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**Report of the Subcommittee on Technical Legislative Amendments on
Traffic Arrangements for the Hong Kong-Zhuhai-Macao Bridge**

Purpose

This paper reports on the deliberations of the Subcommittee on Technical Legislative Amendments on Traffic Arrangements for the Hong Kong-Zhuhai-Macao Bridge ("the Subcommittee").

Background

2. The Hong Kong-Zhuhai-Macao Bridge ("HZMB") is a cross-boundary cross-sea mega transport infrastructure project co-built by Guangdong, Hong Kong and Macao. With the connection by HZMB, the Western Pearl River Delta will fall within a reachable three-hour commuting radius of Hong Kong. The entire HZMB project consists of two parts:

- (a) the HZMB Main Bridge (i.e. a 22.9 km-long bridge and 6.7 km-long subsea tunnel) situated in Mainland waters which is being taken forward by the HZMB Authority; and
- (b) the link roads and boundary crossing facilities under the responsibility of the three governments.

3. The construction of the HZMB Main Bridge commenced in mid-December 2009. The key HZMB related local infrastructure projects include the Hong Kong Boundary Crossing Facilities ("HKBCF"), Hong Kong Link Road ("HKLR") and Tuen Mun-Chek Lap Kok Link ("TM-CLKL").

4. According to the Administration, with the consolidated assessment by the Joint Works Committee comprising the three governments, the HZMB Main

Bridge is expected to be completed in December 2017, and the three sides strive to complete the entire HZMB project by end 2017 for early simultaneous commissioning subject to factors such as the implementation of cross-boundary transport arrangements. According to the latest assessment on the works progress by HyD, the Hong Kong projects are targeted to achieve readiness for commissioning by end 2017. As regards TM-CLKL, HyD has anticipated that all construction works of the Southern Connection were targeted for completion in the first half of 2019 at the earliest and those for the Northern Connection in 2020.

5. In order to properly manage vehicles using HKBCF and HKLR upon the commissioning of HZMB, the Administration will adopt appropriate traffic arrangements. For this purpose, the Administration has proposed to introduce technical amendments to the relevant transport-related legislation to provide a legal basis for the traffic arrangements on the following:

- (a) operation of drop gates at HKBCF;¹
- (b) operation and management of two new toll-free government tunnels, namely the Scenic Hill Tunnel and the Airport Tunnel;²
- (c) "driving on the right" ("right-driving") arrangement for HKLR (including the Scenic Hill Tunnel) that connects with the HZMB Main Bridge;
- (d) additional taxi fare payable by passengers for the use of the Lantau Link under the two-way toll collection arrangement at the Lantau Link;³ and
- (e) permitted operating areas for New Territories ("NT") taxis and Lantau taxis.

¹ Drop gates are similar to bars installed at the entrance or exit of car parks for allowing or barring vehicles from going through.

² The Scenic Hill Tunnel (about 1 km) forms part of HKLR; and the Airport Tunnel (about 0.6 km) links up the traffic from HKBCF to the Hong Kong International Airport.

³ Pursuant to section 2 of the Tsing Ma Control Area (Tolls, Fees and Charges) Regulation (Cap. 498A), the Commissioner for Transport may determine by notice published in the Gazette whether to use the one-way toll collection or two-way toll collection for collecting tolls for the use by vehicles of the Lantau Link. Such notice is not part of the subsidiary legislation. The Transport Department plans to implement the two-way toll collection for the use of the Lantau Link (including entering and leaving Ma Wan) on 20 August 2017.

Technical legislative amendments on traffic arrangements for the Hong Kong-Zhuhai-Macao Bridge

L.N. 60 to L.N. 65

6. In relation to paragraph 5 above, the Administration published six items of subsidiary legislation in the Gazette on 21 April 2017:

- (a) Road Tunnels (Government) (Amendment) (No. 2) Regulation 2017 (L.N. 60);
- (b) Road Traffic (Public Service Vehicles) (Amendment) (No. 2) Regulation 2017 (L.N. 61);
- (c) Road Traffic (Registration and Licensing of Vehicles) (Amendment) Regulation 2017 (L.N. 62);
- (d) Road Traffic (Traffic Control) (Amendment) Regulation 2017 (L.N. 63);
- (e) Road Traffic (Expressway) (Amendment) Regulation 2017 (L.N. 64); and
- (f) Road Tunnels (Government) Ordinance (Amendment of Schedule 1) Notice 2017 (L.N. 65).

7. The above six items of subsidiary legislation were tabled before the Legislative Council ("LegCo") at its meeting of 26 April 2017 and are subject to the negative vetting procedure. They will come into operation as follows:

- (a) L.N. 60 and L.N. 63 to L.N. 65 will come into operation on 15 December 2017;
- (b) L.N. 61 will come into operation on 20 August 2017; and
- (c) L.N. 62 (except section 3(3) (in so far as it relates to the Southern Connection of TM-CLKL) and (4) (regarding the Northern Connection of TM-CLKL) which will come into operation on a day to be appointed by the Secretary for Transport and Housing ("STH") by notice published in the Gazette), will come into operation on 15 December 2017.

8. The Administration has indicated that the commencement date of the legislative amendments is not meant to represent the commissioning date of HZMB.

Proposed resolution to amend the Schedule to the Fixed Penalty (Criminal Proceedings) Ordinance (Cap. 240)

9. In tandem with the Road Traffic (Expressway) (Amendment) Regulation 2017 (L.N. 64), which was made to amend the Road Traffic (Expressway) Regulations (Cap. 374Q) in order to implement the right-driving arrangement on HZMB and HKLR, the Administration has proposed to make consequential amendments under section 12 of the Fixed Penalty (Criminal Proceedings) Ordinance (Cap. 240) to the relevant item numbers and descriptions of driving offences on a left-driving expressway and to introduce, based on existing offences, appropriate driving offences on a right-driving expressway in the Schedule to Cap. 240.⁴ To this end, STH has given notice to move a motion at the Council meeting of 17 May 2017 to seek LegCo's approval on a proposed resolution under section 12 of Cap. 240 ("the proposed resolution"). The proposed resolution is subject to the positive vetting procedure. Subject to the approval of LegCo, the relevant amendments will take effect from 15 December 2017.

The Subcommittee

10. At the meeting of the House Committee ("HC") held on 28 April 2017, Members agreed to form a subcommittee to study L.N. 60 to L.N. 65. Subsequently at the HC meeting on 5 May 2017, Members further agreed that the Subcommittee should be tasked to study the proposed resolution as well, which also relates to the traffic arrangements for HZMB.

11. At the request of HC, STH withdrew his notice for moving the proposed resolution at the Council meeting of 17 May 2017 to allow time for the Subcommittee to study the proposed resolution in detail. For L.N. 60 to L.N. 65, the Subcommittee Chairman moved a motion at the Council meeting of 24 May 2017 to extend the scrutiny period to the Council meeting of 14 June 2017. The motion was passed.

12. The membership list of the Subcommittee is in the **Appendix**. Under the chairmanship of Hon CHAN Han-pan, the Subcommittee held two meetings on 12 May and 22 May 2017 to examine L.N. 60 to L.N. 65 and the proposed resolution.

⁴ The Administration has advised that subject to the approval of the proposed resolution by LegCo, STH will make corresponding amendments to Form 1 in the Schedule to the Fixed Penalty (Criminal Proceedings) Regulations (Cap. 240 sub. leg. A), in exercise of the power under section 11 of Cap. 240.

Deliberations of the Subcommittee

13. The Subcommittee does not object to the technical legislative amendments under L.N. 60 to L.N. 65 and the proposed resolution. In the course of deliberations, members have focused discussions on the right-driving arrangement on HKLR, and various operational issues upon commissioning of HZMB including traffic management and law enforcement, rescue arrangement in case of accidents/emergencies, insurance for cross-boundary vehicles using HZMB, as well as parking arrangements at boundary crossing facilities. They have also raised concerns about the impact of two-way toll collection of the Lantau Link on its future toll level, and the need for increasing the number of Lantau taxis to meet the new demand arising from HZMB. The deliberations are summarized in the ensuing paragraphs.

Adoption of the right-driving arrangement on the Hong Kong Link Road

14. Members generally express support to adopting the right-driving arrangement on HKLR. Given that the connection point of the HZMB Main Bridge and HKLR at the boundary is an expressway with a speed limit of 100 km/h, they agree that switching of driving arrangements at the connection point is not preferable as vehicles will need to change lanes while moving at high speed. They consider it appropriate to arrange interface of the left-driving and right-driving arrangements at HKBCF, such that with suitable road facilities, drivers would be diverted to the correct lanes.

15. Some other members have queried the rationale of adopting the right-driving arrangement on HKLR, which is located in Hong Kong waters. Miss Tanya CHAN has pointed out that of the existing land-based boundary control points between Hong Kong and Guangdong, left-driving arrangement is adopted on the bridges straddling across Sha Tau Kok River and Shenzhen River at the Sha Tau Kok, Man Kam To and Lok Ma Chau boundary control points. The left-driving arrangement is also adopted along the Shenzhen Bay Bridge ("SBB"). Besides, both Hong Kong and Macao are adopting the left-driving arrangement. In response, the Administration has advised that the considerations of a suitable driving arrangement on HZMB and HKLR are different from those at the above boundary control points as HZMB is a high speed expressway with a speed limit of 100 km/h. For SBB, the Administration has explained that it is subject to Hong Kong law and is managed by Hong Kong. The left-driving arrangement is therefore adopted on SBB including the section in Mainland waters. For the HZMB Main Bridge, right-driving arrangement will be adopted based on the territoriality principle.

16. Members have also noted that the interface of left-driving and right-driving arrangements at boundary control points but not at the boundary connection point is not without precedent. The Administration has given the

examples of the Thai-Lao Friendship Bridge and the Second Thai-Lao Friendship Bridge as illustration. Road facilities for switching between the left-driving and right-driving arrangements are located in the vicinity of the boundary crossing facilities in Lao and Thailand respectively,⁵ and there is no switching facility at the boundary connection point on the two bridges. Members believe that most Hong Kong drivers will find no difficulties switching to right-driving arrangement, which is, apart from the Mainland, also commonly adopted in many overseas places.

17. To ensure road safety, members consider it essential to arrange appropriate and sufficient traffic signs and road markings to alert motorists in advance of the switching of driving arrangements, and selecting the correct traffic lanes. In this regard, members have noted that the Administration will provide for suitable road facilities to the north of the vehicle clearance plaza at HKBCF to ensure safe interface of the two driving arrangements. The Administration will also take forward publicity and education, including publishing pamphlets and posting relevant information on the website of the Transport Department ("TD"), on the new traffic arrangement along HZMB, including the adoption of right-driving arrangement on HKLR.

18. Given that the Administration has proposed legislative amendments to increase the fixed penalty charges for various traffic offences, the Subcommittee has sought clarification regarding whether the fixed penalty charges for driving offences in tandem with the adoption of the right-driving arrangement on HKLR as stipulated in the proposed resolution will be subject to the said proposed increase in the fixed penalty charges. The Administration has replied in the negative.

19. Members have further noted that under L.N. 64, "right-driving expressway" is defined as the section of HKLR that is designated as an expressway under section 123(1) of the Road Traffic Ordinance (Cap. 374). In this connection, the Administration will, pursuant to section 123(1) of Cap. 374, designate by notice published in the Gazette the relevant section of HKLR as an expressway before the commencement of L.N. 64 on 15 December 2017.

Traffic management and law enforcement

20. Members have noted that to prepare for the commissioning of HZMB, the three governments have been actively studying and discussing the cross-boundary transport arrangements, traffic management, enforcement coordination, and rescue and emergency plan.

⁵ According to the Transport Department, Thailand and Laos adopt the left-driving arrangement and right-driving arrangement respectively.

21. Given that HZMB straddles across the boundaries of three places, members are concerned about how the laws of the relevant jurisdictions will be effectively enforced on HZMB. Members have asked if there will be clear signs and markings to notify motorists of the location of the boundary connection point on the HZMB Main Bridge, such that they will know the law of which jurisdiction they are required to observe. Members are also worried about the grey area in exercising jurisdiction. For example, there can be issues in enforcing the Hong Kong law when a motorist who has committed a traffic offence in the Hong Kong territory has then driven the vehicle beyond the boundary of Hong Kong after the incident. In addition to monitoring the road condition by Closed Circuit Television System ("CCTV"), there is a suggestion that manpower shall be deployed to station at the boundary connection point to enable effective enforcement.

22. The Administration states that the three governments will follow the territoriality principle in respect of law enforcement, i.e. all issues would be handled in accordance with local laws. Since the HZMB Main Bridge is within the Mainland waters, all cross-boundary vehicles and passengers on the vehicles are subject to the laws of the Mainland when they pass through the Mainland's jurisdiction. Likewise, offences committed within the boundary of Hong Kong will be subject to the Hong Kong legislation. For cross-boundary vehicles travelling between Guangdong/Hong Kong ("GD/HK") or between HK/Macao, relevant permits/licences from GD/HK or HK/Macao governments have to be obtained respectively. Besides, drivers of these vehicles have to possess driving permits/licences required under the respective laws of both places.

23. The Administration has assured members that there has all along been an established mechanism for effectively enforcing the respective laws of Hong Kong and the Mainland at various boundary control points over the years. The same will be applied to HZMB. To alert motorists that they have crossed the border between Hong Kong and the Mainland, suitable signs and markings will be made at the boundary connection point on the HZMB Main Bridge. As these signs and markings are advisory but not regulatory by nature, no legislative amendments will be required.

24. Expressing concern about the lack of safety awareness and poor driving attitude of many mainland drivers, Dr KWOK Ka-ki has suggested increasing the number of warning signs along HZMB, making audio announcements in tunnels, and including penalty terms for driving offences on traffic signs.

25. In response, the Administration has stressed that the Hong Kong Police Force will continue to take stern enforcement actions against all offences, be they involve local or mainland drivers. According to the information of the TD, the number of traffic accidents involving mainland vehicles in Hong Kong

is not particularly alarming. Such accidents only accounted for about 0.07% in all accidents between 2014 and 2016. Regarding the provision of additional information on traffic signs, the Administration has advised that it is not practicable to provide excessive information on traffic signs on an expressway, while it would consider the suggestion of making audio announcements in tunnels.

26. Given that the traffic sign systems of Hong Kong and the Mainland are significantly different, not to mention that simplified Chinese is used on traffic signs on the Mainland whereas traditional Chinese is used on that in Hong Kong, members are concerned that motorists of the two places may not be familiar with the system of the other side. On this, the Administration has advised that most regulatory and directional traffic signs are figurative in design and hence should be easily comprehensible. Further, mainland cross-boundary commercial vehicle drivers have to take a driving test to obtain the relevant commercial vehicle driving licences before they can drive in Hong Kong. As such, they should be familiar with the Hong Kong traffic sign system. For non-commercial vehicle drivers applying for direct issue of full Hong Kong driving licences on the strength of their mainland driving licences, they may refer to information on traffic regulations in simplified Chinese available on the website of TD.

27. The Subcommittee notes that the three governments agree that a quota system should be implemented to restrict the number of cross-boundary vehicles using HZMB. In this regard, members have requested the Administration to provide details, including the number of quotas and implementation timetable when ready. Separately, members have noted from the Administration that the governments of Guangdong and Hong Kong have indicated that there is no concrete implementation timetable in respect of the second phase of the Ad Hoc Quota Trial Scheme for Cross Boundary Private Car.

Rescue arrangement in case of accidents/emergencies

28. Members have discussed in detail the rescue arrangements in case of accidents/emergencies on HZMB. They have noted that while detailed operations are being discussed by the three governments, the three sides have agreed on the guiding principle that the most effective and efficient rescue arrangements for the injured shall be pursued. The need for cross-boundary rescue operations will not be ruled out. The three sides will also put in place a notification mechanism, so that relevant departments/units of the three sides will be notified of requests for assistance from members of the public using HZMB regardless of which side's emergency hotline they call. Monitoring and emergency communication facilities will also be installed on HKLR (including the Scenic Hill Tunnel) and HZMB where appropriate, for example, CCTV for monitoring the road condition during the opening hours of HZMB and enabling

quick follow-up actions in case of incidents.

29. On top of the above, members have urged the Administration to comprehensively review other associated operational issues, such as setting response time performance pledge of ambulances, displaying emergency hotline numbers on traffic signs, studying whether telecommunication signals can be clearly received on HZMB and whether the accents of some Cantonese speakers speaking Putonghua or vice versa will cause communication issues. Further, members have asked if local towing vehicles will be allowed to cross the boundary on HZMB to tow vehicles back to Hong Kong. Noting members' concerns, the Administration has responded that it will discuss the relevant matters with the Mainland and Macao counterparts, and in principle a practical approach will be pursued.

Insurance arrangements for cross-boundary vehicles

30. Regarding members' concern about insurance coverage and claims for cross-boundary vehicles using HZMB, the Administration has advised that cross-boundary vehicles have to arrange insurance policies separately from Hong Kong, Mainland and Macao when travelling to the three places. In this regard, the Administration will liaise with the Office of the Commissioner of Insurance on means to facilitate motorists to take out motor vehicle insurance from insurance companies on the Mainland and in Macao.

Parking arrangements at boundary crossing facilities

31. Members have asked about the private car parking arrangements at the boundary crossing facilities of Hong Kong, Zhuhai and Macao of HZMB. The three governments are responsible for constructing their respective boundary crossing facilities. For Macao, according to the Administration's understanding, park-and-ride facilities will be provided for cross-boundary private car drivers to park their vehicles before going through the boundary control point and taking local public transportation. For Zhuhai, according to the Administration's understanding, no such facilities will be provided due to space constraint. As regards HKBCF, there will be a public car park of around 650 parking spaces for private cars located in the non-closed area adjacent to the passenger clearance building of HKBCF for local use. According to the current design of HKBCF, there is no car park in the closed area for inbound private cars. Yet, adequate domestic and cross-boundary transport services, including shuttle bus plying between the boundary crossing facilities of HK/Zhuhai and that of HK/Macao, will be provided for passengers travelling between HK/Zhuhai and HK/Macao. Besides, the Development Bureau, the Civil Engineering and Development Department and the Planning Department are conducting a Planning, Engineering and Architectural Study for the topside development at the HKBCF artificial island. In the Stage 1 Community

Engagement of the study seeking public views on the initial development concept of the said topside development, a car park for inbound private cars has been proposed to be built on the HKBCF artificial island.

Two-way toll collection arrangement for Lantau Link

32. Members have expressed concern that as additional toll collection booths will be in use after implementation of two-way toll collection at Lantau Link, operation costs and hence toll fare will be increased. In response, the Administration indicated that as per the established mechanism, the Administration will take into account a basket of factors including public acceptability and affordability, etc. before proposing a toll fare increase. Any toll fare increase proposals will be subject to scrutiny by LegCo.

Permitted operating areas for New Territories taxis and Lantau taxis

33. Members have noted that the Administration has consulted the views of urban, NT and Lantau taxi trades regarding the traffic arrangements for the public transport interchange at HKBCF. The trades have in general supported the arrangements. Members express that local residents have raised that the current supply of Lantau taxis may not be able to meet the service demand within Lantau and the commissioning of HZMB, which would generate new demand for taxi service, may further tighten supply. They have therefore asked the Administration to review and consider increasing the number of Lantau taxis. The Administration explains that while noting the concerns, the proposed amendment of the operating areas for the NT and Lantau taxis aims to ensure that there will be supply of taxi services serving HKBCF and the operating areas of those two types of taxis.

Referral to the Panel on Transport for follow-up

34. Given the ambit of the technical legislative amendments under scrutiny by the Subcommittee, the Chairman and most of the members of the Subcommittee consider that the wider transport policy issues and other operational matters of HZMB largely fall outside the purview of the Subcommittee. It is also noted that the Administration is still discussing these issues with the Mainland and Macao authorities. They consider that the Panel on Transport ("the Panel") will be in a better position to take up the related issues (in particular issues referred to in paragraphs 20 to 33 above). After deliberation, the Subcommittee agrees that the relevant issues will be referred to the Panel for following up where appropriate, including deciding whether and when a public hearing shall be arranged to receive views from stakeholders.

Recommendation

35. The Subcommittee supports the six items of subsidiary legislation (L.N. 60 to L.N. 65) and the proposed resolution. Both the Subcommittee and the Administration will not propose any amendments.

36. Separately, the Subcommittee notes that the Administration will give fresh notice for moving the motion at the Council meeting of 28 June 2017 to seek LegCo's approval of the proposed resolution.

Advice sought

37. Members are invited to note the deliberations of the Subcommittee.

Council Business Division 4
Legislative Council Secretariat
31 May 2017

**Subcommittee on Technical Legislative Amendments on
Traffic Arrangements for the Hong Kong-Zhuhai-Macao Bridge**

Membership list

Chairman Hon CHAN Han-pan, JP

Members Hon James TO Kun-sun
Hon WONG Ting-kwong, SBS, JP
Dr Hon Priscilla LEUNG Mei-fun, SBS, JP
Hon Paul TSE Wai-chun, JP
Hon Frankie YICK Chi-ming, JP
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Hon LAM Cheuk-ting
Hon Holden CHOW Ho-ding
Hon YUNG Hoi-yan
Hon CHAN Chun-ying
Hon Tanya CHAN
Hon LUK Chung-hung
Hon LAU Kwok-fan, MH
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