

立法會
Legislative Council

LC Paper No. LS42/16-17

**Paper for the House Committee Meeting
on 17 March 2017**

**Legal Service Division Report on
Subsidiary Legislation Gazetted on 10 March 2017**

Tabling in LegCo : Council meeting of 22 March 2017

Amendment to be made by : Council meeting of 12 April 2017 (or that of 10 May if extended by resolution)

Road Tunnels (Government) (Amendment) Regulation 2017 (L.N. 34)

**Tsing Ma Control Area (Tolls, Fees and Charges)
(Amendment) Regulation 2017** (L.N. 35)

**Tsing Sha Control Area (Tolls, Fees and Charges)
(Amendment) Regulation 2017** (L.N. 36)

L.N. 34 to L.N. 36 are made by the Chief Executive in Council to amend the Road Tunnels (Government) Regulations (Cap. 368A), the Tsing Ma Control Area (Tolls, Fees and Charges) Regulation (Cap. 498A) and the Tsing Sha Control Area (Tolls, Fees and Charges) Regulation (Cap. 594B) respectively. They provide for payment of tolls through electronic payment facilities (other than automatic toll collection facilities) for using six government tolled tunnels, namely, Aberdeen Tunnel, Cross-Harbour Tunnel, Eastern Harbour Crossing, Lion Rock Tunnel, Shing Mun Tunnels and Tseung Kwan O Tunnel and two government tolled roads, namely, the Lantau Link¹ and the toll area² of the Tsing Sha Control Area.

¹ Under section 2 of Cap. 498, "Lantau Link" (青嶼幹線) means that part of the Area (i.e. Tsing Ma Control Area) (formerly known as the "Lantau Fixed Crossing") described and delineated as such on a plan deposited under section 7 and comprising the Tsing Ma Bridge, the Ma Wan Viaduct and the Kap Shui Mun Bridge, and includes any area adjacent thereto.

² Under section 2(1) of Cap. 594, "toll area" (收費區) means the part of the Control Area (i.e. Tsing Sha Control Area) delineated as such on a plan deposited under section 7.

2. According to paragraphs 3 to 5 of the LegCo Brief (File Ref: THB(T)CR 2/4651/83) issued by the Transport and Housing Bureau on 8 March 2017, the proposed electronic toll payment ("e-payment") will be implemented by phases and the relevant facilities will be installed at manual toll booths to process four e-payment means, namely, Octopus, Visa payWave, MasterCard contactless and UnionPay QuickPass. Members may refer to the LegCo Brief for further information.

3. As advised by the Clerk to the Panel on Transport, the Panel was consulted at its meeting on 15 March 2013 on the Administration's funding proposal in respect of the installation of electronic payment facilities at all manual toll booths of the government tolled tunnels and roads. While the Panel in general supported the initiative which could provide an additional payment means for motorists, a few members were concerned that the relevant installation and recurrent costs incurred would become a reason for increasing the toll charges for those tunnels and roads in future under the user-pay principle. Some members also expressed concern that while bringing convenience to motorists, the initiative would not relieve traffic congestion significantly at those tunnels and roads.

4. L.N. 34 to L.N. 36 come into operation on 2 June 2017.

Concluding Observations

5. No difficulties have been identified in relation to the legal and drafting aspects of the above items of subsidiary legislation.

Prepared by

LO Wing-yee, Winnie
Assistant Legal Adviser
Legislative Council Secretariat
16 March 2017