

立法會
Legislative Council

LC Paper No. CB(4)477/18-19
(These minutes have been seen
by the Administration)

Ref: CB4/SS/4/18

**Subcommittee on Three Regulations to Exempt the Toll
for Franchised Buses Using Government Tunnels
as well as the Tsing Ma and Tsing Sha Control Areas**

**Minutes of the first meeting held on
Friday, 14 December 2018, at 8:30 am
in Conference Room 2B of the Legislative Council Complex**

Members present : Hon Frankie YICK Chi-ming, SBS, JP (Chairman)
Hon YIU Si-wing, BBS (Deputy Chairman)
Hon Michael TIEN Puk-sun, BBS, JP
Hon WU Chi-wai, MH
Hon CHAN Han-pan, BBS, JP
Dr Hon KWOK Ka-ki
Hon Andrew WAN Siu-kin
Hon LUK Chung-hung, JP
Hon Jeremy TAM Man-ho
Hon Tony TSE Wai-chuen, BBS

Member absent : Hon Alice MAK Mei-kuen, BBS, JP

Public officers attending : **Agenda item II**
Mr Kevin CHOI, JP
Deputy Secretary for Transport and Housing
(Transport)²

Miss Crystal YIP
Principal Assistant Secretary for Transport and
Housing (Transport)1

Mr Patrick WONG
Assistant Commissioner for Transport/Bus and
Railway
Transport Department

Miss Amy TSE
Principal Transport Officer/Bus and Railway 1
Transport Department

Ms Angie LI
Senior Government Counsel
Department of Justice

Clerk in attendance : Ms Macy NG
Senior Council Secretary (4)6

Staff in attendance : Mr Bonny LOO
Assistant Legal Adviser 4

Miss Katherine CHAN
Council Secretary (4)6

Mr Griffin FUNG
Legislative Assistant (4)7

Action

I. Election of Chairman

Election of Chairman

Mr Frankie YICK, the member who had the highest precedence among members of the Subcommittee present at the meeting, presided over the election of the Chairman of the Subcommittee. He invited nominations for the chairmanship of the Subcommittee.

Action

2. Mr Frankie YICK was nominated by Mr CHAN Han-pan, and the nomination was seconded by Mr YIU Si-wing. Mr Frankie YICK accepted the nomination.

3. As Mr Frankie YICK was nominated for the office, Mr YIU Si-wing, the member present who had the highest precedence among the members not nominated for the office, presided over the election of the Chairman. There being no other nominations, Mr YIU Si-wing declared that Mr Frankie YICK was elected as Chairman of the Subcommittee. Mr YICK then took the chair.

Election of Deputy Chairman

4. The Chairman indicated that he might move a motion later at the meeting regarding the three regulations to exempt the toll for franchised buses using government tunnels as well as the Tsing Ma and Tsing Sha Control Areas ("the Three Regulations"). He proposed and members agreed to elect a Deputy Chairman of the Subcommittee to facilitate dealing with his motion.

5. The Chairman called for nominations for the deputy chairmanship of the Subcommittee. Mr YIU Si-wing was nominated by Mr CHAN Han-pan and the nomination was seconded by Mr Tony TSE. Mr YIU Si-wing accepted the nomination. There being no other nominations, Mr YIU Si-wing was declared elected as the Deputy Chairman of the Subcommittee.

II. Meeting with the Administration

[L.N. 237, 238 and 239 of 2018, File Ref: THB(T)CR 1/4651/2018, LC Paper Nos. LS24/18-19 and CB(4)325/18-19(01) to (04)]

Discussion

6. The Administration briefed members on the Three Regulations. The Subcommittee deliberated (index of proceedings is in the **Appendix**).

Follow-up actions to be taken by the Administration

7. The Subcommittee requested the Administration to provide the following information:

- (a) the Administration's response to the suggestion of directly reducing the fares for selected franchised bus routes using government tunnels as well as the Tsing Ma and Tsing Sha Control Areas, instead of setting up the "Franchised Bus Toll Exemption Fund" to mitigate the fare increase for all bus routes of individual franchised bus operators; and
- (b) whether further legislative amendments are required for exempting the toll for all franchised buses using Western Harbour Crossing and Tai Lam Tunnel after the Government's takeover of the above two tunnels when their franchises expire in 2023 and 2025 respectively.

Motion

(At 9:28 am, the Deputy Chairman chaired the meeting to handle the motion moved by the Chairman.)

8. The Deputy Chairman having decided that the proposed motion was directly related to the Subcommittee's deliberations, the Subcommittee agreed to deal with the motion moved by the Chairman and seconded by Mr CHAN Han-pan as follows:

有鑒於非專營巴士(居民服務)和綠色專線小巴與專營巴士同樣面對營運成本不斷上升的問題，而非專營巴士(居民服務)和綠色專線小巴的票價及路線同樣受政府監管，因此，本會要求政府把非專營巴士(居民服務)和綠色專線小巴納入在豁免政府隧道以及青馬和青沙管制區的收費計劃內，以減輕兩者的加價壓力。

(Translation)

As non-franchised buses (residents' service ("RS")) and green minibuses ("GMBs"), same as franchised buses, are facing the problem of rising operating costs, and the fares and routings of non-franchised buses (RS) and GMBs are also regulated by the Government, this Subcommittee calls upon the Government to include non-franchised

Action

buses (RS) and GMBs in the plan to exempt the toll for using government tunnels as well as the Tsing Ma and Tsing Sha Control Areas with a view to relieving their fare increase pressure.

9. The Deputy Chairman put the motion to vote. Two members voted for the motion and no member voted against it. The Deputy Chairman declared that the motion was carried.

(At 9:29 am, the Chairman took over the Chairmanship.)

10. Understanding that the suggestion set out in the motion might have charging effect for the purposes of Rule 31(1) of the Rules of Procedure in reducing government revenue which might be collected under statutory authority (i.e. the Road Tunnels (Government) Regulations (Cap. 368A)), the Subcommittee agreed that it would not propose amendment to the Three Regulations in this regard but requested the Administration to note the Subcommittee's suggestion.

(Post-meeting note: The supplementary information provided by the Administration as well as its response to the motion passed at the meeting were circulated to members on 24 December 2018 via LC Paper No. CB(4)367/18-19(02). By the deadline on 28 December 2018, no members raised query on the above paper.)

Examination of the provisions of the three regulations to exempt the toll for franchised buses using government tunnels as well as the Tsing Ma and Tsing Sha Control Areas

11. The Subcommittee completed examination of the provisions of the Three Regulations and would not propose any amendment.

Invitation of views

12. Members agreed that there was no need to invite the public to give views on the Three Regulations.

Legislative timetable

13. Members noted that the scrutiny period of the Three Regulations had been extended by resolution to the Council meeting of 23 January 2019. The deadline for giving notice of amendments was 16 January 2019. The Chairman would report the deliberations of the Subcommittee to the House Committee on 11 January 2019.

III. Any other business

14. There being no other business, the meeting ended at 9:51 am.

Council Business Division 4
Legislative Council Secretariat
28 January 2019

**Proceedings of the first meeting of
Subcommittee on Three Regulations to Exempt the Toll for Franchised Buses
Using Government Tunnels as well as the Tsing Ma and Tsing Sha Control Areas
on Friday, 14 December 2018, at 8:30 am
in Conference Room 2B of the Legislative Council Complex**

Time marker	Speaker	Subject(s)	Action required
<i>Agenda item I — Election of Chairman</i>			
000342 – 000535	Mr Frankie YICK Mr CHAN Han-pan Mr YIU Si-wing Mr Tony TSE	Election of Chairman and Deputy Chairman Mr Frankie YICK and Mr YIU Si-wing were elected the Chairman and Deputy Chairman of the Subcommittee respectively	
<i>Agenda item II — Meeting with the Administration</i>			
000536 – 000639	Chairman	Opening remarks	
000640 – 001010	Chairman Administration	Briefing by the Administration on the three regulations to exempt the toll for franchised buses using government tunnels as well as the Tsing Ma and Tsing Sha Control Areas ("the Three Regulations")	
001011 – 001540	Chairman Mr Tony TSE Administration	Discussion on the operation of the "Franchised Bus Toll Exemption Fund" ("the Fund"); administrative cost of operating the Fund; impact of the toll exemption on demand for franchised bus services; and adoption of information technologies for toll collection	
001541 – 002051	Chairman The Deputy Chairman Administration	Discussion on the operation of the Fund; effectiveness of toll exemption in relieving the pressure of bus fare increase; and the Administration's proposal to pay the toll on behalf of the franchised bus operators for using the Western Harbour Crossing ("WHC") as an integral part of the Administration's toll rationalization proposal	
002052 – 002608	Chairman Mr CHAN Han-pan Administration	Discussion on the coverage of the toll exemption; and toll for using the Tsing Ma Control Area by all kinds of vehicles	
002609 – 003151	Chairman Dr KWOK Ka-ki Administration	Discussion on the usage of the toll saved by the franchised bus operators; and impact of the toll exemption on traffic volume of respective tunnels and Tsing Ma and Tsing Sha Control Areas	

Time marker	Speaker	Subject(s)	Action required
003152 – 003735	Chairman Mr Jeremy TAM Administration	Discussion on the effectiveness of the toll exemption in relieving the pressure of bus fare increase	
003736 – 004234	Chairman Administration	Discussion on the coverage of the toll exemption	
004235 – 004845	Chairman Mr WU Chi-wai Administration	Mr WU's request for the Administration to provide supplementary information on its response to the suggestion of directly reducing the fares for selected franchised bus routes using government tunnels as well as the Tsing Ma and Tsing Sha Control Areas, instead of setting up the Fund to mitigate the fare increase for all bus routes of individual franchised bus operators	Administration (paragraph 7(a) of the minutes refers)
004846 – 005311	Chairman Mr Tony TSE Administration	Discussion on adopting information technologies for toll collection; and staffing resource required for monitoring the operation of the Fund	
005312 – 005817	Chairman The Deputy Chairman Administration	Discussion on the coverage of the toll exemption	
005818 – 010129	Chairman Mr Andrew WAN Administration	Discussion on the usage of the toll saved by the franchised bus operators	
010130 – 010255	Chairman The Deputy Chairman	Voting on motion	
010256 – 010309	Chairman	The Subcommittee agreed that there was no need to invite the public to give views on the Three Regulations	
010310 – 010402	Chairman Administration	Examination of the provisions of the Road Tunnels (Government) (Amendment) (No. 2) Regulation 2018 (L.N. 237 of 2018)	
010403 – 011417	Chairman Dr KWOK Ka-ki Administration Assistant Legal Adviser 4 ("ALA4")	Discussion on the usage of the toll saved by the franchised bus operators Dr KWOK's request for the Administration to provide supplementary information on whether further legislative amendments were required for exempting the toll for all franchised buses using WHC and Tai	Administration (paragraph 7(b) of the minutes refers)

Time marker	Speaker	Subject(s)	Action required
		<p>Lam Tunnel ("TLT") after the Government's takeover of the above two tunnels when their franchises expired in 2023 and 2025 respectively</p> <p>ALA4's remark on the need to amend, among others, regulation 12(1) of, and Schedule 2 to, the Road Tunnels (Government) Regulations (Cap. 368A) to include WHC and TLT after their reversion to the Government upon expiry of their respective franchises</p>	
011418 – 012131	Chairman Mr Michael TIEN Administration	Discussion on the proposed mechanism of ceasing to draw from the Fund	
012132 – 012320	Chairman Administration	Examination of the provisions of the Road Tunnels (Government) (Amendment) (No. 2) Regulation 2018 (L.N. 237 of 2018); Tsing Ma Control Area (Tolls, Fees and Charges) (Amendment) Regulation 2018 (L.N. 238 of 2018); and Tsing Sha Control Area (Tolls, Fees and Charges) (Amendment) Regulation 2018 (L.N. 239 of 2018)	
012321 – 012512	Chairman Dr KWOK Ka-ki ALA4	<p>Legislative timetable</p> <p>ALA4's remark on the possible charging effect under Rule 31(1) of the Rules of Procedure insofar as any proposed amendment by Members sought to reduce the government revenue collectible under statutory authority</p> <p>The Subcommittee agreed that it would not propose amendment to the Three Regulations</p>	
<i>Agenda item III — Any other business</i>			
012513 – 012518	Chairman	Closing remarks	