

立法會

Legislative Council

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

Background brief prepared by the Legislative Council Secretariat

Purpose

This paper provides background information on the free-flow tolling system ("FFTS") for government tolled tunnels and roads. It also summarizes the major views and concerns expressed by Legislative Council Members on the subject.

Background

2. At present, a motorist using a government tolled tunnel¹ or Tsing Sha Control Area (collectively referred to as "Tolled Tunnels") may pay the tunnel toll by stopping at a toll booth to pay the toll manually, using the "stop-and-go" electronic payment facilities or passing through an Autotoll booth by using an Autotoll tag issued by the Autotoll Limited ("booth mode"). Currently, the management, operation and maintenance of Tolled Tunnels as well as the charging of tolls for use of Tolled Tunnels are governed by the Road Tunnels (Government) Ordinance (Cap. 368) ("RT(G)O") and the Tsing Sha Control Area Ordinance (Cap. 594) ("TSCO") and their subsidiary legislation.

3. According to the Smart City Blueprint 2.0 published in December 2020, one of the Smart Mobility initiatives is the implementation of FFTS at Tolled Tunnels by early 2024. FFTS is a technology-based solution making use of the Radio Frequency Identification ("RFID") technology, with the support of the Automatic Number Plate Recognition ("ANPR") technology.² Upon implementation of FFTS, the use of a Tolled Tunnel by a motor vehicle will be

¹ Government tolled tunnels are Cross-Harbour Tunnel, Eastern Harbour Crossing, Lion Rock Tunnel, Shing Mun Tunnels, Aberdeen Tunnel and Tate's Cairn Tunnel. Tolled Tunnels will also cover the two Build-Operate-Transfer ("BOT") Tunnels, i.e. Western Harbour Crossing and Tai Lam Tunnel, upon expiry of their BOT franchises in August 2023 and May 2025 respectively.

² ANPR technology will capture the images of a vehicle's number plate and recognize the vehicle registration mark automatically.

detected by the FFTS field equipment (i.e. boothless tolling facilities) through reading of a toll tag, which is a self-adhesive RFID sticker, affixed on the windscreen of the motor vehicle.

4. In 2017, the Civil Engineering and Development Department commissioned a consultancy study on the feasibility of using FFTS at the Tseung Kwan O - Lam Tin Tunnel ("TKO-LTT") and carried out field trials. The study and field trials were substantially completed in mid-2018, recommending a FFTS at TKO-LTT with both RFID and ANRP. This project, however, was subsequently withheld following the Administration's decision to waive the tolls of the new TKO-LTT and the Tseung Kwan O Tunnel as announced in the 2019 Policy Address.

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5. The Bill mainly seeks to amend RT(G)O and TSCO to provide for the operation of Tolloed Tunnels under those ordinances without toll booths, and for the collection and recovery of tolls payable for the use of tunnels and control areas so operated. It also seeks to amend the Road Traffic Ordinance (Cap. 374) to provide for the issue and use of devices for the detection of vehicles for collection of tolls, and for related purposes.

Major views and concerns expressed by Members on FFTS

6. Members deliberated on the implementation of FFTS at the meetings of the Panel on Transport ("the Panel") and the Public Works Subcommittee in 2019 when the Administration planned to roll out FFTS at TKO-LTT. They also expressed views on the Administration's proposal to implement FFTS at Tolloed Tunnels at the Panel meeting on 5 January 2021. Their major views and concerns are summarized in the ensuing paragraphs.

Implementation of FFTS

7. Members supported in principle the implementation of FFTS at Tolloed Tunnels, which would help ease congestion at toll plazas caused by manual toll payment during peak hours. Noting that FFTS would be rolled out by phase, some Members expressed concern that the arrangement might cause confusion to motorists. They also suggested implementing FFTS at Western Harbour Crossing and Tai Lam Tunnel before the Government's takeover of those tunnels in August 2023 and May 2025 respectively in order to compress the implementation timetable.

8. The Administration advised that having regard to the fact that motorists were used to stopping at toll booths to pay tolls, the phased implementation of FFTS would help to ensure a smooth transition from existing booth mode toll collection to boothless mode. Also, it was necessary to install field equipment and facilities as well as removing toll booths thereat. It would be technically difficult and operationally undesirable to roll out FFTS at all Tolled Tunnels on the same day. Nonetheless, the Administration would strive to compress the implementation timetable as appropriate.

9. On Members' enquiry about automated payment service offered by Autotoll Limited, the Administration advised that existing toll booths, including those used for manual toll payment and electronic payment service offered by Autotoll Limited would be removed for implementation of FFTS. Since FFTS would be rolled out by phase, tags for FFTS and Autotoll services would likely be used concurrently for a period of time before full implementation of FFTS. Upon implementation of FFTS at all Tolled Tunnels, only FFTS would be used for toll payment.

10. In view that some members of the transport trade, such as minibus and taxi operators had expressed their difficulties in registering a payment account with the Transport Department ("TD"), some Members urged the Administration to maintain close dialogue with members of the trade to resolve their difficulties with regard to the operating requirements of FFTS.

Toll recovery mechanism

11. Members enquired about the settling of disputes over toll payment or toll wrongly charged and mechanism to handle complaints. They also sought information on additional administrative costs incurred in following up payment in arrears. The Administration explained that once a vehicle had passed through FFTS, payment would be deducted automatically from a pre-registered payment account of the registered vehicle owner. The vehicle owner would be notified of the successful payment through mobile application. Alternatively, vehicle owners could check their payment status and payment history on a dedicated website. When automatic payment was unsuccessful, vehicle owners would receive a toll payment notification for settling payment within a grace period. If payment collection was still in vain within the grace period, a surcharge would be imposed on a cost-recovery basis.

12. Concerns were raised by members on proposing the legislative amendment to the effect that failure to pay toll would no longer be subject to penalty of imprisonment. Members opined that imprisonment penalty should

be retained for greater deterrent effect. The Administration advised that a review on the penalty levels of road traffic offences stipulated under the existing legislation had been conducted. As proposed in the FFTS Bill, toll payment might be made in arrears through designated channels within a grace period. TD would impose surcharges against motorists who failed to pay tolls according to the stipulated timeframe. After reviewing relevant provisions in the existing legislation, the Administration took the view that it was not necessary to include imprisonment penalty for the offence against toll evasion.

Facilitation measures for toll splitting between vehicle owners and drivers

13. Noting that toll splitting between a vehicle owner and a driver was allowed through the adoption of "two-piece device", Members sought more information in this regard. The Administration advised that with the adoption of "two-piece device", tolls would be charged automatically to a pre-registered payment account of the driver when the device was used in a vehicle affixed with vehicle specific toll tag ("VTT"). In situations where automatic payment could not be made successfully, the toll payment liability would be rest with the vehicle owner. In case there were disputes over toll payment, other measures to ascertain the use of the Tolloed Tunnels were also available, such as provision of a monthly statement to vehicle owners summarizing the monthly transaction records and toll paid.

Personal data privacy issue

14. Members were concerned about the collection of personal data through FFTS. They enquired whether the toll service provider who was responsible for handling toll collection through FFTS would be allowed to store, retrieve and manage personal data of vehicle owners.

15. The Administration advised that the data collected under FFTS would only be used for toll collection and toll recovery purposes. TD would handle the relevant data which must be collected, held and used due to the implementation of FFTS in strict compliance with the Personal Data (Privacy) Ordinance (Cap. 486). TD would also make reference to the codes of practice and guidelines issued by the Office of the Privacy Commissioner for Personal Data ("PCPD") to ensure proper handling of the relevant data for protection of privacy. Only authorized government officers and staff of the toll service provider would be allowed to handle or gain access to the data designated for official duty purpose in the backend computer system of FFTS given actual operational needs. Also, all processes of data access would be recorded in the system. In case of any non-compliance, TD would conduct investigation and might refer the case to relevant law enforcement agencies for follow-up actions

as appropriate.

16. The Administration further advised that a VTT would only store two pieces of digital information, namely tag identification number (i.e. the serial number of the tag) and encrypted vehicle identification number which was a unique identification number assigned by TD and was not equivalent to the car plate number. After FFTS had read the data on the VTT affixed to a vehicle using the tunnel, the frontend computer would only collect the data on its Tag ID and Vehicle ID, which did not involve any personal data, and the data would be encrypted. For the backend system of FFTS, it would store names and contact information of account holders for purposes related to toll collection under FFTS such as opening accounts, managing accounts and providing customer services. During the operation of the backend system, TD would also conduct regular audits to ensure continued compliance with the requirements of Cap. 486 and relevant guidelines.

Re-deployment of toll collectors

17. A member enquired about the arrangement for re-deploying toll collectors to take up other tunnel posts after the implementation of FFTS and whether their remuneration package would be affected after the re-deployment. The Administration responded that TD would set out in the contract of tunnel operators the requirement to arrange re-training for toll collectors so as to enable them to take up other tunnel posts, such as Traffic Officers. In general, remuneration of such posts would be more favourable than that of toll collectors.

Relevant papers

18. A list of relevant papers is in **Appendix**.

List of relevant papers

Date of meeting	Meeting	Minutes/Paper	LC Paper No.
18.1.2019	Panel on Transport	Administration's paper on Free-flow Tolling System for Tseung Kwan O – Lam Tin Tunnel and other Government Tolloed Tunnels and Roads	CB(4)405/18-19(05) https://www.legco.gov.hk/yr18-19/english/panels/tp/papers/tp20190118cb4-405-5-e.pdf
		Administration's response under the agenda item of "Free-flow Tolling System for Tseung Kwan O – Lam Tin Tunnel and other Government Tolloed Tunnels and Roads" at the meeting on 18 January 2019	CB(4)980/18-19(01) https://www.legco.gov.hk/yr18-19/english/panels/tp/papers/tp20190118cb4-980-1-e.pdf
		Minutes of meeting	CB(4)1031/18-19 https://www.legco.gov.hk/yr18-19/english/panels/tp/minutes/tp20190118.pdf
19.6.2019	Public Works Subcommittee	Administration's paper on Tseung Kwan O – Lam Tin Tunnel – remaining works	PWSC(2019-20)18 https://www.legco.gov.hk/yr18-19/english/fc/pwsc/papers/p19-18e.pdf
		Minutes of meeting	PWSC291/18-19 https://www.legco.gov.hk/yr18-19/english/fc/pwsc/minutes/pwsc20190619.pdf
25.10.2019*		Administration's letter dated 24 October 2019 explaining the decision to withdraw the agenda item PWSC(2019-20)18 – 823TH – Tseung Kwan O – Lam Tin Tunnel – remaining works	PWSC6/19-20(01) https://www.legco.gov.hk/yr19-20/english/fc/pwsc/papers/pwscpwsc-6-1-e.pdf

*Issue date

Date of meeting	Meeting	Minutes/Paper	LC Paper No.
25.10.2019	Panel on Transport	Administration's information paper on Smart Mobility Initiatives Relating to Road Transport	CB(4)1110/18-19(01) https://www.legco.gov.hk/yr18-19/english/panels/tp/papers/tpcb4-1110-1-e.pdf
15.1.2021	Panel on Transport	Administration's paper on Free-Flow Tolling System at Government Tolloed Tunnels and Tsing Sha Control Area	CB(4)320/20-21(04) https://www.legco.gov.hk/yr20-21/english/panels/tp/papers/tp20210105cb4-320-4-e.pdf
		Minutes of meeting	CB(4)607/20-21 https://www.legco.gov.hk/yr20-21/english/panels/tp/minutes/tp20210105.pdf

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