

# 立法會

## *Legislative Council*

LC Paper No. CB(4)1732/20-21  
*(These minutes have been seen by  
the Administration)*

Ref: CB4/BC/4/20

### **Bills Committee on Free-Flow Tolling (Miscellaneous Amendments) Bill 2021**

#### **Minutes of the second meeting on Monday, 10 May 2021, at 8:30 am in Conference Room 2 of the Legislative Council Complex**

**Members present** : Hon Frankie YICK Chi-ming, SBS, JP (Chairman)  
Hon CHAN Han-pan, BBS, JP  
Hon SHIU Ka-fai, JP  
Hon Wilson OR Chong-shing, MH  
Hon LUK Chung-hung, JP  
Hon Tony TSE Wai-chuen, BBS, JP

**Public Officers attending** : **Agenda item I**

Miss Winnie TSE Wing-yee  
Deputy Secretary for Transport and Housing  
(Transport) 3  
Transport and Housing Bureau

Ms Vivien LI Chim-wing  
Principal Assistant Secretary for Transport and  
Housing (Transport) 2  
Transport and Housing Bureau

Miss Venus TSOI Yuen-san  
Assistant Secretary for Transport and Housing  
(Transport) 2A  
Transport and Housing Bureau

Mr Michael LAW Hing-sun  
Assistant Commissioner /  
Technical Services  
Transport Department

Mr Patrick WONG Chi-kwong  
Assistant Commissioner /  
Management and Paratransit  
Transport Department

Ms Amy LEE Mei-fung  
Principal Transport Officer /  
Management  
Transport Department

Ms Polly CHAN Siu-mui  
Chief Transport Officer/  
Infrastructure Management Planning  
Transport Department

Mr George FONG Shung-kit  
Senior Engineer / Smart Mobility 3  
Transport Department

Miss Betty CHEUNG Yuet-wah  
Senior Assistant Law Draftsman  
Department of Justice

Miss Celia HO Wai-kwan  
Government Counsel  
Department of Justice

**Clerk in attendance :** Ms Sophie LAU  
Chief Council Secretary (4)2

**Staff in attendance:** Mr Alvin CHUI  
Assistant Legal Adviser 3

Ms Angela CHU  
Senior Council Secretary (4)2

Miss Mandy LAM  
Legislative Assistant (4)2

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Action

**I. Meeting with the Administration**

(File Ref: THB(T)CR 1/4651/2019, LC Paper Nos. CB(3)418/20-21, LS60/20-21, CB(4)819/20-21(01)-(04), CB(4)946/20-21(01)-(02))

The Bills Committee deliberated (index of proceedings in the **Annex**).

Legislative timetable

2. The Bills Committee noted that the Administration would propose amendments to the Free-Flow Tolling (Miscellaneous Amendments) Bill 2021 ("the Bill"). The Administration advised that they planned to resume the Second Reading debate on the Bill at the Legislative Council ("LegCo") by end-June.

*(Post-meeting note: The amendments proposed by the Administration to the Bill were circulated to members vide LC Paper No. CB(4)1011/20-21 on 24 May 2021. The Second Reading debate on the Bill was resumed at the LegCo meeting of 23 June 2021.)*

**II. Any other business**

3. There being no other business, the meeting ended at 10:29 am.

Council Business Division 4  
Legislative Council Secretariat  
9 November 2021

**Bills Committee on Free-Flow Tolling (Miscellaneous Amendments) Bill 2021**

**Proceedings of the second meeting  
Monday, 10 May 2021, at 8:30 am  
in Conference Room 2 of the Legislative Council Complex**

<b>Time marker</b>	<b>Speaker</b>	<b>Subject(s)</b>	<b>Action required</b>
<i>Agenda Item I – Meeting with the Administration</i>			
000518 – 000714	Chairman Administration	Opening remark	
000715 – 001125	Chairman Administration	<p>Clause-by-clause examination of the Free-Flow Tolling (Miscellaneous Amendments) Bill 2021 ("the Bill")</p> <p>Part 2 – Amendments to Road Tunnels (Government) Ordinance (Cap. 368)</p> <p><u>Clause 12 – Sections 14A and 14B substituted</u></p> <p><i>(The Administration also explained that the proposed sections 14A and 14B of Cap. 368, as set out in Clause 12, broadly corresponded to the proposed sections 18 and 19 of the Tsing Sha Control Area Ordinance (Cap. 594) as set out in Clauses 43 and 44.)</i></p> <p><u>Clause 13 – Section 16 amended (disposal of abandoned vehicles)</u></p> <p><u>Clause 14 – Part 5 heading added</u></p> <p><u>Clause 15 – Section 20 amended (regulations)</u></p> <p><i>(The Administration also explained that the amendments to section 20 of Cap. 368, as set out in Clause 15, broadly corresponded to the amendments to section 26 of Cap. 594 as set out in Clause 51.)</i></p>	
001126 – 002300	Chairman Legal Adviser Mr Tony TSE Administration	<p><u>Clause 16 – Section 20A added</u></p> <p><i>(The Administration also explained that the proposed section 20A of Cap. 368, as set out in Clause 16, broadly corresponded to the proposed section 27A of Cap. 594, as set out in Clause 53.)</i></p> <p>Enquiries were made on practical steps to ensure that Data Protection Principles under the Personal Data (Privacy) Ordinance (Cap. 486) would be duly</p>	

Time marker	Speaker	Subject(s)	Action required
		<p>complied with, as well as the engagement of external auditor for conducting privacy impact assessment before launching the free-flow tolling system ("FFTS") and annual privacy audit. The Administration explained its response in paragraphs 3 to 7 of LC Paper No. CB(4)819/20-21(04).</p>	
<p>002301 – 003820</p>	<p>Chairman Administration Mr Wilson OR Mr LUK Chung-hung</p>	<p><u>Clause 17 – Section 21 amended (saving)</u></p> <p><i>(The Administration also explained that the amendments to section 21 of Cap. 368, as set out in Clause 17, broadly corresponded to the amendments to section 30 of Cap. 594, as set out in Clause 56.)</i></p> <p><u>Clause 18 – Section 22A amended (remunerations, etc., under management agreements)</u></p> <p><u>Clause 19 – Sections 22B to 22F added</u></p> <p><i>(The Administration also explained that the proposed sections 22B to 22F of Cap. 368, as set out in Clause 19, broadly corresponded to the proposed sections 23A, 24A, 25, 29 and 29A of Cap. 594, as set out in Clauses 46, 48, 49, 54 and 55.)</i></p> <p>The Administration advised that they would move amendments to the proposed sections 8B, 22A and 22B of Cap. 368 relating to the term "earliest designation day" in order to enable the Commissioner for Transport to designate a time (rather than a date) for a tolled tunnel to change from booth mode to boothless mode. Corresponding amendments would be moved to the proposed section 8A and 23A of Cap. 594 in Clause 40 and Clause 46 respectively.</p> <p>Discussion on penalties imposed on toll service provider ("TSP") relevant to breach or non-compliances (see paragraph 8 of the Administration's response vide LC Paper No. CB(4)819/20-21(04)); and clarification on the duties of the tunnel operator/TSP and the term "natural person".</p>	
<p>003821 – 004042</p>	<p>Chairman Administration Mr Tony TSE</p>	<p><u>Clause 20 – Schedule 1A added</u></p> <p>Clarifications that Western Harbour Crossing and Tai Lam Tunnel would be covered by FFTS after the expiry of their respective franchises.</p>	

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		<p><i>(The Administration also explained that the proposed Schedule 1A of Cap. 368, as set out in Clause 20, broadly corresponded to the proposed Schedule 2 to Cap. 594, as set out in Clause 58.)</i></p>	
004043 – 004404	Chairman Administration	<p>Other amendments in Part 4 – Amendments to Cap. 594 which have no corresponding provisions in Cap. 368</p> <p><u>Clause 37 – Section 2 amended (interpretation)</u></p> <p><u>Clause 38 – Section 6 amended (preparation of plans)</u></p> <p><u>Clause 39 – Section 7 amended (certification and deposit of plans)</u></p> <p><u>Clause 41 – Part 3 heading amended (enforcement)</u></p> <p><u>Clause 45 – Section 20 amended (installations without approval)</u></p> <p><u>Clause 47 – Section 24 amended (financial penalties imposed on operator)</u></p> <p><u>Clause 50 – Part 6 heading amended (power to make regulations and amend Schedule)</u></p> <p><u>Clause 52 – Section 27 amended (amendment of Schedule)</u></p> <p><u>Clause 57 – Schedule amended (financial penalties)</u></p>	
004405 – 004919	Chairman Mr LUK Chung-hung Administration Mr Tony TSE	Discussion on Schedule 1A of Clause 20 under Part 2 – Amendments to Cap. 368 relating to financial penalties imposed on TSP on breaches capable, and not capable, of being remedied.	
004920 – 005327	Chairman Administration	<p>Part 3 – Amendments to Road Tunnels (Government) Regulations (Cap. 368 sub. leg. A) ("Cap. 368A")</p> <p><u>Clause 21 – Regulation 2 amended (interpretation)</u></p> <p><i>(The Administration also explained that the proposed amendments to regulation 2 of Cap. 368A, as set out in Clause 21, broadly corresponded to the proposed amendments to section 2 of the Tsing Sha Control Area (Tolls, Fees and Charges)</i></p>	

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		<p><i>Regulation (Cap. 594 sub. leg. B) ("Cap. 594B"), as set out in Clause 64.)</i></p> <p><u>Clause 22 – Regulation 3 amended (prescribed signs and road markings)</u></p> <p><u>Clause 23 – Regulation 9 amended (general restrictions)</u></p> <p><u>Clauses 24 – Part III heading substituted</u></p> <p><u>Clause 25 – Part III, Division 1 heading added</u></p> <p><u>Clause 26 – Regulation 12 substituted</u></p> <p><u>Clause 27 – Regulation 12AA added</u></p> <p><i>(The Administration also explained that the proposed regulations 12 and 12AA of Cap. 368A, as set out in Clauses 26 and 27, broadly corresponded to the proposed sections 3 and 3A of Cap. 594B as set out in Clauses 67 and 68.)</i></p>	
005328 – 012855	<p>Chairman Administration Legal Adviser Mr LUK Chung-hung Mr Tony TSE Chairman Senior Assistant Law Draftsman</p>	<p><u>Clause 28 – Part III, Division 2 and 3, and Part IIIA heading added</u></p> <p>In respect of the proposed regulation 12AAC(1)(b) regarding a responsible person's liability to pay toll, the Administration would move an amendment to extend the grace period for toll payment from seven to 14 business days. The Administration would also move a corresponding amendment to the proposed section 4A(1)(b) of Cap. 594B.</p> <p>Clarification on section 12AAD(b) regarding the relevant burden and standard of proof and evidence required to establish a defense (see paragraph 9 of the Administration's response vide LC Paper No. CB(4)819/20-21(04)).</p> <p>Discussion on the legal drafting of relevant provisions regarding when a surcharge notice was taken to have been served (送達) and suggestions of making reference to the date of postmark for clarity sake.</p> <p><i>(Post-meeting note: The Administration's written response was given by LC Paper No. CB(4)1011/20-21(01).)</i></p>	

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		<p><i>(The Administration also explained that the proposed regulations 12AAB to 12AAX of Cap. 368A, as set out in Clause 28, broadly corresponded to the proposed sections 3B, 4A to 4V of Cap. 594B, as set out in Clauses 69 and 71.)</i></p>	
012856 – 012954	Chairman Administration	<p><u>Clause 29 – Regulation 12A amended (automatic toll collection facilities)</u></p> <p><i>(The Administration also explained that the proposed regulation 12A of Cap. 368A, as set out in Clause 29, broadly corresponded to the proposed section 16A of the Tsing Sha Control Area (General) Regulation (Cap. 594 sub. leg. A) ("Cap. 594A"), as set out in Clause 60.)</i></p> <p><u>Clause 30 – Regulation 12B added</u></p> <p><i>(The Administration also explained that the proposed regulation 12B of Cap. 368A, as set out in Clause 30, broadly corresponded to the proposed section 19B of Cap. 594A, as set out in Clause 62.)</i></p>	
012955 – 013425	Chairman Administration	<p><u>Clause 31 – Regulation 18 amended (offences and penalties)</u></p> <p><u>Clause 32 – Regulation 18A added</u></p> <p><i>(The Administration also explained that the proposed regulation 18A of Cap. 368A, as set out in Clause 32, broadly corresponded to the proposed section 19C of Cap. 594A, as set out in Clause 62.)</i></p> <p><u>Clause 33 – Regulation 19 amended (powers of an operator)</u></p> <p><u>Clause 34 – Schedule 1 amended (traffic signs and road markings)</u></p> <p><u>Clause 35 – Schedule 2 amended (tolls and fees)</u></p> <p><u>Clause 36 – Schedule 3 added</u></p> <p><i>(The Administration also explained that the proposed Schedule 3 to Cap. 368A, as set out in Clause 36, broadly corresponded to the proposed Schedule 2A to Cap. 594B, as</i></p>	



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		<p><i>set out in Clause 76.)</i></p> <p><u>Clause 37 – Section 2 amend (interpretation)</u></p>	
013426 – 013532	Chairman Administration	<p>Part 5 – Other amendments to Cap. 594A which have no corresponding provisions in Cap. 368A</p> <p><u>Clause 59 – Section 2 amended (interpretation)</u></p> <p><u>Clause 60 – Part 4, Division 1 added</u></p> <p><u>Clause 61 – Section 19 amended (prohibition against interference with or falsification of electronic toll passes)</u></p> <p><u>Clause 62 – Part 4, Division 2 added</u></p>	
013533 – 013733	Chairman Administration	<p>Part 6 – Other amendments to Cap. 594B which have no corresponding provisions in Cap. 368A</p> <p><u>Clause 63 – Part 1 heading added</u></p> <p><u>Clause 70 – Section 4 amended (surcharge)</u></p> <p><u>Clause 71 – Part 2, Division 3 added</u></p> <p><u>Clause 72 – Part 3 heading added</u></p> <p><u>Clause 73 – Section 6 amended (change and administration fee for change)</u></p> <p><u>Clause 74 – Schedule 1 amended (tolls)</u></p> <p><u>Clause 75 – Schedule 2 heading amended (surcharge)</u></p> <p><u>Clause 76 – Schedule 2A added</u></p>	
013734 – 014215	Chairman Administration	<p>Part 7 – Amendments to Road Traffic Ordinance (Cap. 374)</p> <p><u>Clause 77 – Sections 6A and 6B added</u></p> <p><u>Clause 78 – Section 15 amended (penalties under the regulations)</u></p> <p><u>Clause 79 – Section 67A amended (power to retrieve electronic data)</u></p> <p><u>Clause 80 – Section 111A added</u></p>	

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014216 – 014418	Chairman Administration	<p>Part 8 – Amendments to Road Traffic (Public Service Vehicles) Regulations (Cap. 374 sub. leg. D)</p> <p><u>Clause 81 – Schedule 5 amended (taxi fares)</u></p>	
014419 – 015630	Chairman Administration Legal Adviser	<p>Part 9 – Amendments to Road Traffic (Registration and Licensing of Vehicles) Regulations (Cap. 374 sub. leg. E)</p> <p><u>Clause 82 – Regulation 2 amended (interpretation)</u></p> <p>Discussion on the definition of "e-contact means" and the use of mobile applications to notify responsible persons concerning toll payable.</p> <p><u>Clause 83 – Regulation 5 amended (application for registration)</u></p> <p><u>Clause 84 – Regulation 17 amended (transfer of motor vehicle ownership)</u></p> <p><u>Clause 85 – Regulation 19 amended (change of particulars of registered owner or personalized registration mark holder)</u></p> <p><u>Clause 86 – Regulation 21 amended (licensing of motor vehicles)</u></p> <p><u>Clause 87 – Regulation 31 amended (application for and issue of international circulation permits)</u></p> <p><u>Clause 88 – Regulation 31A amended (changes of particulars of international circulation permit holder)</u></p> <p><u>Clause 89 – Regulation 42 amended (application for trade licence)</u></p> <p><u>Clause 90 – Regulation 43A added</u></p> <p><u>Clause 91 – Regulation 53 amended (movement permits)</u></p> <p><u>Clause 92 – Regulation 59A amended (power of Commissioner to require proof of address)</u></p> <p>Discussion regarding the proof of e-contact means.</p> <p><u>Clause 93 – Regulation 60 amended (offences)</u></p>	

<b>Time marker</b>	<b>Speaker</b>	<b>Subject(s)</b>	<b>Action required</b>
015631 – 015713	Chairman Administration	Part 10 – Amendments to Road Traffic (Traffic Control) Regulations (Cap. 374 sub. leg. G)  <u>Clause 94 – Schedule 1 amended (traffic signs)</u>	
015714 – 015737	Chairman Legal Adviser Administration	English text of the Bill	
015738– 012902	Chairman Mr Tony TSE Mr LUK Chung-hung Administration	Other comments on the Bill	
020000 – 020156	Chairman Administration	Amendments proposed by the Administration and legislative timetable	
<i>Agenda Item II – Any other business</i>			
020157 - 020159	Chairman	Closing remark	