

LEGISLATIVE COUNCIL BRIEF

Resolutions of the Legislative Council

Housing (Traffic Contraventions) (Fixed Penalty) Bylaw (Cap. 283C)

INTRODUCTION

Arising from the planned relocation of the Treasury (situated at the Wan Chai Government Offices Compound), the postal address ^{Note 1} currently used by the Treasury will be changed. The Government proposes to amend the Housing (Traffic Contraventions) (Fixed Penalty) Bylaw (Cap. 283C) to take forth of this change. The postal address of the Treasury for payment of fixed penalty by post is currently specified in the payment instructions in both Forms 1 and 2 of Schedule 3 to Cap. 283C. We will update the payment instructions for the fixed penalty set out in the prescribed forms so that the postal address of the Treasury will not be specified. In turn, the Treasury's hotline and homepage will be added to the payment instructions to facilitate the public to ascertain the Treasury's postal address. The proposed amendments will take effect from 1 October 2023.

BACKGROUND

2. A notice of fixed penalty in relation to traffic contravention ("Fixed Penalty Tickets") may be issued under Housing (Traffic Contraventions) (Fixed Penalty) Bylaw (Cap. 283C). Currently, persons involved in such

Note 1: The current postal address is P.O. Box No. 28000, Gloucester Road Post Office, Hong Kong.

traffic contraventions may pay the fixed penalty prior to the commencement of court proceedings by any of the means specified in the above bylaw and the Fixed Penalty Tickets specified therein.

3. Section 9(1) of Cap. 283C provides that a person who receives a notice in Form 1 or 2 in Schedule 3 may pay the fixed penalty within the period of time stated in the notice. The means of payment include —

- (a) by post addressed to the Treasury;
- (b) personally or through the person's agent at a counter of any post office other than a mobile post office;
- (c) through any automated teller machine of a bank;
- (d) by phone by using the service commonly known as PPS;
- (e) through the Internet; or
- (f) through the phone-banking service provided by a bank.

JUSTIFICATIONS

4. In light of the planned relocation of the Treasury (situated at the Wan Chai Government Offices Compound) tentatively in October 2023, the Treasury will cease using P.O. Box of Gloucester Road Post Office as postal

address. In fact, the amendments of postal address to Treasury's hotline and homepage have already been enacted in the payment instructions on fixed penalty notice under Fixed Penalty (Smoking Offences) Regulation (Cap. 600A) and Product Eco-responsibility (Plastic Shopping Bags) (Regulation) (Cap. 603A). The proposed legislative amendments to Cap. 283C are in consistent with them.

RESOLUTION

5. By virtue of Section 30(1) of the Housing Ordinance (Cap. 283), HA is empowered to make bylaws to provide for, among others, the control of the use of vehicles within its estates (Section 30(1)(g)) and the control of access by vehicles to, and the regulation of parking of vehicles on, restricted roads (Section 30(1)(ga)), and to provide for a fixed penalty to be payable for contravention of bylaws made under subsection (1)(g) or (ga) and for the recovery of such fixed penalty (Section 30(3)). Section 30(2) of Cap. 283 provides that bylaws made by the HA shall be subject to the approval of the Legislative Council ("**LegCo**").

6. The payment instructions specified in Forms 1 and 2 of Schedule 3 to Cap. 283C shall be amended such that the Treasury's current postal address will be replaced by its hotline and homepage to facilitate the public to ascertain the Treasury's postal address. The resolution is at **Annex**.

LEGISLATIVE TIMETABLE

7. The Secretary for Housing will move a motion at the LegCo meeting on 17 May 2023 for approval of the resolutions by positive vetting.

8. Taking into account the time required to complete the legislative procedures and to print and distribute the revised Fixed Penalty Tickets to frontline officers, we propose that the new amendments take effect on 1 October 2023.

IMPLICATIONS OF THE PROPOSAL

9. The proposed amendment has no economic and financial implications. It has no other sustainability implications and no civil service, environmental, competition, productivity, family and gender implications. The proposal is in conformity with the Basic Law, including the provisions concerning human rights. It will not affect the current binding effect of Cap. 283C.

CONSULTATION

10. Regarding the update on payment instructions by replacing the postal address with Treasury's hotline and homepage, we consider it simple and straight-forward. No consultation will be arranged for the legislative amendments.

PUBLICITY

11. A Government spokesperson will be available to answer media enquiries.

ENQUIRIES

12. Any enquiries concerning this brief can be directed to Ms AU Mo-ching, Katherine, Chief Manager/Management (Support Services Section 2) of the Housing Department, at 2761 5530.

Housing Department

Housing Bureau

April 2023

Housing (Traffic Contraventions) (Fixed Penalty) (Amendment) Bylaw 2023

(Made by the Housing Authority under section 30 of the Housing Ordinance (Cap. 283) subject to the approval of the Legislative Council)

1. Commencement

This Bylaw comes into operation on 1 October 2023.

2. Housing (Traffic Contraventions) (Fixed Penalty) Bylaw amended

The Housing (Traffic Contraventions) (Fixed Penalty) Bylaw (Cap. 283 sub. leg. C) is amended as set out in section 3.

3. Schedule 3 amended (Hong Kong Housing Authority)

(1) Schedule 3, heading—

Repeal

“Hong Kong Housing Authority”

Substitute

“Forms”.

(2) Schedule 3, Form 1, payment instructions, paragraph 1(c), Chinese version—

Repeal

“(URL 位址 : <http://www.try.gov.hk>)”

Substitute

“<https://www.try.gov.hk>”.

(3) Schedule 3, Form 1, payment instructions, paragraph 1(c), English version—

Repeal

“Treasury’s website (URL address: <http://www.try.gov.hk>)”

Substitute

“the Treasury’s website <https://www.try.gov.hk>”.

(4) Schedule 3, Form 1, payment instructions, paragraph 1(d), Chinese version—

Repeal

“香港告士打道郵政局信箱 28000 號(註明庫務署為收件人)”

Substitute

“庫務署指定的郵政局信箱”.

(5) Schedule 3, Form 1, payment instructions, paragraph 1(d), Chinese version, after “繳款的日期。”—

Add

“如欲查詢庫務署指定的郵政局信箱資料，請致電庫務署熱線：2845 8866 或瀏覽庫務署網站 <https://www.try.gov.hk>”.

(6) Schedule 3, Form 1, payment instructions, paragraph 1(d), English version—

Repeal

“Treasury, P.O. Box No. 28000, Gloucester Road Post Office, Hong Kong”

Substitute

“post office letter box designated by the Treasury”.

(7) Schedule 3, Form 1, payment instructions, paragraph 1(d), English version, after “the date of payment.”—

Add

“For information on the post office letter box designated by the Treasury, please call the Treasury’s Hotline: 2845 8866 or visit the Treasury’s website <https://www.try.gov.hk>.”

- (8) Schedule 3, Form 1, payment instructions, paragraph 1(e), Chinese version—

Repeal

“其網站(URL 位址：<https://www.hongkongpost.hk>)”

Substitute

“香港郵政網站 <https://www.hongkongpost.hk>”.

- (9) Schedule 3, Form 1, payment instructions, paragraph 1(e), English version—

Repeal

everything after “call” and before “This”

Substitute

“the Hongkong Post’s Hotline: 2921 2222 or visit the Hongkong Post’s website <https://www.hongkongpost.hk>.”

- (10) Schedule 3, Form 1, payment instructions, paragraph 1(f), Chinese version—

Repeal

“(URL 位址：<http://www.try.gov.hk>)”

Substitute

“<https://www.try.gov.hk>”.

- (11) Schedule 3, Form 1, payment instructions, paragraph 1(f), English version—

Repeal

“Treasury’s website (URL address: <http://www.try.gov.hk>)”

Substitute

“the Treasury’s website <https://www.try.gov.hk>”.

- (12) Schedule 3, Form 2, payment instructions, paragraph 1(c), Chinese version—

Repeal

“(URL 位址：<http://www.try.gov.hk>)”

Substitute

“<https://www.try.gov.hk>”.

- (13) Schedule 3, Form 2, payment instructions, paragraph 1(c), English version—

Repeal

“Treasury’s website (URL address: <http://www.try.gov.hk>)”

Substitute

“the Treasury’s website <https://www.try.gov.hk>”.

- (14) Schedule 3, Form 2, payment instructions, paragraph 1(d), Chinese version—

Repeal

“香港告士打道郵政局信箱 28000 號(註明庫務署為收件人)”

Substitute

“庫務署指定的郵政局信箱”.

- (15) Schedule 3, Form 2, payment instructions, paragraph 1(d), Chinese version, after “繳款的日期。”—

Add

“如欲查詢庫務署指定的郵政局信箱資料，請致電庫務署熱線：2845 8866 或瀏覽庫務署網站 <https://www.try.gov.hk>。”

- (16) Schedule 3, Form 2, payment instructions, paragraph 1(d), English version—

Repeal

“Treasury, P.O. Box No. 28000, Gloucester Road Post Office, Hong Kong”

Substitute

“post office letter box designated by the Treasury”.

- (17) Schedule 3, Form 2, payment instructions, paragraph 1(d), English version, after “the date of payment.”—

Add

“For information on the post office letter box designated by the Treasury, please call the Treasury’s Hotline: 2845 8866 or visit the Treasury’s website <https://www.try.gov.hk>.”.

- (18) Schedule 3, Form 2, payment instructions, paragraph 1(e), Chinese version—

Repeal

“其網站(URL 位址 : <https://www.hongkongpost.hk>)”

Substitute

“香港郵政網站 <https://www.hongkongpost.hk>”.

- (19) Schedule 3, Form 2, payment instructions, paragraph 1(e), English version—

Repeal

everything after “call” and before “This”

Substitute

“the Hongkong Post’s Hotline: 2921 2222 or visit the Hongkong Post’s website <https://www.hongkongpost.hk>.”.

- (20) Schedule 3, Form 2, payment instructions, paragraph 1(f), Chinese version—

Repeal

“(URL 位址 : <http://www.try.gov.hk>)”

Substitute

“<https://www.try.gov.hk>”.

- (21) Schedule 3, Form 2, payment instructions, paragraph 1(f), English version—

Repeal

“Treasury’s website (URL address: <http://www.try.gov.hk>)”

Substitute

“the Treasury’s website <https://www.try.gov.hk>”.

Chairman,
Housing Authority

2023

Explanatory Note

This Bylaw amends Schedule 3 to the Housing (Traffic Contraventions) (Fixed Penalty) Bylaw (Cap. 283 sub. leg. C) to update, for payment by post, the payment instructions as set out in Forms 1 and 2 in that Schedule. This Bylaw also makes other minor amendments to that Schedule.