

**For discussion
on 18 January 2013**

Legislative Council Panel on Transport

**Proposed Amendments to the Schedule of
the Road Traffic (Driving-offence Points) Ordinance (Cap. 375)**

PURPOSE

This paper seeks Members' views on the Administration's proposal to introduce amendments to the Schedule of the Road Traffic (Driving-offence Points) Ordinance (Cap. 375).

PROPOSAL

2. It is proposed that technical amendments be introduced to the Schedule of Cap. 375, so that the references (including texts and section numbers) to the provisions of the related traffic offences under the four "Build-Operate-Transfer" ("BOT") tunnel bylaws ("tunnel bylaws") as mentioned in the Schedule tally with those under the amended tunnel bylaws. The proposed amendments enable the incurrance of appropriate driving-offence point ("DOP") against offenders convicted under the tunnel bylaws.

3. The Administration also proposes the addition of new scheduled offences related to the BOT tunnels such that DOPs could be incurred on those offences.

BACKGROUND

4. A measure designed to enhance road safety, the DOP system aims primarily at deterring habitual traffic offenders and improving driving

standards in order to reduce traffic accidents and casualties. Speeding in the tunnel areas or contravention of certain road markings have direct impact on road safety. Therefore, such traffic offences must be included under the DOP system to deter motorists from committing these offences.

5. Section 4 of Cap. 375 specifies that if a person is convicted of an offence listed in the Schedule of Cap. 375 (“scheduled offence”) or becomes liable to a fixed penalty in respect of a scheduled offence, he shall incur the corresponding number of DOPs in respect of that offence. Among the scheduled offences, some are traffic offences under the tunnel bylaws.

6. In July 2012, the Legislative Council approved the amendments proposed by the franchisees of the four BOT tunnels, namely the Eastern Harbour Crossing Road Tunnel, Tate’s Cairn Tunnel, Western Harbour Crossing (“WHC”) and Tai Lam Tunnel and Yuen Long Approach Road (known as “Route 3”) to their respective bylaws, which aimed at standardising signage for autotoll lanes at these tunnels (and tallying with the signage adopted at all government tunnels) and aligning these bylaws with the government tunnel regulations or the bylaws made by other BOT tunnel franchisees.

7. In standardising the texts of the provisions on compliance with traffic signs, light signals and road markings in the tunnel areas of the four BOT tunnels, the references of the provisions have also been changed in view of the amendments to their texts. A comparison of these provisions before and after amendment is at **Annex I**.

8. Although the amendments to the provisions of the four tunnel bylaws have taken effect on 20 July 2012, references to the tunnel bylaws in the Schedule of Cap. 375 have not been amended correspondingly in the same amendment exercise. It has therefore resulted in inconsistencies in the references to these traffic offences between the Schedule of Cap. 375 and the amended tunnel bylaws. The affected sections or bylaws in the Schedule of Cap. 375 are set out at **Annex II**.

IMPLICATION

9. Enforcement of the four tunnel bylaws is not affected by the state of affairs mentioned in paragraph 8. Tunnel companies can still penalise traffic offences according to the relevant provisions in the tunnel bylaws. However, to enable the incurrence of DOPs against persons who are convicted of traffic offences under the amended tunnel bylaws, the Schedule of Cap. 375 has to be amended to align the references therein with that of the traffic offences in the amended tunnel bylaws.

OTHER AMENDMENTS

10. Apart from amending the affected sections or bylaws in the Schedule to reflect the amendments to the tunnel bylaws, we also propose to add new scheduled offences to the Schedule. In order to align with the restriction imposed by section 40 of the Road Traffic Ordinance (Cap. 374), the amended WHC Bylaw and Route 3 Bylaw stipulate that the maximum speed limit for buses, medium goods vehicles, heavy goods vehicles as well as motor cycles, motor tricycles, private cars or light goods vehicles driven by a person holding a probationary driving licence is 70 kilometres an hour (km/h), even if the prescribed speed limit for the tunnel can exceed 70 km/h. We are of the view that the relevant offences should be included in the Schedule of Cap. 375 such that DOPs would be incurred against drivers of buses, medium goods vehicles, heavy goods vehicles as well as persons holding a probationary driving licence who drive motor cycles, motor tricycles, private cars or light goods vehicles when convicted of driving at a speed exceeding 70 km/h at WHC and Route 3.

ADVICE SOUGHT

11. Members are invited to comment on and support the proposed amendments to the Schedule of Cap. 375.

Transport and Housing Bureau
January 2013

**Comparison of contents of major provisions of the by-laws
of the four Build-Operate-Transfer tunnels before and after amendment**

Past version (i.e. before 20 July 2012)	Current version (with effect from 20 July 2012)
<u>Eastern Harbour Crossing Road Tunnel By-laws (Cap 215E)</u>	
<p><u>Bylaw 10</u></p> <p>The driver of a vehicle shall comply with the requirement indicated by—</p> <p>(a) a traffic sign of the type shown in any of the Figure Nos. 1 to 12, 15 to 18, and 20 to 21 in the Schedule; (L.N. 297 of 1995)</p> <p>(b) such traffic sign or road marking prescribed by the Road Traffic (Traffic Control) Regulations (Cap 374 sub. leg. G) erected and / or placed or otherwise by the Road Company within the tunnel area pursuant to the powers vested in the Road Company under the regulations as the Road Company shall deem fit for the purpose of regulating traffic.</p>	<p><u>Bylaw 10</u></p> <p>(1) The driver of a vehicle in the road tunnel area must comply with the requirement indicated by any prescribed traffic sign or prescribed light signal.</p> <p>(2) A person in the road tunnel area must comply with the requirement indicated by any traffic sign, light signal or road marking that is—</p> <p>(a) prescribed under the Road Traffic (Traffic Control) Regulations (Cap 374 sub. leg. G);</p> <p>(b) erected, placed or otherwise displayed by the Road Company within the road tunnel area pursuant to the regulations; and</p> <p>(c) applicable to the person.</p>
<u>Tate’s Cairn Tunnel By-laws (Cap 393B)</u>	
<p><u>Bylaw 10</u></p> <p>(1) The driver of a vehicle shall comply with the requirements indicated by a traffic sign of the type shown in any of the Figure Nos. 1 to 12, and 15 to 22 in the Schedule. (L.N. 295 of 1995)</p> <p>(2) A person in the tunnel area shall comply with any requirement indicated by a traffic sign or road marking prescribed under the Road Traffic (Traffic Control) Regulations (Cap 374 sub. leg. G) and erected, placed or otherwise displayed by</p>	<p><u>Bylaw 10</u></p> <p>(1) The driver of a vehicle in the tunnel area must comply with the requirement indicated by any prescribed traffic sign or prescribed light signal.</p> <p>(2) A person in the tunnel area must comply with the requirement indicated by any traffic sign, light signal or road marking that is—</p> <p>(a) prescribed under the Road Traffic (Traffic Control) Regulations (Cap 374</p>

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<p>the Company within the tunnel area pursuant to the regulations and which may be applicable to him.</p>	<p>sub. leg. G);</p> <p>(b) erected, placed or otherwise displayed by the Company within the tunnel area pursuant to the regulations; and</p> <p>(c) applicable to the person.</p>

Western Harbour Crossing Bylaw (Cap 436D)

<p><u>Section 7</u></p>	<p><u>Section 7</u></p>
<p>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, Figure No. 7 or Figure No. 7A in the Schedule.</p>	<p>(1) Subject to subsection (2), the driver of a vehicle in the tunnel area must 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, 7 or 7A in the Schedule.</p> <p>(2) The driver of a vehicle in the tunnel area must not cause or permit the vehicle to travel at a speed exceeding 70 km per hour if—</p> <p>(a) the speed limit sign mentioned in subsection (1) is a speed limit sign as prescribed by Figure No. 7A in the Schedule; and</p> <p>(b) either—</p> <p>(i) the vehicle is a bus, medium goods vehicle or heavy goods vehicle; or</p> <p>(ii) the vehicle is a motor cycle, motor tricycle, private car or light goods vehicle, and the driver is authorized to drive the vehicle by a probationary driving licence issued under regulation 12G of the Road Traffic (Driving Licences) Regulations (Cap 374 sub. leg. B).</p>

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<p><u>Section 10</u></p> <p>The driver of a vehicle in the tunnel area shall comply with the requirement indicated by—</p> <p>(a) a traffic sign or signal of the type shown in any of the figures in the Schedule;</p> <p>(b) such traffic signs, signals, or road markings prescribed by the Road Traffic (Traffic Control) Regulations (Cap 374 sub. leg. G) erected, placed, or otherwise displayed by the Company within the tunnel area pursuant to the powers vested in the Company under the regulations as the Company shall deem fit for the purpose of regulating traffic.</p>	<p><u>Section 10</u></p> <p>(1) The driver of a vehicle in the tunnel area must comply with the requirement indicated by any prescribed traffic sign or prescribed light signal.</p> <p>(2) A person in the tunnel area must comply with the requirement indicated by any traffic sign, light signal or road marking that is—</p> <p>(a) prescribed under the Road Traffic (Traffic Control) Regulations (Cap 374 sub. leg. G);</p> <p>(b) erected, placed or otherwise displayed by the Company within the tunnel area pursuant to the regulations; and</p> <p>(c) applicable to the person.</p>
<p><u>Tai Lam Tunnel and Yuen Long Approach Road Bylaw (Cap 474C)</u></p>	
<p><u>Section 7</u></p> <p>(1) Subject to subsection (2), the driver of a vehicle in the toll area shall not cause or permit the vehicle to travel at speed exceeding the speed indicated by a speed limit sign as prescribed by Figures No. 6, 7, 8 or, as the case may be, 9 in the Schedule.</p> <p>(2) Where a prescribed speed limit is in effect under this section and permits a vehicle to travel on any road within the toll area in excess of 70 km an hour, the maximum speed at which a medium goods vehicle, heavy goods vehicle or bus shall travel on such road shall be 70 km an hour.</p>	<p><u>Section 7</u></p> <p>(1) Subject to subsection (2), the driver of a vehicle in the toll area must 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, 7, 8 or, as the case may be, 9 in the Schedule.</p> <p>(2) The driver of a vehicle in the toll area must not cause or permit the vehicle to travel at a speed exceeding 70 km per hour if—</p> <p>(a) the speed limit sign mentioned in subsection (1) is a speed limit sign as prescribed by Figure No. 8 or 9 in the Schedule; and</p>

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	<p>(b) either—</p> <p>(i) the vehicle is a bus, medium goods vehicle or heavy goods vehicle; or</p> <p>(ii) the vehicle is a motor cycle, motor tricycle, private car or light goods vehicle, and the driver is authorized to drive the vehicle by a probationary driving licence issued under regulation 12G of the Road Traffic (Driving Licences) Regulations (Cap 374 sub. leg. B).</p>
<p><u>Section 10</u></p> <p>The driver of a vehicle in the toll area shall comply with the requirement indicated by —</p> <p>(a) a prescribed traffic sign or prescribed light signal of the type shown in any of the figures in the Schedule;</p> <p>(b) such traffic signs, light signals or road markings prescribed by the Road Traffic (Traffic Control) Regulations (Cap 374 sub. leg. G) and the Road Traffic (Expressway) Regulations (Cap 374 sub. leg. Q) erected, placed or otherwise displayed by the Company within the toll area pursuant to the powers vested in the Company under the regulations as the Company shall deem fit for the purpose of regulating traffic.</p>	<p><u>Section 10</u></p> <p>(1) The driver of a vehicle in the toll area must comply with the requirement indicated by any prescribed traffic sign or prescribed light signal.</p> <p>(2) A person in the toll area must comply with the requirement indicated by any traffic sign, light signal or road marking that is—</p> <p>(a) prescribed under the Road Traffic (Traffic Control) Regulations (Cap 374 sub. leg. G);</p> <p>(b) erected, placed or otherwise displayed by the Company within the toll area pursuant to the regulations; and</p> <p>(c) applicable to the person.</p>

**Affected sections or by-laws in the Schedule of
the Road Traffic (Driving-offence Points) Ordinance (Cap 375)**

Item in the Schedule of the Ordinance	Section or by-law	Description of general nature of offence	Driving- offence points
Eastern Harbour Crossing Road Tunnel By-laws (Cap 215 sub. leg. E)			
29	By-law 10(a)	Driving in excess of the speed limit indicated by a traffic sign of the type shown in Figure No. 6 or 7 in the Schedule to the Eastern Harbour Crossing Road Tunnel By-laws (Cap 215 sub. leg. E) by more than 15 kilometres an hour, other than where item 30 or 31 applies	3
30	By-law 10(a)	Driving in excess of the speed limit referred to in item 29 by more than 30 kilometres an hour, other than where item 31 applies	5
31	By-law 10(a)	Driving in excess of the speed limit referred to in item 29 by more than 45 kilometres an hour	10
32	By-law 10(b)	Crossing continuous double white lines or a continuous white line with a broken white line of the type shown in Figure No. 501 or 502 in Schedule 2 to the Road Traffic (Traffic Control) Regulations (Cap 374 sub. leg. G)	3
Tate's Cairn Tunnel By-laws (Cap 393 sub. leg. B)			
34	By-law 10(1)	Driving in excess of the speed limit indicated by a traffic sign of the type shown in Figure No. 6 or 7 in the Schedule to the Tate's Cairn Tunnel By-laws (Cap 393 sub. leg. B) by more than 15 kilometres an hour, other than where item 35 or 36 applies	3
Western Harbour Crossing Bylaw (Cap 436 sub. leg. D)			
38	Section 7	Driving in excess of speed limit by more than 15 kilometres an hour, other than where item 39 or 40 applies	3

39	Section 7	Driving in excess of speed limit by more than 30 kilometres an hour, other than where item 40 applies	5
40	Section 7	Driving in excess of speed limit by more than 45 kilometres an hour	10
42	Section 10(b)	Crossing a continuous white line with a broken white line of the type shown in Figure No. 502 in Schedule 2 to the Road Traffic (Traffic Control) Regulations (Cap 374 sub. leg. G)	3
<p>Tai Lam Tunnel and Yuen Long Approach Road Bylaw (Cap 474 sub. leg. C)</p>			
50	Section 7	Driving in excess of speed limit indicated by a speed limit sign of the type shown in Figure No. 6, 7, 8 or 9 in the Schedule to the Tai Lam Tunnel and Yuen Long Approach Road Bylaw (Cap 474 sub. leg. C) by more than 15 kilometres an hour, other than where item 51 or 52 applies	3
51	Section 7	Driving in excess of speed limit referred to in item 50 by more than 30 kilometres an hour, other than where item 52 applies	5
52	Section 7	Driving in excess of speed limit referred to in item 50 by more than 45 kilometres an hour	10
54	Section 10(b)	Crossing a continuous white line with a broken white line of the type shown in Figure No. 502 in Schedule 2 to the Road Traffic (Traffic Control) Regulations (Cap 374 sub. leg. G)	3