

**立法會**  
**Legislative Council**

LC Paper No. CB(4)750/19-20  
(These minutes have been seen  
by the Administration)

Ref : CB4/SS/1/19

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

**Minutes of second meeting  
held on Monday, 25 May 2020, at 4:30 am  
in Conference Room 3 of the Legislative Council Complex**

**Members present** : Hon CHAN Han-pan, BBS, JP (Chairman)  
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

**Member absent** : Hon Kenneth LAU Ip-keung, BBS, MH, JP

**Public officers  
attending** : **Agenda item I**

Miss Winnie TSE  
Deputy Secretary for Transport and  
Housing (Transport)<sup>3</sup>  
Transport and Housing Bureau

Ms Shirley KWAN  
Principal Assistant Secretary for Transport  
and Housing (Transport)<sup>2</sup>  
Transport and Housing Bureau

Ms Candy KWOK  
Assistant Commissioner/Management and Paratransit  
Transport Department

Mr Patrick HO  
Assistant Commissioner/Planning  
Transport Department

Mr Kelvin SIU  
Chief Engineer/Major Projects  
Transport Department

Ms Polly CHAN  
Chief Transport Officer/  
Infrastructure Management Planning  
Transport Department

Ms Angie LI  
Senior Government Counsel  
Department of Justice

**Clerk in attendance** : Mr Colin CHUI  
Chief Council Secretary (4)3

**Staff in attendance** : Ms Wendy KAN  
Assistant Legal Adviser 6

Ms Peggy CHUNG  
Council Secretary (4)3

Miss Ariel SHUM  
Legislative Assistant (4)3

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**I. Meeting with the Administration**

[L.Ns. 34 to 38 of 2020, File Ref.: THB(T)CR 1/4651/2019, and  
LC Paper Nos. LS65/19-20 and CB(4)592/19-20(01) to (05)]

The Subcommittee deliberated (index of proceedings in **Annex**).

Action

2. The Chairman concluded that the Subcommittee had completed the scrutiny of, and generally supported, the following five items of subsidiary legislation:

- (i) Road Tunnels (Government) Ordinance (Amendment of Schedule 1) Notice 2020 (L.N. 34 of 2020);
- (ii) Road Tunnels (Government) (Amendment) Regulation 2020 (L.N. 35 of 2020);
- (iii) Road Traffic (Public Service Vehicles) (Amendment) Regulation 2020 (L.N. 36 of 2020);
- (iv) Tsing Ma Control Area (Tolls, Fees and Charges) (Amendment) Regulation 2020 (L.N. 37 of 2020); and
- (v) Tsing Ma Control Area (General) (Amendment) Regulation 2020 (L.N. 38 of 2020).

**II. Any other business**

3. There being no other business, the meeting ended at 5:15 pm.

Council Business Division 4  
Legislative Council Secretariat  
24 June 2020

**Proceedings of the second meeting 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  
on Monday, 25 May 2020, at 4:30 pm  
in Conference Room 3 of the Legislative Council Complex**

Time marker	Speaker	Subject(s)	Action required
<b>Agenda item I – Meeting with the Administration</b>			
000435 – 001057	Chairman Administration	Briefing by the Administration	
001058 – 001605	Chairman Ms Alice MAK Administration	<p>Ms MAK supported the proposed toll waiver of the Lantau Link upon the commissioning of the Tuen Mun-Chek Lap Kok Tunnel ("TM-CLKT"). She enquired 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, would be dealt with.</p> <p>The Administration responded that TM-CLKT would provide the most direct route between Tuen Mun and Lantau/Tung Chung. As commuters from Tuen Mun would no longer need to use the Ting Kau Bridge and Lantau Link for access to Lantau Island, the new route would release part of the traffic capacity of those two roads and could therefore improve the traffic situation of the Lantau Link.</p> <p>Ms MAK enquired whether it was the Government's direction to waive tolls of other government road tunnels.</p> <p>The Administration responded that the imposition of tunnel tolls was one of the traffic management measures. Toll waiver of individual tunnels would only be considered when the traffic conditions permitted, for instance where the toll-free arrangement for a tunnel would not cause traffic congestion.</p>	
001606 – 001720	Chairman Mr Frankie YICK Administration	Whilst raising no objection to the Administration's proposed toll waiver, Mr YICK suggested that when the road tunnels currently operated under the	

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		<p>"build-operate-transfer" ("BOT") franchise were returned to the Government upon franchise expiry, the Government should consider waiving the tolls of those tunnels applicable to public transport vehicles.</p>	
001721 – 002717	Chairman Administration	<p>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 had dropped drastically in view of the Coronavirus disease-2019 ("COVID-19") epidemic, the Chairman considered that, with the currently low traffic flow, carrying out preparatory work for the toll waiver of the Lantau Link (e.g. demolition of the toll booths) would bring about a smaller impact on the traffic. He requested 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 was over. He further called upon the Administration to advance the implementation of the toll waiver of the Lantau Link, which was originally proposed by the Administration to be effected upon the commissioning of TM-CLKT. In this connection, he considered it disappointing if it was provided in the legislation that implementation of the toll waiver must be effected upon the commissioning of TM-CLKT.</p> <p>The Administration explained 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) was required to be carried out at opportune time slots while minimising impact on the traffic as well as any road safety risks imposed on motorists. Moreover, the Administration had to discuss with the Tsing Ma Control Area Operator ("Operator") the redeployment of staff who were currently involved in toll-related work. The Administration also pointed out that the cross-boundary shuttle buses (Hong Kong-Macao line) resumed</p>	

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		<p>operation in early May 2020. The usage of the Hong Kong-Zhuhai-Macao Bridge and the number of flights to and from the Airport might increase after the COVID-19 epidemic situation had stabilised. As such, the Administration considered that the most desirable arrangement was to implement the toll waiver of the Lantau Link when TM-CLKT was in operation to divert traffic. Nevertheless, the Administration would prudently explore whether there was 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.</p> <p>The Administration also clarified that the five items of subsidiary legislation did not stipulate that the toll waiver must be effected upon the commissioning of TM-CLKT. The Administration had 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 the Secretary for Transport and Housing ("STH") by notice published in the Gazette.</p>	
002718 – 003254	Chairman Administration Mr Frankie YICK	<p>Given the high level of tolls of the Tai Lam Tunnel and the Western Harbour Crossing which were operated by the BOT franchisees, the Chairman called upon the Administration to liaise with the franchisees for charging concessionary tolls to be set at half of the original toll levels. He considered that the Administration might subsidise 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.</p> <p>The Administration explained that there were 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</p>	

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		<p>the franchisees. To provide timely financial support for the transport trades, funds had been earmarked under the Anti-epidemic Fund to provide different types of subsidies (including fuel and one-off subsidies) for them.</p> <p>Mr Frankie YICK said that he had approached the franchisees for such toll adjustment but his efforts were in vain. Nevertheless, he considered that the Administration could have a go.</p>	
003255 – 004455	Chairman Administration Assistant Legal Adviser 6	<p><u>Section-by-section examination</u></p> <p>Members examined the provisions of the following five items of subsidiary legislation in detail:</p> <p>(a) Road Tunnels (Government) Ordinance (Amendment of Schedule 1) Notice 2020 (L.N. 34 of 2020);</p> <p>(b) Road Tunnels (Government) (Amendment) Regulation 2020 (L.N. 35 of 2020);</p> <p>(c) Road Traffic (Public Service Vehicles) (Amendment) Regulation 2020 (L.N. 36 of 2020);</p> <p>(d) Tsing Ma Control Area (Tolls, Fees and Charges) (Amendment) Regulation 2020 (L.N. 37 of 2020); and</p> <p>(e) Tsing Ma Control Area (General) (Amendment) Regulation 2020 (L.N. 38 of 2020).</p>	
004456 – 004755	Chairman Administration	<p><u>Notices for commencement of provisions in the relevant items of subsidiary legislation</u></p> <p>The Administration explained that the provisions relating to TM-CLKT in L.N. 34 and L.N. 35 respectively came into operation on 1 July 2020. That commencement date was provided in those two items of subsidiary legislation. Regarding the commencement of the remaining provisions in the five items of subsidiary legislation, the following three</p>	

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		<p>sets of notices would be made by STH and published in the Gazette:</p> <p>(a) commencement notices for the remaining provision in L.N. 34 (i.e. the provision relating to the Tseung Kwan O-Lam Tin Tunnel ("TKO-LTT")) and the remaining provisions in L.N. 35 relating to TKO-LTT;</p> <p>(b) commencement notices for the provisions relating to the toll waiver of the Lantau Link (i.e. part of L.N. 36 as well as L.N. 37 and L.N. 38); and</p> <p>(c) commencement notices for the provisions relating to the toll waiver of the Tseung Kwan O Tunnel (i.e. parts of L.N. 35 and L.N. 36).</p>	
<b>Agenda item II – Any other business</b>			
004756 – 004842	Chairman	Concluding remarks	