

LEGISLATIVE COUNCIL PANEL ON TRANSPORT

Tsing Sha Control Area Bill

PURPOSE

This paper informs Members of the major components of a Bill governing the operation of the Tsing Sha Control Area, i.e. the section of Route 8 between Tsing Yi and Sha Tin.

BACKGROUND

2. Route 8 is a strategic road linking Sha Tin and North Lantau. The western section of Route 8 is the Tsing Ma Control Area (TMCA) linking Tsing Yi and North Lantau, which came into operation in 1997. The remaining section of Route 8 between Tsing Yi and Sha Tin is under construction. This section is about 15 km in length, and comprises three road tunnels (Sha Tin Heights Tunnel, Eagle's Nest Tunnel and Nam Wan Tunnel), a cable-stayed bridge across the Rambler Channel (Stonecutters Bridge), four viaducts (Lai Chi Kok Viaduct, Ngong Shuen Chau Viaduct, Nam Wan East Viaduct and Nam Wan West Viaduct), as well as several interchanges and slip roads. The alignment of Route 8 between Tsing Yi and Sha Tin is at the Annex.

3. On completion, Route 8 will provide a direct road link between Chek Lap Kok and the Northeast New Territories via Tsing Yi and Cheung Sha Wan. It will also provide additional road capacity to cope with the increasing traffic along the Lion Rock Tunnel, Tate's Cairn Tunnel, Shing Mun Tunnels, Cheung Tsing Highway, Cheung Tsing Tunnel and Tsing Kwai Highway.

4. Our plan is that the section of Route 8 between Cheung Sha Wan and Tsing Yi will not be tolled as vehicles can leave Route 8 through the slip roads at West Kowloon, and its major alternative routes are toll free. However, the section between Sha Tin and Cheung Sha Wan will be tolled. This is in line with the current practice at other major alternative routes i.e. Lion Rock Tunnel, Shing Mun Tunnels and Tate's Cairn Tunnel.

5. The construction of Route 8 between Tsing Yi and Sha Tin is underway, and will be completed in stages. The section between Sha Tin and Cheung Sha Wan is scheduled to be open in late 2007/early 2008, followed by the Nam Wan Tunnel and viaducts at Tsing Yi in late 2008 and the Stonecutters Bridge in mid-2009.

6. For effective and efficient traffic control and incident management, the section of Route 8 between Tsing Yi and Sha Tin will form one single control area – the Tsing Sha Control Area (TSCA). The management, operation and maintenance of TSCA will be outsourced to an operator through open tender. This is similar to the arrangement for TMCA. The ownership of the whole of Route 8, including both the TMCA and the TSCA, will remain with the Government.

THE BILL

7. Similar to the TMCA, the TSCA will be governed by a new piece of legislation, the drafting of which is near completion. The Bill will comprise eight Parts, and many provisions are similar to those in the TMCA Ordinance (Cap. 498). The major components of the Bill are set out in the following paragraphs.

Part 1 – Preliminary

8. This Part will provide for the interpretation of the key terms in the Bill, and the general application of Road Traffic Ordinance (Cap. 374) and the Road Traffic (Driving-offence Points) Ordinance (Cap. 375) in the TSCA.

Part 2 – Boundaries and Plans

9. The TSCA Bill will empower the Commissioner for Transport (C for T) to determine the boundaries of the TSCA, the toll area, tunnels and tunnel areas within the TSCA. C for T may also from time to time vary such boundaries. The Director of Lands will prepare a plan delineating such boundaries as determined or varied by C for T. C for T will then certify the plan and deposit it in the Land Registry.

Part 3 - Enforcement

10. This Part of the Bill will provide for the necessary powers to carry out enforcement actions. For example, similar to the TMCA Ordinance, the Bill will empower C for T to appoint public officers and the employees of the operator as authorized officers to control and regulate vehicular and pedestrian traffic within the TSCA. It will also be an offence if a person obstructs an authorized officer in performing his duties.

11. The powers of the authorized officers will be similar to those provided for in the TMCA Ordinance. For example, for the purpose of regulating vehicular or pedestrian traffic, an authorized officer may direct the driver of a vehicle to stop the vehicle within the TSCA. Moreover, if an authorized officer suspects that the driver of a vehicle has committed a specified offence in the TSCA, the officer may require the person suspected of being the driver of the vehicle to give his name, address and driving licence number. The officer may also require any other person, including the registered owner of the vehicle, to give the name, address and driving licence number of the person who was the driver of the vehicle at the time of the alleged offence, etc. Subject to the defence of absence of knowledge of information, failure of any person to provide the information as required by the authorized officer will be an offence.

Part 4 – Management

12. This Part of the Bill will provide for the necessary powers in respect of certain management issues. For example, the Bill will provide that if any vehicle or thing is causing an obstruction to the traffic within the TSCA or is likely to render the use of the TSCA unsafe, C for T or the operator may take all reasonable steps to remove it to such place or impound it at such place as C for T or the operator thinks fit.

Part 5 – Financial Penalties

13. Similar to the TMCA Ordinance, the Bill will provide for the imposition of financial penalties on the operator if it fails to comply with the requirements of the Bill, or is in breach of the management agreement. The levels of financial penalties will be set out in the Schedule to the Bill.

Part 6 – Powers to Make Regulations

14. Similar to the TMCA Ordinance, the Bill will empower the Chief Executive in Council to make regulations prescribing and providing for the payment of tolls, fees and charges. It will also empower the Secretary for the Environment, Transport and Works to make regulations providing for the control and regulation of the TSCA.

Part 7 – Administrative and Supplementary Provisions

15. This Part of the Bill will provide for some general administrative arrangements. For example, the Bill will provide that the Government or any public officer will not incur any liability (other than that imposed under the

terms of the management agreement) in respect of the management, operation or maintenance of the TSCA by the operator. It will also stipulate that the Government's rights of ownership in any installation, building, facility, or vehicle etc will not be affected.

Part 8 – Related Amendments

16. This Part of the Bill will provide for related amendments to the Road Traffic (Public Service Vehicles) Regulations (Cap. 374D) so as to enable taxi drivers to charge the toll for using the toll area of the TSCA.

REGULATIONS

17. Same as the TMCA Ordinance, there will be two pieces of subsidiary legislation under the Bill. One Regulation will prescribe and provide for the payment of tolls, fees and charges in the TSCA, including the level of tolls for various vehicle types, fees for the escort of vehicles, fees for the issue of permits for certain vehicles, fees for the removal, impounding and storage of vehicles, etc. Another Regulation will provide for the control and regulation of the TSCA, including the functions of the operator in the management, operation and maintenance of the TSCA, classification and design of traffic signs, regulation of vehicular and pedestrian traffic, manner of loading vehicles and securing of loads on vehicles, etc.

18. The Regulations will be made after the enactment of the Bill, and will be subject to negative vetting by the Legislative Council.

WAY FORWARD

19. We plan to introduce the Bill into the Legislative Council in March/April 2007.

Environment, Transport and Works Bureau
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