

立法會
Legislative Council

LC Paper No. CB(1)756/07-08
(These minutes have been seen
by the Administration)

Ref: CB1/SS/4/07

**Subcommittee on
Tsing Sha Control Area (Tolls, Fees and Charges) Regulation**

**Minutes of meeting on
Friday, 11 January 2008, at 10:45 am
in Conference Room A of the Legislative Council Building**

Members present : Hon Miriam LAU Kin-ye, GBS, JP (Chairman)
Hon Andrew CHENG Kar-foo
Hon Abraham SHEK Lai-him, SBS, JP
Hon Jeffrey LAM Kin-fung, SBS, JP
Hon Ronny TONG Ka-wah, SC

Members absent : Hon WONG Kwok-hing, MH
Hon LEE Wing-tat
Hon CHEUNG Hok-ming, SBS, JP

**Public officers
attending** : **Agenda item II**

Ms Annette LEE
Deputy Secretary for Transport and Housing (Transport) 3

Ms Rosanna LAW
Principal Assistant Secretary for Transport
and Housing (Transport) 2

Mr David TO Kam-biu
Assistant Commissioner for Transport/Planning

Mr Carey WONG
Principal Transport Officer/Management
Transport Department

Miss Leonora IP
Senior Government Counsel
Department of Justice

Clerk in attendance : Mr Andy LAU
Chief Council Secretary (1)2

Staff in attendance : Miss Monna LAI
Assistant Legal Adviser 7

Ms Sarah YUEN
Senior Council Secretary (1)6

Miss Winnie CHENG
Legislative Assistant (1)5

I Election of Chairman

Ms Miriam LAU, the member who had the highest precedence among members on the membership list, presided at the election of the Chairman of the Subcommittee and invited nominations for the chairmanship.

2. Ms Miriam LAU was nominated by Mr Abraham SHEK and the nomination was seconded by Mr Jeffrey LAM. Ms LAU accepted the nomination. There being no other nominations, Ms Miriam LAU was elected Chairman of the Subcommittee.

II Meeting with the Administration

(LC Paper No. CB(1)572/07-08(01) — LN 237 of 2007 — Tsing Sha Control Area (Tolls, Fees and Charges) Regulation

File Ref THB(T) CR1/981/00 — Legislative Council Brief

LC Paper No. LS 25/07-08 — Legal Service Division Report on Subsidiary Legislation tabled in the Legislative Council on 9 January 2008

LC Paper No. LS 30/07-08 — Further Legal Service Division Report

LC Paper No. CB(1)571/07-08 — Background brief prepared by the Legislative Council Secretariat)

Action

3. The Subcommittee deliberated (index of proceedings attached at **Annex**).

Discussion on the proposed toll regime and the proposed toll levels

4. The Administration briefed members on the Tsing Sha Control Area (Tolls, Fees and Charges) Regulation (the Regulation). Members noted that under the Administration's proposal, the section between Sha Tin and Cheung Sha Wan would be tolled. In this regard, the Administration proposed to adopt a differential toll regime for the Tsing Sha Control Area (TSCA), with the toll for private cars/taxis set at \$12 and at corresponding levels for other types of vehicles, instead of a flat toll regime adopted by the Lion Rock Tunnel (\$8) and Shing Mun Tunnels (\$5).

5. Mr Andrew CHENG considered the Administration's above proposal inappropriate. He opined that the toll levels for TSCA should be set on a par with Lion Rock Tunnel. In response, the Administration explained that the proposed differential toll regime for TSCA was considered more reasonable and fair because it could reflect the different degrees of usage of road space and wear and tear caused by different types of vehicles. As to the proposed toll levels for TSCA, in determining the levels, the Administration had considered a basket of factors, including the user-pays principle, public acceptability and affordability, the diversion effect to ease the traffic of the alternative routes, and the strategic location of TSCA and tolls of alternative routes.

6. Noting the Administration's response, Mr Abraham SHEK opined that as the construction costs for different tunnels built over different times varied from each other, it would be more reasonable and acceptable for the Administration to take into account the actual costs of the capital employed for determining the toll levels for different tunnels. In the present case, having regard to the capital cost of the tolled section of TSCA at 5.8 billion, he considered the proposed toll levels appropriate. Mr Andrew CHENG was, however, not convinced, and said that he would consider moving amendments to the Regulation to the effect that a lower toll based on the flat toll regime be imposed in TSCA.

Section-by-section examination of the Regulation

Admin

7. The Subcommittee then went through the Regulation section by section. In the course of examining the sections, the Administration agreed to take the following actions –

- (a) Examine further the proposal of using Octopus cards for payment of tunnel tolls with Octopus readers installed at the toll booths; and
- (b) Rectify the minor clerical error in section 4(3) of the English text of the Regulation by replacing the word "of" after the word "demand" by "on" when the Regulation was next amended or by an order under section 98A(1) of the Interpretation and General Clauses

Action

Ordinance (Cap. 1).

The way forward

8. The Subcommittee completed its deliberations on and was in general in support of the Regulation, and agreed to report its deliberations to the House Committee at the latter's meeting on 18 January 2008. The Chairman reminded members that a Member who wished to seek the President's permission to address the Council at the meeting on 30 January 2008 under Rule 21(5) of the Rules of Procedure on subsidiary legislation tabled in the Council should provide an advance copy of the intended address to the President.

III Any other business

9. There being no other business, the meeting ended at 11:45 am.

Council Business Division 1
Legislative Council Secretariat
1 February 2008

**Proceedings of the meeting of
the Subcommittee on Tsing Sha Control Area (Tolls, Fees and Charges) Regulation
on Friday, 11 January 2008, at 10:45 am
in Conference Room A of the Legislative Council Building**

Time marker	Speaker	Subject(s)	Action required
Agenda Item I – Election of Chairman			
000000 – 000124	Ms Miriam LAU Mr Abraham SHEK Mr Jeffrey LAM	- Election of Chairman	
Agenda Item II – Meeting with the Administration			
000125 – 000235	Chairman	- Opening remarks	
<i>Discussion on the proposed toll regime and the proposed toll levels</i>			
000236 – 000310	Chairman Administration	- Briefing by the Administration on the Tsing Sha Control Area (Tolls, Fees and Charges) Regulation (the Regulation) (File Ref THB(T) CR1/981/00)	
000311 – 003208	Chairman Mr Andrew CHENG Administration Clerk Mr Abraham SHEK	- Discussion on the proposed toll regime of and the proposed toll levels for the Tsing Sha Control Area - Discussion on whether members could propose amendments to the Regulation to change the proposed toll regime and toll levels, and the relevant deadlines	
<i>Section-by-section examination of the Regulation</i>			
003209 – 003330	Chairman Administration	- Examination of sections 1 and 2 of the Regulation	
003331 – 003714	Chairman Mr Andrew CHENG Administration	- Examination of section 3 and Schedule 1 of the Regulation - Discussion on using Octopus cards for payment of tunnel tolls	Administration to take necessary follow-up action
003715 – 004346	Chairman Mr Ronny TONG Administration	- Continued examination of section 3 and Schedule 1 of the Regulation - Discussion on whether toll was payable if the vehicle concerned broke down before it reached the toll booth (section 3(1)) - Enquiry and explanation of the meaning of "articulated vehicle" (Schedule 1) - Administration's explanation in	

Time marker	Speaker	Subject(s)	Action required
		response to the Chairman that a disabled person who had been approved by the Commissioner for Transport to use the toll area without the payment of a toll would be issued toll tickets for toll payment (section 3(4)(c))	
004347 – 004718	Chairman Mr Andrew CHENG Assistant Legal Advisor 7 (ALA7) Administration	<ul style="list-style-type: none"> - Examination of section 4 and Schedule 2 of the Regulation - ALA7's highlight of the minor clerical error in section 4(3) of the English text of the Regulation, and the Administration's confirmation that the error would be rectified by replacing the word "of" after the word "demand" by "on" when the Regulation was next amended or by an order under section 98A(1) of the Interpretation and General Clauses Ordinance (Cap. 1) 	Administration to take necessary follow-up action
004719 – 004813	Chairman	- Examination of sections 5 to 8 and Schedules 3 to 6 of the Regulation	
Agenda Item III – Any other business			
004814 – 004900	Chairman Clerk	- The way forward	