

立法會
Legislative Council

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**Paper for the House Committee Meeting
of the Legislative Council
on 3 March 2000**

**Legal Service Division Report on
Resolution under section 30 of the Discovery Bay
Tunnel Link Ordinance (Cap. 520)**

The Secretary for Transport has given notice to move a motion on 15 March 2000 to seek the Legislative Council's approval of the Discovery Bay Tunnel Link Bylaw ("the Bylaw") made by the Discovery Bay Road Tunnel Company Limited ("the Company").

2. Unlike the legislation on other private tunnels which permits any vehicle, except vehicles that are prohibited or restricted by the relevant tunnel companies, to use the relevant tunnels, the Discovery Bay Tunnel Link Ordinance (Cap. 520) ("the Ordinance") permits the use of the Discovery Bay Tunnel Link ("the Tunnel Link") for the passage of specified vehicles and permitted vehicles only. A "specified vehicle" is defined in the Ordinance to mean a vehicle of a class or description determined by the Commissioner for Transport ("the Commissioner"). Any determination so made shall be notified by the Commissioner in the Gazette. A "permitted vehicle" means any vehicle or a vehicle of a class or description for the passage of which the Tunnel Link may be used for the time being pursuant to a permission given by the Commissioner under the Ordinance.

3. Under section 30 of the Ordinance, the Company may make bylaws to provide for matters including the order and safety in the tunnel area; the control, regulation, restriction and safety of traffic in the tunnel area; the regulation of the speed of vehicles in the tunnel area; the collection of tolls in respect of the use of the Tunnel Link and methods of collection; and any other matter relating to the control, operation and management of the Tunnel Link and the tunnel area which it is expedient or necessary to provide for.

4. This Bylaw contains provisions similar to the Tate's Cairn Tunnel By-laws (Cap. 393 sub. leg.), the Western Harbour Crossing Bylaw (Cap. 436 sub. leg.) and the Tai Lam Tunnel and Yuen Long Approach Road Bylaw (Cap. 474 sub. leg.) insofar as it relates to the regulation of traffic and the restrictions imposed on persons in the tunnel area. Section 24 of the Bylaw provides that any person who contravenes the provisions of the Bylaw shall be guilty of an offence and shall be liable on conviction to a fine at level 2 (\$5,000).

5. According to the Secretary for Transport's speech which he will make when moving the motion, the Bylaw, once approved, will assist the Company in the management and operation of the Tunnel Link which is scheduled to be open in the first half of this year.

6. We are seeking clarification from the Administration on certain technical points. A further report will be issued if necessary.

Prepared by

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