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Paper for the House Committee

Report of Subcommittee on Subsidiary Legislation Relating to the Commissioning of the Tuen Mun-Chek Lap Kok Tunnel and the Tseung Kwan O-Lam Tin Tunnel

Purpose

This paper reports on the deliberations of the Subcommittee on Subsidiary Legislation Relating to the Commissioning of the Tuen Mun-Chek Lap Kok Tunnel ("TM-CLKT") and the Tseung Kwan O-Lam Tin Tunnel ("TKO-LTT").

Background

Commissioning of two new Government tunnels

2. As stated in paragraph 3 of the Legislative Council ("LegCo") Brief (File Ref: THB(T)CR 1/4651/2019) issued by the Transport and Housing Bureau on 15 April 2020, as part of the Northern Connection of the Tuen Mun – Chek Lap Kok Link, TM-CLKT comprises a dual two-lane carriageway linking Tuen Mun Area 40 and the Hong Kong-Zhuhai-Macao Bridge Hong Kong Port. TM-CLKT is planned to be commissioned in end 2020 at the earliest. Upon its commissioning, TM-CLKT will provide a new road access to Lantau Island, in addition to the existing Lantau Link.

3. Separately, according to paragraph 4 of the LegCo Brief, TKO-LTT is currently under construction to provide an alternative route to the existing Tseung Kwan O Tunnel. TKO-LTT is a dual two-lane carriageway. On the Kwun Tong side, it is connected to the Lam Tin Interchange which links with the Trunk Road T2 and Cha Kwo Ling Tunnel, the Eastern Harbour Crossing and local road network of Kwun Tong. On the Tseung Kwan O side, the tunnel is linked to the Cross Bay Link and Tseung Kwan O town centre. TKO-LTT is planned to be commissioned in end 2021.

The subsidiary legislation

4. L.N. 34 to L.N. 38¹ are made in connection with the planned commissioning of TM-CLKT and TKO-LTT. L.N. 35 to L.N. 38 also implement the proposal announced by the Chief Executive in the 2019 Policy Address to waive the tolls of the Lantau Link and the Tseung Kwan O Tunnel upon the commissioning of TM-CLKT and TKO-LTT respectively.²

L.N. 34

5. L.N. 34 adds TM-CLKT and TKO-LTT to Schedule 1 to the Road Tunnels (Government) Ordinance (Cap. 368), with the effect that the current regulatory regime for Government road tunnels in Cap. 368 applies to these two new tunnels.

L.N. 35

6. L.N. 35 amends regulation 11 of, and Parts 1, 4 and 5 of Schedule 2 to, the Road Tunnels (Government) Regulations (Cap. 368A): (a) to permit certain vehicles to carry diesel oil in TM-CLKT for a specified purpose; (b) to provide for the removal fee for TM-CLKT and TKO-LTT (for removing a vehicle or thing that causes an obstruction in the tunnel) at the same rates currently applicable to other existing government road tunnels (i.e. \$140, \$175 or \$215, depending on the type of vehicle); (c) to provide for the permit fee for TM-CLKT and TKO-LTT (for the issue of a permit for the passage of certain vehicles) at the same rate currently applicable to other existing government road tunnels (i.e. \$82); and (d) to provide for the use of the Tseung Kwan O Tunnel without payment of any toll.

L.N. 36

7. L.N. 36 amends Schedule 5 to the Road Traffic (Public Service Vehicles) Regulations (Cap. 374D) to the effect that no additional fare is required to be paid for a hiring of a taxi involving the use of the Tseung Kwan O Tunnel or the Lantau Link.

¹ The titles of L.N. 34 to L.N. 38 are:

L.N. 34: Road Tunnels (Government) Ordinance (Amendment of Schedule 1) Notice 2020;

L.N. 35: Road Tunnels (Government) (Amendment) Regulation 2020;

L.N. 36: Road Traffic (Public Service Vehicles) (Amendment) Regulation 2020;

L.N. 37: Tsing Ma Control Area (Tolls, Fees and Charges) (Amendment) Regulation 2020; and

L.N. 38: Tsing Ma Control Area (General) (Amendment) Regulation 2020.

² Please refer to paragraph 41 of the 2019 Policy Address.

L.N. 37

8. L.N. 37 repeals provisions under the Tsing Ma Control Area (Tolls, Fees and Charges) Regulation (Cap. 498A) that relate to the imposition and collection of tolls, and the related surcharges and administration fees, for the use of the Lantau Link by all vehicles. It also removes the reference to "Tolls" in the title of Cap. 498A as a consequential amendment.

L.N. 38

9. L.N. 38 makes consequential amendments to the Tsing Ma Control Area (General) Regulation (Cap. 498B) in view of the making of L.N. 37, including repealing the provisions of Cap. 498B relating to toll collection or toll collection facilities in connection with the use of the Lantau Link, and amending the references in Cap. 498B to the title of Cap. 498A as amended by L.N. 37.

Commencement

10. Provisions relating to TM-CLKT in L.N. 34 and L.N. 35 respectively come into operation on 1 July 2020. The remaining provision in L.N. 34 (i.e. the provision relating to TKO-LTT), the remaining provisions in L.N. 35 (i.e. the provisions relating to TKO-LTT and the Tseung Kwan O Tunnel), L.N. 36, L.N. 37 and L.N. 38 come into operation on a day to be appointed by the Secretary for Transport and Housing ("STH") by notice published in the Gazette.

The Subcommittee

11. At the special House Committee meeting held on 8 May 2020, Members agreed to form a subcommittee to study the above five items of subsidiary legislation. The membership list of the Subcommittee is in the **Appendix**.

12. Under the chairmanship of Hon CHAN Han-pan, the Subcommittee held two meetings, one for election of chairman and the other for meeting with the Administration to examine those five items of subsidiary legislation.

Deliberations of the Subcommittee

Toll waiver of Lantau Link

13. Members in general support the proposed toll waiver of the Lantau Link. Given that the number of flights to and from the Hong Kong International Airport ("Airport") and the usage of the Hong Kong-Zhuhai-Macao Bridge have dropped

drastically in view of the Coronavirus disease-2019 ("COVID-19") epidemic, the Chairman considers that, with the currently low traffic flow, carrying out preparatory work for the toll waiver (e.g. the demolition of the toll booths) will bring about a smaller impact on the traffic. He requests the Administration to consider starting the preparatory work as soon as possible, say in June 2020, so as to avoid a more significant impact on the traffic arising from the increase in the number of flights to and from the Airport when the epidemic is over. He further calls upon the Administration to advance the implementation of the toll waiver, which is originally proposed by the Administration to be effected upon the commissioning of TM-CLKT. In this connection, he considers it disappointing if it is provided in the legislation that implementation of the toll waiver shall only be effected upon the commissioning of TM-CLKT.

14. The Administration explains that before the toll waiver of the Lantau Link could be implemented, a series of preparatory work (such as demolishing the toll booths and changing the related road traffic signs) is required to be carried out at opportune time slots with a view to minimising impact on the traffic as well as any road safety risks imposed on motorists. Moreover, the Administration has to discuss with the Tsing Ma Control Area Operator ("Operator") the redeployment of staff who are currently involved in toll-related work. The Administration also points out that the cross-boundary shuttle buses (Hong Kong-Macao line) resumed operation in early May 2020. The usage of the Hong Kong-Zhuhai-Macao Bridge and the number of flights to and from the Airport may increase after the COVID-19 epidemic situation has stabilised. As such, the Administration considers that the most desirable arrangement is to implement the toll waiver of the Lantau Link when the TM-CLKT is in operation to divert traffic. Nevertheless, the Administration will prudently explore whether there is room for advancing the implementation of the toll waiver, having regard to such factors as progress of the preparatory work, manpower arrangement of the Operator, vehicular traffic flow in the areas concerned and changes in the operation of the Airport. The Administration also clarifies that the five items of subsidiary legislation do not stipulate that the toll waiver shall only be effected upon the commissioning of TM-CLKT. The Administration has proposed that the legislative amendments relating to the toll waiver of the Lantau Link (i.e. part of L.N. 36 relating to the Lantau Link, L.N. 37 and L.N.38) should come into operation on a day to be appointed by STH by notice published in the Gazette.

Traffic flow after commissioning of Tuen Mun-Chek Lap Kok Tunnel and toll waiver of Lantau Link

15. Hon Alice MAK enquires about the impact on the traffic flow after the commissioning of the toll-free TM-CLKT and the toll waiver of the Lantau Link and how the increased traffic flow, if any, will be dealt with.

16. The Administration has advised that TM-CLKT will provide the most direct route between Tuen Mun and Lantau/Tung Chung. As commuters from Tuen Mun will no longer need to use the Ting Kau Bridge and Lantau Link for access to Lantau Island, the new route will release part of the traffic capacity of these two roads and could therefore improve the traffic situation of the Lantau Link.

Feasibility of toll waiver of other road tunnels

17. Hon Alice MAK enquires whether it is the Government's direction to waive tolls of other Government road tunnels. Given the high level of tolls of the Tai Lam Tunnel and the Western Harbour Crossing which are operated by franchisees, the Chairman calls upon the Administration to liaise with these franchisees for charging concessionary tolls to be set at half of the original toll levels. He considers that the Administration may subsidize the franchisees for part of their toll revenue forgone arising from the concessions offered. The reduced tolls could alleviate the operating burden of the transport trades and economic pressure on commuters under the prevailing economic environment.

18. According to the Administration, the imposition of tunnel tolls is one of the traffic management measures. Toll waiver of individual tunnels will only be considered when the traffic conditions permit, for instance where the toll-free arrangement for a tunnel will not cause traffic congestion. As regards the proposed concession on tolls to be offered by the franchisees of the Tai Lam Tunnel and the Western Harbour Crossing, the Administration explains that there are a lot of details to be covered in exploring the proposal. It would take a long time for the Administration to discuss the proposal with the franchisees. To provide timely financial support for the transport trades, funds have been earmarked in the Anti-epidemic Fund to provide different types of subsidies (including fuel and one-off subsidies) for them.

Recommendation

19. The Subcommittee in general supports the five items of subsidiary legislation, and does not propose any amendment.

Advice sought

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

Council Business Division 4
Legislative Council Secretariat
2 June 2020

**Subcommittee on Subsidiary Legislation Relating to the
Commissioning of the Tuen Mun-Chek Lap Kok Tunnel
and the Tseung Kwan O-Lam Tin Tunnel**

Membership list

Chairman Hon CHAN Han-pan, BBS, JP

Members Hon Abraham SHEK Lai-him, GBS, JP
Hon WONG Ting-kwong, GBS, JP
Hon Frankie YICK Chi-ming, SBS, JP
Hon Alice MAK Mei-kuen, BBS, JP
Hon Elizabeth QUAT, BBS, JP
Hon LAU Kwok-fan, MH
Hon Kenneth LAU Ip-keung, BBS, MH, JP

(Total : 8 members)

Clerk Mr Colin CHUI

Legal Adviser Ms Wendy KAN

Date 15 May 2020