

Code of Practice (CoP)
for
Automated Dockless Bicycle Rental Services

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FOREWORD

The Government's transport policy is to promote the use of public transport and to reduce reliance on private cars. At the same time, the Government endeavours to foster a **“bicycle-friendly” environment in new towns and new development areas in Hong Kong**; promote cycling as a green mode for short-distance commuting where road safety permits and practicable; promote walking and cycling as “first mile” and “last mile” connection between public transport stations and living places or offices, thereby minimising the need for mechanised transport and reducing vehicle emissions.

In this regard, **automated dockless bicycle rental services (ADBRS)¹**, if being operated properly, is conducive to promoting the policy objective of “green commuting”. The role of Government is to facilitate **ADBRS to operate in responsible, self-regulatory and sustainable manners in new towns and new development areas**. In any case, ADBRS should work for everyone without imposing any negative impact or causing dangers to other road users.

On the other hand, owing to road safety considerations, coupled with the fact that there are no comprehensive cycle tracks nor on-street cycle parking spaces in the urban areas of Hong Kong, the Government has all along been adopting a prudent approach and does not encourage the public to use bicycles as a mode of commuting on busy roads in the urban areas. While Metro area has similar traffic characteristic to urban areas, the operation of **ADBRS at Metro area is not supported either**. The boundary of Metro area may refer to **Annex A**, which is subject to changes based on stakeholders' comments.

This Code of Practice (“Code”) provides guidelines on operating ADBRS in Hong Kong.

¹ Since mid-April 2017, several private operators have launched automated bicycle rental services in Hong Kong, in the name of “bicycle-sharing”, whereby customers may rent and return bicycles anywhere on a self-service basis through smartphone applications. There is no fundamental difference in the nature of this business from that of conventional bicycle rental businesses, only that the operators adopt a different mode of operation.

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1 GLOSSARY

1.1 For this Code, the following glossary of terms applies:

“Automated Dockless Bicycle Rental Services (ADBRS)” means services allow customers to rent and return bicycles anywhere on a self-service basis through invoking smart phone application programs, except the services requesting customers to rent and return bicycles at fixed locations on non-government land .

“Danger” means the possibility of harm or death to someone or damage to property

“the Government” means the Government of the Hong Kong Special Administrative Region

“Joint Clearance Operation” means joint actions conducted by Government Departments including District Lands Offices, the Transport Department, the Hong Kong Police Force and the Food and Environmental Hygiene Department so as to clear the black spots of illegally parked bicycles or misplaced articles

“Nuisance” means something or someone that annoys or causes trouble to the public

“Obstruction” means something, which may be the parking of bicycle(s), blocking or affecting the free use of the Road, or extensively occupying any other public land which is not designated for the parking of bicycles

“Operator(s)” means any company(ies) having company registration and/or business registration with an office in Hong Kong operating or

planning to operate ADBRS on Roads

“Road”

includes every highway, thoroughfare, street, lane, alley, court, square, car park, passage, path, way and place to which the public have access either continuously or intermittently

2 OBJECTIVES

- 2.1 Operation of ADBRS, if not properly conducted, may cause Danger/Nuisance/Obstruction. It is the duty of the Operators to avoid the operation of ADBRS from imposing any negative impact or causing Danger/Nuisance/Obstruction to other road users.
- 2.2 On this, the Operators should deliver a responsible, self-regulatory and sustainable service in existing new towns and new development areas of Hong Kong.
- 2.3 This Code sets out the operational and safety requirements that Operators are expected to adhere to. It intends to provide a standard of good practice for operating ADBRS.
- 2.4 This Code will be reviewed and updated regularly so that it continues to reflect the best practice to the interests of the public in Hong Kong.
- 2.5 This Code also outlines the existing legal and regulatory framework, which Operators must observe and comply with at all times. The Government may take enforcement action (see Section 10 of this Code) or necessary legal proceedings against any Operator failing to follow this Code.
- 2.6 This Code is applicable to all Operators.

3 GENERAL RULE

- 3.1 Any Operator running ADBRS in Hong Kong must comply with all prevailing applicable laws and regulations in Hong Kong as well as the requirements of this Code.
- 3.2 Operators are encouraged to sign a **Memorandum of Understanding (MoU)** with the Government to the effect that they are committed to complying with this Code. It must be noted, however, that signing the MoU does not relieve the Operators' responsibility to comply with all applicable prevailing laws and regulations.
- 3.3 Operators should terminate their operations and remove all bicycles as soon as possible when requested by the Government's representative in the MoU (ie the Transport Department), if Operators are found failing to comply with the requirements of this Code frequently without improvement.

4 UPKEEP OF BICYCLES

- 4.1 Road safety is the primary concern and the operation of ADBRS should be conducted safely, to avoid causing Danger/Nuisance/Obstruction to other road users. Without limitation, Operators should meet the requirements listed out in this Code.
- 4.2 Operators must ensure that their bicycles comply with the requirements stipulated in the **Road Traffic (Construction and Maintenance of Vehicles) Regulations (Cap 374A)**. Details are listed out at Clause 10.4 of this Code. In order to fulfill the requirements as set out in prevailing applicable laws and regulations, annual full service check should be conducted for every bicycle. Besides, conditions of bicycles should be closely and continuously monitored and repairs should be taken place regularly throughout the period of service, or whenever necessary.
- 4.3 Pursuant to the **Road Traffic (Traffic Control) Regulations (Cap 374G)**, no person shall ride a bicycle on a road during the hours of darkness or in poor visibility conditions unless he shows a white light at the front and a red light at the rear. Operators should provide the necessary lighting equipment in compliance with this requirement for cycling during the hours of darkness or in poor visibility conditions.

- 4.4 Operators should make sure each of the bicycles has an individually identifiable number to enable their customers, members of general public and the Government Officers to easily report any damaged or unsafe or malfunctioned bicycles.
- 4.5 Operators should remove bicycles from site under the following conditions within the prescribed response time:
- **When a Danger or Obstruction is considered / reported being caused by a bicycle**, the bicycle should be removed within three hours under normal circumstances, or within the response time required by the relevant enforcement departments, whichever is quicker.
 - **When a Nuisance is considered / reported being caused by a bicycle**, this bicycle should be removed within 24 hours.
 - After removal of the bicycles, Operators should take site photo(s) and submit to the concerned department for record purpose.
- 4.6 Operators should proactively clean their bicycles and remove including but not limited to, litter, filth, refuse, offensive graffiti, and biohazardous materials.
- 4.7 In case of ending of service, any bicycles which are not collected will be retrieved by the Government and will be recycled, with associated cost to be charged to the operators if appropriate.

5 CUSTOMER SERVICES AND EDUCATION

- 5.1 Operators should provide 24-hour communication channels to ensure that the Operators can be notified of the situations mentioned in Section 4.5 of this Code as soon as possible. These channels should include a telephone hotline and/or other communication channels via mobile phone application. These communication channels shall be clearly shown on the Operators' website, mobile applications and bicycles. During business hours, customer enquiries and complaints should be directly answered by the Operators' staff. On the other hand, a phone menu should be available for recording enquiries and complaints outside business hours, when the enquiries and complaints were not answered by the Operators' staff directly. Such enquiries and complaints shall be followed up promptly on the following day.

5.2 Operators should publish a complaints handling procedure in English and Chinese which should be clearly shown on their company website and mobile applications. The procedure should include, but not limited to, the following:

- Detail the process including contact details for making a complaint;
- Pledge a timeframe which the Operator will endeavor to resolve the complaint, including the timeframe to notify the complainant about the progress or status of the complaint.

5.3 Operators should clearly list out the terms and conditions in English and Chinese for using their bicycles, via their websites and mobile applications. They should be easily accessible by customers for acceptance and :

- To guide customers on the appropriate use of bicycles, including where bicycles can and cannot be parked;
- Emphasize the key elements including parking restrictions (consideration should be given to alert customers regarding compliance with exclusion zones, no parking zones, blackspots, etc.), incentive schemes for adhering to good bicycle parking practices and penalties for non-compliance;
- Provide general advice on Operators' mobile applications and websites to promote safe and lawful cycling in Hong Kong. This should include, but not limited to, guidance on:
 - No cycling on footpath;
 - Following traffic signs and road marking on cycle track;
 - Parking at non-designated bicycle parking space on public street with street lighting system provided is unlawful;
 - Cycling recklessly or carelessly is unlawful;
 - Safe cycling tips.
- Provide information for “frequently asked questions” on Operators' websites and mobile applications.

6 OPERATIONS

- 6.1 ADBRS should be operated without causing disruptions to members of general public and owners of private lands. The deployment or use of automated rental bicycles, irrespective of individually and collectively, should not cause nuisance nor obstruction, and should not restrict nor affect the members of general public to enjoy the public facilities, and affect the rights of private land owners.
- 6.2 In order to avoid excessive deployment of bicycles, Operators should limit their number of bicycles deployed on public streets and areas to not more than the average of the maximum five (5) numbers of daily trips² in the last 30 consecutive calendar days. Operators should closely monitor their number of deployed bicycles, and retrieve the excessive bicycles as soon as possible under normal circumstances. However, the retrieval time of the excessive bicycles should not be longer than 7 calendar days in any circumstance.
- 6.3 Operators should have dedicated place(s) for storage of their bicycles for maintenance, temporary storage during low usage durations, etc. Information of storage location(s) should be shared with the Government.
- 6.4 Operators should not deploy any bicycle at Metro area of Hong Kong where no comprehensive cycling facilities are provided, and should set the Metro area as bicycle parking prohibition zone in their mobile applications. Operators should also remove any bicycles left by their customers at Metro area.
- 6.5 Operators should keep track of the locations of each of their bicycles in real time in their computer system. Operators should be proactive in the redistribution their bicycles according to demand with a view to avoiding any prolonged idling of bicycles.
- 6.6 Operators should closely monitor the bicycle conditions by site patrolling, and identify and rectify any bicycles that have fallen over, and may pose a safety hazard to members of general public. A site safety check should be conducted and completed before 3 hours of the typhoon no 3 or black rainstorm warning is hoisted.

² Only trips with distance longer than 100m will be counted to eliminate any factors leading to inaccuracy.

- 6.7 Operators should make use of Information Technology to avoid obstruction because of their bicycles being temporarily left in pre-designated non-stopping areas such as fire escapes, vehicles access points, school entrances, footpaths, etc. Operators should closely monitor these pre-designated non-stopping areas, provide message to their customers via their mobile applications if they park the bicycles at or near these pre-designated non-stopping areas, or even restrict their customers from parking the bicycles at these areas.
- 6.8 Operators should remove their bicycles within specified period of time when required by the Police or other Government Departments under, but not limited to, the following circumstances:
- To cater for major incidents and/or emergency services;
 - To cater for planned events as instructed by Government Departments;
 - To avoid over clustering of bicycles, for examples around or near public transport interchanges and railway stations during peak hours.
- 6.9 Operators must ensure the lawful loading and unloading of bicycles by their staff/agent who should be well trained and fully aware of the locations where bicycles may and may not be parked.
- 6.10 Operators should have dedicated team(s) to monitor, patrol, handle complaints and carry out maintenance for their deployed bicycles and provide the Government Departments with contact person or persons (with the telephone numbers), who can be approached directly and immediately at all time, and who will have the authority and resources to rectify any problems or foreseeable problems induced by mis-placed or illegally parked bicycles owned by the Operators.

7 PARKING OF BICYCLES

- 7.1 Operators must comply with relevant legislation related to parking as listed in Section 10.1 of this Code. On this basis, Operators must not deploy their bicycles at any places other than designated bicycle parking places.
- 7.2 Operators should facilitate their customers to return their bicycles at designated bicycle parking places by all necessary means, including, but not limited to, introducing parking restrictions, incentive schemes for good bicycle parking practices and penalties for non-compliance etc.

8 DATA EXCHANGE

- 8.1 Operators should share with the Government the necessary operation data in agreed format such as data files or by means of portals or dashboards, including but not limited to, number of registered users, fleet size, distribution and re-distribution, bicycle locations, information regarding damaged and lost bicycles and anonymised trip data in GIS format or any other format as agreed for monitoring and analysis purposes. No personal data would be collected by the Government. The raw data as provided by individual Operator shall be kept strictly confidential by the Government. Hence, the Government would not share individual Operator's data to other Operators. However, in public interest the Government may publish the statistical results by processing and analysing the raw data.
- 8.2 The Government may, at its discretion, share with the Operators spatial information of public cycling facilities and other unrestricted information to facilitate the Operators to improve their services. The Operators must not share nor release the information from the Government to other parties without the prior permission of the Government.
- 8.3 Operators must share data/information with the Police and other law enforcement authorities if bicycles are suspected of being illegally used.
- 8.4 In accordance with data protection legislation, all personal data must be handled lawfully. Operators must take all necessary and appropriate security measures to avoid unauthorized access to, or alteration, disclosure, accidental loss or destruction of, personal data.
- 8.5 Operators should share with the Government the deployment plan (following the guidelines in Section 6 and paragraph 7.1 above) in the coming 6 months by the end

of March, June, September and December. The operators must seek written approval from the Government for expansion of their fleet size beyond the deployment plan.

9 CONSULTATION

9.1 Prior to launching ADBRS, Operators should consult all other relevant stakeholders including, but not limited to, District Councils, on which districts the ADBRS is proposed to operate or whose premises may be affected by their services.

9.2 Operators should consider the benefits of consultation during operation, with the public, private landowners, District Councils, and other stakeholders likely to be affected by the service. This should include (without limitation):

- Communicating the general nature of the service;
- Explaining the scope, for instance the number of bicycles involved and the geographical area in which they may be used.

10 ENFORCEMENT

10.1 Operators must comply with the laws in Hong Kong, especially the following prevailing Ordinances related to parking and construction of bicycles:

- According to the **Summary Offences Ordinance (Cap 228)**, any person who without lawful authority or excuse sets out or leaves, or causes to be set out or left, any matter or thing which obstructs, inconveniences or endangers, or may obstruct, inconvenience or endanger, any person or vehicle in a public place shall be liable to a fine of \$25,000 or to imprisonment for 3 months. In addition, the Cap 228 also empowers the Commissioner of Police to remove the obstruction.
- According to the **Lands (Miscellaneous Provisions) Ordinance (Cap 28)**, the Government will take possession of property and remove it from the unleased land, if occupation of unleased land does not cease as required by a notice.
- According to the **Road Traffic (Parking) Regulations (Cap 374C)**, no person shall park a vehicle on any road on which there is a system of street lighting furnished by means of lamps not more than 200m apart other than in a parking

place. In addition, any person who contravenes the above regulation commits an offence and is liable to a fine of \$2,000.

10.2 The Government has all along been concerned about the illegal parking of bicycles and prolonged occupation of public bicycle parking spaces by bicycles. Departments will arrange clearance operations according to their respective purviews. For more complicated and serious situations, departments concerned such as the relevant District Offices of the Home Affairs Department, Lands Department, TD, Police and Food and Environmental Hygiene Department will conduct joint operations to clear illegally placed bicycles under the Cap 28, irrespective of whether the illegally parked bicycles are conventional rental bicycles, automated rental bicycles or privately owned bicycles.

10.3 To more vigorously combat illegal bicycle parking, relevant Government Departments have been joining forces to implement clearance operation under the Cap 228. During the operations, illegally parked bicycles causing obstruction were removed pursuant to sections 4A and 32(1) of the Cap. 228.

10.4 The **Road Traffic (Construction and Maintenance of Vehicles) Regulations (Cap 374A)** is the principle regulation for the construction and maintenance of vehicles including bicycles. Operators must comply the current legal and regulations requirements related to construction and maintenance of bicycles, including:

- Provide at least one braking system;
- Fit with a bell capable of giving sufficient warning; and
- Fit with a rear reflector.

10.5 Operators must make sure no bicycle is hired to a child under 11 years of age, according to the **Road Traffic Ordinance (Cap 374)**.

10.6 Operators must fulfill, but not limited to, the above-mentioned legal requirements. Operators must ensure that their business comply with all prevailing applicable laws and regulations for bicycles in Hong Kong.

