

LEGISLATIVE COUNCIL BRIEF

Tsing Sha Control Area Ordinance

TSING SHA CONTROL AREA (GENERAL) REGULATION

INTRODUCTION

The Secretary for Transport and Housing has made the Tsing Sha Control Area (General) Regulation (the Regulation), at **Annex**, under section 26(2) of the Tsing Sha Control Area Ordinance (the Ordinance).

JUSTIFICATIONS

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.

3. The section between Sha Tin and Cheung Sha Wan is scheduled to open in early 2008, followed by the Nam Wan Tunnel and viaducts at Tsing Yi in late 2008 and the Stonecutters Bridge in mid-2009. 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. 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 the TSCA will be outsourced to an operator through open tender. This is similar to the arrangement for the TMCA. The ownership of the whole of Route 8, including both the TMCA and the TSCA, will remain with the Government.

5. The Ordinance was published in the Gazette on 6 July 2007. Section 26(2) of the Ordinance empowers the Secretary for Transport and Housing to make regulations in relation to the control and regulation of the TSCA, including functions of an operator in the management, operation and maintenance of the TSCA, classification and design of traffic signs, regulation of vehicular and pedestrian traffic and passengers on vehicles, etc.

TSING SHA CONTROL AREA (GENERAL) REGULATON

6. The Regulation –

- (a) provides for the control of traffic in the TSCA, including provisions relating to traffic signs, light signals and road markings, temporary speed limits, the closure of roads or traffic lanes that lead to a toll booth, general restrictions and prohibitions, the carriage of dangerous goods and the manner of driving in tunnels;
- (b) provides for the carrying out of road works in the TSCA;
- (c) contains provisions relating to the methods of collection of tolls for the use of the toll area in the TSCA and connected matters;
- (d) contain provisions relating to large vehicles that require permits for passage through the TSCA, approvals for driving on closed roads in the TSCA, escort of vehicles in the TSCA and exemptions from the Regulation or certain provisions of the Road Traffic Ordinance (Cap. 374) under certain circumstances; and
- (e) prohibits certain miscellaneous acts in the TSCA (including the painting or affixing of posters, etc., tampering with installation, etc. and trespass).

LEGISLATIVE TIMETABLE

7. The legislative timetable is as follows –
- | | |
|------------------------------------|------------------|
| Publication in the Gazette | 23 November 2007 |
| Tabling at the Legislative Council | 28 November 2007 |

COMMENCEMENT

8. The Regulation shall come into operation on a date to be appointed by the Secretary for Transport and Housing by notice published in the Gazette.

IMPLICATIONS OF THE PROPOSAL

9. The proposals are in conformity with the Basic Law, including provisions concerning human rights. They do not affect the binding effect of the Ordinance. The proposals should have no economic, productivity, environmental or sustainability implications.

10. We have briefed Members on the financial and civil service implications of the TSCA vide the Legislative Council brief submitted for the Ordinance. There are no additional financial and civil service implications for the Regulation.

PUBLIC CONSULTATION

11. We briefed the Legislative Council Panel on Transport on the major provisions of the Ordinance and its subsidiary legislation on 26 January 2007. Members did not raise objection to the relevant legislation.

PUBLICITY

12. A spokesman will be available to answer media enquiries.

ENQUIRIES

13. Any enquiries concerning this brief can be directed to Miss Rosanna Law, Principal Assistant Secretary for Transport and Housing, at 2189 2182.

**Transport and Housing Bureau
November 2007**

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TSING SHA CONTROL AREA (GENERAL) REGULATION

(Made by the Secretary for Transport and Housing under section 26(2) of
the Tsing Sha Control Area Ordinance (16 of 2007))

PART 1

PRELIMINARY

1. Commencement

This Regulation shall come into operation on a day to be appointed by the Secretary for Transport and Housing by notice published in the Gazette.

2. Interpretation

(1) In this Regulation, unless the context otherwise requires –

“agent” (代理人), in relation to the collection of tolls, means an agent appointed by the Commissioner or an operator to carry out any work relating to automatic toll collection in the Control Area;

“autotoll booth” (自動收費亭) means a toll booth designated as an autotoll booth under section 18(2);

“bus” (巴士) has the meaning assigned to it by section 2 of the Road Traffic Ordinance (Cap. 374);

“electronic toll pass” (電子繳費通行裝置) means a pass issued under section 18(3);

“heavy goods vehicle” (重型貨車) has the meaning assigned to it by section 2 of the Road Traffic Ordinance (Cap. 374);

“medium goods vehicle” (中型貨車) has the meaning assigned to it by section 2 of the Road Traffic Ordinance (Cap. 374);

“middle lane” (中綫) means a traffic lane between the nearside lane and the right most traffic lane (in relation to the direction of traffic) in any road in the Control Area;

“nearside lane” (左綫) means the left most traffic lane (in relation to the direction of traffic) in any road in the Control Area;

“prescribed light signal” (訂明交通燈) means a light signal of the size, design, colour and type prescribed in the Schedule;

“prescribed road marking” (訂明道路標記) means a road marking of the size, design, colour and type prescribed in the Schedule;

“prescribed traffic sign” (訂明交通標誌) means a traffic sign of the size, design, colour and type prescribed in the Schedule;

“toll ticket” (使用費代用券) means a ticket approved by the Commissioner for use by the public for the payment of a toll;

“traffic lane” (行車綫) has the meaning assigned to it by regulation 2(1) of the Road Traffic (Traffic Control) Regulations (Cap. 374 sub. leg. G);

“utility” (公用事業設施) means any electric power cable, telephone cable or other cable used in communication, any telecommunications apparatus, any pipe used for the supply of water, gas or oil, or for drainage or sewage, together with any duct for such cable or pipe and any apparatus or works ancillary to such cable, apparatus, pipe or duct.

(2) In this Regulation, a reference to the requirement indicated by a prescribed traffic sign, prescribed light signal or prescribed road marking or by a traffic sign, light signal or road marking prescribed under the Road Traffic Ordinance (Cap. 374) shall be construed as a reference to the requirement, restriction, prohibition or direction indicated by the sign, signal or marking.

PART 2

TRAFFIC CONTROL

3. Prescribed traffic signs, prescribed light signals and prescribed road markings

- (1) The Commissioner may –
- (a) erect or display any prescribed traffic sign or prescribed light signal; or
 - (b) place any prescribed road marking,

at any place in the Control Area.

(2) The warning, information, requirement, restriction, prohibition or direction indicated by a prescribed traffic sign, prescribed light signal or prescribed road marking is as described by –

- (a) the contents of the sign, signal or marking; and
- (b) the note, if any, relating to the sign, signal or marking in the Schedule.

(3) The Commissioner may remove any prescribed traffic sign, prescribed light signal or prescribed road marking erected, displayed or placed under subsection (1).

(4) The Commissioner or the Commissioner of Police may temporarily vary or suspend the operation of a prescribed traffic sign, prescribed light signal or prescribed road marking by –

- (a) covering it; or
- (b) erecting, displaying or placing, in its place, such traffic sign, light signal or road marking as he considers appropriate.

(5) An operator may, for the purposes of discharging his duties under a management agreement, exercise any power under subsection (1), (3) or (4) in respect of any prescribed traffic sign, prescribed light signal or prescribed road marking specified by the Commissioner for the time being.

4. Power to remove unapproved traffic signs, light signals and road markings

(1) If a person erects, displays or places a traffic sign, light signal or road marking in the Control Area without the prior written approval of the Commissioner, the Commissioner may –

- (a) order the person to remove it; and
- (b) if that person does not comply with the order or could not be found, remove or direct an operator to remove it.

(2) A traffic sign, light signal or road marking removed under subsection (1)(b) may be sold or otherwise disposed of as the Commissioner thinks fit.

5. Variation to prescribed traffic signs, prescribed light signals and prescribed road markings

(1) The Commissioner may vary any figure or numeral or the direction of an arrow on or in relation to any prescribed traffic sign, prescribed light signal or prescribed road marking to adapt the sign, signal or marking to the particular circumstances of the Control Area.

(2) An operator may, for the purposes of discharging his duties under a management agreement, exercise the power under subsection (1) in respect of any prescribed traffic sign, prescribed light signal or prescribed road marking specified by the Commissioner for the time being.

- (3) If –
- (a) a traffic sign, light signal or road marking purporting to be a prescribed traffic sign, prescribed light signal or prescribed road marking erected, displayed or placed under section 3 varies or differs slightly in size, design, colour or type from the relevant prescribed traffic sign, prescribed light signal or prescribed road marking;

(b) the variation or difference does not materially impair its appearance and the warning, information, requirement, restriction, prohibition or direction indicated by it; and

(c) it is visible at a reasonable distance,

the variation or difference does not prevent the sign, signal or marking from being treated as a prescribed traffic sign, prescribed light signal or prescribed road marking.

6. Toll booth not in use

The Commissioner or an operator may close a traffic lane in the Control Area that leads to a toll booth in such manner as the Commissioner considers appropriate for the purpose of indicating that the traffic lane is closed and the toll booth is not in use.

7. Obligation to comply with prescribed traffic signs, prescribed light signals and prescribed road markings

(1) Subject to subsection (4) or the direction of a police officer or an authorized officer, a person in the Control Area shall comply with the requirement indicated by a prescribed traffic sign, prescribed light signal or prescribed road marking erected, displayed or placed in the Control Area.

(2) A person who contravenes subsection (1) commits an offence and is liable on conviction to a fine at level 2 and to imprisonment for 6 months.

(3) For the purposes of subsection (2), if the requirement indicated by a prescribed traffic sign, prescribed light signal or prescribed road marking is not complied with in relation to a vehicle, the driver of the vehicle contravenes subsection (1).

(4) The requirements indicated by the prescribed traffic signs shown as Figure No. 6 and Figure No. 7 in the Schedule do not apply to the carriage in the Control Area –

- (a) of fuel being carried in the fuel tank of a vehicle for the purpose of the propulsion of the vehicle;
- (b) in the case of a vehicle carrying in its fuel tank petroleum spirit for the purpose of its propulsion, by the vehicle of not more than 20 L of petroleum spirit in a securely closed container carried on the vehicle for such purpose; or
- (c) of petroleum spirit or diesel fuel –
 - (i) for the purpose of replenishing refueling facilities for vehicles employed on duty in the Control Area; or
 - (ii) for use in the management, operation or maintenance of the Control Area.

8. Temporary speed limits

(1) If the Commissioner or an operator considers that there is or is likely to be –

- (a) a risk of danger to the public; or
- (b) a risk of damage to or on any road or structure,

he may, at any time and without notice, impose a temporary speed limit for any road in the Control Area by erecting or displaying on that road a temporary traffic sign or light signal of such size, design, colour and type as the Commissioner considers appropriate.

(2) If a temporary speed limit imposed under subsection (1) permits a vehicle to travel on a road in the Control Area in excess of 70 km an hour, the maximum speed at which a vehicle described in section 40(5) of the Road Traffic Ordinance (Cap. 374) may travel on such road shall be 70 km an hour during the period in which the temporary speed limit is in effect.

(3) If a temporary speed limit is imposed under subsection (1) for a road in the Control Area, section 41 of the Road Traffic Ordinance (Cap. 374) applies to the driving of a vehicle on that road as if –

- (a) the speed in subsection (1)(a) of that section were substituted by the temporary speed limit; and
- (b) the speed in subsection (1)(b) of that section were substituted by 70 km an hour as provided for in subsection (2).

9. Closure of roads

(1) The Commissioner, the Director or the Commissioner of Police may direct an operator to close a road or any part of a road in the Control Area to –

- (a) all vehicles or any description of vehicles; or
- (b) the public,

whenever the closure appears to be reasonably necessary.

(2) The Commissioner, the Director or the Commissioner of Police may direct an operator to re-open a road or any part of a road closed under subsection (1).

(3) An operator shall comply with a direction given under subsection (1) or (2).

(4) An operator shall not re-open a road or any part of a road closed under a direction given under subsection (1) without –

- (a) the prior approval of; or
- (b) a direction given under subsection (2) by,

the Commissioner, the Director or the Commissioner of Police.

(5) Except as provided for in subsection (6), an operator shall not close a road or any part of a road in the Control Area without –

- (a) the prior approval of; or
- (b) a direction given under subsection (1) by,

the Commissioner, the Director or the Commissioner of Police.

(6) An operator may at any time close a road or any part of a road in the Control Area for a period not exceeding 3 days to all vehicles or any description of vehicles or the public –

- (a) for any of the following reasons –
 - (i) the occurrence of an emergency or accident (including fire, traffic accident, mechanical failure of a vehicle or equipment failure);
 - (ii) the safety of persons and vehicles in the Control Area;
 - (iii) the need for any emergency works to be carried out; or
- (b) if he considers that there is or is likely to be danger due to inclement weather.

(7) If an operator closes a road or any part of a road under subsection (6), he shall notify the Commissioner, the Director and the Commissioner of Police as soon as practicable after the closure.

(8) If a road or any part of a road is closed under this section, the Commissioner, the Director or the Commissioner of Police may exempt any vehicle or any description of vehicles, as he thinks fit, from the application of such closure.

10. General restrictions

(1) Subject to the requirement indicated by a prescribed traffic sign, prescribed light signal or prescribed road marking, the requirement indicated by a traffic sign, light signal or road marking prescribed under the Road Traffic Ordinance (Cap. 374) or the direction of a police officer or an authorized officer, a person shall not –

- (a) in a tunnel –
 - (i) drive a vehicle at a speed of less than 25 km an hour except –

- (A) when prevented by another vehicle from moving at a higher speed; or
- (B) in circumstances in which a speed of or above 25 km an hour is impracticable;
- (ii) drive a vehicle with its headlights illuminated at full beam; or
- (iii) make any U turn with or reverse a vehicle;
- (b) in the Control Area –
 - (i) stop a vehicle or permit it to be stationary except when compelled to do so by reason of an emergency, accident or mechanical failure or the presence of other stationary vehicles;
 - (ii) alight from a vehicle except in the event of an emergency or to summon assistance;
 - (iii) change a tyre or wheel on, or refuel or repair, a vehicle;
 - (iv) propel a vehicle by pushing that vehicle, whether manually or by any other means; or
 - (v) drive a vehicle on any footway; or
- (c) enter or remain in a tunnel on foot unless –
 - (i) he is a public officer or an authorized officer and needs to do so in performing his functions; or
 - (ii) he is authorized to do so by the Commissioner, the Director or the Commissioner of Police.

(2) A person who contravenes subsection (1) commits an offence and is liable on conviction to a fine at level 2 and to imprisonment for 6 months.

11. General prohibitions

(1) A person shall not drive or cause or permit to be driven, or cause to remain, in a tunnel –

- (a) a vehicle that is not carrying sufficient fuel in its fuel tank to enable it to be driven through that tunnel;
- (b) a vehicle carrying animals not properly controlled or confined;
- (c) a vehicle carrying a load that is not sufficiently covered;
- (d) a vehicle with a load, or the covering of a load, that is not properly secured so as to prevent any part of the load or that covering from falling off the vehicle or otherwise coming into contact with any part of the tunnel (including any fittings or fixtures); or
- (e) a vehicle that will or is likely to come into contact with any part of the tunnel (including any fittings or fixtures).

(2) A person shall not drive or cause or permit to be driven, or cause to remain, in the Control Area a vehicle that is not a motor vehicle.

(3) A person who contravenes subsection (1) or (2) commits an offence and is liable on conviction to a fine at level 2 and to imprisonment for 6 months.

12. Prohibition against vehicles carrying dangerous goods

(1) Subject to subsection (2), a person shall not drive or cause or permit to be driven, or cause to remain, in a tunnel –

- (a) a vehicle carrying any dangerous goods referred to in Category 1 of the Schedule to the Dangerous Goods (Application and Exemption) Regulations (Cap. 295 sub. leg. A);
- (b) a vehicle carrying any dangerous goods referred to in Category 2 of the Schedule to the Dangerous Goods (Application and Exemption) Regulations (Cap. 295 sub. leg. A) unless –

- (i) there is a quantity specified in relation to such goods in the second column of the table to regulation 74 of the Dangerous Goods (General) Regulations (Cap. 295 sub. leg. B); and
 - (ii) the goods carried on the vehicle do not exceed that quantity;
- (c) without prejudice to paragraph (b), a vehicle carrying a cylinder (as defined in regulation 61 of the Dangerous Goods (General) Regulations (Cap. 295 sub. leg. B)) used or to be used for the storage of compressed gas referred to in Category 2 of the Schedule to the Dangerous Goods (Application and Exemption) Regulations (Cap. 295 sub. leg. A), whether or not the cylinder contains any quantity of such gas;
- (d) a vehicle carrying any dangerous goods referred to in Category 5 of the Schedule to the Dangerous Goods (Application and Exemption) Regulations (Cap. 295 sub. leg. A) unless –
 - (i) there is a quantity specified in relation to such goods in the seventh or eighth column of the table to regulation 99 of the Dangerous Goods (General) Regulations (Cap. 295 sub. leg. B); and
 - (ii) the goods carried on the vehicle do not exceed that quantity; or
- (e) without prejudice to paragraph (d), a vehicle –
 - (i) constructed or adapted for the carriage of dangerous goods referred to in Category 5 of the Schedule to the Dangerous Goods (Application and Exemption) Regulations (Cap. 295 sub. leg. A); or

- (ii) carrying a container (as defined in regulation 94 of the Dangerous Goods (General) Regulations (Cap. 295 sub. leg. B)) used or to be used for the storage of such goods, whether or not such vehicle or container contains any quantity of such goods.

(2) Despite subsection (1), nothing in this section prohibits the carriage in a tunnel –

- (a) of fuel being carried in the fuel tank of a vehicle for the purpose of the propulsion of the vehicle;
- (b) in the case of a vehicle carrying in its fuel tank petroleum spirit for the purpose of its propulsion, by the vehicle of not more than 20 L of petroleum spirit in a securely closed container carried on the vehicle for such purpose; or
- (c) of petroleum spirit or diesel fuel –
 - (i) for the purpose of replenishing refueling facilities for vehicles employed on duty in the Control Area; or
 - (ii) for use in the management, operation or maintenance of the Control Area.

(3) A person who contravenes subsection (1) commits an offence and is liable on conviction to a fine at level 2 and to imprisonment for 6 months.

13. Traffic confined to nearside lane or middle lane in tunnels

(1) Subject to the requirement indicated by a prescribed traffic sign, prescribed light signal or prescribed road marking, the requirement indicated by a traffic sign, light signal or road marking prescribed under the Road Traffic Ordinance (Cap. 374) or the direction of a police officer or an authorized officer, a person –

- (a) shall not drive –
 - (i) a bus;

- (ii) a vehicle towing another vehicle; or
 - (iii) a vehicle in respect of which a permit is required under section 20,
other than in the nearside lane of a tunnel; and
- (b) shall not drive –
- (i) a heavy goods vehicle; or
 - (ii) a medium goods vehicle,
other than in the nearside lane or a middle lane of a tunnel.
- (2) A person who contravenes subsection (1) commits an offence and is liable on conviction to a fine at level 2 and to imprisonment for 6 months.

PART 3

ROAD WORKS

14. Road works in Control Area

(1) The Director may, on an application made in writing and containing such particulars as he may require for the purposes of this section, issue, subject to such conditions as he may specify, a road works permit to permit the applicant to carry out any road works in the Control Area.

- (2) The Director –
- (a) may –
 - (i) erect, display or place and maintain; or
 - (ii) direct an operator or his agent to erect, display or place and maintain,
traffic signs, light signals, road markings or lanterns of such size, design, colour and type as the Director considers appropriate for the purposes of lighting, marking and guarding road works; and
 - (b) may determine fees (including reasonable administrative charges) (“lighting and guarding fees”) payable in respect

of the erecting, displaying or placing and maintenance of such signs, signals, markings or lanterns.

(3) An operator may, for the purposes of discharging his duties under a management agreement, exercise the power under subsection (2)(a).

(4) A person responsible for any road works carried out pursuant to a permit issued under subsection (1) shall pay to the Director or an operator the lighting and guarding fees determined by the Director for the time being.

(5) A person who carries out road works in the Control Area is not required to obtain –

- (a) an excavation permit under section 10A or 10D of the Land (Miscellaneous Provisions) Ordinance (Cap. 28);
- (b) an emergency excavation permit under section 10C of that Ordinance; or
- (c) an expressway works permit under Part VI of the Road Traffic (Expressway) Regulations (Cap. 374 sub. leg. Q).

(6) In the case of emergency or in the case of inspection, investigation or survey carried out by officers of the Highways Department, the Director may, subject to such conditions as he may specify, grant an authorization to carry out road works in the Control Area without a permit issued under subsection (1).

(7) Without prejudice to section 15 –

- (a) Part III of the Land (Miscellaneous Provisions) Ordinance (Cap. 28); and
- (b) Part VI of the Road Traffic (Expressway) Regulations (Cap. 374 sub. leg. Q),

do not apply to road works carried out in the Control Area.

(8) A person who –

- (a) carries out road works in the Control Area without –
 - (i) a permit issued under subsection (1); or
 - (ii) an authorization granted under subsection (6); or

- (b) fails to comply with a condition of a permit issued under subsection (1) or a condition of an authorization granted under subsection (6) when carrying out road works in the Control Area,

commits an offence and is liable on conviction to a fine at level 2 and to imprisonment for 6 months.

15. Persons and vehicles in connection with expressway works

- (1) In this section –

“expressway” (快速公路) has the meaning assigned to it by section 122 of the Road Traffic Ordinance (Cap. 374);

“Expressway Regulation” (《快速公路規例》) means the Road Traffic (Expressway) Regulations (Cap. 374 sub. leg. Q).

- (2) A person who carries out road works on an expressway in the Control Area –

- (a) shall comply with the conditions specified in Schedule 3 to the Expressway Regulation; and
- (b) shall not use, in connection with the road works, a vehicle other than a vehicle that complies with the conditions specified in that Schedule.

- (3) A person who is authorized by the Director under section 14(6) to carry out road works on an expressway in the Control Area –

- (a) shall comply with the conditions specified in Schedule 4 to the Expressway Regulation; and
- (b) shall not use, in connection with the road works, a vehicle other than a vehicle that complies with the conditions specified in that Schedule.

- (4) The Commissioner, the Director or the Commissioner of Police may exempt any person or vehicle referred to in subsection (2) or (3) from the

conditions specified in Schedule 3 or 4, as the case may be, to the Expressway Regulation.

(5) A person who contravenes subsection (2) or (3) commits an offence and is liable on conviction to a fine at level 2 and to imprisonment for 6 months.

16. Display of road works permit

(1) Subject to subsection (2), if a road works permit has been issued under section 14(1), the person responsible for the road works shall display the permit or a copy of it in a conspicuous spot at, or in the vicinity of, the place in which those works are carried out.

(2) Subsection (1) does not apply if the road works are being carried out from, or by means of, a vehicle, but in such a case the driver of the vehicle –

(a) shall have with him the permit issued under section 14(1) or a copy of it; and

(b) shall produce the permit or copy for inspection by a police officer or an authorized officer when required to do so.

(3) A person who contravenes subsection (1) or (2) commits an offence and is liable on conviction to a fine at level 2 and to imprisonment for 6 months.

PART 4

TOLL COLLECTION

17. Toll tickets

The Commissioner, or an operator with the approval of the Commissioner, may specify conditions in respect of the sale and use of toll tickets.

18. Automatic toll collection facilities

(1) The Commissioner may install or permit the installation of –

- (a) an automatic toll collection facility at any toll booth for the purpose of collecting tolls; and
- (b) any ancillary facility.

(2) The Commissioner, or an operator with the approval of the Commissioner, may designate a toll booth referred to in subsection (1)(a) as an autotoll booth –

- (a) by displaying above a traffic lane that leads to the toll booth the prescribed traffic sign shown as Figure No. 12 in the Schedule; or
- (b) by displaying at the side of the toll booth the prescribed traffic sign shown as Figure No. 13 in the Schedule.

(3) The Commissioner, an operator or an agent may issue an electronic toll pass to a person who maintains an account with the Commissioner, the operator or the agent, as the case may be, for the payment of a toll by passage through an autotoll booth.

19. Prohibition against interference with or falsification of electronic toll passes

(1) Except when authorized by the Commissioner, a person shall not do anything to or with an electronic toll pass which leads to any of the following results –

- (a) the coded data on the pass is erased wholly or in part or is otherwise altered or interfered with; or
- (b) the electronic toll pass is otherwise damaged or destroyed.

(2) A person shall not use or attempt to use for the purpose of paying a toll payable in respect of a vehicle –

- (a) an electronic toll pass that has been altered, damaged or interfered with;
- (b) an electronic toll pass –
 - (i) the account of which is not opened in respect of the vehicle; or

- (ii) that has been obtained by fraud or deception; or
- (c) any material or thing purported to be or passed off as an electronic toll pass.

(3) A person who contravenes subsection (1) or (2) commits an offence and is liable on conviction to a fine at level 2 and to imprisonment for 6 months.

PART 5

PERMITS, APPROVALS AND EXEMPTIONS

20. Vehicles requiring permits

- (1) A person shall not, in the Control Area, drive a vehicle –
- (a) the width (including any load and any equipment attached to the vehicle) of which exceeds 2.5 m;
 - (b) the length (including any load and any equipment attached to the vehicle) of which exceeds 12 m;
 - (c) the height (including any load and any equipment attached to the vehicle) of which exceeds 4.6 m;
 - (d) that is drawing a trailer and the combined length of the vehicle and trailer (including drawbar and any load) exceeds 16 m;
 - (e) that requires a movement permit under regulation 53(1) of the Road Traffic (Registration and Licensing of Vehicles) Regulations (Cap. 374 sub. leg. E); or
 - (f) that is so loaded that its gross vehicle weight exceeds –
 - (i) the permitted maximum gross vehicle weight; or
 - (ii) if applicable, the maximum gross combined weight,
 assigned or determined in respect of that vehicle under the Second Schedule to the Road Traffic (Construction and

Maintenance of Vehicles) Regulations (Cap. 374 sub. leg. A),

unless he does so under a permit issued under subsection (2) and in accordance with the conditions of the permit.

(2) The Commissioner or an operator may issue a permit for the passage of a vehicle described in subsection (1)(a), (b), (c), (d), (e) or (f) through the Control Area.

(3) A permit issued under subsection (2) is subject to such conditions as the Commissioner may specify.

(4) The driver of a vehicle that is the subject of a permit issued under subsection (2) shall produce the permit for inspection by a police officer or an authorized officer when required to do so.

(5) A person who contravenes subsection (1) or (4) commits an offence and is liable on conviction to a fine at level 2 and to imprisonment for 6 months.

21. Approval for driving on closed roads

(1) A person shall not drive a vehicle of a particular description on a road or any part of a road in the Control Area that is closed to that description of vehicles unless prior approval has been obtained from –

- (a) the Commissioner;
- (b) the Director;
- (c) the Commissioner of Police; or
- (d) an operator,

as may be appropriate in the circumstances.

(2) A person who contravenes subsection (1) commits an offence and is liable on conviction to a fine at level 2 and to imprisonment for 6 months.

22. Escort of vehicles

(1) Without prejudice to the conditions specified in a permit issued under section 20(2), the Commissioner or an operator may require that the

following vehicles be accompanied by an escort vehicle provided by the Commissioner or the operator, as the case may be, when passing through the Control Area –

- (a) a vehicle that is the subject of a permit issued under section 20(2);
- (b) a vehicle that is the subject of an approval referred to in section 21.

(2) A person who fails to comply with a requirement made under subsection (1) commits an offence and is liable on conviction to a fine at level 2 and to imprisonment for 6 months.

23. Exemptions from this Regulation

(1) Sections 7, 10(1)(a), (b)(i), (ii) and (v) and (c), 12, 13 and 21 do not apply to the driver or owner of or the personnel carried in –

- (a) a vehicle being used by the Fire Services Department;
- (b) an ambulance;
- (c) a vehicle being used by the Hong Kong Police Force;
- (d) a vehicle being used by the Custom and Excise Department; or
- (e) a vehicle being used for defence purposes (including civil defence purposes),

when the vehicle is being used in the course of urgent duties.

(2) Sections 7, 10(1)(a), (b)(i), (ii) and (v) and (c), 11(2) and 21 do not apply to –

- (a) a person engaged in the maintenance, repair, cleaning, clearance, survey, inspection, alteration or improvement (“maintenance works”) of any part of the Control Area; or
- (b) a person engaged in the erection, laying, placing, maintenance, testing, alteration, repair or removal of any

structure, works or apparatus (“installation works”) in, under or over any part of the Control Area, to the extent necessary for engaging in such maintenance works or installation works.

(3) Sections 7, 10(1)(a), (b)(i), (ii) and (v) and (c), 11(2) and 21 do not apply to a person engaged, in the Control Area, in any activity that is approved by the Commissioner, the Director or the Commissioner of Police to the extent necessary for engaging in that activity.

(4) Section 7 does not apply to –

(a) a person who is –

(i) avoiding or preventing an accident; or

(ii) obtaining or giving assistance required as a result of an accident or emergency,

in the Control Area; or

(b) a person who is giving assistance required as a result of a vehicle stopping on any road in the Control Area –

(i) by reason of a mechanical failure or other defect; or

(ii) as a result of any other circumstances outside the control of the driver,

to the extent necessary for such an act.

(5) Sections 7, 10(1)(a), (b)(i), (ii) and (v) and (c), 12, 13 and 21 do not apply to a person who is complying with the direction of a police officer or an authorized officer on duty in the Control Area to the extent necessary for such compliance.

(6) Sections 7, 10, 13 and 21 do not apply to –

(a) a public officer or an authorized officer on duty in the Control Area to the extent necessary for performing his functions under any law; or

- (b) the following individuals engaged in works in the Control Area –
- (i) an agent or a contractor appointed by the Director;
 - (ii) maintenance staff, an agent or a contractor appointed by an operator;
 - (iii) an employee of an agent or a contractor referred to in subparagraph (i) or (ii),
- to the extent necessary for engaging in such works.

24. Exemptions from certain provisions of Road Traffic Ordinance

Provisions of the Road Traffic Ordinance (Cap. 374) that require compliance with the requirement indicated by a traffic sign, light signal or road marking prescribed under that Ordinance do not apply to a person described in section 23(1), (2), (3), (4), (5) or (6) to the extent and in the circumstances described in relation to that person in the relevant subsection in section 23.

PART 6

MISCELLANEOUS OFFENCES

25. Painting or affixing poster, etc.

(1) A person shall not paint or affix any poster, placard, bill or other matter in the Control Area except with the prior written approval of the Commissioner.

(2) A person who contravenes subsection (1) commits an offence and is liable on conviction to a fine at level 2 and to imprisonment for 6 months.

26. Tampering with installation, etc.

(1) A person shall not tamper with any installation, structure, building, facility, utility, equipment, appliance, vehicle or other article in the Control Area.

(2) A person who contravenes subsection (1) commits an offence and is liable on conviction to a fine at level 2 and to imprisonment for 6 months.

27. Trespass

(1) A person shall not enter or remain in any building or other facility in the Control Area except with the prior approval of –

- (a) the Commissioner;
- (b) the Director;
- (c) an operator; or
- (d) an authorized officer.

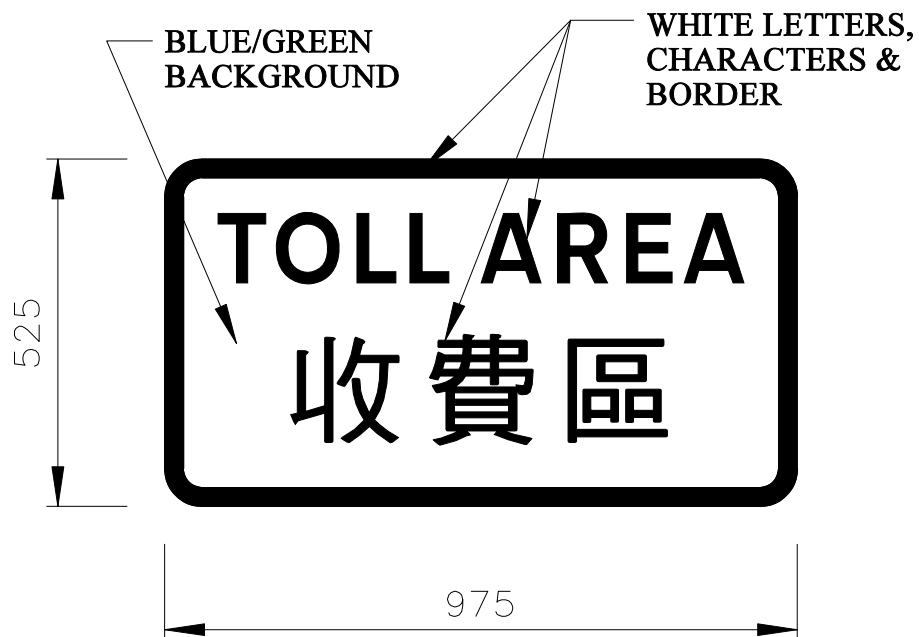
(2) A person who contravenes subsection (1) commits an offence and is liable on conviction to a fine at level 2 and to imprisonment for 6 months.

SCHEDULE

[ss. 2, 3, 7 & 18]

PRESCRIBED TRAFFIC SIGNS, PRESCRIBED LIGHT SIGNALS
AND PRESCRIBED ROAD MARKINGS

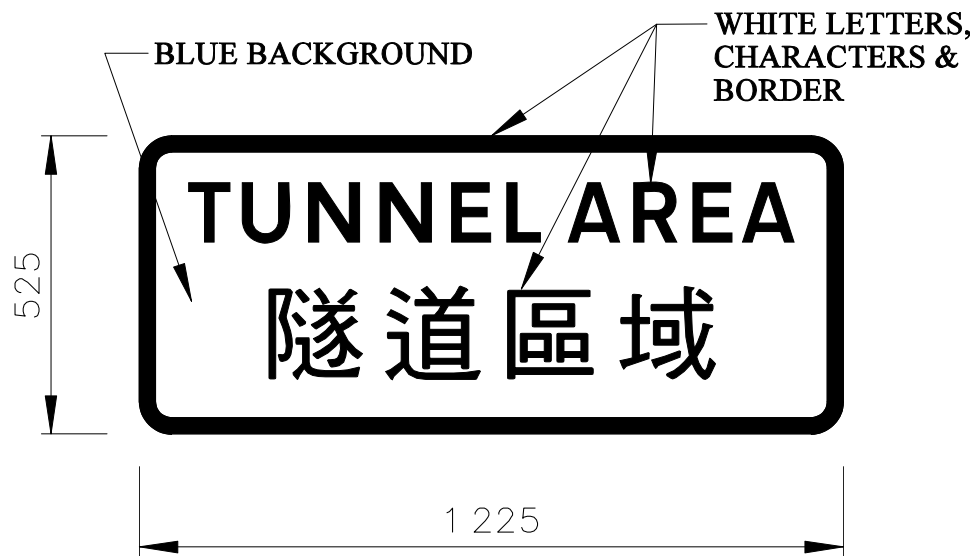
FIGURE NO. 1



TOLL AREA

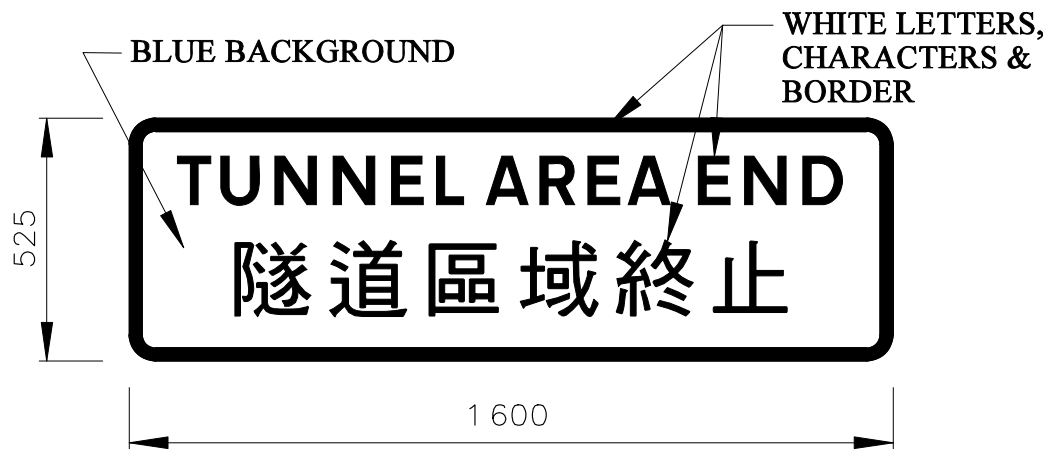
This sign indicates the start of the toll area.

FIGURE NO. 2

**TUNNEL AREA**

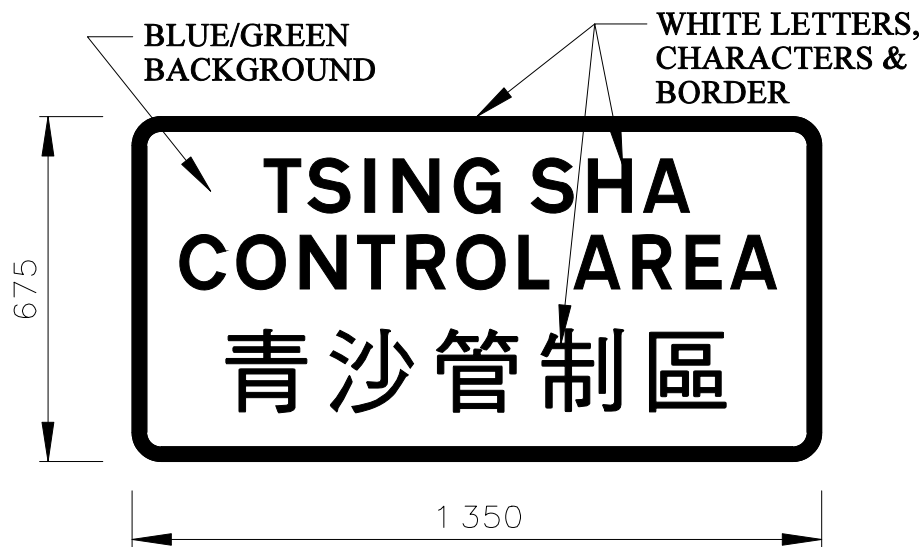
This sign indicates the start of the tunnel area.

FIGURE NO. 3

**TUNNEL AREA END**

This sign indicates the end of the tunnel area.

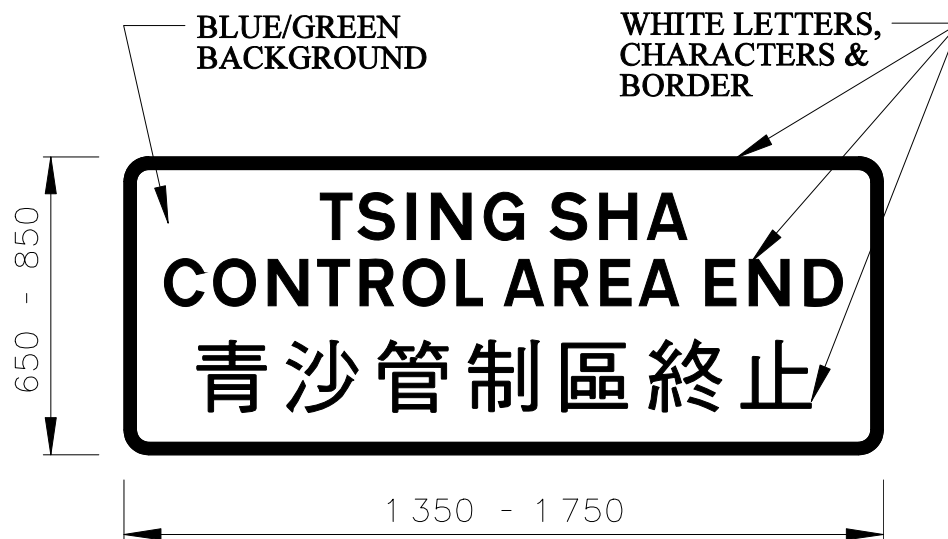
FIGURE NO. 4



TSING SHA CONTROL AREA

This sign indicates the start of the Control Area.

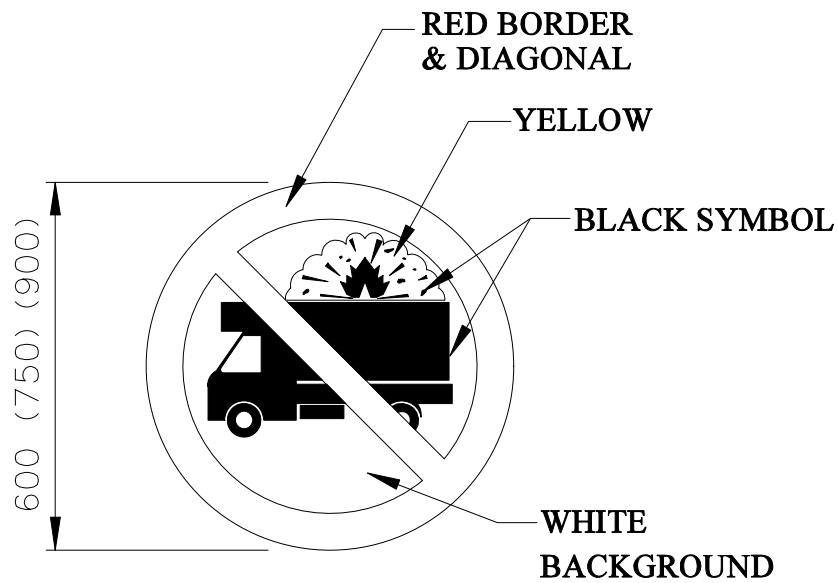
FIGURE NO. 5



TSING SHA CONTROL AREA END

This sign indicates the end of the Control Area.

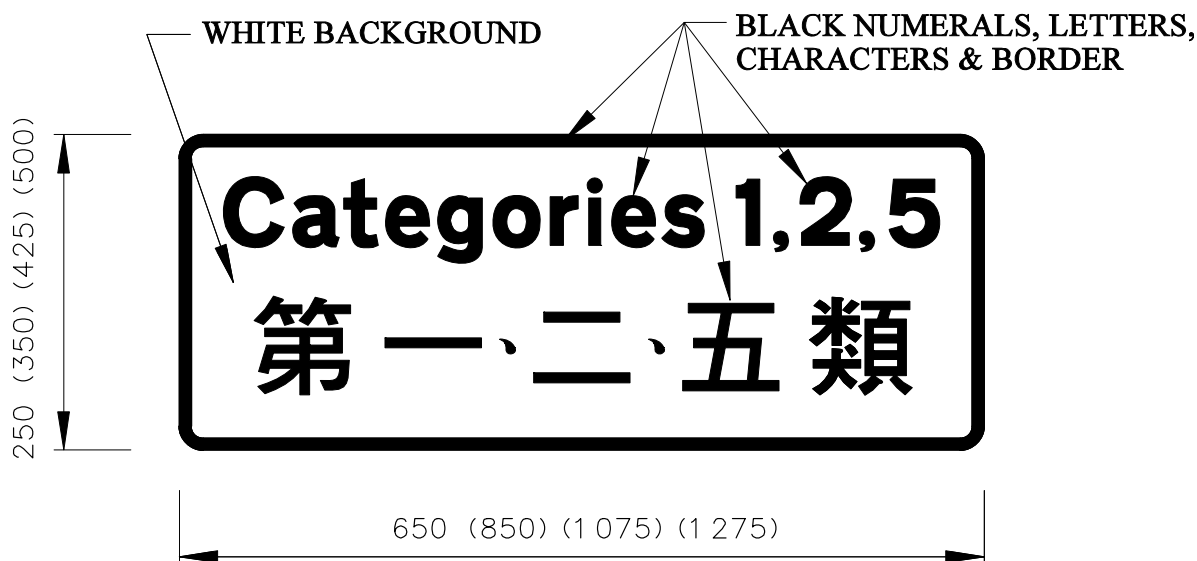
FIGURE NO. 6



DANGEROUS GOODS PROHIBITED

This sign indicates that vehicles carrying dangerous goods of particular categories are prohibited from proceeding beneath, beyond or past the sign. It may be used in conjunction with the sign in Figure No. 7.

FIGURE NO. 7

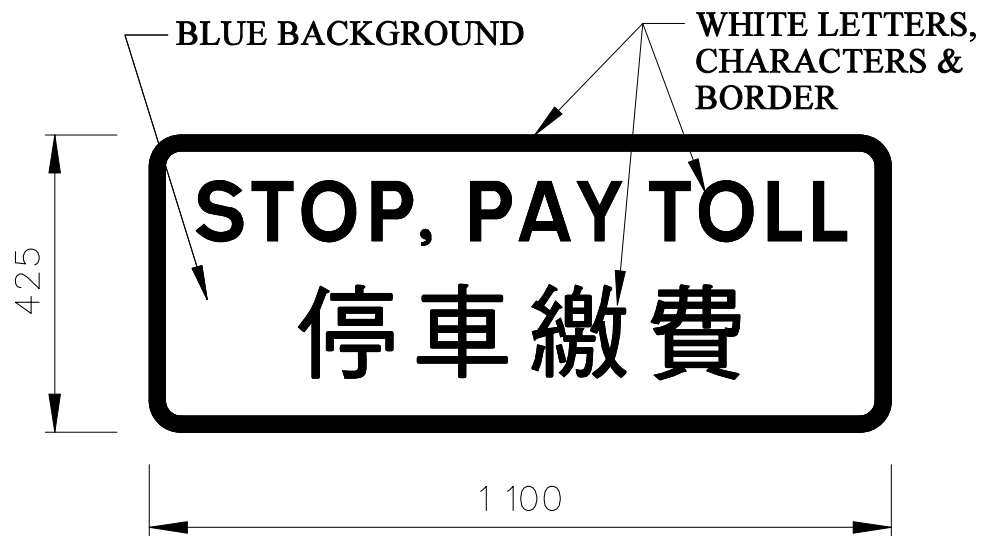


CATEGORIES OF DANGEROUS GOODS

When this sign is used in conjunction with the sign in Figure No. 6 it indicates the category or categories of dangerous goods referred to in that Figure. The significance of the sign is as follows –

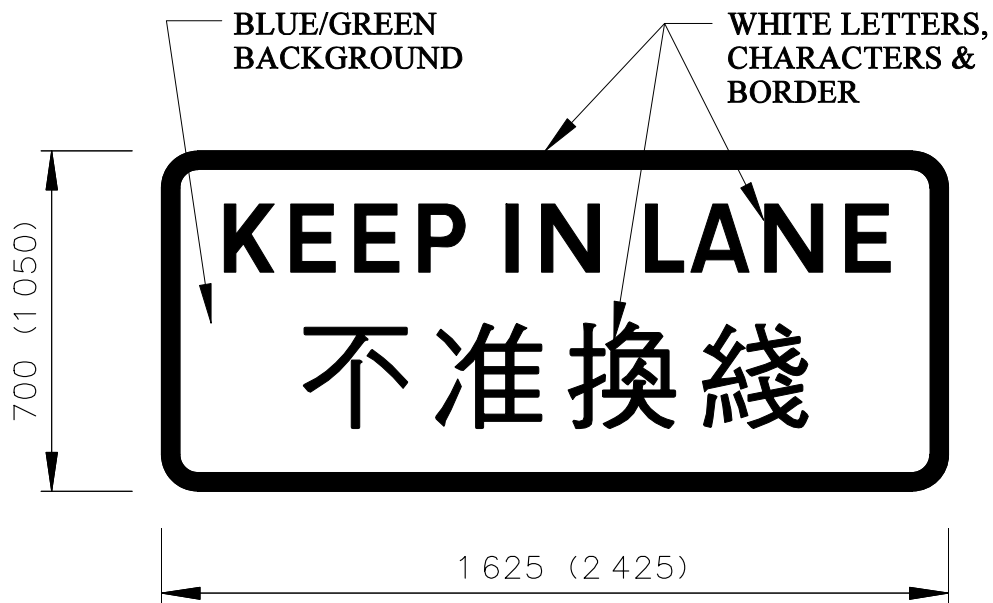
- (a) Category 1 indicates dangerous goods referred to in Category 1 of the Schedule to the Dangerous Goods (Application and Exemption) Regulations (Cap. 295 sub. leg. A);
- (b) Category 2 indicates dangerous goods referred to in Category 2 of the Schedule to the Dangerous Goods (Application and Exemption) Regulations (Cap. 295 sub. leg. A);
- (c) Category 5 indicates dangerous goods referred to in Category 5 of the Schedule to the Dangerous Goods (Application and Exemption) Regulations (Cap. 295 sub. leg. A).

FIGURE NO. 8

**STOP, PAY TOLL**

This sign indicates that a driver of a vehicle must stop the vehicle and pay the toll payable in respect of the vehicle.

FIGURE NO. 9

**KEEP IN TRAFFIC LANE**

This sign indicates that vehicles must keep in their traffic lanes.

FIGURE NO. 10



KEEP TO NEARSIDE LANE OR MIDDLE LANE FOR TUNNEL

This sign indicates that medium goods vehicles and heavy goods vehicles must keep to the nearside lane or a middle lane.

The words and characters “MEDIUM AND HEAVY GOODS VEHICLES” and “中型及重型貨車” may be replaced by “BUSES” and “巴士” or any description of motor vehicles to indicate that such vehicles must keep to the nearside lane or a middle lane.

FIGURE NO. 11

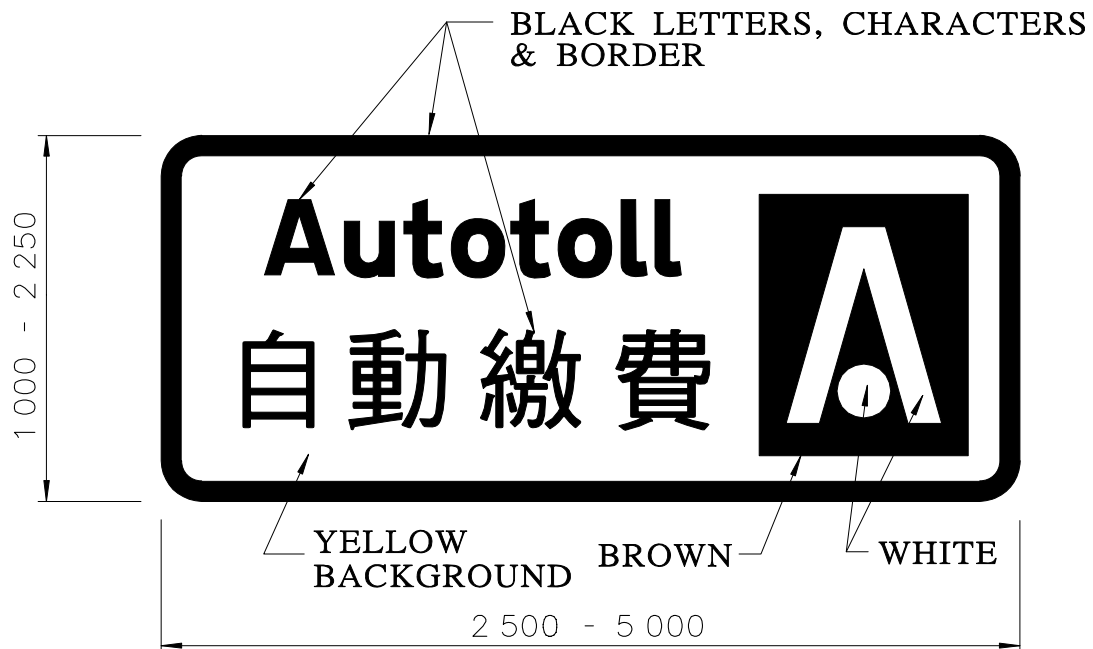


KEEP TO NEARSIDE LANE FOR TUNNEL

This sign indicates that buses must keep to the nearside lane.

The word and characters “BUSES” and “巴士” may be replaced by any description of motor vehicles to indicate that such vehicles must keep to the nearside lane.

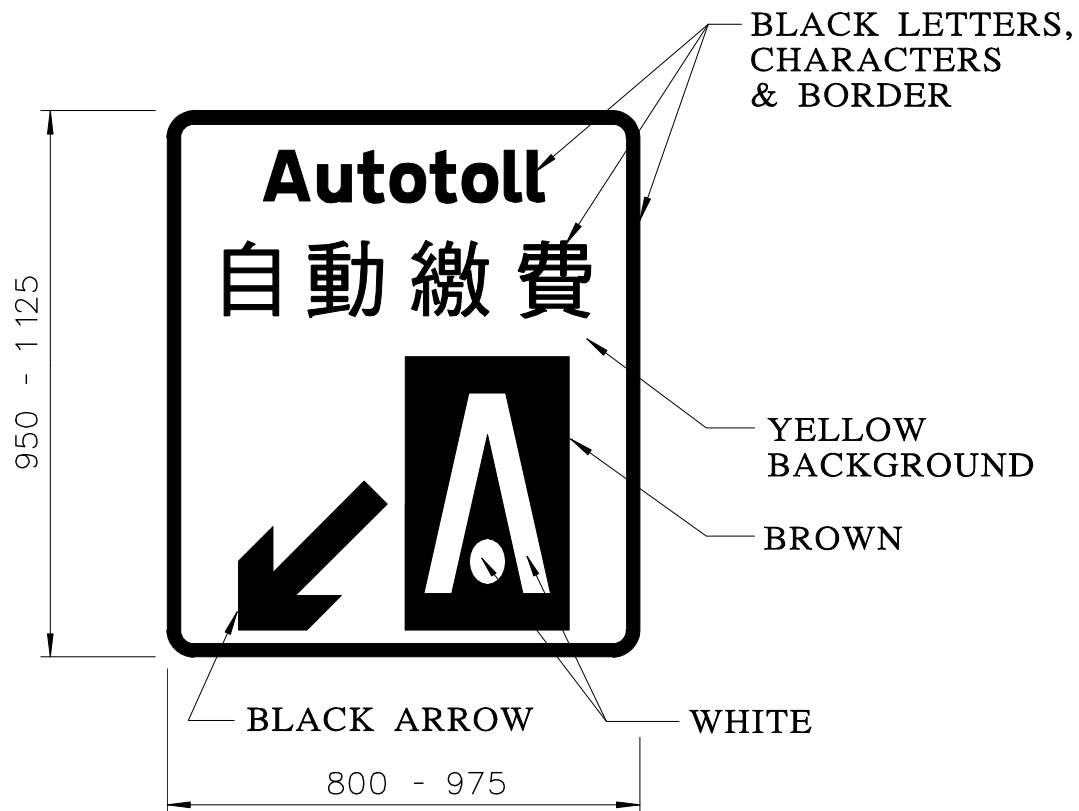
FIGURE NO. 12



TRAFFIC LANE
(AUTOTOLL ONLY)

This sign is displayed above a traffic lane that leads to an autotoll booth. It indicates that only a vehicle with a valid electronic toll pass the account of which is opened in respect of the vehicle shall proceed in the traffic lane.

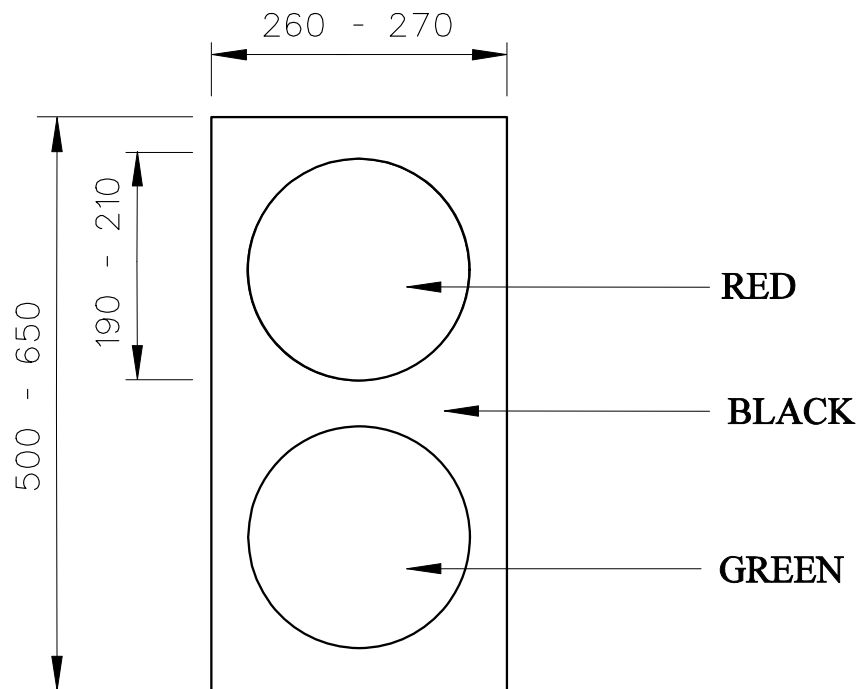
FIGURE NO. 13



AUTOTOLL BOOTH

When this sign is displayed at the side of a toll booth it indicates that the toll booth is an autotoll booth. It may be used in conjunction with the sign in Figure No. 12 and it indicates that only a vehicle with a valid electronic toll pass the account of which is opened in respect of the vehicle shall pass through the autotoll booth.

FIGURE NO. 14



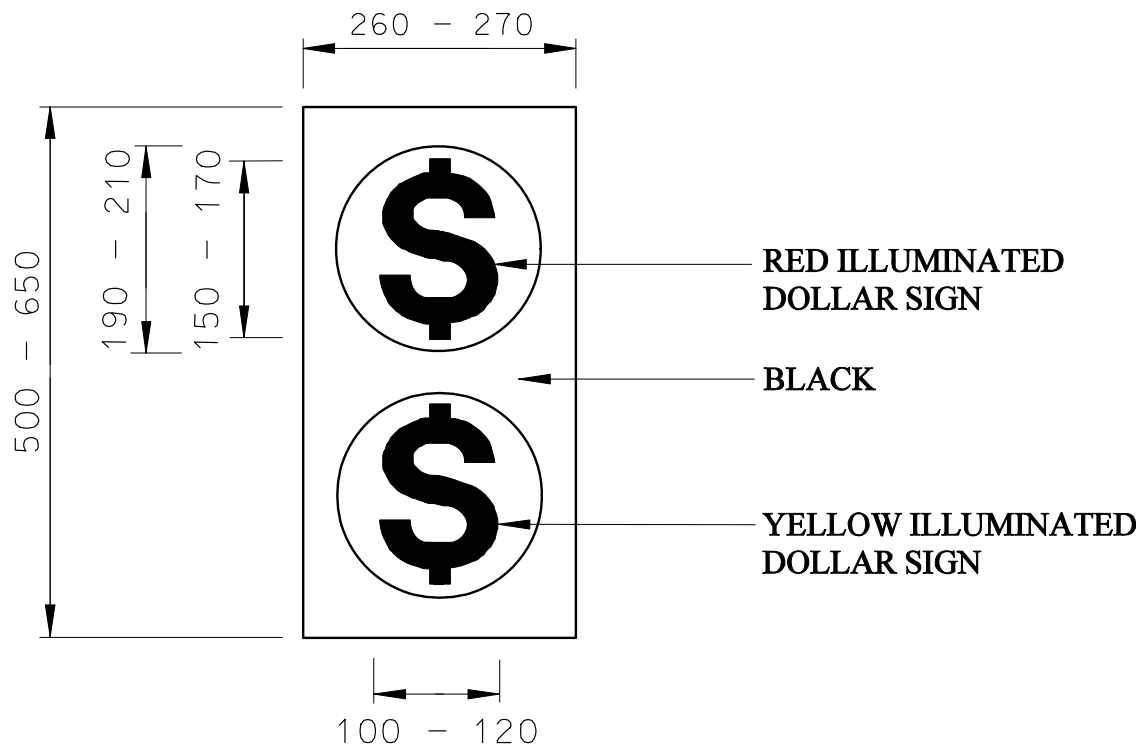
TOLL PAYMENT

This signal is placed in a vertical position at the side of a traffic lane dedicated for use of a toll booth.

The significance of the signal, in relation to a vehicle passing through the toll booth, is as follows –

- (a) the display of a red signal indicates that the toll in respect of the vehicle has not been paid;
- (b) the display of a green signal indicates that the toll in respect of the vehicle has been paid or no toll is payable in respect of the vehicle.

FIGURE NO. 15



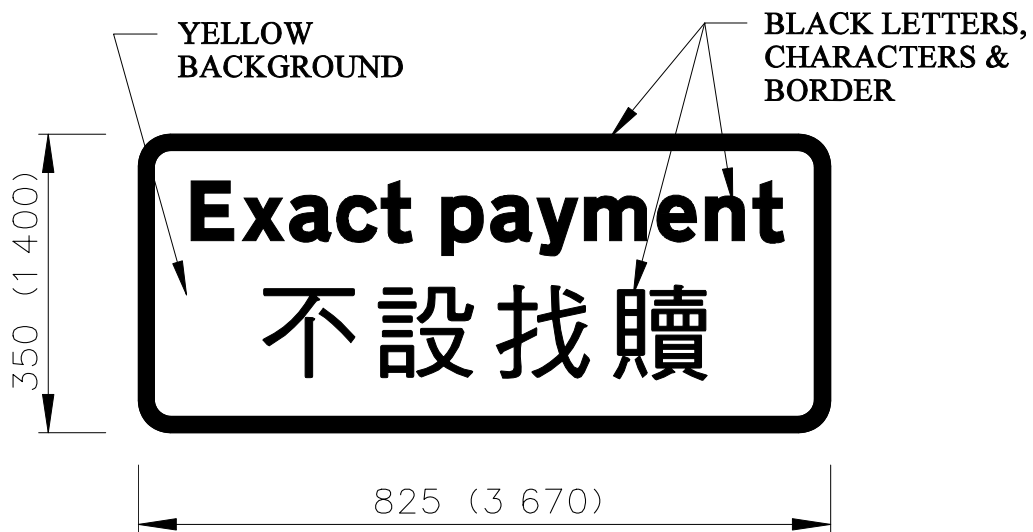
AUTOTOLL ACCOUNT BALANCE

This signal is placed in a vertical position at the side of an autotoll booth. It may be used in conjunction with the signal in Figure No. 14.

The significance of the signal, in relation to a vehicle passing through the autotoll booth with an electronic toll pass, is as follows –

- (a) the display of a red illuminated dollar sign indicates that the account balance of the electronic toll pass is nil;
- (b) the display of a yellow illuminated dollar sign indicates that the account balance of the electronic toll pass is less than an amount specified by the Commissioner, an operator or an agent.

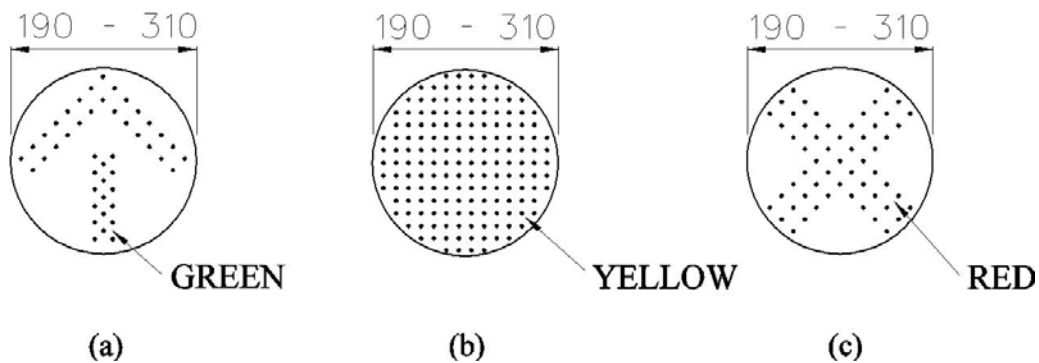
FIGURE NO. 16



NO CHANGE TOLL BOOTH

When this sign is displayed at a toll booth it indicates that drivers using the toll booth who pay in excess of the toll are not entitled to change.

FIGURE NO. 17



TRAFFIC LANE

This signal may be placed above or at the side of a traffic lane for the control of traffic proceeding along the lane, provided that when the signal is placed above the lane the green arrow shall point downwards.

The significance of the signal shall be as follows –

- (a) when a green arrow is displayed, vehicles may proceed along the lane;
- (b) when a steady or intermittent yellow light is displayed, vehicles must proceed along the lane with caution and be prepared to stop;
- (c) when a red cross is displayed, vehicles must not proceed beneath, beyond or past the signal.

The signal may be displayed at the side of a toll booth where the yellow light may be omitted and the significance of the signal, in relation to a vehicle passing through the toll booth, shall be as follows –

- (a) the display of a red cross indicates that the toll in respect of the vehicle has not been paid and the vehicle must not proceed beyond or past the signal;
- (b) the display of a green arrow indicates that the toll in respect of the vehicle has been paid or no toll is payable in

respect of the vehicle and the vehicle may proceed beyond or past the signal.

Secretary for Transport and Housing

2007

Explanatory Note

The object of this Regulation is to provide for the control and regulation of the Tsing Sha Control Area (“Control Area”).

2. Part 1 defines certain terms and expressions used in the Regulation.
3. Part 2 provides for the control of traffic in the Control Area, including provisions relating to –
 - (a) traffic signs, light signals and road markings;
 - (b) temporary speed limits;
 - (c) the closure of roads or traffic lanes that lead to a toll booth;
 - (d) general restrictions and prohibitions;
 - (e) the carriage of dangerous goods; and
 - (f) the manner of driving in tunnels.
4. Part 3 provides for the carrying out of road works in the Control Area.
5. Part 4 contains provisions relating to the methods of collection of tolls for the use of the toll area in the Control Area and connected matters.
6. Part 5 contains provisions relating to –
 - (a) large vehicles that require permits for passage through the Control Area;
 - (b) approvals for driving on closed roads in the Control Area;

- (c) escort of vehicles in the Control Area; and
- (d) exemptions from the Regulation or certain provisions of the Road Traffic Ordinance (Cap. 374) under certain circumstances.

7. Part 6 prohibits certain miscellaneous acts in the Control Area (including the painting or affixing of posters, etc., tampering with installation, etc. and trespass).