

EXECUTIVE SUMMARY

Direct Investigation

Effectiveness of Administration of Temporary Closure of Metered Parking Spaces during Road Works carried out by Public Utilities

Background

We noted from complaint cases that some metered parking spaces have been closed for periods much longer than actually necessary for the approved road excavation works. In view of the limited number of metered parking spaces and the high demand for such facilities, we consider that closure should be kept to the minimum.

2. Our preliminary examination showed some deficiencies in Transport Department's ("TD") and Highways Department's ("HyD") procedures and practices in the administration of temporary closure of metered parking spaces involving road excavation works. In late 2010 and early 2011, TD and HyD initiated some enhancement measures. However, there were still many cases of non-compliance. Hence, The Ombudsman initiated this direct investigation on 15 July 2011 to examine:

- (1) deficiencies in administering temporary closure of metered parking spaces during road excavation works carried out by public utilities;
- (2) effectiveness of the enhanced measures introduced by TD and HyD in 2010 and 2011 to monitor temporary closure of metered parking spaces during road excavation works carried out by public utilities; and
- (3) other measures, if any, for further improvement.

Procedures for Processing Application for Temporary Closure of Metered Parking Spaces

3. Utility undertakers ("UUs") which need to carry out road excavation works have to apply to HyD for excavation permits ("XPs"). HyD will assess whether the excavation works will have serious traffic impact and, if so, require UUs to submit temporary traffic management ("TTM") proposals to TD and the Hong Kong Police Force ("HKPF") for assessment and approval. If temporary closure of metered

parking spaces is required, the UU concerned should include such proposal in the TTM submission, and TD will comment on its acceptability. HyD will then determine the overall XP period, taking into account the TTM endorsed by HKPF and TD, and issue XP to the UU concerned.

4. With the overall XP period given, the UU concerned will liaise with TD on the period of closure of metered parking spaces before formally applying for the closure. TD will assess the acceptability of the proposal, taking into consideration various traffic factors and direct adjustments as required. Upon receipt of the formal application, TD will approve or modify the closure period where necessary, and issue a Works Request to its contractor to effect the closure.

Monitoring before September 2010

5. Prior to September 2010, there was no monitoring of UU's actual occupation of temporarily closed metered parking spaces. Although HyD conducted regular audit inspections on active sites to check their compliance with XP conditions, it did not cover any unnecessary closure of such parking spaces, as reflected in one of the four case studies of the investigation – **Case 1**, in which six parking spaces were closed for one month for road works that required only one week to complete.

Enhanced Measures introduced in 2010 and 2011

HyD's Audit Inspections

6. Starting from late September 2010, HyD agreed to notify TD of unnecessary closure of such parking spaces discovered during audit inspections on a trial basis.

TD's Interim Measure

7. In November 2010, as an interim measure, TD started to remind UUs of the need to report and to arrange re-opening of the parking spaces in case of late start of works by putting remarks to that effect in the Works Request copied to UUs.

TD's Routine Inspections

8. In February 2011, TD began to exercise some control over the implementation of temporary closure of metered parking spaces by monitoring UU's work progress through conducting routine site inspections shortly after the start of the closure period and periodically thereafter, in addition to HyD's audit inspections.

HyD's New XP Condition

9. In February 2011, HyD also promulgated the inclusion of a new condition in para. 26 (D) of the XP conditions requiring UUs to obtain TD's prior approval for occupying parking spaces for road works. This new condition also serves to remind UUs of their obligation to obtain TD's prior approval for temporary closure of such parking spaces to be affected by their road excavation works.

TD's New Approval Conditions

10. From 1 April 2011 onwards, TD started to issue formal approval letters with specified Approval Conditions to UUs for closure of metered parking spaces, requiring UUs to confirm to TD the scheduled start date of closure in advance, to inform TD in case of early completion of works and to submit updated site photos regularly to TD for checking work progress.

Case Studies

11. Four cases were studied, which illustrated the extent (sometimes more than three weeks) of unnecessary closure of metered parking spaces due to road excavation works. The nature of non-compliance included late start and/or early completion of works or cancellation of works without informing TD to re-open the parking spaces. **Case 1** occurred in 2009 when there was no monitoring on the subject. **Cases 2, 3** and **4** took place at different periods after introduction of the enhanced measures in 2010 and 2011.

Our Observations

Demand for Metered Parking Spaces

12. According to TD, the average utilisation rates¹ of metered parking spaces for Hong Kong, Kowloon and New Territories and in the busiest Districts of these three Regions during the period of August to November 2010 during weekdays and holidays were:

¹ This is the percentage ratio between the number of space-hours occupied and the total number of space-hours provided.

		Weekdays (%)	Holidays (%)
Hong Kong	Region	53.73	58.39
	Causeway Bay	71.30	75.88
Kowloon	Region	59.38	64.33
	Yau Ma Tei	79.57	73.58
New Territories	Region	37.95	47.06
	Tsing Yi	85.38	58.19

However, the actual utilisation rate in busy areas could be much higher, particularly in busy hours. Our recent site inspections at two busy locations of **Cases 1** and **4** of the case studies revealed much higher utilisation rates, ranging from 89.6% to 97.3%.

13. With a ratio of about one space to 35 licensed vehicles², the demand for metered parking spaces is very high, especially in busy locations and during busy hours. TD has the responsibility to keep the closure of such parking spaces to the minimum in order to reduce unnecessary inconvenience to drivers and wastage of public resources.

Monitoring after enhanced measures introduced

14. HyD's audit inspection (**para. 6**) on sites involving closure of metered parking spaces was a positive measure, resulting in cases of non-compliance being identified.

15. TD's interim measure (**para. 7**) was, however, not drawn to the attention of all UUs. After the introduction of the measure, parking spaces were still found to be closed unnecessarily due to late start of road works, as reflected in **Case 2**.

16. Regarding TD's new Approval Conditions (**para. 10**), the consequence of non-compliance with the requirements of informing TD about early completion of works and submitting regular site photos was unclear. We consider it necessary for TD to spell out the consequence, whether by refining its Approval Conditions or by otherwise conveying the message to UUs.

17. TD's monitoring of the UU's work progress after implementation of the enhanced measures remained unsatisfactory. As shown in **Case 4**, the UU did not comply with the Approval Conditions in submitting updated site photos but TD failed to discover this. We consider it important for TD to check closely the submission of site photos by UUs. If necessary, TD should consider setting up a computerised database for this purpose.

² According to TD, as at September 2011 there were 18,008 metered parking spaces and 624,438 licensed vehicles in Hong Kong.

Approval of Duration of Closure

18. **Cases 1, 2 and 3** were typical cases involving “late start” and “early completion” of works without informing TD to re-open the parking spaces. Also, actual works took only 7 days to complete versus 31 days approved for temporary closure of parking spaces in **Case 1**, 15 versus 43 days in **Case 2** and 18 versus 94 days in **Case 3**. This suggested that TD’s approval for estimated time required for closure was over-generous.

Magnitude of Problem

19. The magnitude of the problem is unknown, as TD all along did not conduct checks on UU’s actual occupation of the closed metered parking spaces until February 2011. Besides, before November 2010, UUs were only verbally requested to report changes of commencement/completion date of the works, which could again be made verbally. Also, TD kept no statistical records of non-compliance cases. As a result, the situation of non-compliance so far discovered may be just the tip of the iceberg. TD should continue to review the situation regularly to see if further measures are necessary to tackle the problem.

Action against UU for Non-Compliance

20. TD indicated that, upon identification of any non-compliance of the Approval Conditions, it will liaise with the UU concerned for swift rectification. If the UU fails to rectify promptly without a valid justification, TD will consider withdrawing the approval given.

21. We note that no approval given to UUs was ever withdrawn. We also note that there was a rebound in the number of non-compliance cases since April 2011. In view of this, we consider it necessary for TD to review the situation regularly, say, half yearly, to see if further measures are necessary.

Role of HyD

22. HyD recently indicated its intention to stop checking compliance following TD’s implementation of its Approval Conditions since 1 April 2011. In this regard, we note that the majority of the non-compliance cases were identified through HyD’s audit inspections. We also note that audit inspections involving closed parking spaces only constitute about 1.37% of HyD’s total audit inspections carried out from October 2010 to September 2011. In the circumstances, and having regard to HyD’s overall coordinating role in the XP system, we consider it cost-effective for HyD to

continue to report to TD non-compliance of TD's new approval conditions, at least until TD's monitoring measures have shown to be fully effective.

Recommendations

23. The Ombudsman has made six recommendations as follows:

- (1) HyD to continue conducting audit inspections on sites involving temporary closure of metered parking spaces and reporting non-compliance to TD, until TD's monitoring measures have shown to be fully effective (**para. 22**);
- (2) TD to emphasise to UUs, by refining the contents of the Approval Conditions or otherwise, the importance of:
 - (a) submitting site photos on time and the consequences of non-compliance (**para. 16**); and
 - (b) informing TD of "early completion" of works and the consequences of non-compliance (**para. 16**);
- (3) TD to check closely the submission of site photos by UUs and, if necessary, to set up a computerised database for this purpose (**para. 17**);
- (4) TD to keep statistical records and details of non-compliance cases (**para. 19**);
- (5) TD to review the situation of non-compliance at half yearly intervals to see if any further measures are necessary (**paras. 19 and 21**); and
- (6) TD to enhance its assessment of the time required for closure of parking spaces (**para. 18**).

Office of the Ombudsman
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