

Legislative Council Secretariat
Hong Kong Special Administrative Region

Subcommittee on Two Proposed Resolutions under the Fixed Penalty (Traffic Contraventions) Ordinance and the Fixed Penalty (Criminal Proceedings) Ordinance

Recommendation

Civic Exchange, an independent think-tank which conducts research on the urban environment and low-carbon transport, supports these two proposed resolutions to increase penalties for traffic and parking-related offenses. These illegal behaviours add to roadside emissions and air pollution, which causes health problems like asthma and lung disease. The current fines of HK \$320 to HK \$450 are simply not high enough to be a deterrent to behaviours to harm our broader population.

These violations also cause inconvenience to average pedestrians, discouraging healthy activities like walking, which we should be promoting. In a city that is already polluted and crowded, traffic violations must be strictly controlled.

The violations listed in these two proposed resolutions include chauffeured cars dropping off or picking up passengers in restricted zones (and often idling there in the process); delivery vans loading goods in restricted zones; illegal U-turns; stopping in zebra crossings meant to protect pedestrians; and blocking areas set aside for public transport like buses, minibuses or taxis.

Even with the proposed increases, the maximum penalty would be HK \$480-\$680, which is a token amount, given that most violators are either private car owners, or delivery vehicles linked to for-profit businesses.

Civic Exchange sees the measures proposed today as an initial and long overdue step. Simply increasing fines will not adequately control illegal behaviours on Hong Kong's crowded roads; but it is a start. The government should pass these resolutions, and supplement them with other measures.

Key Points

1. Current penalties for congestion-causing offenses, ranging from HK \$320 to HK \$450, have not been adjusted since 1994. Even if the resolutions discussed today are approved, with fines going up to HK \$480 to \$680 on 1 June 2018, that would mean only one increase in 25 years. (And if they are rejected, that will mean no movement on this issue for a quarter century).
The rise in these traffic fines does not keep up with the rise in median Hong Kong household income, which increased 70% from 1994 to 2016,¹ much less address the unsustainable rate at which private car ownership and downtown congestion are increasing.
2. The Legislative Council's background brief on these proposals (LC Paper No. CB(4)675/16-17(01))² specifically mentions "road traffic congestion caused by

¹ <http://www.censtatd.gov.hk/hkstat/sub/sp150.jsp>

² http://www.legco.gov.hk/yr16-17/english/hc/sub_leg/sc106/papers/sc10620170321cb4-675-1-e.pdf

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drivers who parked illegally to pick up/set down their bosses in certain busy areas, in particular Central.”

Civic Exchange supports the proposed increases. However, as a fine for idling while illegally picking up or dropping off a passenger, an increase of \$230 alone may not deter an executive or luxury shopper in the Central financial district, where even an hour of valet parking can cost HK \$60. ³ Fine amounts need to reflect the reality of Hong Kong, where private cars are often seen as luxury items.

Some of the pushback on fine increases have focused on delivery vehicles; but the reality is that in 2016, the number of licensed private cars (536,000) far exceeded the number of licensed goods vehicles (112,352). ⁴

3. The other class of violators are goods vehicles. The LegCo background brief on this issue cited concerns that increased fines “might adversely affect the livelihood for professional drivers.” Civic Exchange fully sympathises with hired drivers who work during peak hours in a crowded city, often without adequate time or space. Delivery companies, property management and retail outlets need to work to find a solution so they operate within Hong Kong traffic laws, and pay hefty fines when they do not. The problem of managing deliveries should not be used as a reason to halt traffic-control measures overall.
4. Almost all major world cities face increased roadside pollution and illegal parking, so the Hong Kong government should be advised to look at overseas examples of how to fix these problems – for example, more aggressively towing illegally parked vehicles to deter violators with inconvenience, and not just fines. While the background brief on this issue mentions briefly that the Hong Kong Police “towed away illegally parked vehicles with caused serious obstruction,” it is clear that this measure must be taken regularly – and not just in emergencies.
5. Even if fines are raised in Hong Kong to a proposed maximum of HK \$680, they would still be lower than that of other major metropolises. In Singapore, fines for everything from road obstruction to illegal loading can reach S\$450 for heavier vehicles, or HK \$2,510. ⁵ In the City of London, a parking ticket may cost £130 ⁶ or HK \$1,292.
6. In December 2015, the Panel on Transport passed a motion opposing raising parking fines, with the argument that other initiatives needed to be considered first, like feasibility studies, e-pricing pilot schemes, increasing parking spaces, better enforcement, etc. Civic Exchange backs these other measures, but they are not mutually exclusive from raising fines; the government could very well do both. The government should not delay a modest raise in fines, while waiting to fix larger problems like car parks.

³ <http://ifc.com.hk/en/mall/parking/>

⁴ http://www.td.gov.hk/filemanager/en/content_4849/table41s.pdf

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https://www.onemotoring.com.sg/content/onemotoring/en/Ita_information_guidelines/modifications_and_v_ehoffences/vehicle_related_offences/listing_of_the_various.html

⁶ <https://www.cityoflondon.gov.uk/services/transport-and-streets/parking/penalty-charge-notice/Pages/Enforcement-and-penalty-charge-notices.aspx>

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Conclusion

The government's combination of low penalties and lax enforcement for illegal traffic behavior encourages reckless driving, which is safety issue for the 90% of Hong Kongers who regularly walk and use public transportation.

Illegally idling vehicles add to roadside pollution, causing health problems like asthma, lung disease and other forms of pulmonary distress.

On top of that, illegal parking and obstructions block up our already narrow roads, causing even more congestion for other drivers and deliveries. This creates a vicious cycle of vehicles being stuck in traffic or driving around looking for spaces. Ultimately, it punishes all drivers, including the majority of those who are law-abiding.

Civic Exchange highly recommends that the government approve the fine increases proposed today, on top of other traffic-controlling enforcement measures.

Civic Exchange also urges the government to track and quantify what practical outcomes these changes will have, so it can have the data needed to make evidence-based decisions on future traffic initiatives.

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