

LEGISLATIVE COUNCIL BRIEF

Road Tunnels (Government) Ordinance (Cap. 368)

ROAD TUNNELS (GOVERNMENT) ORDINANCE (AMENDMENT OF SCHEDULE 1) NOTICE 2018

ROAD TUNNELS (GOVERNMENT) (AMENDMENT) REGULATION 2018

INTRODUCTION

At the meeting of the Executive Council on 24 April 2018, the Council ADVISED and the Chief Executive ORDERED that –

- (a) the Road Tunnels (Government) Ordinance (Amendment of Schedule 1) Notice 2018 (“Amendment Notice”) at **Annex A** should be made under section 3 of the Road Tunnels (Government) Ordinance (Cap. 368); and
- (b) the Road Tunnels (Government) (Amendment) Regulation 2018 (“Amendment Regulation”) at **Annex B** should be made under section 20 of the Road Tunnels (Government) Ordinance.

JUSTIFICATIONS

2. The Central-Wan Chai Bypass and Island Eastern Corridor Link (“CWB”) includes a 3.7-km long toll-free road tunnel, namely the Central-Wan Chai Bypass Tunnel (“CWB Tunnel”). The locations of CWB and CWB Tunnel are shown in **Annex C**. According to the assessment by relevant departments, based on the present progress, CWB and CWB Tunnel can be commissioned in end-2018 or the first quarter of 2019.

3. Separately, the connecting road that links up Fanling Highway and Heung Yuen Wai Boundary Control Point (“BCP”) (hereafter referred to as “connecting road”) includes two toll-free government tunnels, namely Lung Shan Tunnel (4.8km long) and Cheung Shan Tunnel (0.7 km long). The locations of the connecting road and the two tunnels are shown in Annex D. According to the assessment by relevant departments, based on the present progress, the connecting road, including the two tunnels, is expected to be open to traffic before end 2018.

4. The Road Tunnels (Government) Ordinance applies to the government tunnels named in Schedule 1 thereto. It provides for the control and regulation of vehicular and pedestrian traffic in government tunnels, the management of such tunnels, and matters ancillary thereto and connected therewith. For proper management and operation of the CWB Tunnel, Lung Shan Tunnel and Cheung Shan Tunnel, we propose that these three new government tunnels be added to Schedule 1 to the Road Tunnels (Government) Ordinance.

5. Pursuant to the Road Tunnels (Government) Regulations (Cap. 368A), the Government may levy a removal fee¹ and a permit fee² on vehicles using a government tunnel under specified circumstances. We therefore propose amending the Road Tunnels (Government)

¹ Where a vehicle causing an obstruction in a tunnel has been removed under section 15 of the Road Tunnels (Government) Ordinance, the owner may be required to pay a removal fee the amount of which is subject to the vehicle type. The fee is \$140 for a private car, taxi, motor cycle or motor tricycle; \$175 for 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; and \$215 for a public or private double-decked bus, special purpose vehicle, or goods vehicle of a permitted gross vehicle weight exceeding 5.5 tonnes.

² Any vehicle with width or length exceeding the permitted level, and any vehicle towing another vehicle must obtain a permit before they are allowed to pass through a government tunnel. Also, no person shall drive within the tunnel area of the Cross-Harbour Tunnel or Eastern Harbour Crossing a vehicle with height or wheel-load exceeding the permitted level without a permit. A permit fee of \$82 shall be paid on the issue of a permit for the passage of a vehicle through the tunnel.

Regulations to specify in the fee schedules that the removal fee and the permit fee applicable to the CWB Tunnel, Lung Shan Tunnel and Cheung Shan Tunnel will be the same as other existing government tunnels.

6. At present, the Road Tunnels (Government) Regulations stipulate that specified vehicles, including buses, vehicles carrying dangerous goods, medium and heavy goods vehicles as well as vehicles required to obtain a permit, shall be driven on the left-hand lane of a left-driving government tunnel³. Currently, all left-driving government tunnels regulated under the Road Tunnels (Government) Regulations are dual two-lane tunnels⁴. The CWB Tunnel is a tunnel which consists of sections with two, three or four lanes at different locations⁵. When using CWB Tunnel, motorists of the specified vehicles have to use the left most lane or the lane next to it when heading for different destinations. We thus propose amending the Road Tunnels (Government) Regulations to introduce the necessary driving rules and a new traffic sign applicable to the CWB Tunnel.

7. Moreover, the Transport Department has reviewed the traffic signs and road markings stipulated in the Road Tunnels (Government) Regulations, and considers that the functions of certain signs and markings have become outdated with the development and adoption of electronic display devices in various types of tunnel Traffic Control and Surveillance System (“TCSS”). As such, we propose that the relevant provisions of the Road Tunnels (Government) Regulations as well as its

³ Left-driving tunnel means a tunnel in which traffic follows the practice of “left-hand traffic” in bi-directional traffic situation on a road, i.e. keep to the left side of the road. Apart from Scenic Hill Tunnel, which is a right-driving tunnel, all other government tunnels in Hong Kong are left-driving tunnels.

⁴ Existing dual three-lane government tunnels, viz. Cheung Tsing Tunnel, Eagle Nest Tunnel and Sha Tin Heights Tunnel, are regulated under the Tsing Ma Control Area (General) Regulation (Cap. 498B) and the Tsing Sha Control Area (General) Regulation (Cap. 594A).

⁵ Most of the sections of CWB Tunnel have dual three-lanes, with a two-lane eastbound section in Wan Chai and a four-lane westbound section from Causeway Bay to Wan Chai. There are also multiple two-lane slip roads within the tunnel area.

Schedule 1 be suitably updated to meet the present-day traffic management needs. The proposed legislative amendments include –

- (a) making certain figures⁶ in Schedule 1 to the Road Tunnels (Government) Regulations applicable to all government tunnels. At present, these figures are only applicable to some of the government tunnels; and
- (b) removing certain figures⁷ in Schedule 1 to the Road Tunnels (Government) Regulations, as the message of these figures either can be displayed by the alternative signs prescribed in Schedule 1 with the electronic display devices for TCSS of tunnels or are no longer required.

THE AMENDMENT NOTICE AND AMENDMENT REGULATION

Road Tunnels (Government) Ordinance (Amendment of Schedule 1) Notice 2018

8. **Section 3** of the Amendment Notice adds CWB Tunnel, Lung Shan Tunnel and Cheung Shan Tunnel to Schedule 1 to the Road Tunnels (Government) Ordinance so as to make the Ordinance applicable to them.

Road Tunnels (Government) (Amendment) Regulation 2018

9. The main provisions of the Amendment Regulation are set out as follows –

- (a) **Section 3** amends regulation 3 of the Road Tunnels (Government) Regulations to make certain traffic signs and

⁶ Including Figure No. 17 (use dipped headlights), Figure No. 23 (buses, medium goods vehicles and heavy goods vehicles must keep to the left most lane of a road inside a tube of a left-driving tunnel) and Figure No. 24 (speed reduction road marking).

⁷ Including Figure No. 15 (move to lane on the left), Figure No. 16 (single lane working), Figure No. 19 and 20 (single tube working), Figure No. 21 (payment of exact toll) and Figure No. 22 (do not enter tunnel).

road markings prescribed in Schedule 1 applicable to all government tunnels;

- (b) **Section 5** adds a new regulation 8AA to the Road Tunnels (Government) Regulations to require specified vehicles, including buses, vehicles carrying dangerous goods, medium and heavy goods vehicles as well as vehicles required to obtain a permit, to use the left most lane and the lane next to the left most lane of CWB Tunnel;
- (c) **Section 9** adds and removes traffic signs in Schedule 1 to the Road Tunnels (Government) Regulations in accordance with the proposals in paragraphs 8 and 9 above; and
- (d) **Section 10** amends Schedule 2 to the Road Tunnels (Government) Regulations to prescribe the removal fee and permit fee for vehicles using CWB Tunnel, Lung Shan Tunnel and Cheung Shan Tunnel.

LEGISLATIVE TIMETABLE

10. The legislative timetable will be as follows –

Publication in the Gazette	4 May 2018
Tabling at the Legislative Council (“LegCo”) for negative vetting	9 May 2018
Commencement of the Amendment Notice and the Amendment Regulation	12 July 2018

IMPLICATIONS OF THE PROPOSAL

11. The proposed legislative amendments are technical in nature and have no economic, civil service, environmental, sustainability, productivity, competition, family or gender implications. On financial

implications, the collection of removal fees or permit fees will increase government revenue, although the implication should be minimal as the cases of requiring the payment of such fees only occur infrequently and the fee amount is small. In line with the practice for other government tunnels, the Government would, through open tender, select contractors for the management, operation and maintenance of the three tunnels.

12. The proposed legislative amendments are in conformity with the Basic Law, including the provisions concerning human rights. The Amendment Notice and the Amendment Regulation will not affect the current binding effect of the Road Tunnels (Government) Ordinance and its subsidiary legislation.

PUBLIC CONSULTATION

13. We consulted the LegCo Panel on Transport on 21 July 2017. LegCo Members had no objections to the proposals.

PUBLICITY

14. A spokesperson will be available for answering media enquiries.

BACKGROUND

15. CWB will form part of an east-west strategic route along the north shore of Hong Kong Island. It is a 4.5 km long dual three-lane trunk road, including the CWB Tunnel which connects the Rumsey Street Flyover at Central with the Island Eastern Corridor at North Point near City Garden. The CWB Tunnel will be toll-free.

16. Separately, the connecting road for Heung Yuen Wai BCP, which includes Lung Shan Tunnel and Cheung Shan Tunnel, links up Fanling Highway and the BCP. It will improve the overall traffic network of the eastern New Territories. Lung Shan Tunnel connects

Fanling Highway with Sha Tau Kok Road Interchange, and Cheung Shan Tunnel is along the trunk road linking up Sha Tau Kok Road Interchange and the new BCP. Lung Shan Tunnel and Cheung Shan Tunnel will be toll-free.

ENQUIRIES

17. Any enquiries concerning the brief can be directed to Mr Tony Li, Principal Assistant Secretary for Transport and Housing (Transport) at 3509 8192.

Transport and Housing Bureau
2 May 2018

Road Tunnels (Government) Ordinance (Amendment of Schedule 1) Notice 2018

(Made by the Chief Executive under section 3 of the Road Tunnels (Government) Ordinance (Cap. 368) after consultation with the Executive Council)

1. Commencement

This Notice comes into operation on 12 July 2018.

2. Road Tunnels (Government) Ordinance amended

The Road Tunnels (Government) Ordinance (Cap. 368) is amended as set out in section 3.

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

Schedule 1—

Repeal everything after the heading

Substitute

“Aberdeen Tunnel (香港仔隧道)

Airport Tunnel (機場隧道)

Central-Wan Chai Bypass Tunnel (中環及灣仔繞道隧道)

Cheung Shan Tunnel (長山隧道)

Cross-Harbour Tunnel (海底隧道)

Eastern Harbour Crossing (東區海底隧道)

Kai Tak Tunnel (啟德隧道)

Lion Rock Tunnel (獅子山隧道)

Lung Shan Tunnel (龍山隧道)

Scenic Hill Tunnel (觀景山隧道)

Shing Mun Tunnels (城門隧道)

Tate’s Cairn Tunnel (大老山隧道)

Tseung Kwan O Tunnel (將軍澳隧道)”.

Chief Executive

2018

Explanatory Note

The main purpose of this Notice is to amend Schedule 1 to the Road Tunnels (Government) Ordinance (Cap. 368) to add Central-Wan Chai Bypass Tunnel, Cheung Shan Tunnel and Lung Shan Tunnel to the Schedule so as to make the Ordinance applicable to the tunnels. The opportunity is taken to make a minor presentational revision of the Schedule.

**Road Tunnels (Government) (Amendment) Regulation
2018**

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**Road Tunnels (Government) (Amendment) Regulation
2018**

(Made by the Chief Executive in Council under section 20 of the Road
Tunnels (Government) Ordinance (Cap. 368))

- 1. Commencement**
This Regulation comes into operation on 12 July 2018.
- 2. Road Tunnels (Government) Regulations amended**
The Road Tunnels (Government) Regulations (Cap. 368 sub. leg. A) are amended as set out in sections 3 to 10.
- 3. Regulation 3 amended (prescribed signs and road markings)**
 - (1) Regulation 3(1)—
Repeal subparagraph (a)
Substitute
“(a) any traffic sign or road marking of the type shown in any of the Figure Nos. 1, 2, 3, 4, 4A, 5, 6, 7, 8, 9, 10, 11, 14, 14A, 17, 18, 23, 24 and 28 prescribed in Schedule 1; or”.
 - (2) Regulation 3—
Repeal paragraphs (1A), (1B) and (1D).
 - (3) Regulation 3(3)—
Repeal
“, (1A), (1B), (1C) or (1D)”
Substitute
“or (1C)”.
 - (4) Regulation 3(6)—

Repeal

everything after “any tunnel”

Substitute

“must conform to the indication of the following traffic signs and road markings displayed under paragraph (1) or (1C)—

- (a) any traffic sign or road marking of the type shown in any of the Figure Nos. 1, 2, 3, 4, 4A, 5, 6, 10, 11, 14, 14A, 17, 18, 23, 24, 25, 26, 27 and 28 prescribed in Schedule 1;
- (b) any traffic sign or road marking prescribed by the Road Traffic (Traffic Control) Regulations (Cap. 374 sub. leg. G).”.

4. Regulation 8 amended (left-driving tunnel: certain vehicles confined to left most lane)

- (1) Regulation 8, heading—

Repeal

“tunnel:”

Substitute

“tunnel (other than Central-Wan Chai Bypass Tunnel):”.

- (2) Regulation 8(1), after “tunnel”—

Add

“other than the Central-Wan Chai Bypass Tunnel”.

5. Regulation 8AA added

After regulation 8—

Add

“8AA. Central-Wan Chai Bypass Tunnel: control of use of traffic lanes for certain vehicles

- (1) This regulation applies to the Central-Wan Chai Bypass Tunnel.
- (2) For a section of a road inside a tunnel tube consisting only of 2 traffic lanes with traffic flow in the same direction, except when directed or signalled to do otherwise by an authorized officer, a person must not drive a specified vehicle on the section other than in the left most lane.
- (3) For a section of a road inside a tunnel tube consisting of 3 or more traffic lanes with traffic flow in the same direction, except when directed or signalled to do otherwise by an authorized officer, a person must not drive a specified vehicle on the section other than in—
 - (a) the left most lane; or
 - (b) the lane next to the left most lane.
- (4) In this regulation—

specified vehicle (指明車輛) means—

 - (a) a bus;
 - (b) a goods vehicle of a permitted gross vehicle weight exceeding 5.5 tonnes;
 - (c) a vehicle requiring permission under regulation 11A(2) or a permit under regulation 14; or
 - (d) a vehicle towing another vehicle.”.

6. Regulation 15 amended (exemptions)

After regulation 15(1)—

Add

“(1A) A vehicle towing another vehicle and carrying an authorized officer who is engaged on duty is exempt from regulation 8AA(2) and (3).”.

7. Regulation 18 amended (offences and penalties)

(1) Regulation 18(1), after “8,”—

Add

“8AA,”.

(2) Regulation 18—

Repeal paragraphs (2A) and (3A).

8. Regulation 19 amended (powers of an operator)

Regulation 19—

Repeal

“(1A), (1B), (1C), (1D)”

Substitute

“(1C)”.

9. Schedule 1 amended (traffic signs and road markings)

(1) Schedule 1—

Repeal Figure Nos. 15 and 16.

(2) Schedule 1—

Repeal Figure No. 17

Substitute

“FIGURE NO. 17

USE DIPPED HEADLIGHTS
請用低燈

USE DIPPED HEADLIGHTS

When this sign is displayed, all traffic is to proceed through the tunnel using dipped headlights.

The overall dimensions and display of the sign may be varied to suit the particular circumstances.”.

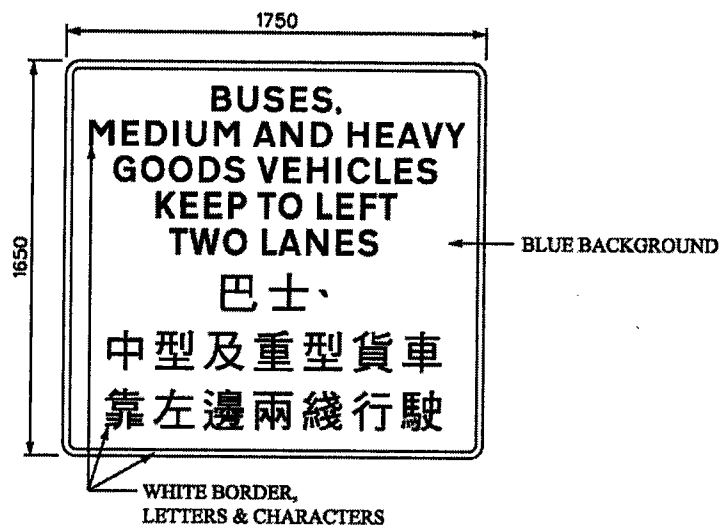
(3) Schedule 1—

Repeal Figure Nos. 19, 20, 21 and 22.

(4) Schedule 1, after Figure No. 27—

Add

“FIGURE NO. 28



KEEP TO TWO LANES ON THE LEFT IN LEFT-DRIVING TUNNEL

This sign indicates that buses, medium goods vehicles and heavy goods vehicles must keep to the left most lane, or the lane next to the left most lane, of a road inside a tube of a left-driving tunnel.”.

10. Schedule 2 amended (tolls and fees)

(1) Schedule 2, Part 4, section 2—

Repeal everything after the heading “Table”

Substitute

“Column 1 Tunnel	Column 2 Removal fee for Type A vehicle	Column 3 Removal fee for Type B vehicle	Column 4 Removal fee for Type C vehicle
Aberdeen Tunnel (香港仔隧道)	\$140	\$175	\$215
Airport Tunnel (機 場隧道)	\$140	\$175	\$215
Central-Wan Chai Bypass Tunnel (中環及灣仔繞 道隧道)	\$140	\$175	\$215
Cheung Shan Tunnel (長山隧 道)	\$140	\$175	\$215
Cross-Harbour Tunnel (海底隧 道)	\$140	\$175	\$215
Eastern Harbour Crossing (東區 海底隧道)	\$140	\$175	\$215
Kai Tak Tunnel (啟德隧道)	\$140	\$175	\$215

Column 1	Column 2	Column 3	Column 4
Tunnel	Removal fee for Type A vehicle	Removal fee for Type B vehicle	Removal fee for Type C vehicle
Lion Rock Tunnel (獅子山隧道)	\$140	\$175	\$215
Lung Shan Tunnel (龍山隧道)	\$140	\$175	\$215
Scenic Hill Tunnel (觀景山隧道)	\$140	\$175	\$215
Shing Mun Tunnels (城門隧道)	\$140	\$175	\$215
Tate's Cairn Tunnel (大老山隧道)	\$140	\$175	\$215
Tseung Kwan O Tunnel (將軍澳隧道)	\$140	\$175	\$215

(2) Schedule 2, Part 5—
Repeal everything after the heading
Substitute

"Column 1	Column 2
Tunnel	Permit fee for any vehicle
Aberdeen Tunnel (香港仔隧道)	\$82
Airport Tunnel (機場隧道)	\$82
Central-Wan Chai Bypass Tunnel (中環及灣仔繞道隧道)	\$82
Cheung Shan Tunnel (長山隧道)	\$82
Cross-Harbour Tunnel (海底隧道)	\$82
Eastern Harbour Crossing (東區海底隧道)	\$82
Kai Tak Tunnel (啟德隧道)	\$82
Lion Rock Tunnel (獅子山隧道)	\$82
Lung Shan Tunnel (龍山隧道)	\$82
Scenic Hill Tunnel (觀景山隧道)	\$82
Shing Mun Tunnels (城門隧道)	\$82
Tate's Cairn Tunnel (大老山隧道)	\$82
Tseung Kwan O Tunnel (將軍澳隧道)	\$82

Clerk to the Executive Council

COUNCIL CHAMBER

2018

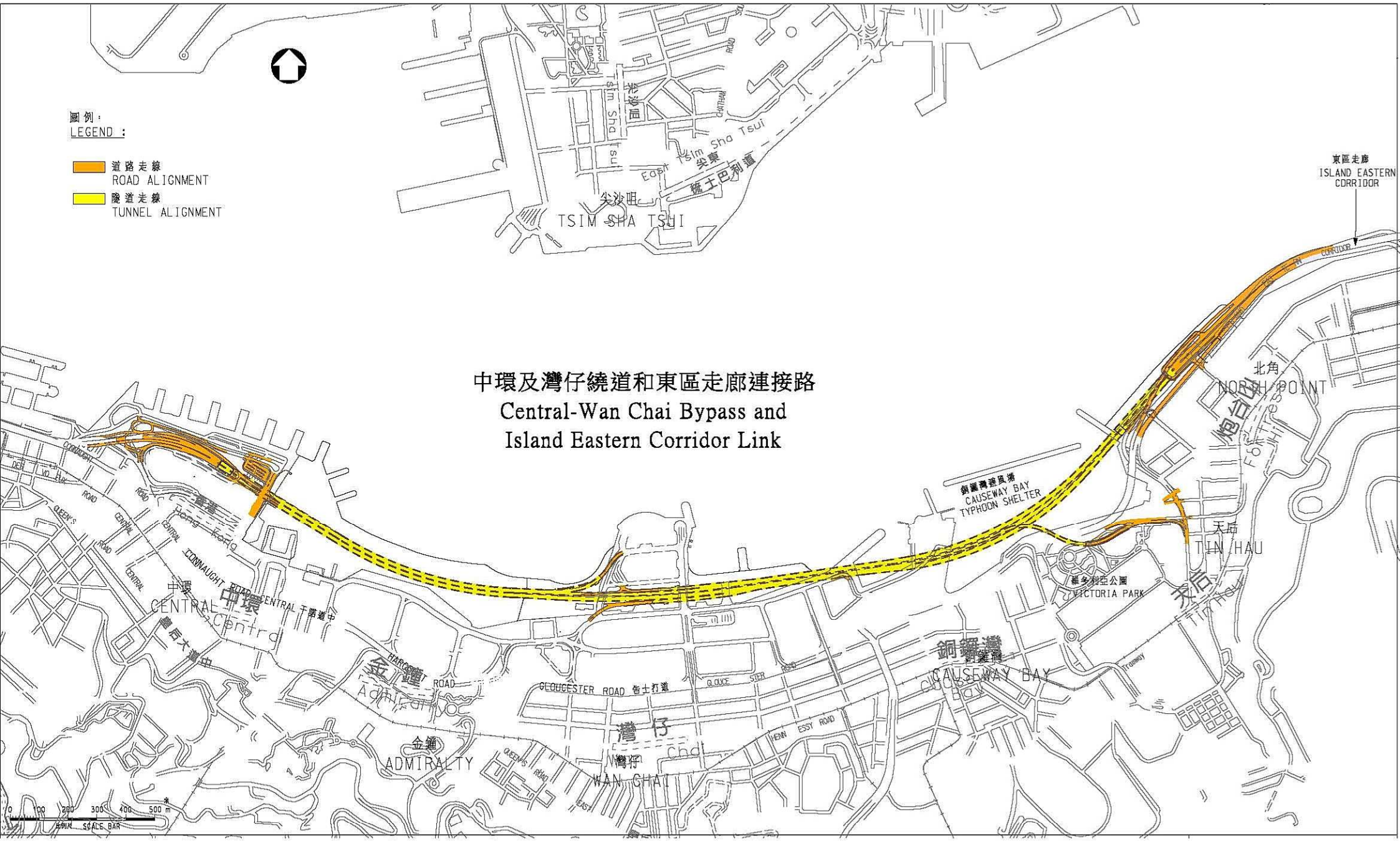
Explanatory Note

The main purpose of this Regulation is to amend the Road Tunnels (Government) Regulations (Cap. 368 sub. leg. A)—

- (a) to provide for the removal fees and permit fees for the Central-Wan Chai Bypass Tunnel, the Cheung Shan Tunnel and the Lung Shan Tunnel, and to make a minor presentational revision of the fees tables;
- (b) to provide for the traffic control and regulation in the Central-Wan Chai Bypass Tunnel;
- (c) to make certain traffic signs and road marking applicable to all government tunnels;
- (d) to repeal outdated traffic signs; and
- (e) to make consequential amendments.

- 圖例：
LEGEND :
-  道路走線
ROAD ALIGNMENT
 -  隧道走線
TUNNEL ALIGNMENT

中環及灣仔繞道和東區走廊連接路
Central-Wan Chai Bypass and
Island Eastern Corridor Link



東區走廊
ISLAND EASTERN
CORRIDOR

北角
NORTH POINT

炮台
FORTRESS

天后
TIN HAU

維多利亞公園
VICTORIA PARK

銅鑼灣
CAUSEWAY BAY

灣仔
WAN CHAI

金鐘
ADMIRALTY

中環
CENTRAL

葛士打道
GLOUCESTER ROAD

皇后大道
QUEEN'S ROAD

軒尼詩道
HENNESSY ROAD

康樂道
CONNAUGHT ROAD

皇后大道
QUEEN'S ROAD

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