

LEGISLATIVE COUNCIL BRIEF

Road Traffic Ordinance
(Chapter 374)

**ROAD TRAFFIC LEGISLATION
(PARKING SPACES) (AMENDMENT) BILL 2019**

INTRODUCTION

A At the meeting of the Executive Council on 5 November 2019, the Council **ADVISED** and the Acting Chief Executive **ORDERED** that the Road Traffic Legislation (Parking Spaces) (Amendment) Bill 2019 (“the Bill”), at Annex A, should be introduced into the Legislative Council (“LegCo”) to provide a legal basis for the operation of a new generation of parking meters with additional features.

JUSTIFICATIONS

Existing Metered Parking Spaces

2. On-street parking is provided to cater for motorists’ short-term parking needs. Under regulation 8 of the Road Traffic (Parking) Regulations (Cap. 374C) (“RT(P)R”), a motorist could park a vehicle in a parking place designated by the Commissioner for Transport (“C for T”) for a continuous period of not more than 24 hours, exceeding which the motorist commits an offence and is liable to a fine of \$2,000.

3. Under the RT(P)R, C for T is empowered to erect card operated or coin operated parking meters or “pay and display” machines¹ to charge for the

¹ According to section 2 of the Road Traffic Ordinance (Cap. 374) (“RTO”), “pay and display machine” means any machine or other apparatus designed and constructed to issue a display ticket. A “pay and display machine” is normally installed to serve a parking lot with multiple parking spaces adjacent to public roads. Upon parking a vehicle at such a parking space, a motorist is required to make payment of the parking fee through the machine, which will then print out a ticket so that the motorist could display it on the windscreen. The ticket indicates the payment of the parking fee and the expiry time of the parking period. While the Government does not have any plans to install “pay and display” machines for parking fee payment at this stage, we could not preclude the possibility of introducing such payment arrangement in future. Provisions relating to “pay and display machine” are therefore retained for the sake of prudence.

use of on-street parking spaces, as well as relevant traffic signs to indicate the period of time and system of charging that is in effect for the use of parking spaces. As at end August 2019, there were some 9 700 parking meters² covering about 18 000 on-street parking spaces (with one parking meter usually covering two parking spaces) in the territory, representing about 74% of the total on-street parking spaces (excluding motorcycle parking spaces)³. Since 1994, the Transport Department (“TD”) has contracted out the management, operation and maintenance responsibilities for the parking meters⁴. Coin operated parking meters have ceased to exist since 1998. The existing meters, which only accept payment of parking fees by Octopus card, have been in use since 2003-04 and are approaching the end of their serviceable life.

4. To discourage prolonged parking at on-street metered parking spaces, the longest parking time allowed for each transaction at parking meters is fixed at 30 minutes, 1 hour or 2 hours, having regard to the traffic situation and parking demand in the vicinity of the parking meters concerned. Depending on the set-up of individual parking meters, parking time can be purchased by motorists in units of 15 minutes or 30 minutes (“parking time units”). Notwithstanding the duration of the longest parking time allowed for each transaction at parking meters (i.e. 30 minutes, 1 hour or 2 hours at present), a motorist could lawfully park the same vehicle at the same metered parking space continuously for up to 24 hours so long as he/she continues to purchase additional parking time⁵.

5. Since 1994, the maximum fee for use of metered parking spaces (“Maximum Fee”) chargeable for parking at metered parking spaces has remained at \$2 per 15 minutes as stipulated in Schedule 2 to the RT(P)R.

² While there were a total of 10 250 parking meters, normally, only about 95% of them (i.e. approximately 9 700) could be put in daily operation due to the need for maintenance and for conducting various kinds of regular tests to ensure their normal operation.

³ On-street parking spaces are provided where they do not obstruct traffic. The majority of on-street parking spaces, mainly in urban areas and new towns, are metered (except those for motorcycles). Some of the on-street parking spaces are not metered at the moment for various reasons, e.g. to facilitate motorists’ engagement in long-hour outdoor activities such as hiking.

⁴ The contractor’s remuneration is paid by way of “netting-off” from the parking fees collected. Under section 115A of the RTO, the contractor’s remuneration does not form part of the general revenue and is retained from the parking fees collected.

⁵ Payment of parking fee is not necessary during the non-operating hours of parking meters (e.g. after midnight on weekdays).

6. To ensure the smooth operation of the parking meters, under regulation 13 of the RT(P)R, any person who without lawful authority interferes with a parking meter, or impedes or prevents the operation of a parking meter commits an offence and is liable to a fine of \$5,000 and to imprisonment for three months.

7. Under section 12 of the RTO, the Secretary for Transport and Housing is empowered to make regulations to provide for, among other matters, the designation of parking places by C for T, including those for the use of which payment is to be made or indicated in a prescribed manner.

New Generation of Parking Meters

8. In her 2017 Policy Address, the Chief Executive announced that, as one of the “Smart Mobility” initiatives, the Government would install a new generation of on-street parking meters from 2019-20 onwards. Having regard to the findings and feedback of the on-site and backend trials conducted by TD⁶, as well as the outcome of the latest market research, we plan to incorporate the following new features to the on-street metered parking spaces for enhancing operational efficiency and bringing convenience to motorists -

- (a) accepting multiple electronic payment means;
- (b) accepting remote payment for parking time units through a mobile application; and
- (c) providing real-time occupancy information through the installation of vehicle sensors to detect the occupancy status of metered parking spaces, to assist motorists in finding vacant on-street parking spaces.

The new parking meters will be also fitted with solar panels as auxiliary power sources to reduce reliance on rechargeable batteries and hence could save electricity consumption. The design of the new parking meters is at Annex B.

B

⁶ From 2015 to early 2018, TD conducted a New Parking Meter System Trial Scheme to assess the technical feasibility and public acceptance of the potential new features and functions as well as electronic payments to be incorporated in the new generation of parking meters. Members of the public generally supported the new features and functions of the parking meters which performed stably and smoothly during the trial periods.

Multiple Electronic Payment Means

9. The existing parking meters only accept payment by Octopus card. To meet motorists' expectation of flexibility and convenience in making payment, the new generation of parking meters will accept payment of parking fees via multiple electronic payment means such as Stored Value Facilities ("SVFs")⁷, contactless credit cards and mobile payment via electronic wallets and the Faster Payment System ("FPS")⁸. TD has already selected through open tender fee collection providers ("FCPs")⁹ to accept and process the parking fees collected by the new generation of parking meters.

10. Under existing legislation, the cards or devices for payment of parking fees are stipulated in the Road Traffic (Parking) (Approved Cards) Notice (Cap. 374V). Given the rapid development of electronic payment means and to allow flexibility for consideration of adoption of emerging payment means in future, we consider it appropriate to empower C for T to approve payment means and publish such approved payment means and any changes thereafter through general notices in the Gazette, instead of prescribing the payment means in the legislation. To this end, we propose to amend relevant sections in the RTO and repeal the Road Traffic (Parking) (Approved Cards) Notice (Cap. 374V). The traffic signs in respect of the erection of parking meters prescribed in Schedule 1 to the RT(P)R should also be revised to remove references to payment means so that there is no need to replace the traffic signs when there is any change of approved payment means.

⁷ SVF has the meaning defined in section 2A of the Payment Systems and Stored Value Facilities Ordinance (Cap. 584). In general, a facility is an SVF if it is a facility for storing the value of an amount of money that (a) is paid into the facility from time to time; and (b) may be stored on the facility under the rules of the facility; and it may be used as (a) a means of making payments for goods or services; and/or (b) a means of making payments to another person. According to the register of SVF Licensees published at the website of the Hong Kong Monetary Authority ("HKMA"), as at September 2019, there were 18 SVF licensees in Hong Kong, the more notable ones being Octopus, Alipay, WeChat Pay, Tap&Go and TNG Wallet.

⁸ FPS is a payment financial infrastructure introduced by HKMA in September 2018 and operated by the Hong Kong Interbank Clearing Limited to enable instant payments in Hong Kong on a round-the-clock basis, connecting banks and SVF operators on the same platform.

⁹ TD has selected three FCPs for the new parking meters, with one responsible for processing payments of parking fees by FPS and two for SVFs, contactless credit cards and mobile wallets.

Remote Payment through a Mobile Application

11. Apart from accepting multiple electronic payment means, the new parking meters will also accept remote payment by motorists through a “parking meter mobile application” linked to their SVFs, mobile wallets, credit cards or bank accounts. This feature will bring convenience to motorists by enabling them to pay the parking fees initially through the mobile application on the spot, or buy additional parking time later without being physically present at the concerned parking meters. A motorist who intends to use the mobile application needs to pair his/her mobile phone with the parking meter through the mobile application so as to verify the correct parking meter for subsequent payment. To prevent continuous purchase of additional parking time through remote payment for prolonged parking, the mobile application will limit a motorist’s ability to buy parking time up to a total of two sessions of the “longest parking period” (including the initial parking fee payment) of the parking meter concerned.

12. For illustration, if a motorist parks a vehicle at a parking space with the “longest parking period” of one hour, and if the motorist buys half an hour parking time immediately after parking the vehicle through making physical payment at the parking meter or through the mobile application on the spot, the motorist may buy additional parking time of 15 minutes to 90 minutes (in units of 15 minutes) remotely through the mobile application as he/she desires, up to a cumulative maximum of two hours of parking time. In this connection, with the installation of the new generation of parking meters, we intend to vary the “longest parking period” for the new parking meters from time to time having regard to local characteristics and changing circumstances such as traffic conditions and demand for, and supply of, parking spaces in the areas concerned with reference to the vehicle occupancy information collected by vehicle sensors. For instance, it would be more user-friendly to allow parking meters located near country parks to be set with longer “longest parking periods”, say, three hours. Motorists who visit country parks could make use of the mobile application to pay for parking fee for three hours on the spot and subsequently pay for additional parking time having regard to their needs up to a maximum of six hours. However, for parking meters located in busy areas, the “longest parking period” should be relatively shorter in order to strike a balance between bringing convenience to motorists and enhancing turnover of on-street metered parking spaces. To provide for such flexibility, we propose to delete references to “1/2 hour parking meter”, “1 hour parking meter” and “2 hour parking” from Schedule 2 to the RT(P)R in respect of the Maximum Fee for use of metered or “pay and display” parking spaces.

Vehicle Sensors

13. Each new parking meter will be accompanied with vehicle sensors to detect whether the relevant on-street parking space is occupied. The sensors will not collect any personal data or vehicle identification numbers. Real-time parking vacancy information will be disseminated to motorists for reference through TD's mobile application "HKeMobility" and website. This "Smart Parking" initiative will help motorists identify available parking spaces and reduce their time spent circulating on roads, thereby reducing vehicle emissions. The parking vacancy information will also be made available in machine readable format through the Government's Public Sector Information Portal "data.gov.hk", thereby contributing to the Government's efforts in opening up more government data for use by the public.

14. The occupancy status and payment status data of a parking meter will be processed by the backend computer system of the new parking meter system to identify parking spaces which are occupied without payment of parking fees. The system will have the capability to show the information, on a real-time basis, to the Hong Kong Police Force ("HKPF") for their reference. TD has been working with HKPF on the sharing of the information through a proposed dedicated mobile application. Subject to manpower deployment and enforcement priorities, it may be possible for HKPF to use the information for the parking spaces for taking targeted enforcement action.

15. To protect the vehicle sensors from malicious interference, we propose to revise the definition of "parking meter" to include vehicle sensors of a new parking meter so that interfering with a vehicle sensor without lawful authority may be covered under regulation 13 of the RT(P)R which already provides for the offence of interference with a parking meter without lawful authority. For the avoidance of doubt, we also propose to clearly stipulate that C for T is empowered to detect the occupancy of the parking spaces through vehicle sensors, in addition to her existing power to erect parking meters to charge for the use of on-street parking spaces.

Unauthorised Access to the Data or Information

16. New parking meters will no longer be standalone on-street fee-collecting devices, but will form an integral system where all individual components, including on-street parking meters, card readers fitted into the meters, the mobile application which effects payment of parking fees and allows motorists to obtain parking vacancy information, etc. are integrated through wireless networks. To safeguard the parking meter system (including its backend systems), we propose to create a new offence under regulation 13A of the RT(P)R relating to unauthorised access to the data or information

contained in a parking meter (including its backend systems) and attempts to tamper with such data or information. Any person who commits this new offence is liable to a fine of \$5,000 and to imprisonment for three months, which is on par with the existing offence of interfering with parking apparatus in the RT(P)R.

Coin Operated Parking Meters

17. Coin operated parking meters had been in use for charging parking fees before they were replaced by electronic parking meters in 1998. Electronic parking meters no longer accept payment by cash (i.e. coins) as it entails not only security concern but also significant manpower implications in the collection and counting of coins. Since the Government has no plan to accept cash payment again for use of metered parking spaces, we propose to repeal outdated provisions pertaining to using cash (including coins and bank notes) for payment of parking fees, as well as to parking cards and automatic vending machines which are no longer issued or in use.

Cessation of Refund Arrangements for E-Park Cards

18. During the period from 1998-99 to 2003-04, C for T authorised a contractor to issue e-Park cards as the only payment means for use of on-street card operated parking meters. Since 2003-04, e-Park card operated parking meters have been replaced by ones accepting Octopus card only; e-Park cards have since then ceased to be in use. Pursuant to regulation 12(7) of the RT(P)R, where a parking card is cancelled and returned pursuant to regulation 12(6) and that C for T is satisfied that the parking card has not been altered, defaced or damaged in any manner, C for T should refund the remaining value on the card concerned or issue another card in replacement of such card. E-Park cards are not reloadable, nor do they require any deposit. Some cardholders may have disposed of their cards or have no intention of claiming refund for their cards, especially when the residual values on individual cards are considered insignificant. Since there was no need for cardholders to register their personal particulars with TD, it is not possible for TD to remind e-Park cardholders to apply for refund.

19. Since 2004, TD has been processing refund applications for residual value on e-Park cards issued. As at 31 August 2019, there were over 1 million unredeemed e-Park cards, representing 8.7% of the total number of e-Park cards issued by TD¹⁰. In recent years, TD's contractor has only

¹⁰ There were once about 14 million e-Park cards in circulation.

received a small number of refund requests¹¹. The electronic readers which determine the residual values of individual cards are also approaching the end of their serviceable life, not to mention the administrative cost incurred by engaging the contractor to handle refund applications. Having considered the above, we consider it an opportune time to announce, through publicity efforts associated with the new generation of parking meters, that the Government will cease accepting refund applications for e-Park cards with effect from 1 January 2022. In other words, we propose to give about two years' time for holders of unredeemed e-Park cards to apply for refund if they so wish.

Maximum Fee

20. The current Maximum Fee at \$2 per 15 minutes has not been revised since 1994. Having taken into account a host of factors, including fee levels of public car parks operated by the private sector and other public bodies¹² such as the Hong Kong Housing Authority, the utilisation of on-street parking meters, the cumulative inflation rate since the last adjustment of parking fees and public acceptance, we originally intended to increase the Maximum Fee from \$2 to \$4 per 15 minutes with a view to increasing the turnover rate of on-street metered parking spaces and consulted the LegCo Panel on Transport ("the LegCo Panel") in 2018 accordingly.

21. In the light of the recent economic and social conditions in Hong Kong, we have proactively re-visited the proposed increase in Maximum Fee. To avoid increasing the financial burden of motorists and the transport trades, the Government has decided to withhold the proposed increase in the Maximum Fee.

¹¹ In the past five years (i.e. 2014 to 2018), only 129 refund applications were received and processed, involving a total of \$8,705.9.

¹² Based on a parking fee level survey conducted by TD in early 2018, the parking fee level for private cars of about 75% of public car parks operated by the private sector was set at a level higher than \$16 per hour (i.e. our originally proposed Maximum Fee). Effective from 1 January 2019, the parking fee level of parking spaces for private cars at car parks operated by the Hong Kong Housing Authority ranges from \$13 to \$34 per hour depending on the location. As regards car parks under TD's management, with effect from 1 June 2019, the hourly parking fee for private cars ranges from \$11 to \$23 depending on the location and time of parking (i.e. day time or night time).

Transitional Arrangements

22. Having regard to the system development, production and delivery schedule, as well as the manpower required for testing and installation of the new parking meters, the new generation of parking meters is scheduled for installation by phases over a span of around two years starting from the first half of 2020. Hence, the existing and new parking meters will be in operation concurrently for about two years. Transitional provisions are required to ensure that relevant traffic signs and other associated provisions relating to the existing parking meters remain in force during the transitional period.

THE BILL

23. The main provisions of the Bill are set out as follows -

- (a) **Clause 1** sets out the short title and provides for commencement of provisions;
- (b) **Clause 3** amends section 2 of the RTO by -
 - (i) amending the definitions of “parking meter” and “pay and display machine”;
 - (ii) repealing the definitions of “automatic vending machine” and “parking card”; and
 - (iii) adding the definition of “space sensor”;
- (c) **Clause 4** amends section 12 of the RTO mainly to empower C for T to approve the use of electronic means for paying parking fees;
- (d) **Clause 7** amends regulation 2(1) of the RT(P)R by -
 - (i) repealing the definitions of “approved card”, “card operated parking meter” and “coin operated parking meter”; and
 - (ii) adding the definition of “approved payment means”;
- (e) **Clause 9** repeals regulation 12 of the RT(P)R which relates to parking cards only;
- (f) **Clause 10** adds new regulation 12AA to the RT(P)R to provide that no refund may be made to a person under regulation 12(7) or (9) unless the person -
 - (i) returns the parking card pursuant to regulation 12(6) by 31 December 2021; or
 - (ii) surrenders the parking card and applies for the refund under regulation 12(8) by 31 December 2021;

- (g) **Clause 11** substitutes regulation 12A of the RT(P)R to empower C for T to approve the use of electronic means for paying parking fees;
- (h) **Clause 13** amends regulation 12D of the RT(P)R to -
 - (i) remove offences in relation to parking cards; and
 - (ii) create an offence in relation to use for paying parking fees by approved payment means that have been interfered with, altered or damaged;
- (i) **Clause 15** adds new regulation 13A to the RT(P)R to create an offence against a person who -
 - (i) knowingly obtains unauthorised 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
 - (ii) without lawful authority or reasonable excuse, 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 tampers with the operation of an associated electronic system;
- (j) **Clause 17** substitutes Schedule 2 to the RT(P)R to reflect the change of the way of presentation of the Schedule;
- (k) **Clause 21** amends section 2 of the Fixed Penalty (Traffic Contraventions) Ordinance (Cap. 237) by -
 - (i) repealing the definitions of “approved card”, “card operated parking meter”, “coin operated parking meter”, “parking card” and “temporary parking space”;
 - (ii) replacing the definitions of “parking fee”, “parking meter”, “parking place” and “parking space”; and
 - (iii) adding the definition of “approved payment means”; and
- (l) **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 -
 - (i) repealing items (14) and (18); and
 - (ii) substituting items (15) and (19).

LEGISLATIVE TIMETABLE

24. The legislative timetable will be -

Publication in the Gazette	15 November 2019
First Reading and commencement of Second Reading debate	27 November 2019
Resumption of Second Reading debate, committee stage and Third Reading	To be notified

IMPLICATIONS OF THE PROPOSAL

C 25. The environmental, sustainability and financial implications of the proposal are set out in Annex C. The proposal is in conformity with the Basic Law, including the provisions concerning human rights, and will not affect the current binding effect of the RTO and its subsidiary legislation. It does not have any civil service, economic, family, gender or productivity implications.

PUBLIC CONSULTATION

26. We consulted the LegCo Panel on 19 January 2018 on the introduction of a new generation of parking meters, the associated legislative amendments and the funding proposal. While Members generally supported the replacement of existing parking meters and the proposed functions of new parking meters, they objected to the proposed increase in the Maximum Fee for use of on-street metered parking spaces (our proposal then was set at \$4 or \$5 per 15 minutes). Having taken into account Members' views and the recent economic situation in Hong Kong, we have decided to withhold the proposed fee adjustment.

PUBLICITY

27. A press release will be issued on 15 November 2019. A spokesperson will be available to handle media enquiries.

28. In addition, TD will arrange wide publicity prior to the installation of the first batch of new parking meters to introduce and demonstrate the operational arrangements of the new parking meters, including making payment of parking fees and checking the occupancy status of metered parking spaces through the mobile application. TD will also announce that refund arrangements for e-Park cards will cease with effect from 1 January 2022, along with details about the refund arrangements and refund outlets.

ENQUIRIES

29. Any enquiries on this brief can be addressed to Ms Shirley Kwan, Principal Assistant Secretary for Transport and Housing (Transport), at 3509 8192.

Transport and Housing Bureau
13 November 2019

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.

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”.

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”.

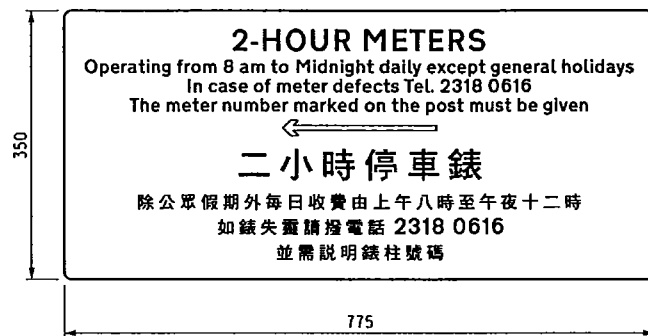
(3) Schedule 1—

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.

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.

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)).”.

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).



Outlook of the New Parking Meters

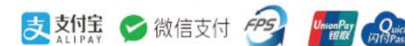
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Road Traffic Legislation (Parking Spaces) (Amendment) Bill 2019

Implications of the Proposal

Environmental and Sustainability Implications

The proposal should have positive environmental and sustainability implications as the installation of the new generation of parking meters will help, through dissemination of real-time vacancy information of metered parking spaces at different locations, to reduce traffic and air pollutants generated by vehicles circulating on roads waiting for car parking spaces. It would also help alleviate road traffic congestion, reduce the commuting time for road users and enhance road safety. The new parking meters will be fitted with solar panels as auxiliary power sources to alleviate the reliance on rechargeable batteries, thus helping reduce consumption of electricity from the grid.

Financial Implications

2. TD has already secured \$304 million for the procurement of a total of 12 300 new-generation parking meters¹. Separately, the management, operation and maintenance of the new generation of parking meters, as well as the engagement of FCPs for processing and accepting the parking fees paid, are expected to incur a recurrent expenditure of roughly \$52 million per annum. At present, the Road Traffic Ordinance (Cap. 374) allows direct deduction of related expenditure incurred under the parking meter management agreement from the revenue of parking fees. The relevant recurrent costs will be directly deducted from the parking fees collected.

3. We expect that the implementation of a new generation of parking meters (with 2 300 additional parking meters to be installed on top of replacement of the existing ones) will generate additional government revenue, though it would not be possible to give a precise estimate on the quantum at this juncture as it depends on the utilisation of the on-street metered parking spaces.

¹ The new parking meters are for full replacement of existing parking meters and provision of additional ones at suitable locations which are currently not metered. A total of 12 000 meters will be installed on streets, with the remaining 300 serving as back up for maintenance and testing purposes.