File Ref: TRAN 4/02/43

LEGISLATIVE COUNCIL BRIEF

Discovery Bay Tunnel Link Ordinance (Cap. 520)

Discovery Bay Tunnel Link Bylaw

INTRODUCTION

By virtue of section 30 of the Discovery Bay Tunnel Link Ordinance (Cap. 520) ("the Ordinance"), the Discovery Bay Road Tunnel Company Limited ("the Company") is empowered to make bylaws to control and regulate the conduct of persons and vehicles in the tunnel area of the Discovery Bay Tunnel Link subject to the approval of the Legislative Council. In exercise of this power, the Company has made the Discovery Bay Tunnel Link Bylaw ("the Bylaw") at **Annex**.

BACKGROUND AND ARGUMENT

General Background

2. The 2.4-km Discovery Bay Tunnel Link ("the Tunnel Link"), which includes a 630m long single tube two-way tunnel, will connect Discovery Bay through Yi Pak Au with Cheung Tung Road (a utility service road parallel to the North Lantau Highway) at Siu Ho Wan. It will provide an additional access for Discovery Bay which is now served only by ferry service. The Tunnel Link is a private road which is built and will be maintained and operated by the Company at its cost. It is scheduled to be opened to traffic in April 2000.

3. The Ordinance was enacted on 13 June 1997 to introduce statutory control over the construction, operation, maintenance and management of the Tunnel Link. The Secretary for Transport has also made the Discovery Bay Tunnel Link Regulation ("the Regulation") pursuant to the power vested in him under section 28 of the Ordinance to set out the obligations and powers of the Company in operating the Tunnel Link.

The Bylaw

4. The Bylaw contains 26 sections under five major headings. The provisions therein are similar in nature to bylaws made by the operators of existing "Build-Operate-Transfer" tunnels, such as the Western Harbour Crossing Bylaw (Cap. 436 sub. leg.) and the Tai Lam Tunnel and Yuen Long Approach Road Bylaw (Cap. 474 sub. leg.). A brief account is given below.

Preliminary

5. **Section 2** states that the Bylaw only applies within the tunnel area, and that the Company shall place traffic signs to denote the entrance and exit of the tunnel area. **Section 3** exempts some vehicles of the Government used in the course of urgent duty from certain traffic control restrictions.

Traffic Control

6. **Sections 4 to 14** specify that all persons in the tunnel area shall be subject to the directions of tunnel officers and shall comply with traffic signs, light signals and road markings therein. The provisions also set out specifically the requirement to comply with speed limit, rules on lane changing and use of vehicle lights in tunnel, as well as acts which are prohibited in the tunnel area.

Payment of Tolls

7. **Sections 15 - 18** provides for the requirement for drivers to pay tolls for the passage through the Tunnel Link. It also allows the Company to install automatic toll collection facilities as approved by the Commissioner for Transport.

Vehicles Prohibited or Restricted

8. **Section 19** prohibits certain vehicles, for instances, vehicles carrying dangerous goods, from passing through the Tunnel Link. **Section 20** limits the passage through the Tunnel Link by certain types of vehicles (e.g. those with unusual dimensions or loading) by requiring a special permit to be obtained for such passage. **Section 21** provides the conditions under which vehicles carrying certain categories of dangerous goods may pass through the Tunnel Link.

General Provisions

9. **Sections 22 and 23** set out the general prohibitions on a person's behaviour in the tunnel area. **Section 24** provides for the maximum penalty for offences committed under the Bylaw, which is a fine at level 2. **Section 25** is a saving provision to ensure that nothing in the Bylaw will be taken to restrict the powers conferred upon the Government. **Section 26** stipulates that the Bylaw shall apply to vehicles and public servants of the Government unless otherwise stated.

HUMAN RIGHTS IMPLICATIONS

10. The Department of Justice advises that the Bylaw is consistent with the human rights provisions of the Basic Law.

FINANCIAL AND STAFFING IMPLICATIONS

11. The Bylaw only provides for the control and regulation of the conduct of persons and vehicles in the tunnel area. No financial implication is envisaged in relation to the making of this Bylaw. The Transport Department will only assume a general monitoring role to ensure the Company's compliance with the Bylaw. There are no other additional financial and staffing implications.

ENVIRONMENTAL IMPLICATIONS

12. The operation of the Tunnel Link will be subject to the relevant environmental protection legislation and guidelines. Relevant provisions have already been provided in the Regulation. The provisions in the Bylaw are not environmentally-related.

PUBLIC CONSULTATION

13. The Bylaw is made by the Company and has been vetted by the Administration.

LEGISLATIVE TIMETABLE

14. The Bylaw will be submitted to the Legislative Council for positive resolution on 12 April 2000.

PUBLICITY

15. If Members approve the Bylaw on 12 April 2000, we will issue a press release on the same day to announce the making of the Bylaw. The Bylaw will also be published in the Gazette on 14 April 2000.

ENQUIRIES

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

Ms Shirley Lam
Principal Assistant Secretary for Transport
Tel. No.: 2189 2185
Fax. No.: 2136 8017

Transport Bureau
Government Secretariat
April 2000

ANNEX

DISCOVERY BAY TUNNEL LINK BYLAW

CONTENTS

Section		Page
	PRELIMINARY	
1.	Interpretation	1
2.	Application	3
3.	Exemptions	4
	TRAFFIC CONTROL	
4.	Control of Traffic	4
5.	Access	5
6.	Directions of tunnel officers to be obeyed	5
7.	Speed limit	5
8.	Lane changing	5
9.	Meaning of traffic signs, light signals and road markings	5
10.	Traffic signs, light signals and road markings to be obeyed	6
11.	Use of vehicle lights in tunnel	6
12.	General restrictions	7
13.	Fire on vehicles	8
14.	Vehicles, etc. causing obstruction	8

TOLLS

15.	Liability for tolls	9
16.	Payment of tolls	9
17.	Automatic toll collection facilities	10
18.	Prohibition against interference with or falsification of electronic toll passes	11

PROHIBITED AND RESTRICTED TRAFFIC

19.	Vehicles prohibited	11
20.	Vehicles requiring special permits	15
21.	Vehicles conveying dangerous goods	17

MISCELLANEOUS

22.	General prohibitions	18
23.	Smoking and naked flames	20
24.	Offences and penalties	20
25.	Saving	20
26.	Application to the Government	20
Schedule		21

DISCOVERY BAY TUNNEL LINK BYLAW

(Made by the Discovery Bay Road Tunnel Company Limited
under section 30 of the Discovery Bay Tunnel Link
Ordinance (Cap. 520) subject to the approval
of the Legislative Council)

PRELIMINARY

1. Interpretation

In this Bylaw, unless the context otherwise requires –

"articulated vehicle"（掛接車輛）has the same meaning as in the Road Traffic (Construction and Maintenance of Vehicles) Regulations (Cap. 374 sub. leg.);

"autotoll booth"（自動收費亭）means a toll booth equipped with an automatic toll collection facility approved by the Commissioner; "control centre"（控制中心）has the same meaning as in the Regulation;

"driver"（司機）has the same meaning as in section 29 of the Ordinance;

"electronic pass"（電子代用證）means a pass issued under section 17(3);

"franchised bus"（專利巴士）has the same meaning as in the Road Traffic (Traffic Control) Regulations (Cap. 374 sub. leg.);

"gross vehicle weight"（車輛總重）and "permitted gross vehicle weight" （許可車輛總重）have the same meanings as in the Road Traffic Ordinance (Cap. 374);

"heavy goods vehicle"(重型貨車)has the same meaning as in the Road Traffic Ordinance (Cap. 374);

"lane"（行車線）has the same meaning as in the Regulation;

"licensed public bus"(獲發營業證公共巴士)means a public bus of a registration mark specified in a valid passenger service licence issued under section 27 of the Road Traffic Ordinance (Cap. 374);

"light signal"（管制燈號）has the same meaning as in the Regulation;

"medium goods vehicle"（中型貨車）has the same meaning as in the Road Traffic Ordinance (Cap. 374);

"overall width"（全寬度）has the same meaning as in the Road Traffic (Construction and Maintenance of Vehicles) Regulations (Cap. 374 sub. leg.);

"owner"（車主）includes the person in whose name a vehicle is registered under the Road Traffic Ordinance (Cap. 374) and the person by whom the vehicle is kept and used and, in relation to a vehicle which is the subject of a hiring agreement or hire purchase agreement, means the person in possession of the vehicle under that agreement;

"prescribed light signal"(訂明管制燈號)means a light signal of the size, design, colour and type prescribed in the Schedule;

"prescribed traffic sign"（訂明交通標誌）means a traffic sign of the size, design, colour and type prescribed in the Schedule;

"Regulation"（《規例》）means the Discovery Bay Tunnel Link Regulation (Cap. 520 sub. leg.);

"rigid vehicle"（整體式車輛）has the same meaning as in the Road Traffic (Construction and Maintenance of Vehicles) Regulations (Cap. 374 sub. leg.);

"road marking"（道路標記）has the same meaning as in the Regulation;

"toll"（使用費）means the appropriate toll chargeable by the Company under the Ordinance;

"toll booth"（收費亭）has the same meaning as in the Regulation;

"toll collector"（收費員）means any person authorized by the Company for the purpose of collecting toll;

"traffic sign"（交通標誌）has the same meaning as in the Regulation;

"Tunnel Manager"（隧道經理）has the same meaning as in the Regulation;

"working day"（工作日）means any day other than a public holiday and other than a gale warning day or black rainstorm warning day within the meaning of section 71(2) of the Interpretation and General Clauses Ordinance (Cap. 1).

2. Application

(1) This Bylaw applies only within the tunnel area.

(2) The Company shall place a prescribed traffic sign of the type shown in -

(a) Figure No. 8 in the Schedule at each entrance to the tunnel area; and

(b) Figure No. 9 in the Schedule at each exit from the tunnel area.

(3) Any vehicle or thing that is partly within the tunnel area shall, for the purposes of this Bylaw, be deemed to be within that area.

3. Exemptions

(1) If a vehicle of the Fire Services Department, an ambulance, a customs and excise vehicle, a police vehicle or a vehicle used for defence purposes, including civil defence purposes, is being used in the course of urgent duty -

(a) the driver and owner of the vehicle are exempted from section 19(1)(i), (n), (r), (s), (t), (u), (v) and (w); and

(b) the driver of the vehicle is exempted from sections 7 and 20(2) (a), (b), (f) and (h).

(2) The driver and owner of a vehicle specified in section 19(1) (s), (t), (u) or (v) which is being driven or moved in an emergency in accordance with the permission of the Tunnel Manager are exempted from section 19(1).

TRAFFIC CONTROL

4. Control of Traffic

All persons in the tunnel area shall be subject to the control and direction of tunnel officers.

5. Access

No person shall enter or leave the tunnel area, or shall cause or permit any vehicle to do so, except at such places as may be provided by the Company for the purpose and be indicated by traffic signs.

6. Directions of tunnel officers to be obeyed

All persons in the tunnel area shall comply with any order, signal, requirement or instruction given or made by a tunnel officer in the course of his duty relating to the management of the tunnel area or control, restriction and safety of traffic.

7. Speed limit

The driver of a vehicle in the tunnel area shall not cause or permit the vehicle to travel at a speed exceeding the speed indicated by a speed limit sign as prescribed by Figure No. 6 or Figure No. 7 in the Schedule.

8. Lane changing

The driver of a vehicle shall not, unless authorized to do so by a tunnel officer or by a traffic sign, cause or permit his vehicle or any part of it to be on or over or to cross the continuous double white lines dividing the Tunnel Link into lanes.

9. Meaning of traffic signs, light signals and road markings

(1) The meaning of a prescribed traffic sign and a prescribed light signal shall be in accordance with its content and the note

relating to the figure of that sign or that signal, as the case may be, in the Schedule.

(2) The meaning of a traffic sign, light signal or road marking prescribed by the Road Traffic (Traffic Control) Regulations (Cap. 374 sub. leg.) shall be in accordance with its content and the note relating to the figure of that sign, signal or marking, as the case may be, in Schedule 1, 2 or 3 to those regulations.

10. Traffic signs, light signals and road markings to be obeyed

The driver of a vehicle in the tunnel area shall comply with the requirement indicated by -

(a) a prescribed traffic sign or prescribed light signal of the type shown in any of the figures in the Schedule;

(b) such traffic signs, light signals or road markings prescribed by the Road Traffic (Traffic Control) Regulations (Cap. 374 sub. leg.) erected, placed, or otherwise displayed by the Company within the tunnel area pursuant to the powers vested in the Company under the Regulation as the Company shall deem fit for the purpose of regulating traffic.

11. Use of vehicle lights in tunnel

The driver of a vehicle shall always use dipped headlights, and shall not allow headlights illuminated on main beam, in the tunnel.

12. General restrictions

(1) Subject to subsection (2), except on the direction of a tunnel officer, no person in the tunnel area shall -

(a) tow or push a vehicle or cause a vehicle to be towed or pushed;

(b) change a wheel or tyre on a vehicle;

(c) repair a vehicle;

(d) refuel a vehicle;

(e) make a U-turn with or reverse a vehicle;

(f) drive a vehicle at a speed of less than 25 kilometres an hour, or stop a vehicle, or permit a vehicle or remain stationary except -

(i) when required to do so under this Bylaw;

(ii) when necessary to avoid an accident or when compelled to do so by reason of fire, accident or breakdown, and then only for so long as may be reasonable in the circumstances; or

(iii) in the case of a franchised bus or a licensed public bus, at a designated bus stop, and then only for so long a period as may be required for passengers to get on or off the bus;

(g) drive a vehicle onto any footway;

(h) get out of or off a vehicle, except -

(i) in the case of a franchised bus or a licensed public bus, at a designated bus stop;

(ii) for the purpose of complying with section 13;

(iii) when engaged on duty relating to the tunnel area;

(iv) in the event of an emergency;

(i) being the driver of a vehicle, leave the vehicle unattended, except for the purpose of complying with section 13;

(j) move, tamper with or wilfully impede with the operation of a traffic sign, light signal, road marking or any facility, equipment or installation;

(k) use any horn, siren, whistle or other noise-making device.

(2) Subsection (1) (a) shall not apply in the case of articulated vehicles or trailers.

13. Fire on vehicles

If a fire occurs on or in any vehicle, the driver of the vehicle shall -

(a) stop the vehicle as soon as practicable, if it is not already stationary; and

(b) as far as it is safe and practicable to do so, immediately evacuate the vehicle and activate the nearest fire alarm.

14. Vehicles, etc. causing obstruction

(1) A vehicle or thing causing obstruction may be towed away or removed by a tunnel officer, and may be detained and stored by the Company, at the risk and expense of its owner.

(2) The Company may recover from the owner of any vehicle or thing such charge in respect of its towage or removal and storage under subsection (1) as may be fixed from time to time by the Company with the approval of the Commissioner.

(3) A list of the charges fixed by the Company under subsection (2) may be published by the Company in such manner as it thinks fit.

TOLLS

15. Liability for tolls

The owner or the driver of a vehicle in respect of which a toll is payable is liable to pay the toll in respect of the passage of the vehicle through the Tunnel Link.

16. Payment of tolls

(1) Subject to subsection (2), no person shall drive a vehicle past -

(a) a toll booth which is not an autotoll booth unless he proves to the satisfaction of the tunnel officer that the vehicle is a specified vehicle or a permitted vehicle and -

(i) stops and pays to the toll collector on duty at the booth the appropriate toll for the vehicle; or

(ii) stops and tenders to the toll collector on duty at the booth such toll tickets as may be provided by the Company appropriate to the vehicle;

(b) an autotoll booth unless he proves to the satisfaction of the tunnel officer that the vehicle is a specified vehicle or a permitted vehicle and the appropriate toll for the vehicle is paid by debiting the account of the holder of an electronic pass opened with the Company or its agent under section 17(3).

(2) Subsection (1) shall not apply to a vehicle of the kind mentioned in section 3(1), but any toll payable in respect of such a vehicle may be paid in such a manner as may be agreed in writing between the Company and the Commissioner from time to time.

17. Automatic toll collection facilities

(1) The Company may cause or permit the installation of such automatic toll collection facilities or other appropriate electronic and computer facilities as the Commissioner may approve at any toll booth or other appropriate location for the purpose of collecting the toll payable for the passage of a vehicle through the Tunnel Link and may also cause or permit the installation of such ancillary facilities as the Commissioner may approve.

(2) The Company may, with the approval of the Commissioner, by erecting traffic signs as shown in Figure No. 19 and Figure No. 20 in the Schedule, designate a lane and toll booth to be an autotoll lane and an autotoll booth, as the case may be.

(3) An electronic pass may be issued by the Company or its agent to a person who opens an account with the Company or its agent for the payment of the toll appropriate to the passage through the Tunnel Link of the description of vehicle in respect of which the electronic pass is to be issued.

18. Prohibition against interference with or falsification of electronic toll passes

(1) Except when authorized by the Company or its agent, no person shall do anything to or with an electronic pass whereby -

(a) the coded data thereon is erased wholly or in part or is otherwise altered or interfered with; or

(b) the electronic pass is otherwise damaged or destroyed.

(2) No person shall use or attempt to use for the purpose of paying the toll payable for passing through the Tunnel Link at any autotoll booth-

(a) an electronic pass which has been altered, damaged, destroyed or interfered with;

(b) an electronic pass which has been stolen or obtained by fraud or deception; or

(c) any material or thing purported to be or passed off as an electronic pass.

PROHIBITED AND RESTRICTED TRAFFIC

19. Vehicles prohibited

(1) The driver or owner of any of the following vehicles shall not cause or permit the vehicle to enter or remain in the tunnel area -

(a) a vehicle which is neither a specified vehicle nor a permitted vehicle;

(b) a vehicle which is neither a motor vehicle, nor an articulated vehicle, nor a trailer;

(c) a motor assisted pedal-cycle;

(d) a vehicle with an engine the total cylinder capacity of which does not exceed 50 cubic centimetres;

(e) a vehicle with a tyre that is defective or not properly inflated;

(f) a tracked vehicle travelling on its tracks;

(g) a vehicle carrying animals or birds that are not properly controlled or confined or carrying garbage, hay, straw, fine particles (whether inside a liquid or otherwise) or similar material that is not sufficiently covered;

(h) a vehicle with a load, or the cover of a load, that is not properly secured so as to prevent the load, or any part of the load, or the cover from falling off or coming into contact with the structure or fittings or fixtures or equipment of the tunnel;

(i) a vehicle carrying a person standing on the outside of the vehicle or seated with any part of his body

overhanging the sides or rear of the vehicle;

(j) a vehicle that is emitting or is likely to emit excessive fumes or smoke in the tunnel area;

(k) a vehicle that is carrying insufficient fuel or water or the batteries of which are insufficiently charged to enable it to complete its passage unaided through the Tunnel Link;

(l) a vehicle that is likely to come into contact with the structure or fittings or fixtures or equipment of the tunnel;

(m) a tanker vehicle with a spigot or other part that is leaking;

(n) a vehicle in which the driver's view to the front or sides is or could readily be obscured;

(o) a vehicle being driven by a person who is under the influence of drink or drugs to such an extent as to be incapable of having proper control of the vehicle;

(p) a vehicle that is likely to endanger persons or property or render the use of the Tunnel Link unsafe;

(q) a vehicle being driven by a person who is under a learner's driving licence as defined in the Road Traffic (Driving Licences) Regulations (Cap. 374 sub. leg.);

(r) a vehicle carrying any of the goods specified in Category 1 of the Schedule to the Dangerous Goods (Application and Exemption) Regulations (Cap. 295 sub. leg.);

(s) a vehicle carrying any of the goods specified in Category 2 of the Schedule to the Dangerous Goods (Application and Exemption) Regulations (Cap. 295 sub. leg.), unless there is a quantity specified in relation to such goods in the second column of the Table to regulation 74 of the Dangerous Goods (General) Regulations (Cap. 295 sub. leg.) and the goods carried do not exceed that quantity;

(t) without prejudice to paragraph (s), a vehicle carrying any cylinders as defined in regulation 61 of the Dangerous Goods (General) Regulations (Cap. 295 sub. leg.), used or to be used for the storage of any compressed gas specified in Category 2 of the Schedule to the Dangerous Goods (Application and Exemption) Regulations (Cap. 295 sub. leg.), whether or not such cylinders contain any quantity of such gas;

(u) a vehicle carrying any of the goods specified in Category 5 of the Schedule to the Dangerous Goods (Application and Exemption) Regulations (Cap. 295 sub. leg.), unless there is a quantity specified in relation to such goods in the seventh or, where no such quantity is there specified, in the eighth column of the Table to regulation 99 of the Dangerous Goods (General) Regulations (Cap. 295 sub. leg.) and the goods carried do not exceed that quantity;

(v) without prejudice to paragraph (u), a vehicle constructed or adapted for the conveyance, or a vehicle carrying a container used or to be used for the storage,

of goods specified in Category 5 of the Schedule to the Dangerous Goods (Application and Exemption) Regulations (Cap. 295 sub. leg.), whether or not such vehicle or container contains any quantity of such goods;

(w) a vehicle that does not conform to the requirements of the Road Traffic (Construction and Maintenance of Vehicles) Regulations (Cap. 374 sub. leg.).

(2) This section shall not prohibit -

(a) the conveyance in the tunnel of fuel which is being carried in the fuel tank of a vehicle for the purpose only of the propulsion of the vehicle; or

(b) in the case of a vehicle carrying in its fuel tank petroleum spirit for the purpose only of its propulsion, the conveyance in the tunnel by the vehicle of petroleum spirit, up to a maximum of 20 litres in securely closed cans, which is being carried on the vehicle for such purpose.

20. Vehicles requiring special permits

(1) No person shall drive any vehicle to which this section applies into the tunnel area unless -

(a) he is in possession of a special permit issued in respect of that vehicle by the Tunnel Manager; and

(b) such entry is in accordance with that permit and is under the escort of a tunnel officer.

(2) This section applies to the following vehicles -

(a) a vehicle the height of which (including load) exceeds 4.6 metres;

(b) a rigid vehicle the length of which exceeds 12 metres;

(c) (c) an articulated vehicle the length of which exceeds 16 metres;

(d) a vehicle, other than a trailer, the load of which extends forwards more than 1.5 metres from the foremost part of the vehicle;

(e) a vehicle the load of which extends backwards more than 1.4 metres behind the rearmost part of the vehicle;

(f) a vehicle with a wheel-load exceeding 4.5 tonnes or an axle load exceeding 11 tonnes;

(g) a vehicle in respect of which a movement permit is issued under regulation 53(1) of the Road Traffic (Registration and Licensing of Vehicles) Regulations (Cap. 374 sub. leg.);

(h) a vehicle the overall width of which (including load) exceeds 2.5 metres;

(i) a vehicle of any class the gross vehicle weight of which exceeds the permitted gross vehicle weight assigned or determined in respect of the vehicle in accordance with the Road Traffic (Construction and Maintenance of Vehicles) Regulations (Cap. 374 sub. leg.).

(3) Any person may apply to the Tunnel Manager for a special permit referred to in subsection (1) giving details of the vehicle to which the application relates and its load, if any, and the time, date and direction of its proposed passage through the Tunnel Link.

(4) Where an application for a special permit is made under subsection (3) in respect of a vehicle referred to in subsection (2) (g) such application shall, if so required by the Tunnel Manager, be accompanied by such civil engineering advice or other information relating to the vehicle as may be specified by the Tunnel Manager.

(5) An application for a special permit under subsection (3) shall be made at least 2 working days before the proposed passage of the vehicle through the Tunnel Link, except where the Tunnel Manager waives this requirement.

(6) The Tunnel Manager may specify in a special permit issued under this section -

(a) the date and time for the passage of the vehicle through the Tunnel Link; and

(b) such other conditions as the Tunnel Manager thinks fit.

(7) The Tunnel Manager shall provide tunnel officers for the purpose of escorting a vehicle for which a special permit has been issued under subsection (6) in passing through the Tunnel Link.

21. Vehicles conveying dangerous goods

(1) Subject to this section, the Company may fix the hours during which all or any of the vehicles to which this section applies may enter the tunnel area.

(2) No person shall drive any vehicle to which this section applies into the tunnel area except with the permission of the Tunnel Manager, which permission, if granted, shall be subject to the following conditions -

(a) if hours have been fixed under subsection (1) in respect of the class of vehicle concerned, the permission shall relate only to those hours;

(b) a declaration shall be made in writing to the Tunnel Manager by the person in charge of the vehicle, or by the person responsible for the conveyance of any goods in or on the vehicle, as to the nature of the vehicle and goods; and

(c) the Tunnel Manager may provide tunnel officers for the purpose of escorting the vehicle through the Tunnel Link and may take any other precautionary measure which he considers expedient in the circumstances.

(3) This section applies to -

(a) a vehicle conveying any goods specified in Category 3, 4, 6, 7, 8, 9 or 10 in the Schedule to the Dangerous Goods (Application and Exemption) Regulations (Cap. 295 sub. leg.); and

(b) a vehicle conveying matches in bulk, radioactive substances, or biological specimens dangerous to human or animal life.

MISCELLANEOUS

22. General prohibitions

No person shall -

(a) obstruct or interfere with any employee or agent of the Company in the execution of his duty;

(b) enter any part of the tunnel area save in accordance with the provisions of the Ordinance or this Bylaw or if authorized to do so by the Tunnel Manager in writing;

(c) damage or deface any property of the Company;

(d) loiter or remain in the tunnel area, after having been requested by a tunnel officer to leave the tunnel area;

(e) negligently allow any animal to stray;

(f) throw or drop anything, whether from a vehicle or otherwise;

(g) sell or offer for sale any article except with the consent in writing of the Tunnel Manager;

(h) not being an employee or agent of the Company -

(i) alter or interfere with any road marking, light signal, notice or sign;

(ii) paint, write, stick or otherwise display any placard, bill, notice, advertisement or other matter;

(iii) climb upon or remove any property of the Company;

(i) fail to comply with the requirements stated in Part VII except regulations 50, 51, 51A and 52, and Part VIII of the Road Traffic (Traffic Control) Regulations (Cap. 374 sub. leg.).

23. Smoking and naked flames

When requested to do so by a tunnel officer, a person shall -

(a) extinguish a lighted cigarette, cigar or pipe in his possession;

(b) refrain from exposing a naked flame or causing a spark.

24. Offences and penalties

Any person who contravenes section 5, 6, 7, 8, 10, 11, 12(1), 13, 16(1), 18, 19(1), 20(1), 21(2), 22 or 23 shall be guilty of an offence and shall be liable on conviction to a fine at level 2.

25. Saving

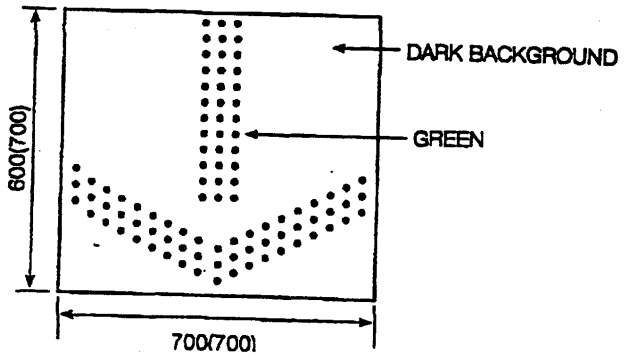
Nothing in this Bylaw shall be taken to restrict, derogate from or otherwise interfere with any power conferred or duty imposed by or under any law upon any person in the public service of the Government.

26. Application to the Government

Except where otherwise expressly provided this Bylaw shall apply to vehicles and persons in the public service of the Government.

SCHEDULE [ss. 1, 2, 7, 9, 10 & 17]

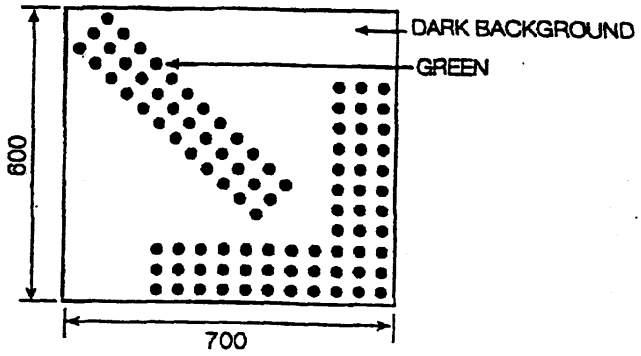
FIGURE NO.1



LANE USE SIGNAL

THIS SIGNAL WHEN DISPLAYED CONVEYS TO VEHICULAR TRAFFIC PROCEEDING IN THE LANE ABOVE AND IN RELATION TO WHICH IT IS DISPLAYED THAT TRAFFIC MAY PROCEED OR CONTINUE TO DO SO IN THE SAID LANE BENEATH OR BEYOND THE SAID GREEN ARROW AND IN THE DIRECTION OPPOSITE TO THAT IN WHICH THE GREEN ARROW FACES. IT MAY ALSO BE USED AT A TOLL BOOTH TO INDICATE THAT VEHICLES MAY PROCEED IN THAT LANE.

FIGURE NO. 2



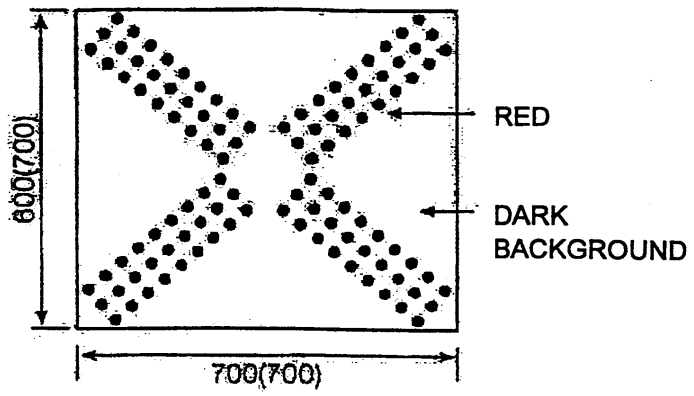
PROCEED RIGHT OR KEEP RIGHT

THE DIRECTION OF THE ARROW MAY BE REVERSED TO GIVE -

PROCEED LEFT OR KEEP LEFT

THIS SIGNAL INDICATES THAT VEHICLES MUST PROCEED TO THE RIGHT-HAND LANE, OR TO THE LEFT-HAND LANE, IF THE DIRECTION OF THE ARROW IS REVERSED.

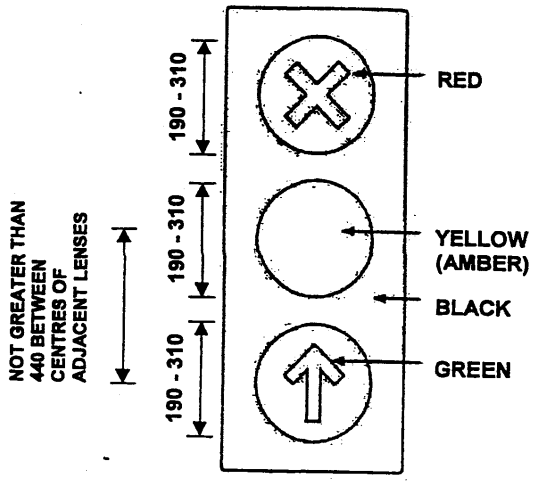
FIGURE NO. 3



LANE USE SIGNAL

THIS SIGNAL WHEN DISPLAYED CONVEYS TO VEHICULAR TRAFFIC PROCEEDING IN THE LANE ABOVE AND IN RELATION TO WHICH IT IS DISPLAYED THE PROHIBITION THAT SUCH TRAFFIC SHALL NOT PROCEED BENEATH OR BEYOND THE RED CROSS IN THE SAID LANE IN THE DIRECTION OPPOSITE TO THAT IN WHICH THE RED CROSS FACES. IT MAY ALSO BE USED AT A TOLL BOOTH TO INDICATE THAT VEHICLES MAY NOT PROCEED IN THAT LANE.

FIGURE NO. 4



LANE SIGNAL

THIS SIGNAL MAY IN THE TUNNEL AREA BE PLACED IN A VERTICAL OR HORIZONTAL POSITION ABOVE OR AT THE SIDE OF A LANE FOR THE CONTROL OF THAT TRAFFIC PROCEEDING ALONG THE LANE OVER OR AT THE SIDE OF AND IN RELATION TO WHICH THE SIGNAL HAS BEEN PLACED, PROVIDED THAT WHEN THE SIGNAL IS PLACED ABOVE THE LANE THE GREEN ARROW SHALL POINT DOWNWARDS.

THE MEANING OF THE SIGNAL SHALL BE AS FOLLOWS -

(i) WHEN A GREEN ARROW IS DISPLAYED VEHICULAR TRAFFIC PROCEEDING IN THE LANE ABOVE OR AT THE SIDE OF AND IN RELATION TO WHICH IT IS DISPLAYED MAY PROCEED

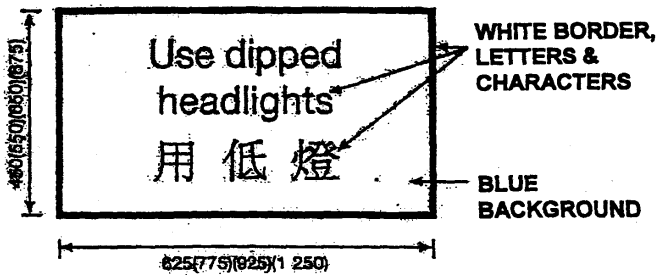
ALONG THAT LANE.

(ii) WHEN A STEADY OR INTERMITTENT AMBER LIGHT IS DISPLAYED VEHICULAR TRAFFIC PROCEEDING IN THE LANE ABOVE OR AT THE SIDE OF AND IN RELATION TO WHICH IT IS DISPLAYED SHALL PROCEED ALONG THAT LANE WITH CAUTION AND BE PREPARED TO STOP.

(iii) WHEN A RED CROSS IS DISPLAYED VEHICULAR TRAFFIC PROCEEDING IN THE LANE ABOVE OR AT THE SIDE OF AND IN RELATION TO WHICH IT IS DISPLAYED SHALL NOT PROCEED BENEATH OR BEYOND OR PAST THE RED CROSS.

THIS SIGNAL MAY BE USED AT TOLL BOOTHS WITH THE AMBER LIGHT SIGNAL OMITTED.

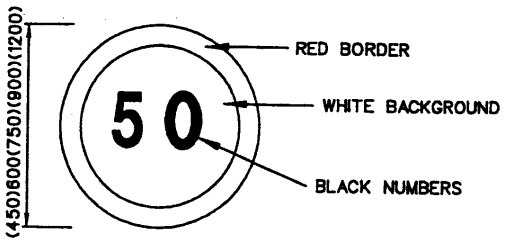
FIGURE NO. 5



USE DIPPED HEADLIGHTS

THIS SIGN INDICATES THAT ALL TRAFFIC SHALL PROCEED THROUGH THE TUNNEL ON DIPPED HEADLIGHTS.

FIGURE NO. 6



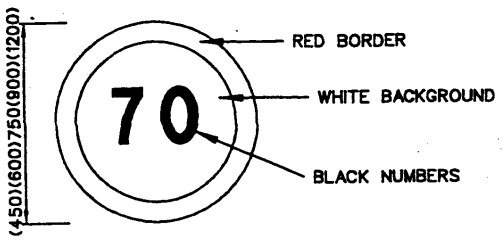
SPEED LIMIT

THIS SIGN INDICATES THAT A SPEED LIMIT OF 50 KM PER HOUR IS IMPOSED ON THE SECTION OF THE ROAD IMMEDIATELY FOLLOWING THE SIGN.

THE SIGN MAY BE ERECTED ON BOTH SIDES OF THE ROAD AND / OR ON A CENTRAL RESERVATION IN THE CASE OF A DUAL CARRIAGEWAY AT THE START OF A RESTRICTION FACING ONCOMING TRAFFIC.

THE 450 MM SIZED SIGN MAY ALSO BE ERECTED AT INTERVALS ALONG THE ROAD TO REMIND MOTORISTS OF THE SPEED LIMIT IN FORCE.

FIGURE NO. 7



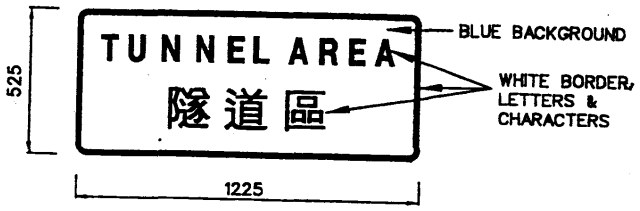
SPEED LIMIT

THIS SIGN INDICATES THAT SPEED LIMIT OF 70 KM PER HOUR IS IMPOSED ON THE SECTION OF THE ROAD IMMEDIATELY FOLLOWING THE SIGN.

THE SIGN MAY BE ERECTED ON BOTH SIDES OF THE ROAD AND / OR ON A CENTRAL RESERVATION IN THE CASE OF A DUAL CARRIAGEWAY AT THE START OF A RESTRICTION FACING ONCOMING TRAFFIC.

THE 450 MM SIZED SIGN MAY ALSO BE ERECTED AT INTERVALS ALONG THE ROAD TO REMIND MOTORISTS OF THE SPEED LIMIT IN FORCE.

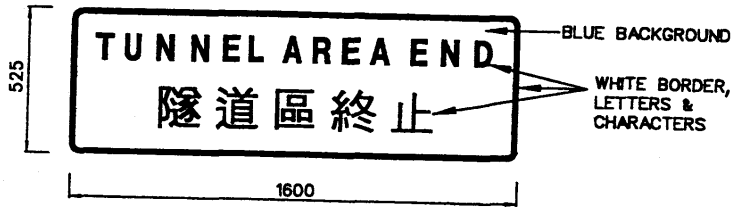
FIGURE NO. 8



TUNNEL AREA

THIS SIGN INDICATES THE START OF THE TUNNEL AREA WHERE THE PROHIBITIONS AND RESTRICTIONS IMPOSED BY THE DISCOVERY BAY TUNNEL LINK ORDINANCE, THE DISCOVERY BAY TUNNEL LINK REGULATION AND THE DISCOVERY BAY TUNNEL LINK BYLAW APPLY.

FIGURE NO. 9



TUNNEL AREA END

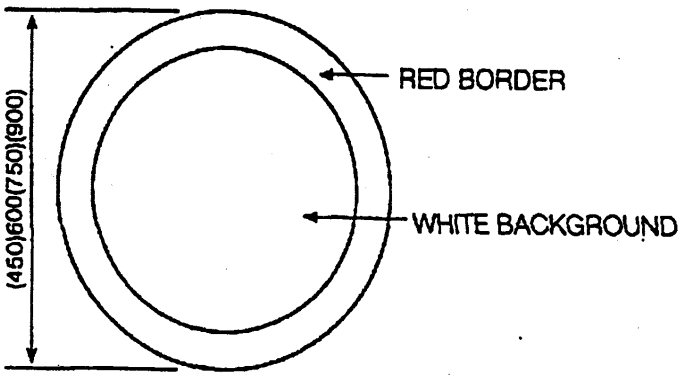
THIS SIGN INDICATES THE END OF THE TUNNEL AREA WHERE THE PROHIBITIONS AND RESTRICTIONS IMPOSED BY THE DISCOVERY BAY TUNNEL LINK ORDINANCE, THE DISCOVERY BAY TUNNEL LINK REGULATION AND THE DISCOVERY BAY TUNNEL LINK BYLAW APPLY.

FIGURE NO. 10

KEEP IN LANE

THIS SIGN INDICATES THAT VEHICLES MUST KEEP IN THEIR LANES.

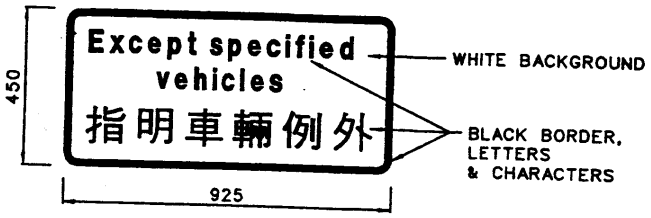
FIGURE NO. 11



ALL VEHICLES PROHIBITED BOTH DIRECTIONS

THIS SIGN PROHIBITS ENTRY TO ALL VEHICLES IN BOTH DIRECTIONS. IT IS HOWEVER NOT USED BY ITSELF, ALWAYS BEING QUALIFIED BY SUPPLEMENTARY SIGNS IN FIGURE NO.12 , 13 OR 14.

FIGURE NO. 12

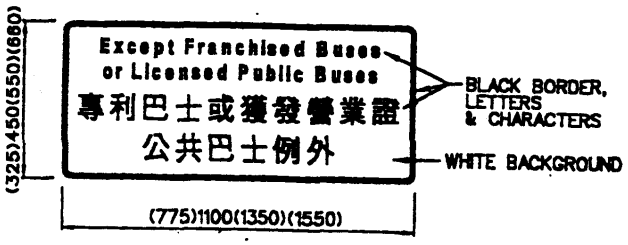


EXCEPT SPECIFIED VEHICLES

THIS SIGN PROHIBITS ENTRY OF VEHICLES INTO THE TUNNEL AREA EXCEPT SPECIFIED VEHICLES.

IT MAY BE USED IN CONJUNCTION WITH THE SIGN IN FIGURE NO. 11.

FIGURE NO. 13

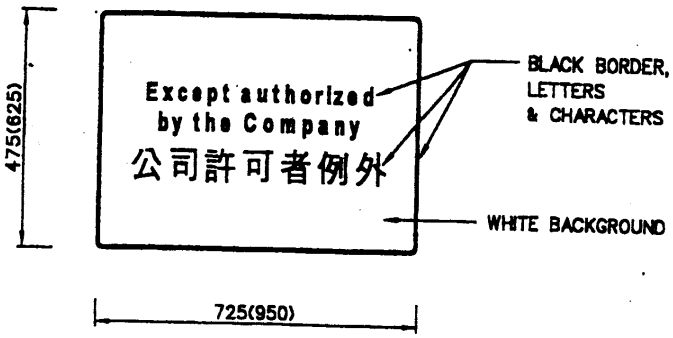


EXCEPT FRANCHISED BUSES OR LICENSED PUBLIC BUSES

THIS PLATE WHEN USED WILL BE ATTACHED TO SIGNS TO INDICATE THE EXCEPTION OF FRANCHISED BUSES AND PASSENGER SERVICE LICENSED PUBLIC BUSES TO THE PARTICULAR RESTRICTION IN FIGURE NO.11.

THE WORDS "Franchised Buses or Licensed Public Buses" OR "專利巴士或獲發營業證公共巴士" MAY BE VARIED TO ACCORD WITH THE SPECIFIED TYPE OR CLASS OR DESCRIPTION OF VEHICLE EXCEPTED.

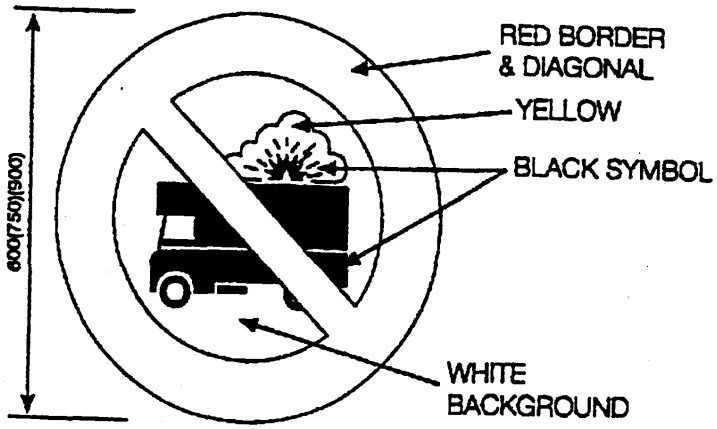
FIGURE NO. 14



EXCEPT AUTHORIZED BY THE COMPANY

THIS PLATE MAY BE USED WITH THE SIGN IN FIGURE NO.11.

FIGURE NO. 15

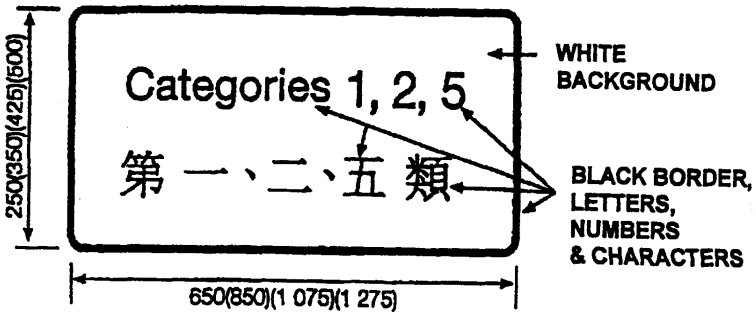


DANGEROUS GOODS PROHIBITED

THIS SIGN INDICATES THAT VEHICLES CARRYING DANGEROUS GOODS OF PARTICULAR CATEGORIES ARE PROHIBITED FROM PASSING BEYOND THE SIGN.

IT MAY BE USED IN CONJUNCTION WITH THE SIGN IN FIGURE NO.16.

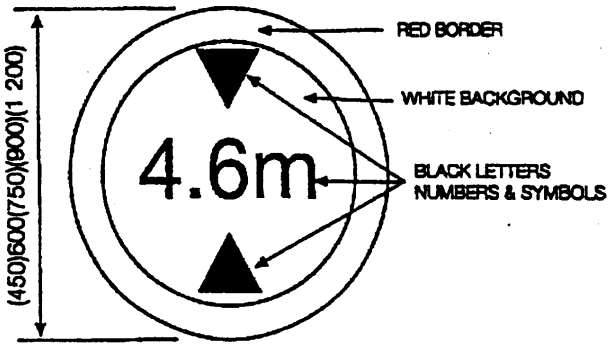
FIGURE NO. 16



CATEGORIES 1, 2, 5

THIS SIGN WHEN USED IN CONJUNCTION WITH THE SIGN IN FIGURE NO.15 INDICATES THE CATEGORY OR CATEGORIES OF DANGEROUS GOODS REFERRED TO IN THAT FIGURE.

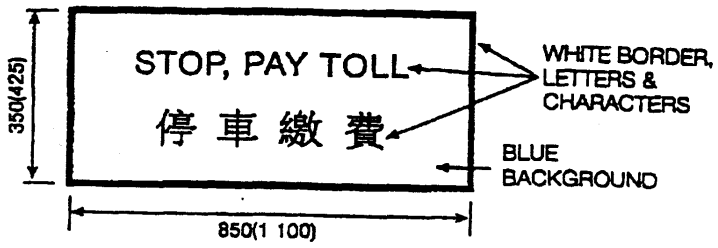
FIGURE NO. 17



HEIGHT LIMIT

THIS SIGN PROHIBITS THE ENTRY OF VEHICLES THE HEIGHT OF WHICH (INCLUDING LOAD) EXCEEDS 4.6M UNLESS THE DRIVER POSSESSES A SPECIAL PERMIT ISSUED UNDER SECTION 20(1)(a).

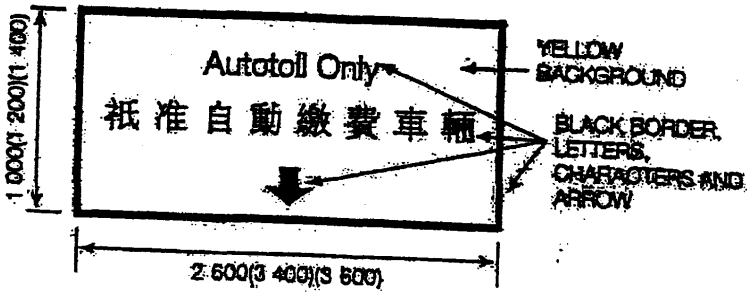
FIGURE NO. 18



STOP, PAY TOLL SIGN

THIS SIGN INDICATES THAT ALL DRIVERS MUST STOP AND PAY THE APPROPRIATE TOLL APPLICABLE TO THE VEHICLE.

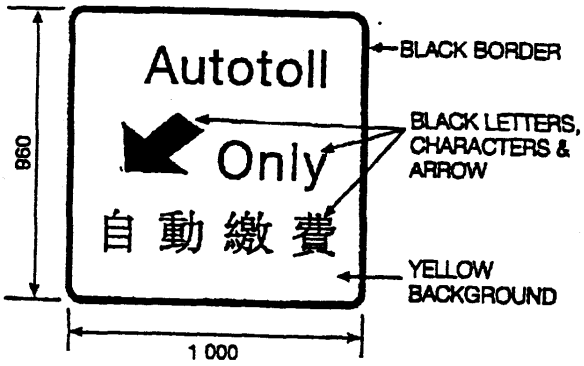
FIGURE NO. 19



LANE SIGN (AUTOTOLL ONLY)

THIS SIGN IS DISPLAYED IMMEDIATELY ABOVE THE LANE WHICH IS DEDICATED FOR USE OF AN AUTOMATIC TOLL COLLECTION FACILITY. IT INDICATES THAT ONLY THOSE VEHICLES WITH VALID ELECTRONIC PASSES AND IN RESPECT OF WHICH AN ACCOUNT HAS BEEN OPENED WITH THE COMPANY OR ITS AGENT SHALL PROCEED IN THE SAID LANE.

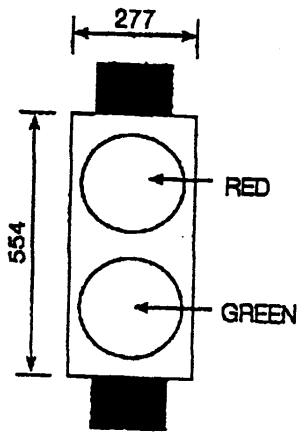
FIGURE NO. 20



AUTOTOLL ONLY - TOLL BOOTH SIGN

WHEN THIS SIGN IS DISPLAYED AT A TOLL BOOTH IT INDICATES THAT THE TOLL BOOTH IS DEDICATED FOR USE OF AN AUTOMATIC TOLL COLLECTION FACILITY. IT MAY BE USED IN CONJUNCTION WITH THE LANE SIGN IN FIGURE NO.19 AND IT INDICATES THAT ONLY THOSE VEHICLES WITH VALID ELECTRONIC PASSES AND IN RESPECT OF WHICH AN ACCOUNT HAS BEEN OPENED WITH THE COMPANY OR ITS AGENT SHALL PROCEED IN THE SAID LANE.

FIGURE NO. 21



AUTOTOLL PAYMENT SIGNAL

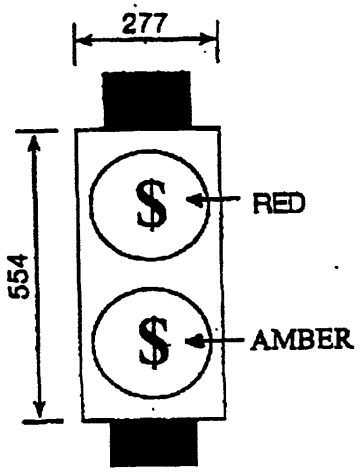
THIS SIGNAL IS PLACED IN A VERTICAL POSITION AT THE SIDE OF A LANE DEDICATED FOR USE OF AN AUTOMATIC TOLL COLLECTION FACILITY. IT MAY BE USED IN CONJUNCTION WITH THE SIGNAL IN FIGURE NO.22.

THE MEANING OF THE SIGNAL SHALL BE AS FOLLOWS -

(i) THE DISPLAY OF A RED SIGNAL INDICATES THAT THE APPROPRIATE TOLL PAYMENT HAS NOT BEEN MADE.

(ii) THE DISPLAY OF A GREEN SIGNAL INDICATES THAT THE APPROPRIATE TOLL HAS BEEN MADE.

FIGURE NO. 22



AUTOTOLL ACCOUNT BALANCE SIGNAL

THIS SIGNAL IS PLACED IN A VERTICAL POSITION AT THE SIDE OF A LANE DEDICATED FOR USE OF AN AUTOMATIC TOLL COLLECTION FACILITY. IT MAY BE USED IN CONJUNCTION WITH THE SIGNAL IN FIGURE NO.21.

THE MEANING OF THE SIGNAL SHALL BE AS FOLLOWS -

(i) THE DISPLAY OF THE RED DOLLAR SIGN INDICATES THAT THE ACCOUNT BALANCE WITH THE COMPANY OR ITS AGENT IN RESPECT OF THE ELECTRONIC PASS IS NIL.

(ii) THE DISPLAY OF THE AMBER DOLLAR SIGN INDICATES THAT THE

ACCOUNT BALANCE WITH THE COMPANY OR ITS AGENT IN RESPECT OF THE ELECTRONIC PASS IS LESS THAN THE AMOUNT SPECIFIED BY THE COMPANY OR ITS AGENT.

Made by the Discovery Bay Road Tunnel Company Limited this day of 2000.

Signed by under the

Common Seal of the Company

Discovery Bay Road Tunnel Company Limited

Explanatory Note

This Bylaw provides for -

(a) the control of traffic;

(b) the payment of tolls; and

(c) the prohibition and restriction of certain types of vehicles,

in the tunnel area of the Discovery Bay Tunnel Link.

2. Sections 1 and 2 are interpretation and application provisions.

3. Section 3 exempts certain vehicles, when being used for specified official purposes, from some of the sections.

4. Sections 4, 5 and 6 require persons in the tunnel area to comply with directions of tunnel officers and to use indicated entrances and exits.

5. Sections 7, 8, 9 and 10 require persons in the tunnel area to comply with the requirements of specified traffic signs, light signals and road markings.

6. Section 11 requires persons in the tunnel area to comply with the restrictions of using vehicle lights.

7. Section 12 lists acts which are prohibited unless done under and upon the direction of a tunnel officer.

8. Section 13 sets out the obligations of a driver if a fire occurs on or in his vehicle.

9. Section 14 empowers a tunnel officer to tow away or remove any vehicle or thing causing an obstruction. The Discovery Bay Road Tunnel Company Limited ("the Company") is entitled to charge the owner of the vehicle or thing a sum in respect of such towing away or removal and storage.

10. Sections 15, 16, 17 and 18 relate to the liability and payment of tolls.

11. Section 19 lists the types of vehicles that are not permitted within the tunnel area.

12. Section 20 lists the types of vehicles that are not permitted in the tunnel area unless the driver has a special permit issued by the Tunnel Manager. Such permit may be issued subject to conditions.

13. Section 21 provides that vehicles conveying certain types of dangerous goods may not enter the tunnel area except with the permission of the Tunnel Manager, and that the Company may limit the hours during which such vehicles may enter the tunnel area.

14. Section 22 lists acts which are prohibited in the tunnel area.

15. Section 23 requires a person, when requested to do so by a tunnel officer, to stop smoking.

16. Section 24 specifies the penalty for offences.

17. Section 25 reserves existing powers and duties of persons in the public service of the Government.

18. Section 26 explains that all of the other sections also apply to vehicles and persons in the public service of the Government.