

L.N. 237 of 2007**TSING SHA CONTROL AREA (TOLLS, FEES AND CHARGES)
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TSING SHA CONTROL AREA (TOLLS, FEES AND CHARGES) REGULATION

(Made by the Chief Executive in Council under section 26(1) of
the Tsing Sha Control Area Ordinance (16 of 2007))

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

In this Regulation, unless the context otherwise requires—

“articulated vehicle” (掛接車輛) has the meaning assigned to it by regulation 2 of the Road Traffic (Construction and Maintenance of Vehicles) Regulations (Cap. 374 sub. leg. A);

“autotoll booth” (自動收費亭) has the meaning assigned to it by section 2(1) of the General Regulation;

“disabled person” (傷殘人士) 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) has the meaning assigned to it by section 2(1) of the General Regulation;

“General Regulation” (《一般規例》) means the Tsing Sha Control Area (General) Regulation (L.N. 222 of 2007);

“Government vehicle” (政府車輛) has the meaning assigned to it by regulation 2 of the Road Traffic (Driving Licences) Regulations (Cap. 374 sub. leg. B);

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

“light goods vehicle” (輕型貨車) 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);

“motor cycle” (電單車) has the meaning assigned to it by section 2 of the Road Traffic Ordinance (Cap. 374);

“motor tricycle” (機動三輪車) has the meaning assigned to it by section 2 of the Road Traffic Ordinance (Cap. 374);

“permitted gross vehicle weight” (許可車輛總重) has the meaning assigned to it by section 2 of the Road Traffic Ordinance (Cap. 374);

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

“private car” (私家車) has the meaning assigned to it by section 2 of the Road Traffic Ordinance (Cap. 374);

- “private light bus” (私家小巴) has the meaning assigned to it by section 2 of the Road Traffic Ordinance (Cap. 374);
- “public bus” (公共巴士) has the meaning assigned to it by section 2 of the Road Traffic Ordinance (Cap. 374);
- “public light bus” (公共小巴) has the meaning assigned to it by section 2 of the Road Traffic Ordinance (Cap. 374);
- “special purpose vehicle” (特別用途車輛) has the meaning assigned to it by section 2 of the Road Traffic Ordinance (Cap. 374);
- “taxi” (的士) has the meaning assigned to it by section 2 of the Road Traffic Ordinance (Cap. 374);
- “toll ticket” (使用費代用券) has the meaning assigned to it by section 2(1) of the General Regulation;
- “trailer” (拖車) has the meaning assigned to it by section 2 of the Road Traffic Ordinance (Cap. 374).

3. Tolls

(1) The toll payable for the use of the toll area by a vehicle of a description specified in column 2 of Schedule 1 is the toll specified in column 3 of that Schedule in relation to that description of vehicle, and the liability to pay the toll arises once the vehicle has entered the toll area.

(2) Subject to subsection (4), unless the Commissioner determines otherwise in the event of an emergency or special circumstances, the toll payable in respect of a vehicle shall be paid in full before the vehicle is driven out of the toll area—

- (a) to the toll collector on duty at a toll booth that is not an autotoll booth—
 - (i) in cash;
 - (ii) by tendering one or more toll tickets of the appropriate values; or
 - (iii) partly in cash and partly by tendering one or more toll tickets of the appropriate values; or
- (b) by driving the vehicle past an autotoll booth and debiting the account of an electronic toll pass maintained in respect of the vehicle.

(3) If subsection (2) is contravened in respect of a vehicle, the driver of the vehicle commits an offence and is liable on conviction to a fine at level 2 and to imprisonment for 6 months.

(4) No toll shall be payable in respect of—

- (a) a Government vehicle;
- (b) a vehicle used by an operator in the course of his duty; or

- (c) a vehicle used by a disabled person which has been approved by the Commissioner to use the toll area without the payment of a toll.

4. Surcharge

(1) In the event of a failure to pay a toll or any part of a toll in respect of a vehicle in accordance with section 3, the driver of the vehicle is liable to pay, in addition to the amount of the toll that has not been paid, to the Commissioner or an operator the surcharge specified in column 3 of Schedule 2.

(2) The imposition of a surcharge under subsection (1) is without prejudice to any proceedings that may be instituted in respect of an offence under section 3(3).

(3) If the driver of a vehicle fails, on demand in writing made to him by the Commissioner or an operator, to pay a surcharge payable under subsection (1) within 21 days of the service of the demand of him, he commits an offence and is liable on conviction to a fine at level 2 and to imprisonment for 6 months.

(4) A demand made under subsection (3) shall be served by sending it to the driver at his last known address by registered post or recorded delivery.

5. Escort fee

If the Commissioner or an operator requires a vehicle to be escorted under section 22(1) of the General Regulation when passing through the Control Area, the owner and the driver of the vehicle are jointly and severally liable to pay to the Commissioner or an operator a fee calculated at the rate specified in column 3 of Schedule 3.

6. Change and administration fee for change

(1) If—

(a) a person pays a toll by tendering a toll ticket and the value of the toll ticket exceeds the toll; or

(b) a person pays a toll by tendering more than one toll ticket and the total value of the toll tickets exceeds the toll,

he is not entitled to be given any change.

(2) If a person pays in excess of the toll at a toll booth displaying the prescribed traffic sign shown as Figure No. 16 in the Schedule to the General Regulation, he is not entitled to be given any change.

(3) Subject to subsections (1) and (2), if a person proves that—

(a) he paid in excess of the toll at a toll booth that is not an autotoll booth; and

(b) he did not receive the change before driving the vehicle away from the toll booth,

the change shall be given only on the payment to the Commissioner or an operator of the administration fee specified in column 3 of Schedule 4.

(4) An administration fee payable under subsection (3) may be collected by deduction from the change.

7. Permit fee, etc.

(1) In this section and Schedule 5, “permit” (許可證) means a permit issued under section 20(2) of the General Regulation.

(2) The applicant for a permit shall, on the issue of the permit, pay to the Commissioner or an operator the fee specified in column 3 of Schedule 5.

(3) The Commissioner may determine the fee for processing an application for a permit.

(4) If a fee is determined under subsection (3), the processing of an application for a permit shall be subject to the payment of the fee.

8. Charges for removal, impounding and storage of vehicles

(1) If a vehicle of a description specified in column 2 of item 1 of Schedule 6 is removed under section 22 or 23 of the Ordinance, its owner shall pay to the Commissioner or an operator the charge specified in column 3 of that item in relation to that description of vehicle.

(2) If a vehicle of a description specified in column 2 of item 1 of Schedule 6 is impounded under section 22 or 23 of the Ordinance, its owner shall pay to the Commissioner or an operator the charge specified in column 3 of item 2 of that Schedule.

(3) If a vehicle of a description specified in column 2 of item 1 of Schedule 6 is stored under section 22 or 23 of the Ordinance for more than 2 days, its owner shall pay to the Commissioner or an operator a charge calculated at the rate specified in column 3 of item 3 of that Schedule.

SCHEDULE 1

[s. 3]

TOLLS

Category	Description of vehicles	Toll or description of tolls payable
1.	(a) Motor cycle	\$10
	(b) Motor tricycle	\$10

Category	Description of vehicles	Toll or description of tolls payable
2.	(a) Private car	\$12
	(b) Electrically powered passenger vehicle	\$12
	(c) Taxi	\$12
3.	(a) Public light bus	\$18
	(b) Private light bus	\$18
4.	(a) Light goods vehicle	\$12
	(b) Special purpose vehicle of a permitted gross vehicle weight not exceeding 5.5 t	\$12
5.	(a) Medium goods vehicle	\$18
	(b) Special purpose vehicle (other than articulated vehicle) of a permitted gross vehicle weight exceeding 5.5 t but not exceeding 24 t	\$18
6.	(a) Heavy goods vehicle	\$24
	(b) Special purpose vehicle (other than articulated vehicle) of a permitted gross vehicle weight exceeding 24 t	\$24
7.	(a) Public bus (single-decked)	\$24
	(b) Private bus (single-decked)	\$24
8.	(a) Public bus (double-decked)	\$30
	(b) Private bus (double-decked)	\$30
9.	Articulated vehicle	\$24
10.	Vehicle towing another vehicle	The sum of the tolls applicable to the 2 vehicles involved
11.	Vehicle (other than articulated vehicle) towing a trailer	The toll applicable to the vehicle plus \$12 for the trailer

SCHEDULE 2 [s. 4]

SURCHARGE

Item	Particulars	Surcharge
1.	Surcharge for failure to pay a toll or any part of a toll	\$155

SCHEDULE 3 [s. 5]

ESCORT FEE

Item	Particulars	Fee
1.	Escort of any vehicle	\$290 for each 30 minutes or part thereof

SCHEDULE 4 [s. 6]

ADMINISTRATION FEE FOR CHANGE

Item	Particulars	Administration fee
1.	Change given in respect of a toll paid in excess	\$80

SCHEDULE 5 [s. 7]

PERMIT FEE

Item	Particulars	Fee
1.	Issue of permit	\$115

SCHEDULE 6

[s. 8]

CHARGES FOR REMOVAL, IMPOUNDING AND STORAGE OF VEHICLES

Item	Particulars	Charge
1.	Charge for removal of—	
	(a) (i) a motor cycle;	\$280
	(ii) a motor tricycle;	\$280
	(iii) a private car;	\$280
	(iv) an electrically powered passenger vehicle;	\$280
	(v) a taxi;	\$280
	(vi) a public light bus; or	\$280
	(vii) a private light bus	\$280
	(b) (i) a light goods vehicle;	\$600
	(ii) a special purpose vehicle of a permitted gross vehicle weight not exceeding 5.5 t;	\$600
	(iii) a public bus (single-decked); or	\$600
	(iv) a private bus (single-decked)	\$600
	(c) (i) a medium goods vehicle;	\$660
	(ii) a heavy goods vehicle;	\$660
	(iii) a special purpose vehicle of a permitted gross vehicle weight exceeding 5.5 t;	\$660
	(iv) a public bus (double-decked); or	\$660
	(v) a private bus (double-decked)	\$660
2.	Charge for impounding a vehicle	\$150
3.	Charge for storage of a vehicle after the second day	\$95 per day

LAM Chik-ting, Tony
Clerk to the Executive Council

COUNCIL CHAMBER
11 December 2007

Explanatory Note

The object of this Regulation is to prescribe and provide for the payment of tolls, surcharge, fees and charges relating to the Tsing Sha Control Area (“Control Area”) including the following—

- (a) the tolls for the use of the toll area in the Control Area (“toll”) (section 3);
- (b) the surcharge for the failure to pay a toll or any part of a toll (section 4);
- (c) the fee for escorting a vehicle in the Control Area (section 5);
- (d) the administration fee for change given in respect of a toll paid in excess (section 6);
- (e) the fee for issuing a permit under section 20(2) of the Tsing Sha Control Area (General) Regulation (L.N. 222 of 2007) (section 7);
- (f) the charges for the removal, impounding and storage of vehicles under section 22 or 23 of the Tsing Sha Control Area Ordinance (16 of 2007) (section 8).

2. The Regulation also provides for entitlement to changes given for overpayment of tolls (section 6).