking fees.
13. Clause 12 repeals regulation 12B of the Parking Regulations.
14. Clause 13 amends regulation 12D of the Parking Regulations by—
  - (a) removing offences in relation to parking cards; and
  - (b) creating an offence in relation to use for paying parking fees by approved payment means that have been interfered with, altered or damaged.
15. Clause 14 amends regulation 13 of the Parking Regulations by—
  - (a) removing the reference to automatic vending machines in regulation 13(a);
  - (b) removing the references to coin operated parking meters, card operated parking meters, coins, bank notes, parking cards, approved cards and automatic vending machines in regulation 13(c) and (d); and
  - (c) creating an offence against a person who, without lawful authority, operates or attempts to operate a parking meter or a pay and display machine other than by the use of an approved payment means.
16. Clause 15 adds a new regulation 13A to the Parking Regulations to create—

- (a) an offence against a person who knowingly obtains unauthorized access to data or information contained in a parking meter, a pay and display machine, or an associated electronic system (as defined in that new regulation); and
  - (b) an offence against a person who, without lawful authority or reasonable excuse—
    - (i) erases, or otherwise alters or damages, the data or information processed or stored in a parking meter, a pay and display machine, or an associated electronic system; or
    - (ii) tampers with the operation of an associated electronic system.
  
- 17. Clause 16 amends Schedule 1 to the Parking Regulations by—
  - (a) repealing Figure No. 17;
  - (b) amending the note to Figure No. 18; and
  - (c) adding a new Figure No. 18A.
  
- 18. Clause 17 substitutes Schedule 2 to the Parking Regulations to simplify the presentation of the Schedule while leaving the maximum fees unaltered.
  
- 19. Clause 18 repeals Schedule 5 to the Parking Regulations which is outdated owing to the cessation of use of parking cards for paying parking fees.

**Part 4—Repeal of Road Traffic (Parking) (Approved Cards) Notice**

- 20. Clause 19 repeals the Road Traffic (Parking) (Approved Cards) Notice (Cap. 374 sub. leg. V).

## Part 5—Related Amendments

21. Clause 21 amends section 2 of the Fixed Penalty (Traffic Contraventions) Ordinance (Cap. 237) (*Fixed Penalty Ordinance*) by—
  - (a) repealing the definitions of *approved card*, *card operated parking meter*, *coin operated parking meter*, *parking card* and *temporary parking space*;
  - (b) replacing the definitions of *parking fee*, *parking meter*, *parking place* and *parking space* with the new ones; and
  - (c) adding the definition of *approved payment means*.
22. Clause 22 amends section 10 of the Fixed Penalty Ordinance by—
  - (a) removing the references to parking at a parking space in respect of which there is a coin operated parking meter or a card operated parking meter;
  - (b) adding references to parking at a parking space in respect of which there is a parking meter or a pay and display machine;
  - (c) substituting the provisions relating to the use of coins and parking cards for paying parking fees with the ones relating to the use of approved payment means for paying parking fees; and
  - (d) making certain provisions more reader-friendly.
23. Clause 23 amends section 11 of the Fixed Penalty Ordinance by substituting the provisions relating to the use of coins and parking cards for paying parking fees with the ones relating to the use of approved payment means for paying parking fees.

24. Clause 25 amends the list of contraventions in Form 1 of the Schedule to the Fixed Penalty (Traffic Contraventions) Regulations (Cap. 237 sub. leg. A) by—
- (a) repealing Contravention Code Nos. (14) and (18);  
and
  - (b) substituting Contravention Code Nos. (15) and (19).