

**《2015 年東區海底隧道法例（修訂）  
條例草案》**

**Eastern Harbour Crossing Legislation  
(Amendment) Bill 2015**

**Eastern Harbour Crossing Legislation (Amendment)  
Bill 2015**

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# A BILL

## To

Amend the Road Tunnels (Government) Ordinance and its subsidiary legislation to extend their application to the Eastern Harbour Crossing and incorporate the existing tolls chargeable under the Eastern Harbour Crossing Ordinance; to repeal the Eastern Harbour Crossing Ordinance and its subsidiary legislation; to provide for transitional matters; and to make related and other minor amendments.

Enacted by the Legislative Council.

### Part 1

#### Preliminary

##### 1. Short title and commencement

- (1) This Ordinance may be cited as the Eastern Harbour Crossing Legislation (Amendment) Ordinance 2015.
- (2) This Ordinance comes into operation on 7 August 2016.

**2. Enactments amended**

The enactments specified in Parts 2, 3 and 4 are amended as set out in those Parts.

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## Part 2

### Amendments to Road Tunnels (Government) Ordinance (Cap. 368)

#### 3. Section 2 amended (interpretation)

(1) Section 2—

**Renumber the section as section 2(1).**

(2) Section 2(1)—

**Repeal the definition of *tunnel*.**

(3) Section 2(1)—

**Add in alphabetical order**

“*tunnel* (隧道) and *tunnel area* (隧道區), in relation to a tunnel named in Schedule 1, mean the area of the tunnel and the area adjacent to the tunnel, as delineated and marked as “tunnel area” and “隧道區” on a plan of the tunnel deposited under section 7;”.

(4) After section 2(1)—

**Add**

“(2) To avoid doubt, if more than one plan of a tunnel named in Schedule 1 has been deposited under section 7, a reference to tunnel or tunnel area in this Ordinance is a reference to the area delineated and marked as “tunnel area” and “隧道區” on the plan of the tunnel last so deposited.”.

#### 4. Section 3 amended (application)

Section 3(1) and (2)—

**Repeal**



“the Schedule”

**Substitute**

“Schedule 1”.

**5. Schedule substituted**

The Schedule—

**Repeal the Schedule**

**Substitute**

**“Schedule 1**

[ss. 2 & 3]

**Tunnels to which this Ordinance Applies**

| Column 1 | Column 2                 |
|----------|--------------------------|
| Item     | Tunnel                   |
| 1.       | Aberdeen Tunnel          |
| 2.       | Cross-Harbour Tunnel     |
| 3.       | Eastern Harbour Crossing |
| 4.       | Kai Tak Tunnel           |
| 5.       | Lion Rock Tunnel         |
| 6.       | Shing Mun Tunnels        |
| 7.       | Tseung Kwan O Tunnel”.   |

## **Part 3**

### **Amendments to Road Tunnels (Government) Regulations (Cap. 368 sub. leg. A)**

#### **6. Regulation 2 amended (interpretation)**

Regulation 2—

##### **Repeal paragraph (2)**

##### **Substitute**

“(2) Despite paragraph (1), the description of a vehicle mentioned in the table of tolls in Part 2 or 3 of Schedule 2 is to be interpreted in accordance with the definitions and classes of motor vehicles mentioned in—

- (a) section 2 of the Road Traffic Ordinance (Cap. 374); and
- (b) regulation 2 of the Road Traffic (Construction and Maintenance of Vehicles) Regulations (Cap. 374 sub. leg. A).”.

#### **7. Regulation 3 amended (prescribed signs and road markings)**

(1) Regulation 3(1A), after “displayed at”—

##### **Add**

“the tunnel area of”.

(2) After regulation 3(1A)—

##### **Add**

“(1B) Without prejudice to paragraph (1), the Authority for the purposes of regulating and controlling traffic may display at the tunnel area of the Eastern Harbour Crossing—

- (a) a traffic sign of the type shown in any of the Figure Nos. 17, 18 and 23 prescribed in Schedule 1; and
- (b) a road marking of the type shown in Figure No. 24 prescribed in Schedule 1.”.

- (3) Regulation 3—

**Repeal paragraph (3)**

**Substitute**

“(3) A traffic sign or road marking displayed under paragraph (1)(a), (1A) or (1B) is, until the contrary is proved, presumed to be lawfully so displayed.”.

- (4) Regulation 3(4), after “paragraph (2) or”—

**Add**

“that a traffic sign or road marking”.

- (5) Regulation 3(4)—

**Repeal**

“a traffic sign prescribed” (wherever appearing)

**Substitute**

“a traffic sign or road marking prescribed”.

- (6) Regulation 3(4), after “the traffic sign” (wherever appearing)—

**Add**

“or road marking”.

- (7) Regulation 3(5), after “traffic sign” (wherever appearing)—  
**Add**  
“or road marking”.
- (8) Regulation 3(6), after “paragraph (1)”—  
**Add**  
“, (1A) or (1B)”.

**8. Regulation 9 amended (general restrictions)**

Regulation 9(2)—

**Repeal**

“area”.

**9. Regulation 11A amended (vehicles conveying dangerous goods in the Cross-Harbour Tunnel)**

- (1) Regulation 11A, heading—

**Repeal**

“the Cross-Harbour Tunnel”

**Substitute**

“specified tunnels”.

- (2) Regulation 11A(1)—

**Repeal**

“operator of the Cross-Harbour Tunnel”

**Substitute**

“operator of a specified tunnel”.

- (3) Regulation 11A(1)—

**Repeal**

“Cross-Harbour Tunnel.”

**Substitute**

“tunnel.”.

- (4) Regulation 11A(2)—

**Repeal**

“the Cross-Harbour Tunnel except with the permission of the operator”

**Substitute**

“a specified tunnel except with the permission of the operator of the tunnel”.

- (5) Regulation 11A(2)(b), after “the operator”—

**Add**

“of the tunnel”.

- (6) Regulation 11A(2)(c)—

**Repeal**

everything before “and may”

**Substitute**

- “(c) the operator of the tunnel may provide authorized officers for escorting the vehicle through the tunnel area of the tunnel”.

(7) After regulation 11A(3)—

**Add**

“(4) In this regulation—

*specified tunnel* (指明隧道) means—

- (a) the Cross-Harbour Tunnel; or
- (b) the Eastern Harbour Crossing.”.

**10. Regulation 12 amended (tolls)**

Regulation 12(1), before “Schedule 2”—

**Add**

“Part 1, 2 or 3 of”.

**11. Regulation 12A amended (automatic toll collection facilities)**

Regulation 12A(2)(a), Chinese text—

**Repeal**

“綫上”

**Substitute**

“線上方”.

**12. Regulation 13 amended (fee for removal of vehicles etc. causing obstruction)**

Regulation 13, before “Schedule 2”—

**Add**

“the Table in section 2 of Part 4 of”.

**13. Regulation 14 amended (vehicles requiring permits)**

(1) Regulation 14(1A), after “Cross-Harbour Tunnel”—

**Add**

“or Eastern Harbour Crossing”.

- (2) Regulation 14(5), before “Schedule 2”—

**Add**

“Part 5 of”.

**14. Regulation 17 amended (miscellaneous offences)**

Regulation 17(c), after “traffic sign,”—

**Add**

“road marking,”.

**15. Regulation 18 amended (offences and penalties)**

- (1) Regulation 18(2)—

**Repeal**

“, 15, 16 and 22”.

- (2) After regulation 18(2)—

**Add**

“(2A) A person who while driving a vehicle in the tunnel area of the Cross-Harbour Tunnel fails to conform to the indication of a traffic sign of the type shown in Figure No. 15, 16 or 22 prescribed in Schedule 1 and displayed at the tunnel area under regulation 3(1A) commits an offence and is liable to a fine of \$5,000 and to imprisonment for 6 months.”.

- (3) Regulation 18(3)—

**Repeal**

“, 14A or 21”

**Substitute**

“or 14A”.

- (4) After regulation 18(3)—

**Add**

“(3A) A person who while driving a vehicle in the tunnel area of the Cross-Harbour Tunnel fails to conform to the indication of a traffic sign of the type shown in Figure No. 21 prescribed in Schedule 1 and displayed at the tunnel area under regulation 3(1A) commits an offence and is liable to a fine of \$1,000.”.

**16. Regulation 19 amended (powers of an operator)**

Regulation 19—

**Repeal**

“(1A) and (2)”

**Substitute**

“(1A), (1B) and (2)”.

**17. Schedule 1 amended (signs)**

- (1) Schedule 1, heading—

**Repeal**

“SIGNS”

**Substitute**

“TRAFFIC SIGNS AND ROAD MARKINGS”.

- (2) Schedule 1—



**Repeal**

“[reg. 3]”

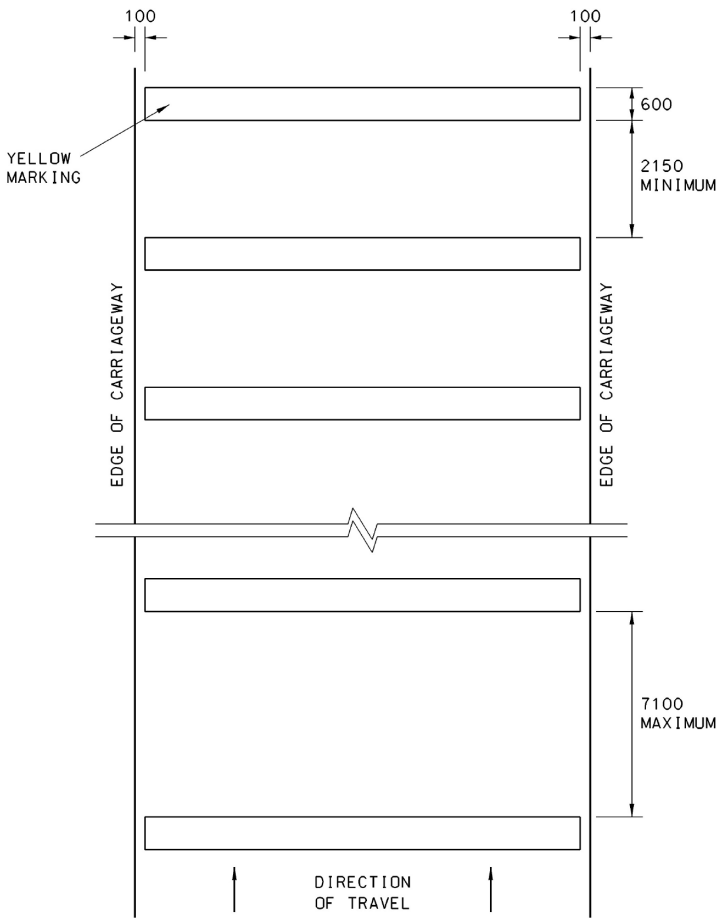
**Substitute**

“[regs. 3, 12A & 18]”.

- (3) Schedule 1, after Figure No. 23—

**Add**

“FIGURE NO. 24



TRANSVERSE YELLOW BAR MARKINGS

THIS MARKING INDICATES TO DRIVERS THE NEED TO REDUCE THE SPEED OF THEIR VEHICLES.”.

**18. Schedule 2 amended (tolls and fees)**

(1) Schedule 2—

**Repeal**

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

**Substitute**

**“Part 1**

**Tolls (for Tunnels other than Cross-Harbour  
Tunnel and Eastern Harbour Crossing)”.**

(2) Schedule 2—

**Repeal**

“Tolls (for the Cross-Harbour Tunnel)”

**Substitute**

**“Part 2**

**Tolls (for Cross-Harbour Tunnel)”.**

(3) Schedule 2, Part 2, item 10—

**Repeal**

“Each additional axle in excess of two”

**Substitute**

“For vehicles with more than 2 axles, each additional axle  
in excess of 2”.

- (4) Schedule 2—  
**Repeal everything after item 10 of Part 2**  
**Substitute**

**“Part 3**

**Tolls (for Eastern Harbour Crossing)**

| Column 1 | Column 2   | Column 3 |
|----------|--|----------|
| Item     | Vehicle  | Tolls    |
| 1.       | Motor cycles, motor tricycles  | \$13     |
| 2.       | Taxis—<br>(a) in which no passenger is carried when using the tunnel; and<br>(b) in respect of which the tolls for the use of the tunnel are settled at toll booths other than autotoll booths | \$15     |
| 3.       | Taxis other than those specified in item 2 and private cars  | \$25     |
| 4.       | Public and private light buses   | \$38     |
| 5.       | Light goods vehicles and special purpose vehicles of a permitted gross vehicle weight not exceeding 5.5 tonnes   | \$38     |

| Column 1 | Column 2  | Column 3 |
|----------|---|----------|
| Item     | Vehicle   | Tolls    |
| 6.       | Medium goods vehicles and special purpose vehicles of a permitted gross vehicle weight exceeding 5.5 tonnes but not exceeding 24 tonnes | \$50     |
| 7.       | Heavy goods vehicles and special purpose vehicles of a permitted gross vehicle weight exceeding 24 tonnes but not exceeding 38 tonnes   | \$75     |
| 8.       | Public and private single-decked buses  | \$50     |
| 9.       | Public and private double-decked buses  | \$75     |
| 10.      | For vehicles with more than 2 axles, each additional axle in excess of 2  | \$25     |

## Part 4

### Removal Fee

#### 1. Interpretation

In this Part—

**Type A vehicle** (甲類車輛) means a private car, taxi, motor cycle or motor tricycle;

**Type B vehicle** (乙類車輛) means a public or private light bus, public or private single-decked bus or goods vehicle of a permitted gross vehicle weight not exceeding 5.5 tonnes;

*Type C vehicle* (丙類車輛) means a public or private double-decked bus, special purpose vehicle, or goods vehicle of a permitted gross vehicle weight exceeding 5.5 tonnes.

2. **Removal fee**

The removal fee for a Type A vehicle, Type B vehicle or Type C vehicle is set out in the Table.

**Table**

| Column<br>1 | Column<br>2                 | Column<br>3                             | Column<br>4                             | Column<br>5                             |
|-------------|-----------------------------|---|---|---|
| Item        | Tunnel                      | Removal<br>fee for<br>Type A<br>vehicle | Removal<br>fee for<br>Type B<br>vehicle | Removal<br>fee for<br>Type C<br>vehicle |
| 1.          | Aberdeen<br>Tunnel          | \$140                                   | \$175                                   | \$215                                   |
| 2.          | Cross-Harbour<br>Tunnel     | \$140                                   | \$175                                   | \$215                                   |
| 3.          | Eastern Harbour<br>Crossing | \$140                                   | \$175                                   | \$215                                   |
| 4.          | Kai Tak Tunnel              | \$140                                   | \$175                                   | \$215                                   |
| 5.          | Lion Rock<br>Tunnel         | \$140                                   | \$175                                   | \$215                                   |

| Column<br>1 | Column<br>2             | Column<br>3                             | Column<br>4                             | Column<br>5                             |
|-------------|-------------------------|---|---|---|
| Item        | Tunnel                  | Removal<br>fee for<br>Type A<br>vehicle | Removal<br>fee for<br>Type B<br>vehicle | Removal<br>fee for<br>Type C<br>vehicle |
| 6.          | Shing Mun<br>Tunnels    | \$140                                   | \$175                                   | \$215                                   |
| 7.          | Tseung Kwan O<br>Tunnel | \$140                                   | \$175                                   | \$215                                   |

**Part 5**

**Permit Fee**

| Column 1 | Column 2                 | Column 3                      |
|----------|--------------------------|-------------------------------|
| Item     | Tunnel                   | Permit fee for<br>any vehicle |
| 1.       | Aberdeen Tunnel          | \$82                          |
| 2.       | Cross-Harbour Tunnel     | \$82                          |
| 3.       | Eastern Harbour Crossing | \$82                          |
| 4.       | Kai Tak Tunnel           | \$82                          |
| 5.       | Lion Rock Tunnel         | \$82                          |

| Column 1 | Column 2             | Column 3                      |
|----------|----------------------|-------------------------------|
| Item     | Tunnel               | Permit fee for<br>any vehicle |
| 6.       | Shing Mun Tunnels    | \$82                          |
| 7.       | Tseung Kwan O Tunnel | \$82”.                        |
| <hr/>    |                      |                               |



## **Part 4**

### **Repeal, Savings, Transitional and Consequential Provisions**

#### **Division 1—Amendments to Road Tunnels (Government) Ordinance (Cap. 368)**

**19. Sections 23 and 24 added**

After section 22A—

**Add**

**“23. Eastern Harbour Crossing Ordinance and its subsidiary legislation repealed**

The following enactments are repealed—

- (a) the Eastern Harbour Crossing Ordinance (Cap. 215);
- (b) the Eastern Harbour Crossing (Assignment of Rail Franchise) Notice (Cap. 215 sub. leg. A);
- (c) the Eastern Harbour Crossing (Designation of Agreements) Notice (Cap. 215 sub. leg. B);
- (d) the Eastern Harbour Crossing (Start of Construction) Notice (Cap. 215 sub. leg. C);
- (e) the Eastern Harbour Crossing Road Tunnel Regulations (Cap. 215 sub. leg. D); and
- (f) the Eastern Harbour Crossing Road Tunnel By-laws (Cap. 215 sub. leg. E).

**24. Savings and transitional arrangements for Eastern Harbour Crossing Legislation (Amendment) Ordinance 2015**

Schedule 2 provides for the savings and transitional arrangements that relate to the Eastern Harbour Crossing Legislation (Amendment) Ordinance 2015 ( of 2015).”.

**20. Schedule 2 added**

After Schedule 1—

**Add**

**“Schedule 2**

[s. 24]

**Savings and Transitional Arrangements for  
Eastern Harbour Crossing Legislation  
(Amendment) Ordinance 2015**

**1. Interpretation**

In this Schedule—

***EHC By-laws*** (《東隧附例》) means the Eastern Harbour Crossing Road Tunnel By-laws (Cap. 215 sub. leg. E) as in force immediately before their repeal;

***specified Regulations*** (《指明規例》) means the Road Tunnels (Government) Regulations (Cap. 368 sub. leg. A).

**2. Section 18E of Magistrates Ordinance continues to apply**

Section 18E of the Magistrates Ordinance (Cap. 227) continues to apply in relation to an offence under the EHC By-laws that was committed before 7 August 2016 as if those By-laws had not been repealed.

**3. Road Traffic (Driving-offence Points) Ordinance continues to apply**

The Road Traffic (Driving-offence Points) Ordinance (Cap. 375) continues to apply in relation to an offence under the EHC By-laws that was committed before 7 August 2016 as if those By-laws had not been repealed.

**4. Transitional arrangements for certain traffic signs**

(1) A traffic sign of the type shown in Figure No. 5 in the Schedule to the EHC By-laws that was—

(a) erected in the tunnel area of the Eastern Harbour Crossing before 7 August 2016; and

(b) in force immediately before that date,  
is, on and after that date, to be regarded for all purposes as a traffic sign of the type shown in Figure No. 17 in Schedule 1 to the specified Regulations.

(2) A traffic sign of the type shown in Figure No. 8 in the Schedule to the EHC By-laws that was—

(a) erected in the tunnel area of the Eastern Harbour Crossing before 7 August 2016; and

(b) in force immediately before that date,  
is, on and after that date, to be regarded for all purposes as a traffic sign of the type shown in Figure No. 8 in Schedule 1 to the specified Regulations.

- (3) A traffic sign of the type shown in Figure No. 14 in the Schedule to the EHC By-laws that was—
  - (a) erected in the tunnel area of the Eastern Harbour Crossing before 7 August 2016; and
  - (b) in force immediately before that date,is, on and after that date, to be regarded for all purposes as a traffic sign of the type shown in Figure No. 405 in Schedule 1 to the Road Traffic (Traffic Control) Regulations (Cap. 374 sub. leg. G).
- (4) A traffic sign of the type shown in Figure No. 18 in the Schedule to the EHC By-laws that was—
  - (a) erected in the tunnel area of the Eastern Harbour Crossing before 7 August 2016; and
  - (b) in force immediately before that date,is, on and after that date, to be regarded for all purposes as a traffic sign of the type shown in Figure No. 18 in Schedule 1 to the specified Regulations.

**5. Provisions not to derogate from section 23 of Interpretation and General Clauses Ordinance**

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

**Division 2—Consequential Amendments**

**Subdivision 1—Amendments to Specification of Public Offices Notice (Cap. 1 sub. leg. C)**

**21. Schedule amended (specification of public offices)**

- (1) The Schedule—

**Repeal**

|                             |  |
|-----------------------------|--|
| “Commissioner for Transport | Eastern Harbour Crossing Ordinance (Cap. 215).                           |
| Commissioner for Transport  | Eastern Harbour Crossing Road Tunnel Regulations (Cap. 215 sub. leg. D). |
| Commissioner for Transport  | Eastern Harbour Crossing Road Tunnel By-laws (Cap. 215 sub. leg. E).”.   |

(2) The Schedule—

**Repeal**

|                                      |  |
|--------------------------------------|--|
| “Secretary for Transport and Housing | Eastern Harbour Crossing Ordinance (Cap. 215).”. |
|--------------------------------------|--|

**Subdivision 2—Amendment to Prevention of Bribery Ordinance (Cap. 201)**

22. **Schedule 1 amended (public bodies)**  
Schedule 1—  
**Repeal item 64.**

**Subdivision 3—Amendment to Magistrates Ordinance (Cap. 227)**

23. **Third Schedule amended (offences to which defendant may plead guilty by letter)**  
Third Schedule—  
**Repeal paragraph 13.**

**Subdivision 4—Amendment to Road Traffic Ordinance (Cap. 374)**

**24. Schedule 11 amended (offences specified for the purposes of section 72A)**

Schedule 11—

**Repeal**

“28, 28A, 28D, 29, 32,”.

**Subdivision 5—Amendments to Road Traffic (Driving-offence Points) Ordinance (Cap. 375)**

**25. Schedule amended (offence)**

(1) The Schedule—

**Repeal**

“Eastern Harbour Crossing Road Tunnel By-laws (Cap. 215 sub. leg. E)”.

(2) The Schedule—

**Repeal items 28, 28A, 28B, 28C and 28D.**

(3) The Schedule—

**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.**

**Subdivision 6—Amendments to Resolution made and passed by  
Legislative Council under section 72A(10) of Road Traffic  
Ordinance and section 4(3) of Road Traffic (Driving-offence  
Points) Ordinance on 29 May 2013 (L.N. 100 of 2013)**

**26. Paragraph (d) amended**

(1) Paragraph (d)—

**Repeal**

“1(2), (4),”

**Substitute**

“1(4),”.

(2) Paragraph (d)—

**Repeal**

“1(3), (4), (8),”

**Substitute**

“1(8),”.

**27. Schedule 1 amended (amendments to Road Traffic Ordinance)**

Schedule 1, section 1—

**Repeal subsection (2).**

**28. Schedule 2 amended (amendments to Road Traffic (Driving-offence Points) Ordinance)**

Schedule 2, section 1—

**Repeal subsections (3) and (4).**

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## Explanatory Memorandum

The main object of this Bill is to amend the Road Tunnels (Government) Ordinance (Cap. 368) (*principal Ordinance*) and its subsidiary legislation to extend their application to the Eastern Harbour Crossing and incorporate the existing tolls chargeable under the Eastern Harbour Crossing Ordinance (Cap. 215) (*EHC Ordinance*).

### Part 1—Preliminary

2. Clause 1 sets out the short title and provides for commencement.
3. Clause 2 introduces the enactments that are amended by the Bill.

### Part 2—Amendments to principal Ordinance

4. Section 3(1) of the principal Ordinance provides that the principal Ordinance applies to the tunnels named in the Schedule to the principal Ordinance (*applicable tunnels*). Clause 5 amends the Schedule by adding to it the Eastern Harbour Crossing.
5. Clauses 3 and 4 make miscellaneous amendments to the principal Ordinance by—
  - (a) adding a new definition of *tunnel* and *tunnel area* to section 2 of the principal Ordinance (clause 3); and
  - (b) replacing the reference to Schedule with Schedule 1 (clause 4).



**Part 3—Amendments to Road Tunnels (Government) Regulations (Cap. 368 sub. leg. A) (*principal Regulations*)**

6. The principal Regulations provide for, among other things, the traffic control and regulation in, and the tolls for, the applicable tunnels. Part 3 amends the principal Regulations to extend their application to the Eastern Harbour Crossing. In particular—
  - (a) clause 6 amends regulation 2 of the principal Regulations to provide for the interpretation of the description of a vehicle mentioned in the table of tolls for the Eastern Harbour Crossing in Part 3 of Schedule 2 to the principal Regulations;
  - (b) clause 7 amends regulation 3 of the principal Regulations to empower the Commissioner for Transport (***Commissioner***) to display at the tunnel area of the Eastern Harbour Crossing certain traffic signs and a road marking;
  - (c) clause 9 amends regulation 11A of the principal Regulations to empower the operator of the Eastern Harbour Crossing to fix the hours during which vehicles conveying dangerous goods may enter, subject to certain conditions, the tunnel area of the Eastern Harbour Crossing; and
  - (d) clause 13 amends regulation 14 of the principal Regulations to prohibit a person from driving within the tunnel area of the Eastern Harbour Crossing certain vehicles other than in accordance with the conditions of a permit issued by the Commissioner.
7. Clause 18 amends Schedule 2 to the principal Regulations to incorporate the existing tolls chargeable for the use of the Eastern Harbour Crossing under the EHC Ordinance.

8. Part 3 also makes related and other minor amendments to the principal Regulations. In particular—
- (a) clause 14 amends regulation 17 of the principal Regulations to make it an offence for interfering with a road marking in an applicable tunnel;
  - (b) clause 15 rectifies the textual errors in regulation 18(2) and (3) of the principal Regulations; and
  - (c) clause 17 prescribes a new road marking in Schedule 1 to the principal Regulations.

#### **Part 4—Repeal, Savings, Transitional and Consequential Provisions**

9. Division 1 of Part 4 contains clauses 19 and 20. Clause 19 adds the following new sections to the principal Ordinance—
- (a) the new section 23 of the principal Ordinance repeals the EHC Ordinance and its subsidiary legislation; and
  - (b) the new section 24 of, and the new Schedule 2 (added by clause 20) to, the principal Ordinance provide for the necessary savings and transitional arrangements.
10. Division 2 of Part 4 contains consequential amendments to several Ordinances and subsidiary legislation.