

立法會
Legislative Council

LC Paper No. LS55/11-12

**Paper for the House Committee Meeting
on 27 April 2012**

**Legal Service Division Report on
Proposed Resolutions to approve Amendments to
Four Sets of Tunnel By-laws**

The Secretary for Transport and Housing (the Secretary) has given notices to move four motions at the Legislative Council meeting on 9 May 2012 to seek the Council's approval of four sets of amendment by-laws (collectively referred to as the Amendment By-laws), namely –

- (a) the Eastern Harbour Crossing Road Tunnel (Amendment) Bylaw 2012;
- (b) the Tate's Cairn Tunnel (Amendment) Bylaw 2012;
- (c) the Western Harbour Crossing (Amendment) Bylaw 2012; and
- (d) the Tai Lam Tunnel and Yuen Long Approach Road (Amendment) Bylaw 2012.

2. The Amendment By-laws, which are subject to the approval of Legislative Council by resolution, are made respectively by –

- (a) the New Hong Kong Tunnel Company Limited under section 54 of the Eastern Harbour Crossing Ordinance (Cap. 215);
- (b) the Tate's Cairn Tunnel Company Limited under section 35 of the Tate's Cairn Tunnel Ordinance (Cap. 393);
- (c) the Western Harbour Tunnel Company Limited under section 32 of the Western Harbour Crossing Ordinance (Cap. 436); and
- (d) the Route 3 (CPS) Company Limited under section 26 of the Tai Lam Tunnel and Yuen Long Approach Road Ordinance (Cap. 474).

3. According to the Administration, the Amendment By-laws are to align the bylaws governing the four tunnels with similar by-laws and related provisions in existing legislation, including the standardization of signage of autotoll lanes.

4. In particular, the Amendment By-laws -

- (a) align the autotoll signage to be adopted by the four tunnels with that which have been adopted at Government tunnels and its control areas;
- (b) enable traffic in the Eastern Harbour Crossing (EHC), Tate's Cairn Tunnel (TCT) and Western Harbour Crossing (WHC) to be regulated by using light signals as in the Tai Lam Tunnel and Yuen Long Approach Road (Route 3) and Government tunnels;
- (c) provide that, in addition to the driver, the owner of the vehicle that uses the EHC or TCT is also liable to pay toll for the usage and to align the bylaws of the said two tunnels with the by-laws of WHC and Route 3;
- (d) restrict the speed limit of certain vehicles under certain conditions¹ to 70km/h in the WHC or Route 3 to align it with that which is imposed under section 40 of the Road Traffic Ordinance (Cap. 374);
- (e) allow medium and heavy goods vehicle to use the nearside and middle lanes of the WHC as in other dual-three lane tunnels²; and
- (f) make technical amendments to the relevant principal by-laws.

5. Further, the Amendment Bylaws also empowers that autotoll signage of the four tunnels that are in force before the commencement date of the Amendment Bylaw to continue to be in force during the 12 months after the commencement date of the Amendment Bylaws.

6. According to paragraph 13 of the LegCo Brief, subject to the Legislative Council's approval, the Amendment By-laws will be published in the Gazette on 11 May 2012 and the Administration intends to bring them into operation on 18 May 2012. Members may wish to refer to the said LegCo Brief

¹ The speed limit of 70km/h applies to any bus, medium goods vehicle and heavy goods vehicle in the tunnel area. Further, the speed limit is also applicable to any motor cycle, motor tricycle, private car or light goods vehicle that is in the tunnel area and the driver of that vehicle is authorised to drive it by a valid probationary driving licence.

² The other dual-three lane tunnels are the Tai Lam Tunnel in Route 3, the Eagle's Nest Tunnel, Sha Tin Heights Tunnel, Nam Wan Tunnel and Cheung Ching Tunnel.

(File Reference - THB (T)L 3/1/42(11), THB (T)L 3/1/52(09), THB (T)L 3/1/81(10) and THB (T)L 4/6/137(08)) dated April 2012 issued by the Transport and Housing Bureau.

7. The Administration has provided an information paper (File ref: CB(1) 1485/11-12(02)) on the proposed amendments to the Panel on Transport in March 2012. The paper was circulated to all Members who were invited to notify the Legislative Council Secretariat of any comment on the paper on or before 12 April 2012. No comment on the paper was received by the deadline.

8. No difficulties relating to the legal and drafting aspects of the Amendment Regulations have been identified.

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