

For information

Legislative Council Panel on Transport

**Amendments to By-laws
of Build-Operate-Transfer Tunnels**

PURPOSE

This paper informs Members of the proposals from the franchisees of the four Build-Operate-Transfer (BOT) tunnels, namely Eastern Harbour Crossing (EHC), Tate's Cairn Tunnel (TCT), Western Harbour Crossing (WHC), and Tai Lam Tunnel and Yuen Long Approach Road (also known as "Route 3"), to make amendments to their respective by-laws to provide for standardised signage for autotoll lanes and other technical amendments to facilitate the regulation of traffic in the tunnels.

BACKGROUND

2. By virtue of their respective governing Ordinances, the franchisees of the four tunnels are empowered to make by-laws subject to the approval of the Legislative Council (LegCo), namely –

- (a) Eastern Harbour Crossing Road Tunnel By-laws (Cap. 215E);
- (b) Tate's Cairn Tunnel By-laws (Cap. 393B);
- (c) Western Harbour Crossing Bylaw (Cap. 436D); and
- (d) Tai Lam Tunnel and Yuen Long Approach Road Bylaw (Cap. 474C).

These by-laws provide for matters relating to the control, operation and management of the tunnel area such as the control, restriction and regulation of traffic, speed limit, collection of tolls, etc.

PROPOSAL AND JUSTIFICATIONS

3. The four BOT tunnel franchisees plan to make amendments to their respective by-laws to provide for standardised signage for autotoll lanes, which has been adopted at Government tunnels, and other technical

amendments to align their by-laws with Government tunnel regulations and with the by-laws made by other BOT tunnel companies, as appropriate. These amendments are summarised in the ensuing paragraphs.

Standardised autotoll signage

4. In May 2009, we introduced into LegCo amendments to Government tunnel regulations to provide for standardised signage for autotoll lanes and toll booths for Government tolled tunnels covered by the Road Tunnels (Government) Ordinance (Cap. 368) and for the Tsing Ma Control Area (TMCA). Further to the commencement of the amendments, standardised autotoll signage have been adopted at all Government tolled tunnels and TMCA since 10 July 2009¹.

5. It was planned that subsequent to the adoption of the standardised autotoll signage at the Government tolled tunnels and control areas, the four BOT tunnel franchisees would each make amendments to their respective by-laws to adopt the standardised autotoll signage. Hence the present proposed amendments.

Regulating traffic by using light signals

6. At present, light signals such as an illuminated traffic sign or Light Emitting Diode (LED) traffic signs are used in Government tolled tunnels / control areas and Route 3 to regulate traffic. The franchisees of EHC and TCT propose to make amendments to their respective by-laws to also allow them to regulate traffic in their tunnels by using the light signals as adopted in Government tunnels / control areas and Route 3. To pave way for EHC and TCT to make such amendments, we have, in the amendment exercise in 2009 mentioned in paragraph 4 above, enacted amendments to the regulations of EHC and TCT to empower the two franchisees to place or erect light signals as may be prescribed in their by-laws at a later stage².

¹ Standardised autotoll signage has already been adopted at the Tsing Sha Control Area since it was commissioned in March 2008.

² As the regulations of the WHC and Route 3 already provide for such empowering provisions for the two franchisees to place or erect light signals, there was no need for similar amendments to the regulations of WHC and Route 3 in 2009.

7. Accordingly, the franchisees of EHC and TCT now propose to make amendments to their by-laws to enable them to regulate traffic in the tunnel areas by using light signals. To align the practice among the four BOT tunnels, the franchisee of WHC also proposes to make amendments to its by-laws to enable the tunnel company to regulate traffic by using light signals as necessary.

Making the owner as well as the driver of a vehicle liable to pay tolls

8. The existing by-laws of WHC and Route 3 provide that the owner of a vehicle in addition to the driver using the tunnels is also liable to pay toll. As the by-laws of EHC and TCT currently only provide that the driver of a vehicle is liable to pay toll, the franchisees of EHC and TCT propose to make amendments to their by-laws to provide that the owner of a vehicle in addition to the driver is also liable to pay tolls.

Restricting the speed limit for certain vehicles in WHC and Route 3 to 70 km/h

9. Under section 40 of the Road Traffic Ordinance (Cap. 374) (RTO), the maximum speed limit on roads for certain vehicles, namely medium goods vehicles, heavy goods vehicles and buses, and vehicles driven by a person holding a probationary driving licence is 70 km/h, even if the prescribed speed limit for the roads is higher than 70 km/h. This restriction also applies to vehicles driven in road tunnels. However, under the existing by-laws of WHC and Route 3, the maximum speed limit that may be prescribed in the tunnels of WHC and Tai Lam Tunnel of Route 3 is 80 km/h. The franchisees of WHC and Route 3 therefore propose to make amendments to their by-laws by incorporating section 40 of the RTO into their by-laws to make it clear that the abovementioned types of vehicles are subject to the maximum speed limit of 70 km/h.

Allowing medium and heavy goods vehicles to use the nearside and middle lanes of WHC

10. At present, all dual-three lane tunnels in Hong Kong (including Government tunnels³ and the Tai Lam Tunnel in Route 3) allow medium and heavy goods vehicles to use the nearside lane and middle lane of the tunnels except WHC, which requires medium and heavy goods vehicles to use the

³ The dual-three lane Government tunnels are: the Eagle's Nest Tunnel, Sha Tin Heights Tunnel and Nam Wan Tunnel in the TSCA, and Cheung Ching Tunnel in the TMCA. All other Government tunnels are dual two-lane tunnels.

nearside lane only. To bring the WHC by-laws in line with those of other dual three-lane tunnels, the franchisee of WHC proposes to amend its by-laws to allow medium and heavy goods vehicles to also use the middle lane of WHC. This amendment will improve the traffic flow at WHC as the medium / heavy goods vehicles will be able to use two lanes instead of one.

Other technical amendments

11. In addition to the amendments mentioned above, the four BOT tunnel franchisees also plan to make certain minor technical amendments to update their by-laws (particularly those of EHC and TCT which were made in 1989 and 1991 respectively). These include replacing certain traffic signs with new designs and removing obsolete provisions such as prohibiting motorcycles from using the “Exact Payment” toll booths at EHC.

WAY FORWARD

12. The proposed amendments and the relevant draft amendment by-laws to be made by the four BOT tunnel franchisees have been vetted by the Administration. The proposed amendments are technical in nature and would align the autotoll signage, traffic signs and regulatory requirements such as speed limits and use of lanes among all tunnels. Motorists will benefit from the standardised signage, improved traffic flow and road safety at the tunnel areas.

13. After the amendment by-laws are made by the tunnel franchisees, the Secretary for Transport and Housing will move motions (one for each set of amendment by-laws) at a Legislative Council meeting within the current legislative session for approval by positive vetting.

ADVICE SOUGHT

14. Members are invited to note the four BOT tunnel franchisees’ proposals to amend their by-laws.

**Transport and Housing Bureau
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