
Road Tunnels (Government) (Amendment) Bill 2017

Contents

Clause	Page
Part 1	
Preliminary	
1.	Short title and commencement C2537
2.	Enactments amended C2537
Part 2	
Amendment to Road Tunnels (Government) Ordinance (Cap. 368)	
3.	Schedule 1 amended (tunnels to which this Ordinance applies) C2541
Part 3	
Amendments to Road Tunnels (Government) Regulations (Cap. 368 sub. leg. A)	
4.	Regulation 2 amended (interpretation) C2543
5.	Regulation 3 amended (prescribed signs and road markings) C2543
6.	Regulation 11 amended (prohibition against vehicles conveying dangerous goods) C2545
7.	Regulation 12 amended (tolls) C2545
8.	Regulation 19 amended (powers of an operator) C2547
9.	Schedule 2 amended (tolls and fees) C2547

Clause	Page
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Part 4

Repeal, Savings, Transitional and Consequential Provisions

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

10.	Sections 25 and 26 added	C2553
	25. Tate’s Cairn Tunnel Ordinance and its subsidiary legislation repealed	C2553
	26. Savings and transitional arrangements for Road Tunnels (Government) (Amendment) Ordinance 2017	C2553
11.	Schedule 3 added	C2555
	Schedule 3 Savings and Transitional Arrangements for Road Tunnels (Government) (Amendment) Ordinance 2017	C2555

Division 2—Consequential Amendments

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

12.	Schedule amended (specification of public offices)	C2559
-----	--	-------

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

13.	Schedule 1 amended (public bodies)	C2561
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Subdivision 3—Amendment to Magistrates Ordinance (Cap. 227)

14.	Third Schedule amended (offences to which defendant may plead guilty by letter)	C2561
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Clause	Page
Subdivision 4—Amendment to Road Traffic Ordinance (Cap. 374)	
15.	Schedule 11 amended (offences specified for the purposes of section 72A) C2561
Subdivision 5—Amendments to Road Traffic (Driving-offence Points) Ordinance (Cap. 375)	
16.	Schedule amended (offence) C2561
Subdivision 6—Amendment to Legislative Council Ordinance (Cap. 542)	
17.	Schedule 1A amended (composition of the transport functional constituency) C2563
Subdivision 7—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)	
18.	Paragraph (d) amended C2563
19.	Schedule 1 amended (amendments to Road Traffic Ordinance) C2565
20.	Schedule 2 amended (amendments to Road Traffic (Driving-offence Points) Ordinance) C2565

A BILL

To

Amend the Road Tunnels (Government) Ordinance and its subsidiary legislation to extend their application to the Tate's Cairn Tunnel and incorporate the existing tolls chargeable under the Tate's Cairn Tunnel Ordinance; to provide for an emergency exemption from the prohibition against vehicles conveying dangerous goods in tunnels; to repeal the Tate's Cairn Tunnel Ordinance and its subsidiary legislation; and to provide for transitional matters.

Enacted by the Legislative Council.

Part 1

Preliminary

1. Short title and commencement

- (1) This Ordinance may be cited as the Road Tunnels (Government) (Amendment) Ordinance 2017.
- (2) This Ordinance comes into operation on 11 July 2018.

2. Enactments amended

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

Part 2

Amendment to Road Tunnels (Government) Ordinance (Cap. 368)

3. Schedule 1 amended (tunnels to which this Ordinance applies)

Schedule 1, after item 6—

Add

“6A. Tate’s Cairn Tunnel”.

Part 3

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

4. Regulation 2 amended (interpretation)

Regulation 2(2)—

Repeal

“or 3”

Substitute

“, 3 or 3A”.

5. Regulation 3 amended (prescribed signs and road markings)

(1) After regulation 3(1C)—

Add

“(1D) Without prejudice to paragraph (1), the Authority may, for the purposes of regulating and controlling traffic, display at the tunnel area of the Tate’s Cairn Tunnel a traffic sign of the type shown in Figure No. 17 or No. 23 prescribed in Schedule 1.”.

(2) Regulation 3(3)—

Repeal

“or (1C)”

Substitute

“, (1C) or (1D)”.

(3) Regulation 3(6)—

Repeal

“or (1C)”

Substitute

“, (1C) or (1D)”.

6. Regulation 11 amended (prohibition against vehicles conveying dangerous goods)

(1) Regulation 11(1)—

Repeal

everything before “drive”

Substitute

“(1) Subject to paragraphs (2) and (3), a person must not”.

(2) After regulation 11(2)—

Add

“(3) Paragraph (1) does not apply in relation to a specified vehicle if it is being moved in an emergency in accordance with the conditions of a permission granted by the Authority for the vehicle.

(4) For the purposes of paragraph (3), the Authority may permit a specified vehicle to be moved in a tunnel in an emergency subject to any conditions that the Authority considers appropriate.

(5) In this regulation—

specified vehicle (指明車輛) means a vehicle that falls within the description of paragraph (1)(b), (c), (d) or (e).”.

7. Regulation 12 amended (tolls)

Regulation 12(1)—

Repeal

everything before “at a”

Substitute

- “(1) The appropriate toll specified in Part 1, 2, 3 or 3A of Schedule 2 for the use of a tunnel by a vehicle must be paid”.

8. Regulation 19 amended (powers of an operator)

Regulation 19, after “(1C)”—

Add

“, (1D)”.

9. Schedule 2 amended (tolls and fees)

- (1) Schedule 2, Part 1, heading—

Repeal

“and Eastern Harbour Crossing”

Substitute

“, Eastern Harbour Crossing and Tate’s Cairn Tunnel”.

- (2) Schedule 2, after Part 3—

Add

“Part 3A

Tolls (for Tate’s Cairn Tunnel)

Column 1	Column 2	Column 3
Item	Vehicle	Tolls
1.	Motor cycles, motor tricycles	\$15

Road Tunnels (Government) (Amendment) Bill 2017

Part 3
 Clause 9

C2549

Column 1	Column 2	Column 3
Item	Vehicle	Tolls
2.	Private cars, taxis	\$20
3.	Public light buses	\$23
4.	Private light buses	\$24
5.	Light goods vehicles and special purpose vehicles of a permitted gross vehicle weight not exceeding 5.5 tonnes	\$24
6.	Medium goods vehicles and special purpose vehicles of a permitted gross vehicle weight exceeding 5.5 tonnes but not exceeding 24 tonnes	\$28
7.	Heavy goods vehicles and special purpose vehicles of a permitted gross vehicle weight exceeding 24 tonnes but not exceeding 38 tonnes	\$28
8.	Public and private single-decked buses	\$32
9.	Public and private double-decked buses	\$35

Road Tunnels (Government) (Amendment) Bill 2017

Part 3
 Clause 9

C2551

Column 1	Column 2	Column 3
Item	Vehicle	Tolls
10.	For vehicles with more than 2 axles, each additional axle in excess of 2	\$24”.
(3)	Schedule 2, Part 4, section 2, Table, after item 6—	
	Add	
	“6A. Tate’s Cairn Tunnel	\$140 \$175 \$215”.
(4)	Schedule 2, Part 5, after item 6—	
	Add	
	“6A. Tate’s Cairn Tunnel	\$82”.

Part 4

Repeal, Savings, Transitional and Consequential Provisions

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

10. Sections 25 and 26 added

After section 24—

Add

“25. Tate’s Cairn Tunnel Ordinance and its subsidiary legislation repealed

The following enactments are repealed—

- (a) the Tate’s Cairn Tunnel Ordinance (Cap. 393);
- (b) the Tate’s Cairn Tunnel Regulations (Cap. 393 sub. leg. A);
- (c) the Tate’s Cairn Tunnel By-laws (Cap. 393 sub. leg. B);
- (d) the Tate’s Cairn Tunnel (Designation of Agreements) Notice (Cap. 393 sub. leg. C); and
- (e) the Tate’s Cairn Tunnel (Commencement of Construction Works) Notice (Cap. 393 sub. leg. D).

26. Savings and transitional arrangements for Road Tunnels (Government) (Amendment) Ordinance 2017

Schedule 3 provides for the savings and transitional arrangements that relate to the Road Tunnels (Government) (Amendment) Ordinance 2017 (of 2017).”.

11. Schedule 3 added

After Schedule 2—

Add

“Schedule 3

[s. 26]

**Savings and Transitional Arrangements for Road
Tunnels (Government) (Amendment) Ordinance
2017**

1. Interpretation

In this Schedule—

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

TCT By-laws (《大老山隧道附例》) means the Tate’s Cairn Tunnel By-laws (Cap. 393 sub. leg. B) as in force immediately before 11 July 2018;

TCT Ordinance (《大老山隧道條例》) means the Tate’s Cairn Tunnel Ordinance (Cap. 393) as in force immediately before 11 July 2018.

2. Savings for royalty payments

If a royalty payable under section 9(1)(b) of the TCT Ordinance has not been paid before 11 July 2018, that Ordinance continues to apply in relation to the royalty as if it had not been repealed.

3. Section 18E of Magistrates Ordinance continues to apply

Section 18E of the Magistrates Ordinance (Cap. 227) continues to apply on and after 11 July 2018 in relation to an offence under the TCT By-laws that was committed before that date as if the By-laws had not been repealed.

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

The Road Traffic (Driving-offence Points) Ordinance (Cap. 375) continues to apply on and after 11 July 2018 in relation to an offence under the TCT By-laws that was committed before that date as if the By-laws had not been repealed.

5. Transitional arrangements for certain traffic signs

- (1) For the purposes of this section, a traffic sign is a pre-existing traffic sign if it was—
 - (a) erected in the tunnel area of the Tate’s Cairn Tunnel before 11 July 2018; and
 - (b) in force immediately before that date.
- (2) A pre-existing traffic sign of the type shown in Figure No. 5 in the Schedule to the TCT By-laws is, on and after 11 July 2018, regarded for all purposes as a traffic sign of the type shown in Figure No. 17 in Schedule 1 to the specified Regulations.
- (3) A pre-existing traffic sign of the type shown in Figure No. 8 in the Schedule to the TCT By-laws is, on and after 11 July 2018, regarded for all purposes as a traffic sign of the type shown in Figure No. 8 in Schedule 1 to the specified Regulations.

- (4) A pre-existing traffic sign of the type shown in Figure No. 14 in the Schedule to the TCT By-laws is, on and after 11 July 2018, 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).

6. Schedule 3 not in derogation of 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)

12. Schedule amended (specification of public offices)

- (1) The Schedule—

Repeal

“Commissioner for Transport

Tate’s Cairn Tunnel Ordinance (Cap. 393).

Commissioner for Transport

Tate’s Cairn Tunnel Regulations (Cap. 393 sub. leg. A).

Commissioner for Transport

Tate’s Cairn Tunnel By-laws (Cap. 393 sub. leg. B).”.

- (2) The Schedule—

Repeal

“Secretary for Transport and Housing		Tate’s Cairn Tunnel Ordinance (Cap. 393).”.
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**Subdivision 2—Amendment to Prevention of Bribery Ordinance
(Cap. 201)**

13. Schedule 1 amended (public bodies)

Schedule 1—

Repeal item 65.

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

**14. Third Schedule amended (offences to which defendant may plead
guilty by letter)**

Third Schedule—

Repeal paragraph 14.

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

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

Schedule 11—

Repeal

“33, 33A, 33D, 34.”.

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

16. Schedule amended (offence)

(1) The Schedule—

Repeal

“Tate’s Cairn Tunnel By-laws (Cap. 393 sub. leg. B)”.

- (2) The Schedule—

Repeal items 33, 33A, 33B, 33C and 33D.

- (3) The Schedule—

Repeal

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

- (4) The Schedule—

Repeal items 34, 35 and 36.

**Subdivision 6—Amendment to Legislative Council Ordinance
(Cap. 542)**

17. **Schedule 1A amended (composition of the transport functional constituency)**

Schedule 1A—

Repeal item 135.

**Subdivision 7—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)**

18. **Paragraph (d) amended**

- (1) Paragraph (d)—

Repeal

“1(4), (7)”

Substitute

“1(7)”.

(2) Paragraph (d)—

Repeal

“1(8), (9), (14)”

Substitute

“1(14)”.

19. Schedule 1 amended (amendments to Road Traffic Ordinance)

Schedule 1, section 1—

Repeal subsection (4).

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

Schedule 2, section 1—

Repeal subsections (8) and (9).

Explanatory Memorandum

The main object of this Bill is to amend the Road Tunnels (Government) Ordinance (Cap. 368) (*principal Ordinance*) and its subsidiary legislation—

- (a) to extend their application to the Tate’s Cairn Tunnel and incorporate the existing tolls chargeable under the Tate’s Cairn Tunnel Ordinance (Cap. 393) (*TCT Ordinance*); and
- (b) to provide for an emergency exemption from the prohibition against vehicles conveying dangerous goods in tunnels.

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—Amendment to principal Ordinance

4. Section 3(1) of the principal Ordinance provides that the principal Ordinance applies to the tunnels named in Schedule 1 to the principal Ordinance (*applicable tunnels*). Clause 3 amends that Schedule by adding to it the Tate’s Cairn Tunnel.

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

5. The principal Regulations provide for, among other things, the control and regulation of traffic in, and the tolls for, the

applicable tunnels. Part 3 amends the principal Regulations to extend their application to the Tate's Cairn Tunnel. In particular, clause 5 amends regulation 3 of the principal Regulations to empower the Commissioner for Transport to display certain traffic signs at the tunnel area of the Tate's Cairn Tunnel.

6. Clause 6 amends regulation 11 of the principal Regulations to provide for an emergency exemption from the prohibition under that regulation (prohibition against vehicles conveying dangerous goods).
7. Clause 9 amends Schedule 2 to the principal Regulations to incorporate the existing tolls chargeable for the use of the Tate's Cairn Tunnel under the TCT Ordinance.

Part 4—Repeal, Savings, Transitional and Consequential Provisions

8. Division 1 of Part 4 contains clauses 10 and 11. Clause 10 adds the following new sections to the principal Ordinance—
 - (a) the new section 25 of the principal Ordinance repeals the TCT Ordinance and its subsidiary legislation; and
 - (b) the new section 26 of, and the new Schedule 3 (added by clause 11) to, the principal Ordinance provide for the necessary savings and transitional arrangements.
9. Division 2 of Part 4 contains consequential amendments to several enactments.