

LEGISLATIVE COUNCIL BRIEF

Road Tunnels (Government) Ordinance
(Chapter 368)

ROAD TUNNELS (GOVERNMENT) ORDINANCE (AMENDMENT OF SCHEDULE) NOTICE 2006

ROAD TUNNELS (GOVERNMENT) (AMENDMENT) REGULATION 2006

INTRODUCTION

At the meeting of the Executive Council on 28 February 2006, the Council ADVISED and the Chief Executive ORDERED that the Road Tunnels (Government) Ordinance (Amendment of Schedule) Notice 2006 (at **Annex A**) and the Road Tunnels (Government) (Amendment) Regulation 2006 (at **Annex B**) should be made.

A

B

JUSTIFICATIONS

2. The Hong Kong International Airport was relocated from Kowloon City to Chek Lap Kok on 6 July 1998. To avoid confusing the public and motorists, it is necessary to rename the Airport Tunnel (the Tunnel). After consulting relevant departments, the Kowloon City District Council and the general public, we propose that the Tunnel be renamed “Kai Tak Tunnel” to commemorate the former Hong Kong International Airport.

3. To give effect to the proposed renaming of the Tunnel, it is necessary to amend the Schedule to the Road Tunnels (Government) Ordinance (Cap. 368) (the Ordinance) and the Second Schedule to the Road Tunnels (Government) Regulations (Cap. 368 sub. leg. A) (the Regulations).

OTHER OPTIONS

4. The name “Airport Tunnel” appears in the Schedule to the Ordinance and the Second Schedule to the Regulations. It is necessary to amend both Schedules by making the Road Tunnels (Government) (Amendment of Schedule) Notice 2006 (the Notice) at Annex A and the Road Tunnels (Government) (Amendment) Regulation 2006 (the Amendment Regulation) at Annex B. No other options are available.

THE NOTICE

5. The Notice seeks to amend the Schedule to the Ordinance by substituting “Kai Tak Tunnel” for “Airport Tunnel”.

THE AMENDMENT REGULATION

6. The Amendment Regulation seeks to amend the Second Schedule to the Regulations by substituting “Kai Tak Tunnel” for “Airport Tunnel”.

7. The provisions of the Ordinance and the Regulations being amended are at **Annex C**.

C

LEGISLATIVE TIMETABLE

8. The legislative timetable is as follows –

Publication in the Gazette	3 March 2006
Tabling at the Legislative Council	8 March 2006

The negative vetting period will expire on 26 April 2006. The Notice and the Amendment Regulation will come into effect on 4 May 2006.

IMPLICATIONS OF THE PROPOSAL

9. The proposal is in conformity with the Basic Law, including the provisions concerning human rights. It does not affect the current binding effect of the Ordinance. The proposal has no financial, civil service, economic, productivity, environmental or sustainability implications.

PUBLIC CONSULTATION

10. The Kowloon City District Council endorsed the proposal in 2003. A notice on the proposal was posted at the relevant District Office, District Lands Office, District Survey Office and the Survey and Mapping Office of Lands Department. It was also published in an English newspaper and a Chinese newspaper for public consultation. No objection was received from the general public.

PUBLICITY

11. A press release will be issued on 2 March 2006, and a spokesman will be available to answer media and public enquiries.

BACKGROUND

12. The Airport Tunnel, which connects Kowloon City Road in Kowloon City and Kai Fuk Road in Kowloon Bay, is a Government tunnel. The Tunnel is physically located under the former Hong Kong International Airport.

ENQUIRIES

13. Please direct all enquiries to Mr. Andy Lam, Assistant Secretary for the Environment, Transport and Works (Transport), at 2189 2112.

Environment, Transport and Works Bureau
1 March 2006

Road Tunnels (Government) Ordinance
(Chapter 368)

**ROAD TUNNELS (GOVERNMENT) ORDINANCE
(AMENDMENT OF SCHEDULE) NOTICE 2006**

**ROAD TUNNELS (GOVERNMENT) (AMENDMENT)
REGULATION 2006**

ANNEXES

- Annex A - Road Tunnels (Government) Ordinance
(Amendment of Schedule) Notice 2006
- Annex B - Road Tunnels (Government) (Amendment)
Regulation 2006
- Annex C - Schedule to the Road Tunnels (Government) Ordinance
and Second Schedule to the Road Tunnels (Government)
Regulations

**ROAD TUNNELS (GOVERNMENT) ORDINANCE
(AMENDMENT OF SCHEDULE) NOTICE 2006**

(Made by the Chief Executive under section 3 of the Road Tunnels
(Government) Ordinance (Cap. 368) after consultation with
the Executive Council)

1. Commencement

This Notice shall come into operation on 4 May 2006.

2. Schedule amended

The Schedule to the Road Tunnels (Government) Ordinance (Cap. 368) is amended by repealing “Airport Tunnel.” and substituting “Kai Tak Tunnel.”.

Chief Executive

2006

Explanatory Note

This Notice amends the Schedule to the Road Tunnels (Government) Ordinance (Cap. 368) to reflect the change of name of the Airport Tunnel to Kai Tak Tunnel.

**ROAD TUNNELS (GOVERNMENT) (AMENDMENT)
REGULATION 2006**

(Made by the Chief Executive in Council under section 20 of the Road
Tunnels (Government) Ordinance (Cap. 368))

1. Commencement

This Regulation shall come into operation on 4 May 2006.

2. Tolls and Fees

The Second Schedule to the Road Tunnels (Government) Regulations (Cap.
368 sub. leg. A) is amended –

- (a) under the subheading “Removal Fee”, by repealing
“Airport Tunnel” and substituting “Kai Tak Tunnel”;
- (b) under the subheading “Permit Fee”, by repealing “Airport
Tunnel” and substituting “Kai Tak Tunnel”.

Clerk to the Executive Council

COUNCIL CHAMBER

2006

Explanatory Note

This Regulation amends the Second Schedule to the Road Tunnels
(Government) Regulations (Cap. 368 sub. leg. A) to reflect the change of name
of the Airport Tunnel to Kai Tak Tunnel.

Annex C

Chapter:	368	ROAD TUNNELS (GOVERNMENT) ORDINANCE	Gazette Number	Version Date
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Schedule:		SCHEDULE	44 of 1999	01/09/1999
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[section 3]

Aberdeen Tunnel.
Airport Tunnel.
* Cross-Harbour Tunnel. (Added 44 of 1999 s. 31)
Lion Rock Tunnel.
Shing Mun Tunnels.
Tseung Kwan O Tunnel.

(Replaced L.N. 421 of 1989. Amended L.N. 314 of 1990)

Notes:

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1. Section 31 of the Revenue Ordinance 1999 (44 of 1999) added the Cross-Harbour Tunnel into this Schedule, while sections 45 and 46 of that Ordinance repealed the Cross-Harbour Tunnel Ordinance (Cap 203), the Cross-Harbour Tunnel (Passage Tax) Ordinance (Cap 274) and all their subsidiary legislation.
2. Section 47 of the Revenue Ordinance 1999 (44 of 1999) provides as follows:

"47. Power to make regulation for consequential amendments, etc.

The Secretary for Transport may by regulation provide for such consequential amendments (whether made to the provisions of any Ordinance or to the provisions of any subsidiary legislation), and such savings and transitional arrangements, as are required or expedient consequent on the repeal under sections 45 and 46."

3. The Repeal of Cross-Harbour Tunnel Ordinance and Cross-Harbour Tunnel (Passage Tax) Ordinance (Savings, Transitional and Consequential Provisions) Regulation (L.N. 198 of 1999), which was made under section 47 of the Revenue Ordinance 1999 (44 of 1999), contains the following saving and transitional provisions:

"2. Saving

(1) All royalty payments, tolls, fees, passage tax payments or compensation that remain to be payable or refundable (as the case may be) under either or both of the repealed Ordinances immediately before 1 September 1999 shall continue to be payable or refundable (as the case may be) as if the repealed Ordinances had not been repealed.

(2) All investigations, legal proceedings or remedies in respect of-

(a) any royalty payments, tolls, fees, passage tax payments and compensation mentioned in subsection (1); and

(b) a relevant offence,

may be instituted, continued or enforced, and any penalty or punishment in respect of such offence may be imposed as if the repealed Ordinances had not been repealed.

(3) The provisions of the Road Traffic (Driving-offence Points) Ordinance (Cap 375) shall continue to apply in respect of a relevant offence as if the repealed Ordinances had not been repealed.

(4) Notwithstanding the repeal of the repealed Ordinances, the provisions of section 18E of the Magistrates Ordinance (Cap 227) shall continue to apply in respect of a relevant offence.

(5) The obligations of The Cross-Harbour Tunnel Company, Limited to keep records under either or both of the repealed Ordinances shall continue to be subsisting and enforceable as if the repealed Ordinances had not been repealed.

(6) In this section-

- (a) "relevant offence" (有關罪行) means an offence under either or both of the repealed Ordinances committed or alleged to be committed on or before 31 August 1999;
- (b) "the repealed Ordinances" (已廢除條例) means the Cross-Harbour Tunnel Ordinance (Cap 203) and the Cross-Harbour Tunnel (Passage Tax) Ordinance (Cap 274).

3. Transitional

Any sign erected in the Cross-Harbour Tunnel before 1 September 1999 under the Cross-Harbour Tunnel Ordinance (Cap 203) and which is in force immediately before that date shall, for so long as it continues to comply with that Ordinance as in force immediately before that date, be deemed to have the same effect as if that Ordinance had not been repealed.

4. Provisions not to derogate from section 23 of the Interpretation and General Clauses Ordinance

The provisions of this Regulation are in addition to and not in derogation from section 23 of the Interpretation and General Clauses Ordinance (Cap 1).".

Chapter:	368A	ROAD TUNNELS (GOVERNMENT) REGULATIONS	Gazette Number	Version Date
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Schedule:	2	TOLLS AND FEES	44 of 1999; 49 of 1999	01/09/1999
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[regulations 2,
12, 13 & 14]

Tolls (for tunnels other than the Cross-Harbour Tunnel)

Vehicle	Tolls			
	Aberdeen Tunnel	Lion Rock Tunnel	Shing Mun Tunnels	Tseung Kwan O Tunnel
All vehicles	\$5	\$8	\$5	\$3

Tolls (for the Cross-Harbour Tunnel)

	Vehicle	Tolls
1.	Motor cycles, motor tricycles	\$8
2.	Taxis	\$10
3.	Private cars	\$20
4.	Public and private light buses	\$10
5.	Light goods vehicles of a permitted gross vehicle weight not exceeding 5.5 tonnes	\$15
6.	Medium goods vehicles of a permitted gross vehicle weight exceeding 5.5 tonnes but not exceeding 24 tonnes	\$20
7.	Heavy goods vehicles of a permitted gross vehicle weight exceeding 24 tonnes	\$30
8.	Public and private single-decked buses	\$10
9.	Public and private double-decked buses	\$15
10.	Each additional axle in excess of two	\$10

Removal Fee

Vehicle	Removal Fee					
	Aberdeen Tunnel	Airport Tunnel	Cross-Harbour Tunnel	Lion Rock Tunnel	Shing Mun Tunnels	Tseung Kwan O Tunnel
1. Private cars, taxis and motor cycles	\$140	\$140	\$140	\$140	\$140	\$140
2. Public and private light buses, public and private single-decked buses and goods vehicles of a permitted gross vehicle weight not exceeding 5.5 tonnes	\$175	\$175	\$175	\$175	\$175	\$175
3. Public and private double-decked buses, special purpose vehicles and goods vehicles of a permitted gross vehicle weight exceeding 5.5 tonnes	\$215	\$215	\$215	\$215	\$215	\$215

Permit Fee

Vehicle	Permit Fee					
	Aberdeen Tunnel	Airport Tunnel	Cross-Harbour Tunnel	Lion Rock Tunnel	Shing Mun Tunnels	Tseung Kwan O Tunnel
All vehicles	\$82	\$82	\$82	\$82	\$82	\$82

(L.N. 339 of 1990; 40 of 1991 s. 4; L.N. 2 of 1993; L.N. 47 of 1993; L.N. 264 of 1994; L.N. 198 of 1995; L.N. 528 of 1996; L.N. 29 of 1998; L.N. 142 of 1998; L.N. 90 of 1999 and 44 of 1999 s. 35; 49 of 1999 s. 15)