

LEGISLATIVE COUNCIL BRIEF

Road Tunnels (Government) Ordinance (Cap. 368)

Road Traffic Ordinance (Cap. 374)

Tsing Ma Control Area Ordinance (Cap. 498)

ROAD TUNNELS (GOVERNMENT) ORDINANCE (AMENDMENT OF SCHEDULE 1) NOTICE 2020

ROAD TUNNELS (GOVERNMENT) (AMENDMENT) REGULATION 2020

ROAD TRAFFIC (PUBLIC SERVICE VEHICLES) (AMENDMENT) REGULATION 2020

TSING MA CONTROL AREA (TOLLS, FEES AND CHARGES) (AMENDMENT) REGULATION 2020

TSING MA CONTROL AREA (GENERAL) (AMENDMENT) REGULATION 2020

INTRODUCTION

At the meeting of the Executive Council on 7 April 2020, the Council ADVISED and the Chief Executive ORDERED that -

- (a) the Road Tunnels (Government) Ordinance (Amendment of Schedule 1) Notice 2020 (“Cap. 368 Amendment Notice”) at **Annex A** should be made under section 3 of the Road Tunnels (Government) Ordinance (Cap. 368) (“RT(G)O”);
- (b) the Road Tunnels (Government) (Amendment) Regulation 2020 (“Cap. 368A Amendment Regulation”) at **Annex B** should be made under section 20 of RT(G)O;

- (c) the Road Traffic (Public Service Vehicles) (Amendment) Regulation 2020 (“Cap. 374D Amendment Regulation”) at Annex C should be made under section 7(1C) of the Road Traffic Ordinance (Cap. 374) (“RTO”); and
 - (d) the Tsing Ma Control Area (Tolls, Fees and Charges) (Amendment) Regulation 2020 (“Cap. 498A Amendment Regulation”) at Annex D should be made under section 27(1) and (3) of the Tsing Ma Control Area Ordinance (Cap. 498) (“TMCAO”).
2. In addition, the Secretary for Transport and Housing (“STH”) has exercised his power under section 27(2) of TMCAO to make the Tsing Ma Control Area (General) (Amendment) Regulation 2020 (“Cap. 498B Amendment Regulation”) at Annex E.

JUSTIFICATIONS

Commissioning of Two New Government Tunnels

3. As part of the Northern Connection of the Tuen Mun – Chek Lap Kok Link, there is a new government road tunnel named Tuen Mun-Chek Lap Kok Tunnel (“TM-CLKT”). The tunnel is approximately 5-km long, comprising a dual two-lane carriageway linking Tuen Mun Area 40 and the Hong Kong-Zhuhai-Macao Bridge Hong Kong Port. A location plan is at Annex F. TM-CLKT is planned to be commissioned in end 2020 at the earliest. However, in the light of unforeseen events including the Novel Coronavirus epidemic in recent months, the Highways Department will closely monitor the progress of works and assess the impact on the commissioning target. Upon its commissioning, TM-CLKT will provide a new road access to Lantau Island, in addition to the existing Lantau Link.

4. Separately, to cope with the traffic demand arising from the developments in Tseung Kwan O and Kwun Tong, Tseung Kwan O-Lam Tin Tunnel (“TKO-LTT”) is currently under construction to provide an alternative route to the existing Tseung Kwan O Tunnel. TKO-LTT is a 3.8-km long dual two-lane carriageway. On the Kwun Tong side, it connects to the Lam Tin Interchange (next to the toll plaza of the Eastern Harbour Crossing (“EHC”)), which links with the Trunk Road T2 and Cha Kwo Ling Tunnel, EHC and local road network of Kwun Tong. On the Tseung Kwan O side, the tunnel links to the Cross Bay Link and Tseung

Kwan O town centre. A location plan is at **Annex G**. TKO-LTT is planned to be commissioned in end 2021. However, in the light of unforeseen events including the Novel Coronavirus epidemic in recent months, the Civil Engineering and Development Department will closely monitor the progress of works and assess the impact on the commissioning target.

5. Currently, RT(G)O provides for the control and regulation of traffic in government tunnels, the management of such tunnels, and related matters. It applies to all the government tunnels named in Schedule 1 thereto, irrespective of whether they are tolled. Given the expected commissioning of TM-CLKT and TKO-LTT, we propose amending Schedule 1 to RT(G)O by including these two new tunnels so as to bring them into the existing regulatory regime for government tunnels for ensuring their proper management and operation.

Toll-free Arrangement for TM-CLKT and TKO-LTT

6. As announced in the 2019 Policy Address, the Government proposes that both TM-CLKT and TKO-LTT be toll-free, notwithstanding that they were originally intended to be tolled. Tolls for government tunnels are specified in Schedule 2 to the Road Tunnels (Government) Regulations (Cap. 368A) (“RT(G)R”). No amendment to Schedule 2 is needed for the purpose of making the two new tunnels toll-free. We, nevertheless, propose amending Schedule 2 to the effect that the current levels of removal fee¹ and permit fee² payable in relation to other existing government tunnels, including the toll-free ones, will also be applicable to TM-CLKT and TKO-LTT.

¹ Under regulation 13 of RT(G)R, where a vehicle causing an obstruction in a tunnel has been removed by the Commissioner for Transport (“C for T”) or the operator of the tunnel, C for T may require the owner of such vehicle to pay the removal fee specified in Schedule 2 to RT(G)R. Depending on the type of vehicle involved, the removal fee varies from \$140 to \$215 for all government tunnels.

² Under regulation 14 of RT(G)R, any vehicle with width or length exceeding the permitted level, any vehicle towing another vehicle, and any vehicle that is drawing a trailer with the combined length of the vehicle and trailer exceeding the permitted level must obtain a permit issued by C for T before its passage through a government tunnel. For the Cross-Harbour Tunnel or EHC specifically, it is also stipulated that no person shall drive within the tunnel area a vehicle with height or wheel-load exceeding the permitted level without a permit issued by C for T. A permit fee specified in Schedule 2 to RT(G)R, currently \$82 irrespective of vehicle type, is payable on the issue of the permit for all government tunnels.

Allowing Permitted Vehicles to Convey Dangerous Goods in the Tunnel Area of TM-CLKT

7. As TM-CLKT is now proposed to be toll-free, the Government plans to use part of the relevant land parcel, originally earmarked for the toll plaza, as a franchised bus depot and a franchised bus parking site in the short to medium term. While the relevant land so deployed will no longer form part of the tunnel area of TM-CLKT, vehicles carrying diesel oil which is dangerous goods for replenishing the refuelling facilities at the proposed franchised bus depot still need to drive through the open-air road sections within the tunnel area of TM-CLKT. To cater for such operational needs, we propose amending regulation 11 of RT(G)R to allow certain vehicles, with permit issued by C for T, to carry diesel oil in the tunnel area of TM-CLKT, which would otherwise be caught by the prevailing general prohibition against vehicles conveying dangerous goods in any tunnel or tunnel area³.

Waiving Tolls of Lantau Link and Tseung Kwan O Tunnel

8. At present, any person who drives a vehicle through the Lantau Link or the Tseung Kwan O Tunnel needs to pay tolls in accordance with the Tsing Ma Control Area (Tolls, Fees and Charges) Regulation (Cap. 498A) (“TMCA(TFC)R”) and RT(G)R respectively⁴. Surcharges for evasion or underpayment of toll and administration fees for refund of overpayment of toll in cash are imposed under TMCA(TFC)R for the use of the Lantau Link⁵. Passengers also need to pay additional fare for every hiring of taxi involving the use of the Lantau Link or the Tseung

³ Under regulation 11 of RT(G)R, any vehicle carrying any goods referred to in Categories 1, 2 and 5 of the Schedule to the Dangerous Goods (Application and Exemption) Regulations (Cap. 295A) is generally forbidden from driving in or remaining in any tunnel. Petroleum spirit and diesel oil are classified as Category 5 dangerous goods. Currently, such prohibition is subject to certain exemptions as provided for in the same regulation, one of which being “the conveyance in a tunnel of petroleum spirit which is being carried in a vehicle for the purpose of replenishing refuelling facilities for vehicles employed on duty relating to a tunnel”.

⁴ The existing tolls of the Lantau Link are specified in Schedule 1 to TMCA(TFC)R and range from \$10 to \$40, depending on vehicle types; whereas the Tseung Kwan O Tunnel charges a flat toll of \$3 (i.e. irrespective of vehicle types) as specified in Schedule 2 to RT(G)R.

⁵ The surcharge for evasion or underpayment of toll is \$170 and the administration fee for refund of overpayment of toll in cash is \$100 according to Schedule 2 and Schedule 4 to TMCA(TFC)R respectively.

Kwan O Tunnel in accordance with the Road Traffic (Public Service Vehicles) Regulations (Cap. 374D) (“RT(PSV)R”)⁶.

9. To effect the toll waiver of both the Lantau Link and the Tseung Kwan O Tunnel announced in the 2019 Policy Address upon the respective commissioning of TM-CLKT and TKO-LTT, we propose legislative amendments as follows -

- (a) repealing provisions relating to the imposition and collection of tolls, surcharges and administration fees under TMCA(TFC)R so that no such toll, surcharge or administration fee will be payable in relation to the use of the Lantau Link when TM-CLKT is commissioned. Escort fees, permit fees and removal fees specified in Schedules 3, 5 and 6 to TMCA(TFC)R respectively will continue to apply;
- (b) repealing the reference to the Tseung Kwan O Tunnel and its corresponding toll from Schedule 2 to RT(G)R so that no toll will be payable for the use of the Tseung Kwan O Tunnel when TKO-LTT is commissioned. Removal fees and permit fees specified in that Schedule will continue to apply;
- (c) amending Schedule 5 to RT(PSV)R so that no additional fare will be payable by passengers for every hiring of taxis involving the use of the Lantau Link or the Tseung Kwan O Tunnel when they become toll-free; and
- (d) repealing and revising, as appropriate, provisions relating to toll collection or toll collection facilities of the Lantau Link under the Tsing Ma Control Area (General) Regulation (Cap. 498B) (“TMCA(G)R”)⁷.

⁶ The additional fare for every hiring of taxi involving the use of the Lantau Link and various government tunnels is specified in Schedule 5 to RT(PSV)R. Depending on where the hiring begins and ends, generally speaking, the additional fare for every hiring of taxi involving the use of the Lantau Link is \$30, except that the additional fare for every hiring of taxi involving the use of the Lantau Link from Ma Wan to Lantau/Chek Lap Kok or from Lantau/Chek Lap Kok to Ma Wan is \$60. The additional fare for every hiring of taxi involving the use of the Tseung Kwan O Tunnel is \$3.

⁷ For instance, section 8 is on toll bars at toll booths and section 20 on automatic toll collection facilities. There are also provisions on traffic signs and light signals that indicate toll area, autotoll lanes and booths, etc.

OTHER OPTIONS

10. Legislative amendments are required to effect the proposals above. There is no other option.

THE AMENDMENT NOTICE AND AMENDMENT REGULATIONS

Road Tunnels (Government) Ordinance (Amendment of Schedule 1) Notice 2020 (“Cap. 368 Amendment Notice”)

11. **Section 3** of Cap. 368 Amendment Notice adds TM-CKLT and TKO-LTT to Schedule 1 to RT(G)O so as to make the Ordinance applicable to them.

Road Tunnels (Government) (Amendment) Regulation 2020 (“Cap. 368A Amendment Regulation”)

12. The main provisions of Cap. 368A Amendment Regulation are as follows -

- (a) **Section 3** amends Regulation 11 of RT(G)R to allow certain vehicles, with permit issued by C for T, to carry diesel oil in the tunnel area of TM-CLKT for the purpose of replenishing refuelling facilities for franchised buses;
- (b) **Section 4(1)** amends Schedule 2 to RT(G)R so that no toll is payable for the use of the Tseung Kwan O Tunnel; and
- (c) **Section 4(2) to 4(5)** amends Schedule 2 to RT(G)R to prescribe the removal fee and permit fee for vehicles using TM-CLKT and TKO-LTT.

Road Traffic (Public Service Vehicles) (Amendment) Regulation 2020 (“Cap. 374D Amendment Regulation”)

13. **Section 3(1)** of Cap. 374D Amendment Regulation amends item 4(iii) of Schedule 5 to RT(PSV)R so that the additional fare for every hiring of taxi involving the use of the Tseung Kwan O Tunnel is no longer payable; while **section 3(2)** repeals item 4(vi), (via), (viab), (viac) and (viad) of Schedule 5 to RT(PSV)R so that the additional fares for every hiring of taxi involving the use of the Lantau Link are no longer payable.

Tsing Ma Control Area (Tolls, Fees and Charges) (Amendment) Regulation 2020 (“Cap. 498A Amendment Regulation”)

14. Cap. 498A Amendment Regulation repeals provisions of TMCA(TFC)R relating to the imposition and collection of tolls, surcharges and administration fees for the use of the Lantau Link. The title of TMCA(TFC)R will also be amended to remove the word “Tolls”.

Tsing Ma Control Area (General) (Amendment) Regulation 2020 (“Cap. 498B Amendment Regulation”)

15. Cap. 498B Amendment Regulation repeals provisions of TMCA(G)R relating to toll collection or toll collection facilities, and makes certain other related amendments to TMCA(G)R.

Commencement Dates of Legislative Amendments

16. Given the planned commissioning of TM-CLKT and TKO-LTT as mentioned in paragraphs 3 and 4 above and following past experiences with new government tunnels, legislative amendments should come into effect in around mid-2020 for provisions relating to TM-CLKT under Cap. 368 Amendment Notice and Cap. 368A Amendment Regulation so as to allow time for necessary preparatory work in relation to tunnel operation ahead of commissioning. The effective date of the legislative amendments relating to TKO-LTT will be separately specified by STH by way of a commencement notice when the commissioning of TKO-LTT draws nearer.

17. The toll waiver of the Lantau Link and the Tseung Kwan O Tunnel should only be effected upon the commissioning of TM-CLKT and TKO-LTT respectively, when the traffic demand can be diverted by the new tunnels. Since the exact commissioning date of TM-CLKT may only be confirmed nearer the time, we propose that the legislative amendments relating to the waiving of tolls of the Lantau Link (i.e. Cap. 498A Amendment Regulation, Cap. 498B Amendment Regulation and part of Cap. 374D Amendment Regulation relating to the Lantau Link) should come into operation on a date to be appointed by STH by notice published in the Gazette when the exact commissioning date of TM-CLKT is known. Similarly, the legislative amendments relating to the waiving of tolls of the Tseung Kwan O Tunnel (i.e. parts of Cap. 368A Amendment Regulation and Cap. 374D Amendment Regulation relating to the Tunnel) should come into operation by a commencement notice to

be made by STH when the exact commissioning date of TKO-LTT is confirmed.

LEGISLATIVE TIMETABLE

18. The legislative timetable will be as follows -

Publication in the Gazette	17 April 2020
Tabling at the Legislative Council (“LegCo”) for negative vetting	22 April 2020
Commencement of the legislative amendments	As specified in the respective instruments

IMPLICATIONS OF THE PROPOSALS

19. The economic, family, financial and sustainability implications of the proposals are at **Annex H**. The proposals are in conformity with the Basic Law, including the provisions concerning human rights. They have no civil service, environmental, gender or productivity implications. The Amendment Notice and the Amendment Regulations will not affect the current binding effect of RT(G)O, RTO and TMCAO as well as their subsidiary legislation.

PUBLIC CONSULTATION

20. The LegCo Panel on Transport was briefed on 25 October 2019 on the 2019 Policy Address initiatives in relation to transport. In that briefing, the proposed toll waiver of the Lantau Link and the Tseung Kwan O Tunnel, as well as the necessary legislative amendments to put the two new toll-free tunnels (i.e. TM-CLKT and TKO-LTT) under the regulatory regime of RT(G)O were covered. Members of the Panel raised no objection to the proposals.

PUBLICITY

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

ENQUIRIES

22. Any enquiries on this brief can be addressed to Ms Shirley Kwan, Principal Assistant Secretary for Transport and Housing (Transport), at 3509 8192.

Transport and Housing Bureau
15 April 2020

Road Tunnels (Government) Ordinance (Amendment of Schedule 1) Notice 2020

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

1. Commencement

- (1) Subject to subsection (2), this Notice comes into operation on 1 July 2020.
- (2) Section 3(2) comes into operation on a day to be appointed by the Secretary for Transport and Housing by notice published in the Gazette.

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)

- (1) Schedule 1—
Add in alphabetical order
“Tuen Mun-Chek Lap Kok Tunnel (屯門-赤鱗角隧道)”.
- (2) Schedule 1—
Add in alphabetical order
“Tseung Kwan O-Lam Tin Tunnel (將軍澳-藍田隧道)”.



Chief Executive

9 April 2020

Explanatory Note

The main purpose of this Notice is to amend Schedule 1 to the Road Tunnels (Government) Ordinance (Cap. 368) to add the Tuen Mun-Chek Lap Kok Tunnel and the Tseung Kwan O-Lam Tin Tunnel to the Schedule so as to make the Ordinance applicable to the tunnels.

Road Tunnels (Government) (Amendment) Regulation 2020

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

1. Commencement

- (1) Subject to subsection (2), this Regulation comes into operation on 1 July 2020.
- (2) Section 4(1), (3) and (5) comes into operation on a day to be appointed by the Secretary for Transport and Housing by notice published in the Gazette.

2. Road Tunnels (Government) Regulations amended

The Road Tunnels (Government) Regulations (Cap. 368 sub. leg. A) are amended as set out in sections 3 and 4.

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

- (1) After regulation 11(3)—

Add

“(3A) Paragraph (1)(d) and (e) does not apply to a vehicle carrying diesel oil in accordance with the conditions of a permit granted under paragraph (4A) for the vehicle.”.

- (2) After regulation 11(4)—

Add

“(4A) The Authority may, subject to any condition the Authority considers appropriate, permit a vehicle to carry diesel oil in the Tuen Mun-Chek Lap Kok Tunnel for the purpose of replenishing refuelling facilities for franchised bus.”.

- (3) Regulation 11(5), Chinese text, definition of 指明車輛—

Repeal the full stop

Substitute a semicolon.

- (4) Regulation 11(5)—

Add in alphabetical order

“*franchised bus* (專利巴士) means a bus in respect of which a franchise is in force under the Public Bus Services Ordinance (Cap. 230);”.

4. Schedule 2 amended (tolls and fees)

- (1) Schedule 2, Part 1—

Repeal everything after the heading

Substitute

	Aberdeen Tunnel	Lion Rock Tunnel	Shing Mun Tunnels
All vehicles	\$5	\$8	\$5”.

- (2) Schedule 2, Part 4, section 2, Table—

Add in alphabetical order

“Tuen Mun- Chek Lap Kok Tunnel (屯門-赤鱗 角隧道)	\$140	\$175	\$215”.
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- (3) Schedule 2, Part 4, section 2, Table—

Add in alphabetical order

“Tseung Kwan O-Lam Tin Tunnel (將	\$140	\$175	\$215”.
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軍澳-藍田
隧道)

(4) Schedule 2, Part 5—

Add in alphabetical order

“Tuen Mun-Chek Lap Kok Tunnel (屯門-赤鱗角
隧道) \$82”.

(5) Schedule 2, Part 5—

Add in alphabetical order

“Tseung Kwan O-Lam Tin Tunnel (將軍澳-藍田
隧道) \$82”.



Clerk to the Executive Council

COUNCIL CHAMBER

7 April. 2020

Explanatory Note

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

- (a) to permit certain vehicles to carry diesel oil in the Tuen Mun-Chek Lap Kok Tunnel for a specified purpose;
- (b) to provide for the use of the Tseung Kwan O Tunnel without payment of any toll;
- (c) to provide for the removal fee and permit fee for the Tuen Mun-Chek Lap Kok Tunnel; and
- (d) to provide for the removal fee and permit fee for the Tseung Kwan O-Lam Tin Tunnel.

Road Traffic (Public Service Vehicles) (Amendment) Regulation 2020

(Made by the Chief Executive in Council under section 7(1C) of the Road Traffic Ordinance (Cap. 374))

1. Commencement

This Regulation comes into operation on a day to be appointed by the Secretary for Transport and Housing by notice published in the Gazette.

2. Road Traffic (Public Service Vehicles) Regulations amended

The Road Traffic (Public Service Vehicles) Regulations (Cap. 374 sub. leg. D) are amended as set out in section 3.

3. Schedule 5 amended (taxi fares)

(1) Schedule 5, item 4(iii)—

Repeal

“the Tseung Kwan O Tunnel.”

(2) Schedule 5—

Repeal item 4(vi), (via), (viab), (viac) and (viad).



Clerk to the Executive Council

COUNCIL CHAMBER

7 April. 2020

Explanatory Note

The purpose of this Regulation is to amend Schedule 5 to the Road Traffic (Public Service Vehicles) Regulations (Cap. 374 sub. leg. D) so 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.

**Tsing Ma Control Area (Tolls, Fees and Charges)
(Amendment) Regulation 2020**

(Made by the Chief Executive in Council under section 27(1) and (3) of the
Tsing Ma Control Area Ordinance (Cap. 498))

1. **Commencement**
This Regulation comes into operation on a day to be appointed by the Secretary for Transport and Housing by notice published in the Gazette.
2. **Tsing Ma Control Area (Tolls, Fees and Charges) Regulation amended**
The Tsing Ma Control Area (Tolls, Fees and Charges) Regulation (Cap. 498 sub. leg. A) is amended as set out in sections 3 to 7.
3. **Title amended**
The title—
Repeal
“Tolls,”.
4. **Sections repealed**
Sections 1, 2, 3, 4 and 6—
Repeal the sections.
5. **Section 8 amended (fees and charges for removal, impounding and storage)**
After section 8(3)—
Add

“(4) A person who commits an offence under subsection (3) is liable on conviction to a fine at level 2 and to imprisonment for 6 months.”.

6. **Section 9 repealed (penalties for offences)**
Section 9—
Repeal the section.
7. **Schedules 1, 2 and 4 repealed**
Schedules 1, 2 and 4—
Repeal the Schedules.



Clerk to the Executive Council

COUNCIL CHAMBER

7 April 2020

Explanatory Note

The main purpose of this Regulation is to amend the Tsing Ma Control Area (Tolls, Fees and Charges) Regulation (Cap. 498 sub. leg. A) (*Cap. 498A*) so that no toll is required to be paid for the use of the Lantau Link by all vehicles. Provisions of Cap. 498A relating to the imposition and collection of tolls, surcharges and administration fees are repealed accordingly. The title of Cap. 498A is also amended.

Tsing Ma Control Area (General) (Amendment) Regulation 2020

(Made by the Secretary for Transport and Housing under section 27(2) of
the Tsing Ma Control Area Ordinance (Cap. 498))

1. Commencement

This Regulation comes into operation on a day to be appointed by the Secretary for Transport and Housing by notice published in the Gazette.

2. Tsing Ma Control Area (General) Regulation amended

The Tsing Ma Control Area (General) Regulation (Cap. 498 sub. leg. B) is amended as set out in sections 3 to 8.

3. Section 1 amended (interpretation)

(1) Section 1, Chinese text, definition of ~~道路標記~~—

Repeal the semicolon

Substitute a full stop.

(2) Section 1—

(a) definition of *agent*;

(b) definition of *appropriate toll*;

(c) definition of *autotoll booth*;

(d) definition of *electronic toll pass*;

(e) definition of *toll ticket*;

(f) definition of *Tolls Regulation*—

Repeal the definitions.

4. Section 8 repealed (toll bars)

Section 8—

Repeal the section.

5. Part III heading amended (tolls, permits and exemptions)

Part III, heading—

Repeal

“TOLLS,”.

6. Sections 19, 20 and 21 repealed

Sections 19, 20 and 21—

Repeal the sections.

7. Section 25 amended (offences and penalties)

Section 25(c)—

Repeal

“17(1), 18 or 21”

Substitute

“17(1) or 18”.

8. Schedule 1 amended (traffic signs and light signals)

(1) Schedule 1—

Repeal

“[ss. 1, 2, 19 & 20]”

Substitute

“[ss. 1 & 2]”.

(2) Schedule 1—

Repeal Figure No. 1.

- (3) Schedule 1—
 - (a) Figure No. 2;
 - (b) Figure No. 3;
 - (c) Figure No. 4;
 - (d) Figure No. 5—

Repeal

“TOLLS,” (wherever appearing).

- (4) Schedule 1—

Repeal Figure Nos. 8, 10, 10A, 11, 12 and 13.

- (5) Schedule 1, Figure No. 14—

Repeal

“THE SIGNAL MAY BE USED AT TOLL BOOTHS.”

- (6) Schedule 1, Figure No. 19—


Repeal

everything after “FACES.”

- (7) Schedule 1, Figure No. 21—

Repeal

everything after “FACES.”



Secretary for Transport and Housing

8 April 2020

Explanatory Note

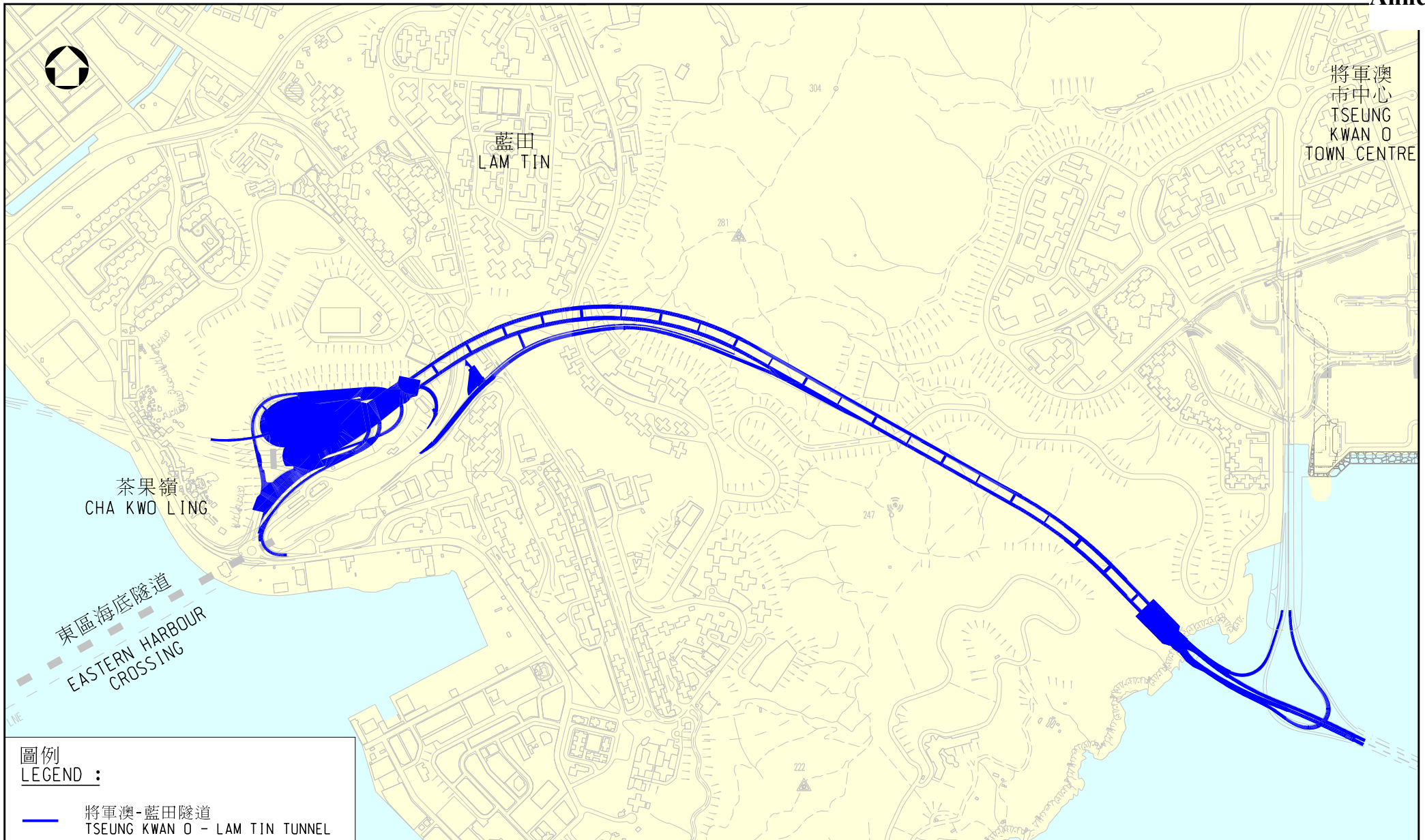
This Regulation amends the Tsing Ma Control Area (General) Regulation (Cap. 498 sub. leg. B) (*Cap. 498B*).

2. This Regulation is made because of the amendments made to the Tsing Ma Control Area (Tolls, Fees and Charges) Regulation (Cap. 498 sub. leg. A) by the Tsing Ma Control Area (Tolls, Fees and Charges) (Amendment) Regulation 2020 (*Fees Amendment Regulation*).
3. After the Fees Amendment Regulation comes into operation, no toll is required to be paid for the use of the Lantau Link. As a result, provisions of Cap. 498B relating to toll collection or toll collection facilities (*toll-related provisions*) would no longer be required.
4. The main purpose of this Regulation is to repeal the toll-related provisions and make certain other related amendments to Cap. 498B.



屯門 — 赤鱸角隧道位置圖

LOCATION PLAN OF TUEN MUN - CHEK LAP KOK TUNNEL



圖例
LEGEND :

 將軍澳-藍田隧道
 TSEUNG KWAN O - LAM TIN TUNNEL

圖則名稱 drawing title

將軍澳-藍田隧道位置圖
 LOCATION PLAN OF TSEUNG KWAN O - LAM TIN TUNNEL

Implications of the Proposals

Economic Implication

The proposed toll-free arrangement for the Lantau Link, the Tuen Mun-Chek Lap Kok Tunnel (“TM-CLKT”), the Tseung Kwan O Tunnel and the Tseung Kwan O-Lam Tin Tunnel (“TKO-LTT”) will reduce the cost of using these road sections incurred by the public, public transport operators and transport trades.

Family Implication

2. The commissioning of the new TM-CLKT and TKO-LTT, which are an alternative route to the Lantau Link and the Tseung Kwan O Tunnel respectively, will help alleviate the traffic congestion at the Lantau Link and the Tseung Kwan O Tunnel during peak hours. It is expected to bring about slight positive impact on families, particularly those living in the vicinity of these road sections, as the reduced traffic congestion would shorten the travelling time and enable family members to spend more time together.

Financial Implication

3. The collection of removal fees or permit fees at the to-be-commissioned TM-CLKT and TKO-LTT is to ensure consistency in treatment with other tunnels and Lantau Link, although the implication should be minimal as the cases of requiring the payment of such fees only occur infrequently.

4. On the other hand, it is envisaged that toll revenue of around \$640 million and \$100 million will be forgone annually arising from the toll waiver for the Lantau Link and the Tseung Kwan O Tunnel respectively. The fees for the management, operation and maintenance (“MOM”) contractors of the Lantau Link, the Tseung Kwan O Tunnel and the two new tunnels are estimated to be around \$622 million per annum. Currently, the MOM fees in relation to the Lantau Link and the Tseung Kwan O Tunnel are netted off from the toll revenue received. After the toll waiver, the Government will incur an additional recurrent expenditure of \$388 million per annum for these two existing road/tunnel. For the

two to-be-commissioned tunnels, the MOM fees will be covered by the recurrent consequences of TM-CLKT and TKO-LTT.

Sustainability Implication

5. The commissioning of the two new toll-free tunnels, coupled with the toll waiver for the Lantau Link and the Tseung Kwan O Tunnel, may lead to a rise in the number of trips using these road sections. Nonetheless, as TM-CLKT and TKO-LTT serve as an alternative route to the Lantau Link and the Tseung Kwan O Tunnel respectively, the commissioning of the new tunnels will help alleviate the traffic congestion at the Lantau Link and the Tseung Kwan O Tunnel during peak hours. The proposals would be conducive to sustainability development in Hong Kong with economic implications as set out in paragraph 1 above.
