



中華人民共和國香港特別行政區  
Hong Kong Special Administrative Region of the People's Republic of China



立法會秘書處 法律事務部  
LEGAL SERVICE DIVISION  
LEGISLATIVE COUNCIL SECRETARIAT

來函檔號 YOUR REF : THB(T)CR 1/1/4651/94  
本函檔號 OUR REF : LS/B/30/16-17  
電 話 TELEPHONE : 3919 3506

傳真 FAX : 2877 5029  
電郵 E-MAIL : ahychui@legco.gov.hk

By Fax (3904 1774)

7 September 2017

Mr Tony LI  
Principal Assistant Secretary for Transport and Housing  
(Transport)2  
21/F, East Wing  
Central Government Offices  
2 Tim Mei Avenue  
Tamar  
Hong Kong

Dear Mr LI,

**Road Tunnels (Government) (Amendment) Bill 2017**

I am scrutinizing the captioned Bill with a view to advising Members on its legal and drafting aspects. To facilitate Members' consideration of the Bill, I should be grateful if you would clarify the following matters.

Clause 6 – regulation 11 of Cap. 368A

*Question 1*

Clause 6 proposes to amend the Road Tunnels (Government) Regulations (Cap. 368A) to provide for an exemption in regulation 11, which would allow vehicles conveying dangerous goods of Category 2 or 5 of the Schedule to the Dangerous Goods (Application and Exemption) Regulations (Cap. 295A) to pass through the Government tunnels under emergency situations with permission from the Commissioner for Transport.

It is noted that the proposed amendment to regulation 11 does not cover vehicles conveying dangerous goods of Category 1 of the Schedule to Cap. 295A. Please explain the reason(s) for excluding such vehicles from the proposed amendment to regulation 11.

Regulation 11A of Cap. 368A

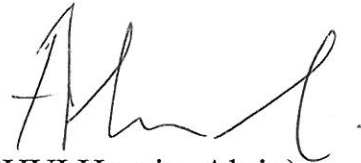
*Question 2*

Currently, by-law 19 of the Tate's Cairn Tunnel By-laws (Cap. 393B) empowers the operator of the Tate's Cairn Tunnel ("TCT") to fix the hours during which vehicles conveying dangerous goods of Category 3, 4, 6, 7, 8, 9 or 10 in the Schedule to Cap. 295A or other dangerous substances may enter the tunnel area of TCT. Cap. 393B would be repealed if the Bill is passed but no corresponding amendment is proposed to be made to regulation 11A of Cap. 368A, which confers the same power as that prescribed in by-law 19 of Cap. 393B on the operators of the Cross-Harbour Tunnel and the Eastern Harbour Crossing.

Please explain the reason(s) for not incorporating the power prescribed in by-law 19 of Cap. 393B into regulation 11A of Cap. 368A.

I look forward to receiving your reply in both languages as soon as possible.

Yours sincerely,



(CHUI Ho-yin, Alvin)  
Assistant Legal Adviser

c.c. Department of Justice  
(Attn: Mr Manuel NG, Senior Government Counsel)  
(Fax: 3918 4613)  
Legal Adviser  
Senior Assistant Legal Adviser 3