

## **LEGISLATIVE COUNCIL BRIEF**

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

#### **INTRODUCTION**

At the meeting of the Executive Council on 1 December 2015, the Council ADVISED and the Chief Executive ORDERED that the Eastern Harbour Crossing Legislation (Amendment) Bill 2015 (“the Bill”) at **Annex A** should be introduced into the Legislative Council (“LegCo”).

#### **JUSTIFICATIONS**

2. The 30-year Build-Operate-Transfer (“BOT”) franchise of the Eastern Harbour Crossing (“EHC”) will expire on 7 August 2016. On the expiry of the BOT franchise, EHC will vest in the Government and become a Government tunnel. We need to provide the necessary legal backing for EHC to operate and be managed as a Government tunnel. The governing legislation of EHC as a BOT tunnel will also need to be repealed.

3. Similar to the arrangements on the expiry of the BOT franchise of the Cross-Harbour Tunnel (“CHT”) in 1999, the Government’s takeover of EHC will bring no change to the actual tunnel operation. In particular, the prevailing toll levels will not be affected. The road traffic regulations in terms of traffic signs, procedures to apply for permits to carry dangerous goods, etc. will also not be affected. Generally speaking, from a tunnel user’s point of view, there will be no difference before and after the Government’s takeover.

#### ***Legislative Proposals***

4. Same as the other Government tunnels, EHC, on the Government’s takeover, should be subsumed under the legal framework of the Road Tunnels (Government) Ordinance (Cap. 368) (“the Ordinance”) and its subsidiary legislation. The Bill seeks to add EHC to the list of tunnels to which the Ordinance applies. It also amends the Road Tunnels (Government)

Regulations (Cap. 368A) (“the Regulations”), the major amendments of which include –

- (a) amending the schedules of toll to incorporate the existing tolls chargeable for vehicles passing through EHC, and to amend the schedules of removal fee<sup>1</sup> and permit fee<sup>2 3</sup>; and
- (b) specifying certain requirements in relation to the operation of EHC, including types of vehicles which require permits for passing through EHC, restrictions on the passage of vehicles conveying dangerous goods, and the traffic signs and road markings for use at EHC.

5. The Eastern Harbour Crossing Ordinance (Cap. 215) (“EHC Ordinance”) and its subsidiary legislation provide the legal backing for EHC as a BOT tunnel. The Bill seeks to repeal the legislation concerned on the expiry of the BOT franchise.

6. The Bill also provides for the necessary savings and transitional arrangements to ensure that the repeal of the EHC Ordinance and its subsidiary legislation will not affect any right, privilege or liability acquired, accrued or incurred regarding matters which the Government may need to pursue after the repeal.

7. In addition, the Bill includes consequential amendments to repeal the references to the EHC Ordinance or the franchisee in other legislation. For example, references to the EHC Ordinance and its subsidiary legislation in the Specification of Public Offices Notice (Cap. 1C) will be repealed. The relevant provisions in Cap. 1C specify the public offices (namely the Secretary for Transport and Housing and the Commissioner for Transport) for the purposes of exercising powers or perform duties under the EHC Ordinance and the EHC Bylaw.

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<sup>1</sup> Any vehicle causing an obstruction in a tunnel will be removed and the owner of the vehicle may be charged a removal fee.

<sup>2</sup> Same as CHT, a vehicle with oversized height or weight requires a permit to pass through EHC. A permit fee shall be paid on the issue of a permit.

<sup>3</sup> The removal fee and permit fee levels of EHC will align with those of the other Government tunnels.

## THE BILL

8. The main provisions of the Bill are set out as follows –
- (a) **Part 2** (clauses 3 to 5) of the Bill amends the Ordinance. Section 3(1) of the Ordinance provides that it applies to the tunnels named in the Schedule to the Ordinance. Clause 5 of the Bill adds EHC to the Schedule;
  - (b) **Part 3** (clauses 6 to 18) of the Bill amends the Regulations. The Regulations provide for, among other things, the control and regulation of vehicular traffic and users in the tunnels named in the Schedule to the Ordinance. Part 3 of the Bill makes miscellaneous amendments to the Regulations to extend their application to EHC;
  - (c) **Clause 18** of the Bill amends Schedule 2 to the Regulations to incorporate the existing tolls for the use of EHC chargeable under the EHC Ordinance;
  - (d) **Clause 19** of the Bill repeals the EHC Ordinance and its subsidiary legislation;
  - (e) **Clause 20** of the Bill provides for the necessary savings and transitional arrangements; and
  - (f) **Division 2 of Part 4** contains consequential amendments to several Ordinances and subsidiary legislation.

## LEGISLATIVE TIMETABLE

9. The legislative timetable will be –

Publication in the Gazette	11 December 2015
First Reading and commencement of Second Reading debate	16 December 2015
Resumption of Second Reading debate, committee stage and Third Reading	to be notified

## **IMPLICATIONS OF THE PROPOSAL**

10. The proposals have economic, financial and civil service implications as set out at **Annex B**. They have no environmental, sustainability, productivity, competition, family or gender implications. The proposals are in conformity with the Basic Law, including the provisions concerning human rights. They will not affect the current binding effect of the Ordinance and the Regulations.

## **PUBLIC CONSULTATION**

11. We consulted the LegCo Panel on Transport (“the Panel”) on 6 November 2015 on the proposed legislative amendments. The Panel did not raise any objection to the legislative proposals to subsume EHC under the legal framework of the Ordinance. Panel Members were more concerned about when the Government would rationalise the traffic among the three road harbour crossings (“RHCs”) through reduction in toll levels of EHC and Western Harbour Crossing (“WHC”). Some Members also urged the Government to consider buying back WHC. A motion was passed at the Panel meeting to request the Government to reduce the toll level of EHC as soon as possible after the takeover; and to allocate any surplus generated from CHT and EHC to a fund which might be used for buying back WHC or introducing concessions, with a view to rationalising the uneven distribution of traffic flow among the three RHCs.

12. The Government has earlier undertaken to study the rationalisation of traffic distribution among the three RHCs to alleviate traffic congestion in particular at CHT. With the takeover of EHC on the expiry of the BOT franchise, two of the three RHCs will be Government owned, which will provide greater flexibility for the Government in devising a toll adjustment scheme to better rationalise the traffic distribution. Any toll adjustment scheme to this end must look at all three RHCs in a holistic manner. The traffic condition at EHC, particularly at its connecting roads, is deteriorating. If the Government were to lower the toll levels of EHC only, for example, the diverted traffic would almost certainly aggravate the traffic condition in Eastern Kowloon and Island East to an unbearable level. WHC, though currently running under its design capacity, is constrained by the traffic condition at its connecting roads. When commissioned, the Central-Wan Chai Bypass will help ease the congestion of the connecting roads of WHC, hence providing greater scope for the Government to consider implementing a comprehensive toll adjustment scheme covering three RHCs. We will continue our study on this front and will consult the LegCo Panel on

Transport and the public in due course.

## **PUBLICITY**

13. We will issue a press release on 11 December 2015. A spokesperson will be available for answering media enquiries.

## **BACKGROUND**

14. EHC links up Quarry Bay on Hong Kong Island and Cha Kwo Ling in the Eastern Kowloon. It is the second BOT tunnel after CHT. The 30-year BOT franchise was awarded to NHKTCL in 1986. The EHC Ordinance was enacted in the same year to govern the construction, operation and maintenance of EHC during the franchise period.

## **ENQUIRIES**

15. Any enquiries concerning the brief can be directed to Ms Cordelia Lam, Principal Assistant Secretary for Transport and Housing at 3509 8192.

**Transport and Housing Bureau**  
**9 December 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.

## 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

Column 1

Column 2

Item

Tunnel

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]”

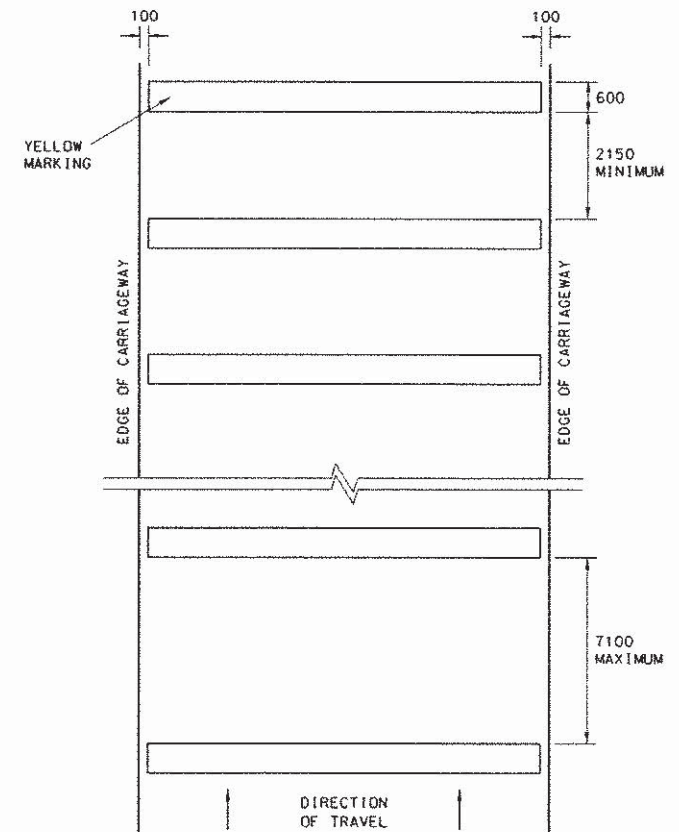
**Substitute**

“[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—	\$15
	(a) in which no passenger is carried when using the tunnel; and	
	(b) in respect of which the tolls for the use of the tunnel are settled at toll booths other than autotoll booths	
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
6.	Medium goods vehicles and special purpose vehicles of a permitted gross	\$50

Column 1	Column 2	Column 3
Item	Vehicle	Tolls
	vehicle weight exceeding 5.5 tonnes but not exceeding 24 tonnes	
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 1	Column 2	Column 3	Column 4	Column 5
Item	Tunnel	Removal fee for Type A vehicle	Removal fee for Type B vehicle	Removal fee for Type C vehicle
1.	Aberdeen Tunnel	\$140	\$175	\$215
2.	Cross-Harbour Tunnel	\$140	\$175	\$215
3.	Eastern Harbour Crossing	\$140	\$175	\$215
4.	Kai Tak Tunnel	\$140	\$175	\$215
5.	Lion Rock	\$140	\$175	\$215



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

## Part 5

### Permit Fee

Column 1	Column 2	Column 3
Item	Tunnel	Permit fee for any vehicle
1.	Aberdeen Tunnel	\$82
2.	Cross-Harbour Tunnel	\$82
3.	Eastern Harbour Crossing	\$82

Column 1	Column 2	Column 3
Item	Tunnel	Permit fee for any vehicle
4.	Kai Tak Tunnel	\$82
5.	Lion Rock Tunnel	\$82
6.	Shing Mun Tunnels	\$82
7.	Tseung Kwan O Tunnel	\$82".

## 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).”.
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**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.

## **ECONOMIC, FINANCIAL AND CIVIL SERVICE IMPLICATIONS**

### *Economic Implications*

The proposal will help ensure a smooth and seamless transition of EHC from the franchisee to the Government. This will facilitate a safe and orderly traffic flow at one of the three strategic road harbour crossings.

### *Financial and Civil Service Implications*

2. The proposal will enable the Government to collect toll direct from users of EHC at the existing level. According to the audited accounts of the franchisee, the toll income for the year ended 31 December 2014 is \$801.5 million.

3. In line with the practice of other Government tunnels including CHT, the Government will pay an annual management fee to the MOM contractor of EHC. The management fee will be netted off from the Government's toll income.

4. The Transport Department, the Highways Department, the Electrical and Mechanical Services Department and a number of other departments will require additional resources for monitoring the performance of the MOM contractor, major maintenance and repair works in EHC, etc. after the Government's takeover of EHC. Allocation of the resources required will be dealt with under the established mechanism.