

## **LEGISLATIVE COUNCIL BRIEF**

Road Traffic Ordinance (Chapter 374)  
Road Traffic (Driving-offence Points) Ordinance (Chapter 375)

### **RESOLUTION OF THE LEGISLATIVE COUNCIL**

#### **INTRODUCTION**

By virtue of section 72A(10) of the Road Traffic Ordinance (Cap. 374) and section 4(3) of the Road Traffic (Driving-offence Points) Ordinance (Cap. 375), the Legislative Council (“LegCo”) may by resolution amend Schedule 11 to Cap. 374 and the Schedule to Cap. 375 respectively.

2. It is proposed that the resolution at **Annex A** be passed to introduce technical amendments to Schedule 11 to Cap. 374 and the Schedule to Cap. 375.

#### **BACKGROUND AND JUSTIFICATIONS**

##### **Amendments to the Schedule to Cap. 375**

3. A measure designed to enhance road safety, the driving-offence point (“DOP”) system aims primarily at deterring habitual traffic offenders and improving driving standards in order to reduce traffic accidents and casualties. Section 4 of Cap. 375 specifies that if a person is convicted of an offence listed in the Schedule to 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. As speeding or contravention of certain road markings in the tunnel areas has

direct impact on road safety, such offences are included under the DOP system as scheduled offences to deter motorists from committing them. Therefore, among the scheduled offences, there are traffic offences under the four “Build-Operate-Transfer” (“BOT”) tunnel bylaws (“tunnel bylaws”).

4. 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 (“EHC”), Tate’s Cairn Tunnel (“TCT”), 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.

5. 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 B**.

6. Although the amendments to the provisions of the four tunnel bylaws have taken effect on 20 July 2012, references (including texts and section numbers) to the tunnel bylaws in the Schedule to 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 to Cap. 375 and the amended tunnel bylaws. The affected sections or bylaws in the Schedule to Cap. 375 are set out at **Annex C**.

7. Enforcement of the four tunnel bylaws is not affected by the state of affairs mentioned in paragraph 6. Tunnel companies can still penalise traffic offenders according to the relevant provisions in the tunnel bylaws. However, to enable the incurrance of DOPs against persons who are convicted of traffic offences under the amended tunnel bylaws, the Schedule to Cap. 375 has to be amended to align the references (including texts and section numbers) of the BOT tunnel related traffic offences

mentioned therein to tally with the amended tunnel bylaws.

### **Addition of new scheduled offences**

8. Apart from amending the bylaws section references in the Schedule to Cap. 375 to tally with the amended tunnel bylaws, we also propose to add to the Schedule the following new offences created in the amended tunnel bylaws. 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 exceeds 70 km/h. We are of the view that the relevant offences should be included in the Schedule to 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 upon their conviction of driving at a speed exceeding 70 km/h at WHC and Route 3.

### **Consequential amendment to Schedule 11 to Cap. 374**

9. Section 72A(1) of Cap. 374 specifies that where a court or magistrate convicts a person of an offence specified in Schedule 11, the court or magistrate may do either or both of the following –

- (a) impose any penalty that may be imposed for the offence;
- (b) order the person to attend and complete a driving improvement course.

Schedule 11 lists a number of offences (by way of item number) mentioned in Schedule to Cap. 375 which are excluded for the purposes of section 72A of Cap. 374. Among those excluded offences, some are traffic offences under the four BOT tunnel bylaws. In view of the amendments mentioned in paragraphs 7 and 8 above that will result in changes in the item numbers and addition of new items to the Schedule to Cap. 375, it is also proposed

that the item numbers of the BOT tunnel-related traffic offences in Schedule 11 to Cap. 374 be updated correspondingly.

## **THE RESOLUTION**

10. The Resolution resolves that –
- (a) the Road Traffic Ordinance (Cap. 374) be amended as set out in Schedule 1 to the Resolution;
  - (b) the Road Traffic (Driving-offence Points) Ordinance (Cap. 375) be amended as set out in Schedule 2 to the Resolution;
  - (c) subject to paragraph (d), the Resolution is to come into operation on 26 April 2013; and
  - (d) section 1(2), (4), (7), (9), (11) and (13) of Schedule 1 and section 1(3), (4), (8), (9), (14), (15), (20) and (21) of Schedule 2 to the Resolution are to come into operation on a date to be appointed by the Secretary for Transport and Housing (“STH”) by notice published in the Gazette.
11. The key provisions included in two Schedules to the Resolution are set out below –

### **Schedule 1**

- (a) Section 1 amends certain offence item numbers in Schedule 11 to Cap. 374 to align with the new offence item numbers as proposed in Schedule 2 to the Resolution.

### **Schedule 2**

- (b) Section 1(1) amends the Schedule to Cap. 375 to add new scheduled offence items relating to the EHC Tunnel Bylaws such that the relevant traffic offences under the amended EHC Tunnel Bylaws are added to the Schedule;

- (c) Section 1(2) amends the Schedule to Cap. 375 to provide that the sections referenced in items 29 to 32 are of the old EHC Tunnel Bylaws in force before 20 July 2012. These items would be repealed on a date to be appointed by STH by virtue of section 1(4) when all the relevant legal processes of the relevant traffic offences under the old EHC Tunnel Bylaws would have been completed;
- (d) Section 1(5) amends the Schedule to Cap. 375 to add new scheduled offence items relating to TCT Tunnel Bylaws such that the relevant traffic offences under the amended TCT Tunnel Bylaws are added to the Schedule;
- (e) Section 1(7) amends the Schedule of Cap. 375 to provide that the sections referenced in items 34 to 36 are of the old TCT Tunnel Bylaws in force before 20 July 2012. These items would be repealed on a date to be appointed by STH by virtue of section 1(9) when all the relevant legal processes of the relevant traffic offences under the old TCT Tunnel Bylaws would have been completed;
- (f) Section 1(10) and (12) amend the Schedule to Cap. 375 to add new scheduled offence items relating to traffic offences under the WHC Tunnel Bylaws such that the relevant traffic offences as well as new traffic offences under the amended WHC Tunnel Bylaws mentioned in paragraph 8 above are added to the Schedule;
- (g) Section 1(13) amends the Schedule to Cap. 375 to provide that the sections referenced in items 38, 39, 40 and 42 are of the old WHC Tunnel Bylaws in force before 20 July 2012. These items would be repealed on a date to be appointed by STH by virtue of section 1(15) when all the relevant legal processes of the relevant traffic offences under the old WHC Tunnel Bylaws would have been completed;

- (h) Section 1(16) and (18) amend the Schedule to Cap. 375 to add new scheduled offence items relating to traffic offences under the Route 3 Bylaws such that the relevant traffic offences as well as new traffic offences under the amended Route 3 Bylaws mentioned in paragraph 8 above are added to the Schedule; and
- (i) Section 1(19) amends the Schedule to Cap. 375 to provide that the sections referenced in items 50, 51, 52 and 54 are of the old Route 3 Bylaws in force before 20 July 2012. These items would be repealed on a date to be appointed by STH by virtue of section 1(21) when all the legal processes of the relevant traffic offences under the old Route 3 Bylaws would have been completed.

## **LEGISLATIVE TIMETABLE**

12. The Secretary for Transport and Housing will move a motion at the Legislative Council meeting on 24 April 2013 for approval of the Resolution by positive vetting. If the Resolution is approved by LegCo, it will be published in the Gazette on 26 April 2013 and come into operation on the same day.

## **IMPLICATIONS OF THE RESOLUTION**

13. The Resolution is in conformity with the Basic Law, including the provisions concerning human rights. It has no financial, economic, environmental, sustainability, productivity, family perspective, competition or civil service implications. The Resolution will not affect the binding effect of the Road Traffic Ordinance and the Road Traffic (Driving-offence Points) Ordinance.

## **PUBLIC CONSULTATION**

14. The proposed amendments in the Resolution are technical in nature and serve to rectify the inconsistencies in the references to the BOT

tunnel related traffic offences between the Schedule to Cap. 375 and the amended tunnel bylaws. We consulted the LegCo Panel on Transport on the proposed amendments on 18 January 2013. Members supported the amendments.

## **PUBLICITY**

15. A Government spokesperson will be available to answer media enquiries.

## **ENQUIRIES**

16. Any enquiries concerning this Brief can be directed to Ms Cordelia Lam, Principal Assistant Secretary for Transport and Housing, at 3509 8192.

**Transport and Housing Bureau**  
**April 2013**

**Road Traffic Ordinance****Road Traffic (Driving-offence Points) Ordinance****Resolution of the Legislative Council**

Resolution made and passed by the Legislative Council under section 72A(10) of the Road Traffic Ordinance (Cap. 374) and section 4(3) of the Road Traffic (Driving-offence Points) Ordinance (Cap. 375) on 2013.

**Resolved that—**

- (a) the Road Traffic Ordinance (Cap. 374) be amended as set out in Schedule 1;
- (b) the Road Traffic (Driving-offence Points) Ordinance (Cap. 375) be amended as set out in Schedule 2;
- (c) subject to paragraph (d), this Resolution is to come into operation on 26 April 2013; and
- (d) section 1(2), (4), (7), (9), (11) and (13) of Schedule 1 and section 1(3), (4), (8), (9), (14), (15), (20) and (21) of Schedule 2 are to come into operation on a day to be appointed by the Secretary for Transport and Housing by notice published in the Gazette.

**Schedule 1**

[para. (a)]

**Amendments to Road Traffic Ordinance**

1. **Schedule 11 amended (offences specified for the purposes of section 72A)**
  - (1) Schedule 11, after “28,”—  
**Add**  
“28A, 28D,”.
  - (2) Schedule 11—  
**Repeal**  
“29, 32,”.
  - (3) Schedule 11, after “33,”—  
**Add**  
“33A, 33D,”.
  - (4) Schedule 11—  
**Repeal**  
“34,”.
  - (5) Schedule 11—  
**Repeal**  
“37,”.
  - (6) Schedule 11, before “38,”—  
**Add**  
“37A, 37D, 37G, 37J, 37K,”.
  - (7) Schedule 11—  
**Repeal**



- “38,”.
- (8) Schedule 11—  
**Repeal**  
“41,”.
- (9) Schedule 11—  
**Repeal**  
“42,”.
- (10) Schedule 11, after “47,”—  
**Add**  
“49A, 49D, 49G, 49J, 49K,”.
- (11) Schedule 11—  
**Repeal**  
“50,”.
- (12) Schedule 11—  
**Repeal**  
“53,”.
- (13) Schedule 11—  
**Repeal**  
“54,”.

**Schedule 2** [para. (b)]**Amendments to Road Traffic (Driving-offence Points)  
Ordinance****1. Schedule amended**

- (1) The Schedule, after item 28—

**Add**

|      |                 |  |     |
|------|-----------------|--|-----|
| “28A | By-law<br>10(1) | Driving in excess of the speed limit indicated by a prescribed traffic sign by more than 15 kilometres an hour, other than where item 28B or 28C applies | 3   |
| 28B  | By-law<br>10(1) | Driving in excess of the speed limit indicated by a prescribed traffic sign by more than 30 kilometres an hour, other than where item 28C applies        | 5   |
| 28C  | By-law<br>10(1) | Driving in excess of the speed limit indicated by a prescribed traffic sign by more than 45 kilometres an hour   | 10  |
| 28D  | By-law<br>10(2) | 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                 | 3”. |

Schedule 2 to the Road  
Traffic (Traffic Control)  
Regulations (Cap. 374 sub.  
leg. G)

- (2) The Schedule, before item 29, column 2—

**Add**

“Eastern Harbour Crossing Road Tunnel By-laws (Cap. 215 sub. leg. E) as it was in force immediately before 20 July 2012”.

- (3) The Schedule, before item 29, column 2—

**Repeal**

“Eastern Harbour Crossing Road Tunnel By-laws (Cap. 215 sub. leg. E) as it was in force immediately before 20 July 2012”.

- (4) The Schedule—

**Repeal items 29, 30, 31 and 32.**

- (5) The Schedule, after item 33—

**Add**

|      |                 |   |   |
|------|-----------------|---|---|
| “33A | By-law<br>10(1) | Driving in excess of the speed<br>limit indicated by a<br>prescribed traffic sign by<br>more than 15 kilometres an<br>hour, other than where item<br>33B or 33C applies | 3 |
|------|-----------------|---|---|

|     |                 |  |   |
|-----|-----------------|--|---|
| 33B | By-law<br>10(1) | Driving in excess of the speed<br>limit indicated by a<br>prescribed traffic sign by<br>more than 30 kilometres an<br>hour, other than where item<br>33C applies | 5 |
|-----|-----------------|--|---|

|     |                 |  |      |
|-----|-----------------|--|------|
| 33C | By-law<br>10(1) | Driving in excess of the speed<br>limit indicated by a<br>prescribed traffic sign by<br>more than 45 kilometres an<br>hour | 10”. |
|-----|-----------------|--|------|

- (6) The Schedule—

**Renumber item 37 as item 33D.**

- (7) The Schedule, before item 34, column 2—

**Add**

“Tate’s Cairn Tunnel By-laws (Cap. 393 sub. leg. B) as it was in force immediately before 20 July 2012”.

- (8) The Schedule, before item 34, column 2—

**Repeal**

“Tate’s Cairn Tunnel By-laws (Cap. 393 sub. leg. B) as it was in force immediately before 20 July 2012”.

- (9) The Schedule—

**Repeal items 34, 35 and 36.**

- (10) The Schedule, before item 38—

**Add**

|      |              |  |   |
|------|--------------|--|---|
| “37A | Section 7(1) | Driving in excess of the speed<br>limit indicated by a speed<br>limit sign by more than 15<br>kilometres an hour, other than<br>where item 37B or 37C<br>applies | 3 |
|------|--------------|--|---|

|     |              |  |   |
|-----|--------------|--|---|
| 37B | Section 7(1) | Driving in excess of the speed<br>limit indicated by a speed<br>limit sign by more than 30<br>kilometres an hour, other than | 5 |
|-----|--------------|--|---|

|     |                     |   |    |
|-----|---------------------|---|----|
|     |                     | where item 37C applies  |    |
| 37C | Section 7(1)        | Driving in excess of the speed limit indicated by a speed limit sign by more than 45 kilometres an hour   | 10 |
| 37D | Section 7(2)(b)(i)  | Driving a bus, medium goods vehicle or heavy goods vehicle in excess of the 70 kilometres per hour speed limit by more than 15 kilometres an hour, other than where item 37E or 37F applies | 3  |
| 37E | Section 7(2)(b)(i)  | Driving a bus, medium goods vehicle or heavy goods vehicle in excess of the 70 kilometres per hour speed limit by more than 30 kilometres an hour, other than where item 37F applies        | 5  |
| 37F | Section 7(2)(b)(i)  | Driving a bus, medium goods vehicle or heavy goods vehicle in excess of the 70 kilometres per hour speed limit by more than 45 kilometres an hour   | 10 |
| 37G | Section 7(2)(b)(ii) | Driving a motor cycle, motor tricycle, private car or light goods vehicle and under a probationary driving licence in excess of the 70 kilometres per hour speed limit by more              | 3  |

|      |   |  |      |
|------|---|--|------|
|      |   | than 15 kilometres an hour, other than where item 37H or 37I applies   |      |
| 37H  | Section 7(2)(b)(ii)                                   | Driving a motor cycle, motor tricycle, private car or light goods vehicle and under a probationary driving licence in excess of the 70 kilometres per hour speed limit by more than 30 kilometres an hour, other than where item 37I applies | 5    |
| 37I  | Section 7(2)(b)(ii)                                   | Driving a motor cycle, motor tricycle, private car or light goods vehicle and under a probationary driving licence in excess of the 70 kilometres per hour speed limit by more than 45 kilometres an hour                                    | 10". |
| (11) | The Schedule—<br><b>Renumber item 41 as item 37J.</b> |  |      |
| (12) | The Schedule, after item 37J—<br><b>Add</b>           |  |      |
| "37K | Section 10(2)   | 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".  |

- (13) The Schedule, after item 37K, column 2—  
**Add**  
“Western Harbour Crossing Bylaw (Cap. 436 sub. leg. D) as it was in force immediately before 20 July 2012”.
- (14) The Schedule, after item 37K, column 2—  
**Repeal**  
“Western Harbour Crossing Bylaw (Cap. 436 sub. leg. D) as it was in force immediately before 20 July 2012”.
- (15) The Schedule—  
**Repeal items 38, 39, 40 and 42.**
- (16) The Schedule, before item 50—  
**Add**
- |     |                    |   |    |
|-----|--------------------|---|----|
| 49A | Section 7(1)       | Driving in excess of the speed limit indicated by a speed limit sign by more than 15 kilometres an hour, other than where item 49B or 49C applies | 3  |
| 49B | Section 7(1)       | Driving in excess of the speed limit indicated by a speed limit sign by more than 30 kilometres an hour, other than where item 49C applies        | 5  |
| 49C | Section 7(1)       | Driving in excess of the speed limit indicated by a speed limit sign by more than 45 kilometres an hour   | 10 |
| 49D | Section 7(2)(b)(i) | Driving a bus, medium goods vehicle or heavy goods vehicle in excess of the 70  | 3  |

- |     |                     |   |    |
|-----|---------------------|---|----|
|     |                     | kilometres per hour speed limit by more than 15 kilometres an hour, other than where item 49E or 49F applies  |    |
| 49E | Section 7(2)(b)(i)  | Driving a bus, medium goods vehicle or heavy goods vehicle in excess of the 70 kilometres per hour speed limit by more than 30 kilometres an hour, other than where item 49F applies  | 5  |
| 49F | Section 7(2)(b)(i)  | Driving a bus, medium goods vehicle or heavy goods vehicle in excess of the 70 kilometres per hour speed limit by more than 45 kilometres an hour   | 10 |
| 49G | Section 7(2)(b)(ii) | Driving a motor cycle, motor tricycle, private car or light goods vehicle and under a probationary driving licence in excess of the 70 kilometres per hour speed limit by more than 15 kilometres an hour, other than where item 49H or 49I applies | 3  |
| 49H | Section 7(2)(b)(ii) | Driving a motor cycle, motor tricycle, private car or light goods vehicle and under a probationary driving licence in excess of the 70 kilometres per hour speed limit by more  | 5  |

- 49I Section 7(2)(b)(ii) Driving a motor cycle, motor tricycle, private car or light goods vehicle and under a probationary driving licence in excess of the 70 kilometres per hour speed limit by more than 45 kilometres an hour 10".
- (17) The Schedule—  
**Renumber item 53 as item 49J.**
- (18) The Schedule, after item 49J—  
**Add**  
"49K Section 10(2) 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".
- (19) The Schedule, after item 49K, column 2—  
**Add**  
"Tai Lam Tunnel and Yuen Long Approach Road Bylaw (Cap. 474 sub. leg. C) as it was in force immediately before 20 July 2012".
- (20) The Schedule, after item 49K, column 2—  
**Repeal**

- "Tai Lam Tunnel and Yuen Long Approach Road Bylaw (Cap. 474 sub. leg. C) as it was in force immediately before 20 July 2012".
- (21) The Schedule—  
**Repeal items 50, 51, 52 and 54.**

Clerk to the Legislative Council

2013

**Explanatory Note**

This Resolution amends Schedule 11 to the Road Traffic Ordinance (Cap. 374) and the Schedule to the Road Traffic (Driving-offence Points) Ordinance (Cap. 375) so as to accord with the amendments made to the Eastern Harbour Crossing Road Tunnel By-laws (Cap. 215 sub. leg. E), the Tate's Cairn Tunnel By-laws (Cap. 393 sub. leg. B), the Western Harbour Crossing Bylaw (Cap. 436 sub. leg. D) and the Tai Lam Tunnel and Yuen Long Approach Road Bylaw (Cap. 474 sub. leg. C) that took effect on 20 July 2012.

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

| Past version<br>(i.e. before 20 July 2012)   | Current version<br>(with effect from 20 July 2012)   |
|--|--|
| <b><u>Eastern Harbour Crossing Road Tunnel By-laws (Cap 215E)</u></b>  |  |
| <p><b><u>Bylaw 10</u></b></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><b><u>Bylaw 10</u></b></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> |
| <b><u>Tate’s Cairn Tunnel By-laws (Cap 393B)</u></b>   |  |
| <p><b><u>Bylaw 10</u></b></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><b><u>Bylaw 10</u></b></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>   |

| <p style="text-align: center;"><b>Past version<br/>(i.e. before 20 July 2012)</b></p>                     | <p style="text-align: center;"><b>Current version<br/>(with effect from 20 July 2012)</b></p>  |
|---|--|
| <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><b><u>Section 7</u></b></p>   | <p><b><u>Section 7</u></b></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> |



| <p style="text-align: center;"><b>Past version<br/>(i.e. before 20 July 2012)</b></p>   | <p style="text-align: center;"><b>Current version<br/>(with effect from 20 July 2012)</b></p>  |
|---|--|
| <p><b><u>Section 10</u></b></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><b><u>Section 10</u></b></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 style="text-align: center;"><b><u>Tai Lam Tunnel and Yuen Long Approach Road Bylaw (Cap 474C)</u></b></p>  |  |
| <p><b><u>Section 7</u></b></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><b><u>Section 7</u></b></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>          |

| <p style="text-align: center;"><b>Past version<br/>(i.e. before 20 July 2012)</b></p>   | <p style="text-align: center;"><b>Current version<br/>(with effect from 20 July 2012)</b></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>  |
| <p><b><u>Section 10</u></b></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><b><u>Section 10</u></b></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<br>Schedule of<br>the<br>Ordinance                     | Section or<br>by-law | Description of general nature<br>of offence  | Driving-<br>offence<br>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<br/>(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  |