

## **LEGISLATIVE COUNCIL BRIEF**

Discovery Bay Tunnel Link Ordinance (Cap. 520)

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### **Discovery Bay Tunnel Link Regulation**

#### **INTRODUCTION**

By virtue of section 28 of the Discovery Bay Tunnel Link Ordinance (Cap. 520) (“the Ordinance”), the Secretary for Transport is empowered to make regulations covering the obligations and powers of the Discovery Bay Road Tunnel Company Limited (“the Company”) in operating the Discovery Bay Tunnel Link (“the Tunnel Link”). In exercise of this power, the Secretary for Transport has made the Discovery Bay Tunnel Link Regulation (“the Regulation”) at **Annex**.

#### **BACKGROUND AND ARGUMENT**

##### **General Background**

2. The Ordinance was enacted on 13 June 1997 to introduce statutory control over the construction, operation, maintenance and management of the Tunnel Link, which is a single tube two-way facility connecting Discovery Bay and the utility service road next to North Lantau Highway at Siu Ho Wan. The Tunnel Link is a private road tunnel to be built, maintained and operated by the Company at its cost. Construction works are now underway and it is scheduled for opening in December this year.

## **The Regulation**

3. The Regulation contains 16 sections. The provisions therein are similar in nature to regulations made for existing “Build-Operate-Transfer” tunnels, such as the Western Harbour Crossing Regulation (Cap. 436 sub. leg.) and the Tai Lam Tunnel and Yuen Long Approach Road Regulation (Cap. 474 sub. leg.). A brief account of the individual sections is given in the following paragraphs.

4. **Section 1** of the Regulation provides that the Regulation shall come into operation on a day to be appointed by the Secretary for Transport.

5. **Section 2** provides the definitions for the terms used in the Regulation.

6. **Section 3** sets out the obligation of the Company to provide adequate traffic signs, light signals and road markings, an efficient control centre manned at all times, a minor control centre, patrol vehicles and speed check equipment.

7. **Section 4** empowers the Company to erect and place specified traffic signs, light signals and road markings in the tunnel area.

8. **Section 5** requires the Company to provide at all times, direct telecommunication links between the control centre and the Police, the Fire Services Department, and the Transport Department, an emergency communication system within the Tunnel Link, a radio re-broadcasting system, a video output port and an emergency telephone system. It further requires the Company to report at once any diversion or interruption of traffic within the tunnel area to the Police and the Transport Department.

9. **Section 6** sets out the obligation of the Company to deal with vehicle breakdowns, road accidents, obstructions, and fire in the tunnel area. It requires that the Company should render first aid treatment to persons injured from such incidents prior to the arrival of Police and officers of the Fire Services Department. It also stipulates the requirement for the Company to provide to the satisfaction of the Director of Fire Services adequate fire service installations and equipment.

10. **Section 7** obligates the Company to install adequate ventilation system and to provide equipment to measure, as well as to monitor, the concentration of certain hazardous gases.

11. **Section 8** requires the Company to keep the tunnel area in a clean and orderly condition. It also sets out the standard for the discharge of tunnel wash water.

12. **Section 9** requires the Company to provide adequate and efficient lighting in the tunnel area.

13. **Section 10** sets out the requirement for the Company to ensure a constant electricity supply to the Tunnel Link and the tunnel facilities by providing connection to two independent outside sources of electric power and the installation of an uninterruptible power supply system and an electricity generating apparatus.

14. **Section 11** requires the Company to take measures to control the carriage of dangerous goods through the Tunnel Link.

15. **Section 12** requires the Company to provide adequate and trained personnel for the safe and orderly passage of vehicles through the Tunnel Link and for the control and safety of vehicles and persons in the tunnel area.

16. **Section 13** requires the Company to display the toll level in conspicuous places at both ends of the Tunnel Link and to make available information about the toll level.

17. **Section 14** sets out the requirement for the Company to maintain records relating to the operation of the Tunnel Link and to allow the Commissioner for Transport free access to such records.

18. **Section 15** sets out the requirement for the Company to maintain records relating to the maintenance of the tunnel area and tunnel facilities and to allow the Director of Highways free access to such records.

19. **Section 16** provides that every tunnel officer on duty, except for the Tunnel Manager, must wear a uniform. It also requires every tunnel officer on duty to carry a means of identity for inspection upon request.

## **HUMAN RIGHTS IMPLICATIONS**

20. The Department of Justice advises that the Regulation has no human rights implications.

## **FINANCIAL AND STAFFING IMPLICATIONS**

21. The Regulation only sets out the obligations and powers of the Company in respect of the operation of the Tunnel Link. No financial implication is envisaged. No additional staff is required as Transport Department will only assume a general monitoring role to ensure compliance with the Regulation.

## **ENVIRONMENTAL IMPLICATIONS**

22. The operation of the Tunnel Link will be subject to relevant environmental protection legislation and guidelines. In particular, section 7(2) of the Regulation sets out the standards of air quality that the Company needs to maintain in the tunnel. These standards are the same as those specified in the “Practice Note on Control of Air Pollution in Vehicle Tunnels” issued by the Environmental Protection Department in 1995, which are equivalent to the air quality standards for other tunnels. Section 8(2) also requires the Company to ensure that the tunnel wash water discharged should meet the prevailing standards for effluents as specified in the Technical Memorandum Standards for Effluents Discharged into Drainage and Sewerage Systems, Inland and Coastal Waters (Cap. 358 sub. leg.)

## **PUBLIC CONSULTATION**

23. The Company has been consulted and it agreed to all the provisions in the Regulation.

## **LEGISLATIVE TIMETABLE**

24. The Regulation will be submitted to the Legislative Council for negative vetting on 14 July 1999.

## **PUBLICITY**

25. The Regulation will be published in the Gazette on 9 July 1999. We will issue a press release on 8 July to announce the making of the Regulation.

## **ENQUIRIES**

26. Any enquiries regarding this brief should be directed to the following officer -

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**Transport Bureau**  
**Government Secretariat**  
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