

LEGISLATIVE COUNCIL BRIEF

Road Tunnels (Government) Ordinance
(Chapter 368)

Tsing Ma Control Area Ordinance
(Chapter 498)

Tsing Sha Control Area Ordinance
(Chapter 594)

ROAD TUNNELS (GOVERNMENT) (AMENDMENT) REGULATION 2021

TSING MA CONTROL AREA (GENERAL) (AMENDMENT) REGULATION 2021

TSING SHA CONTROL AREA (GENERAL) (AMENDMENT) REGULATION 2021

INTRODUCTION

At the meeting of the Executive Council on 20 July 2021, the Council ADVISED and the Chief Executive ORDERED that the Road Tunnels (Government) (Amendment) Regulation 2021 (“the Cap. 368A Amendment Regulation”) at **Annex A** should be made under section 20 of the Road Tunnels (Government) Ordinance (Cap. 368) for exempting franchised buses (“FBs”) and non-franchised buses (“NFBs”) with width and/or length exceeding the statutory thresholds from the permit requirement under the Road Tunnels (Government) Regulations (Cap. 368A) for using government tunnels.

2. In addition, the Secretary for Transport and Housing has made -
- (a) the Tsing Ma Control Area (General) (Amendment) Regulation 2021 (“the Cap. 498B Amendment Regulation”) under section 27(2) of the Tsing Ma Control Area Ordinance (Cap. 498) at **Annex B**; and
 - (b) the Tsing Sha Control Area (General) (Amendment) Regulation 2021 (“the Cap. 594A Amendment Regulation”) under section 26(2) of the Tsing Sha Control Area Ordinance (Cap. 594) at **Annex C**,

for the same purpose in respect of the Tsing Ma Control Area (“TMCA”) and Tsing Sha Control Area (“TSCA”).

JUSTIFICATIONS

Statutory Requirements in respect of Oversized Vehicles

Use of Government Tunnels and Control Areas

3. Under regulation 14(1) of Cap. 368A, section 22(1) of the Tsing Ma Control Area (General) Regulation (Cap. 498B) and section 20(1) and (2) of the Tsing Sha Control Area (General) Regulation (Cap. 594A), a person must not, in any government tunnel or control area, drive a vehicle with length exceeding 12 metres or width exceeding 2.5 metres without a permit issued by the Commissioner for Transport (“C for T”) (or a management, operation and maintenance (“MOM”) operator, as the case may be) for the passage of that vehicle (“the Passage Permit”). As vehicles with length and/or width exceeding the aforesaid thresholds often carry suspended articles which protrude at the front and/or rear ends of the vehicles, they may pose danger to the tunnel structure and facilities or even other tunnel users. The Passage Permit mechanism serves to ensure the safe passage of the oversized vehicles as well as other tunnel users when these vehicles use the government tunnels and control areas¹.

Use of Roads

4. Oversized vehicles are also subject to similar requirements on the use of roads. Vehicles with length exceeding 12 metres or width exceeding 2.5 metres also exceed the maximum dimensions of vehicles² specified in the First Schedule to the Road Traffic (Construction and Maintenance of Vehicles) Regulations (Cap. 374A). Under regulation 6 of Cap. 374A³, an oversized vehicle cannot be used on roads unless with a permit issued by C for T (“the Cap. 374A Permit”). Moreover, according to regulation 4 of Cap. 374A, C for T

¹ Conditions may be imposed on the Passage Permit, such as limiting the use of tunnels or control areas by the oversized vehicle to only non-peak hours when there is less traffic, or requiring escorts to be provided by the MOM operators of the tunnels or control areas concerned.

² Except for trailer, articulated buses and articulated heavy goods vehicles of which the maximum overall length can be up to 13.5 metres, 15 metres and 16 metres respectively.

³ Regulation 6(1) of Cap. 374A stipulates that the dimensions of a vehicle of a class listed in column 1 of the First Schedule shall not exceed the overall dimensions specified in relation to that vehicle in columns 2, 3 and 4 of that Schedule; while regulation 6(2) provides that C for T may by permit in writing, subject to such terms and conditions as may be specified in the permit, authorise the use of a vehicle exceeding the dimensions specified in the First Schedule.

may exempt any vehicle or class of vehicle from the provisions under Cap. 374A (including regulation 6(1)) if he/she considers that it would be in the public interest to do so (“the Cap. 374A Exemption”). Generally speaking, a Cap. 374A Exemption is granted to a particular vehicle type which has been proven safe to be running on roads in general; while a Cap. 374A Permit is usually issued to a particular vehicle for using particular roads. When assessing whether an exemption or permit should be granted, the Transport Department (“TD”) will consider an array of factors, such as safety and roadworthiness of the vehicle or the vehicle type.

Oversized Buses in Hong Kong

5. In recent years, to better meet operational and passenger needs, FB operators have purchased new buses which are 12.8 metres long and/or 2.55 metres wide (“oversized FBs”)⁴, marginally exceeding the thresholds of 12 metres in length and 2.5 metres in width stipulated under Cap. 368A, Cap. 374A, Cap. 498B and Cap. 594A. For NFB operators, they have purchased new models of buses with width up to 2.55 metres (“oversized NFBs”)⁵ to meet the changing service demands.

6. Under Cap. 368A, Cap. 498B and Cap. 594A, FB and NFB operators are required to apply for a Passage Permit for each oversized bus to use each of the government tunnels and control areas. In 2020, about 800 oversized FBs were issued with some 8 010 Passage Permits by TD. The FB operators have to pay Passage Permit fees⁶ of about \$1.25 million per annum to the Government, and bear the administrative costs associated with the formalities of submitting applications for Passage Permits on an annual basis. On a separate note, all these oversized FBs and NFBs have been allowed to be used on roads through the

⁴ At present, there are two types of oversized FBs, one being 12.8 metres long and 2.55 metres wide (“oversized FB with excess length and width”); and one being 2.55 metres wide and with length not exceeding 12 metres (“oversized FB with excess width”).

⁵ At present, all oversized NFBs operating in Hong Kong only exceed the dimensional requirement in width. Specifically, there are NFBs with width up to 2.55 metres. The majority of these oversized NFBs are buses operated by The Mass Transit Railway Corporation Limited (“MTRCL”), or for residents’ / employees’ services.

⁶ In accordance with Part 5 of Schedule 2 to Cap. 368A, the permit fee applicable to use of government tunnels for any vehicle is \$82. Pursuant to Schedule 5 to the Tsing Ma Control Area (Fees and Charges) Regulation (Cap. 498A) and Schedule 5 to the Tsing Sha Control Area (Tolls, Fees and Charges) Regulation (Cap. 594B), the permit fee applicable to the use of TMCA and TSCA is \$100 and \$115 respectively.

grant of Cap. 374A Exemption⁷ and/or Cap. 374A Permits⁸ after vehicle examination by TD.

Key Elements of the Proposal

(a) Proposed Exemption of Oversized Buses from the Passage Permit Requirement

7. Notwithstanding the general policy on Passage Permit, it is not the Government's intention to restrict or control the regular and frequent use of oversized FBs and NFBs in government tunnels and control areas. These oversized buses, though their dimensions marginally exceed the length and/or width restrictions under Cap. 374A, have been proven in earlier trial runs⁹ that they will not pose any risk to road safety, including within the government tunnels and control areas. TD has also been monitoring the safe operation of these oversized buses on an on-going basis. Furthermore, following the existing mechanism, for any new bus model (for both FBs and NFBs) to be introduced for use on roads in Hong Kong, TD will duly assess its roadworthiness (including in all government tunnels and control areas) in the context of type-approval evaluation under Cap. 374A. In approving the use of oversized buses, the suitability of running them on individual routes will be carefully examined, in the light of such factors as the design and width of roads concerned, as well as the state and size of street furniture, among other things. Given the foregoing, we propose exempting those oversized FBs and NFBs that have been granted Cap. 374A Exemption or Cap. 374A Permit from the Passage Permit requirement, with a view to streamlining the prevailing regulatory framework without compromising the safety and structural integrity of the government tunnels and control areas. With reference to the existing assessment mechanism for

⁷ All oversized FBs with excess width have been granted Cap. 374A Exemption. By virtue of the power under regulation 4 of Cap. 374A, C for T issued a letter to all FB operators to exempt all FBs with an overall width exceeding 2.5 metres but not 2.55 metres, from compliance with regulation 6 of Cap. 374A, with effect from 4 December 2017.

⁸ As regards the oversized FBs with excess length and width, on top of Cap. 374A Exemption which covers excess width, Cap. 374A Permits have also been issued to these FBs since December 2017 to authorise their use on roads with excess length on an annual basis subject to the validity period of the vehicle licence of the oversized FBs concerned. For oversized NFBs (all with excess width only), they have also been issued with Cap. 374A Permits for use on roads on an annual basis subject to the validity period of the vehicle licence of the oversized NFBs concerned.

⁹ When a new franchised bus model of 12.8 metres long and 2.55 metres wide was first introduced into Hong Kong, trial run for this bus model has been conducted, which covers the entire routing of specific bus routes. The bus model has proven not to pose any risk to road safety. TD has assessed and concluded that oversized buses within the aforesaid dimensions are considered safe in passing through government tunnels and control areas.

roadworthiness of new bus models, a mechanism will also be put in place to cater for special cases where the oversized FBs and NFBs may fit to pass through some but not all of the government tunnels/control areas, as detailed at **Annex D**.

8. As the FB operators have been required to apply for one Passage Permit for each oversized FB for using each government tunnel or control area, and pay the associated permit fees under the existing regime, the proposed exemption will help lower the operating costs of the FB operators. As regards NFBs, the proposed exemption will facilitate their operation. For example, the oversized buses of MTRCL may be deployed to run through government tunnels or control areas for provision of timely emergency bus services in case of rail incidents, while other oversized NFBs may pass through government tunnels or control areas for transport of passengers, vehicle examination and repair as necessary.

9. There are suggestions that the proposed exemption should equally apply to other oversized vehicles. However, unlike oversized FBs and NFBs, other commercial vehicles (such as goods vehicles) may carry loads with different length and width. Thus, there is a practical need for TD and/or the MOM operators concerned to assess the suitability of a goods vehicle (with its load taken into account) for passing through each government tunnel or control area on a case-by-case basis, to ensure their safe passage as well as the safety of other vehicles using the same facility. Accordingly, we consider that other oversized vehicles should continue to be subject to the prevailing Passage Permit requirement.

(b) Toll Payment Arrangement for Oversized NFBs

10. According to regulation 12AAB of Cap. 368A, oversized vehicles are not required to stop at a toll booth to pay tolls, but the toll payable in respect of such vehicles may be paid in such manner as C for T may direct. This is considering that toll lanes may not be able to accommodate the safe passage of the oversized vehicles. For FBs, they have all been exempt from toll payment under the tolling provisions of Cap. 368A since February 2019, and they have been considered safe to pass through toll booths and autotoll lanes (without paying tolls) anyway. For NFBs, we need to address in Cap. 368A the toll payment arrangement for oversized NFBs which are covered under the proposed exemption from the Passage Permit requirement. Since it is considered safe for oversized NFBs to pay tolls manually at toll booths or through autotoll lanes, we propose amending the relevant tolling provisions of Cap. 368A to the effect that they do not apply to the oversized NFBs which are exempt from the Passage Permit requirement¹⁰, i.e. such NFBs may pay tolls at toll booths or through autotoll lanes in the same manner as other vehicles in general. It should be noted

¹⁰ On the other hand, since there is no provision in the subsidiary legislation under Cap. 498 and Cap. 594 which resembles regulation 12AAB of Cap. 368A, amendment of similar nature to Cap. 498B and Cap. 594A is not necessary.

that the amendments only apply to the tolling provisions for tunnels operating in booth mode, since all manual and autotoll booths will no longer be in use upon implementation of free-flow tolling system (“FFTS”) at government tolled tunnels and TSCA. All vehicles, including oversized vehicles, may drive past FFTS tolling facilities using normal traffic lanes.

E 11. A table showing the comparison of the existing and proposed regulatory regimes under Cap. 368A and Cap. 374A is at **Annex E**.

THE AMENDMENT REGULATIONS

Road Tunnels (Government) (Amendment) Regulation 2021 (“Cap. 368A Amendment Regulation”)

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

- (a) **Section 3** amends regulation 12AAB of Cap. 368A to the effect that oversized NFBs exempted under the new regulation 15(3) or (4) of Cap. 368A may pay tolls at a toll booth or by driving past an autotoll booth for a tunnel operating in booth mode (see paragraph 10 above); and
- (b) **Section 4** amends regulation 15 of Cap. 368A to exempt oversized buses with Cap. 374A Exemption or Cap. 374A Permit in relation to their width or length from the requirement under regulation 14(1)(a) or (b) of Cap. 368A (see paragraph 7 above).

Tsing Ma Control Area (General) (Amendment) Regulation 2021 (“the Cap. 498B Amendment Regulation”)

13. **Section 3** of the Cap. 498B Amendment Regulation amends section 23 of Cap. 498B to exempt oversized buses with Cap. 374A Exemption or Cap. 374A Permit in relation to their width or length from the requirement under section 22 (1)(a) or (b) of Cap. 498B (see paragraph 7 above).

Tsing Sha Control Area (General) (Amendment) Regulation 2021 (“the Cap. 594A Amendment Regulation”)

14. **Section 3** of the Cap. 594A Amendment Regulation amends section 23 of Cap. 594A to exempt oversized buses with Cap. 374A Exemption or Cap. 374A Permit in relation to their width or length from the requirement under section 20(1)(a) or (b) of Cap. 594A (see paragraph 7 above).

LEGISLATIVE TIMETABLE

15. The legislative timetable is set out as follows -

Publication in the Gazette	13 August 2021
Tabling at Legislative Council (“LegCo”) for negative vetting	18 August 2021
Commencement of the legislative amendments	8 October 2021

IMPLICATIONS OF THE PROPOSALS

F 16. The proposal is in conformity with the Basic Law, including the provisions concerning human rights. The economic and financial implications of the proposals are at **Annex F**. They have no civil service, environmental, family, gender, productivity or sustainability implications. The Cap. 368A Amendment Regulation, Cap. 498B Amendment Regulation and Cap. 594A Amendment Regulation will not affect the current binding effect of Cap. 368, Cap. 498 and Cap. 594.

PUBLIC CONSULTATION

17. We consulted the LegCo Panel on Transport on the proposed exemption of FBs from the Passage Permit requirement in November 2017. At the meeting, some Members suggested that the Government should consider extending the proposed exemption to other types of oversized commercial vehicles, including NFBs. Taking into account Members’ suggestion and after due assessment, TD has come to a view that the proposed exemption can be extended to cover NFBs as the width of the existing oversized NFBs is the same as the existing oversized FBs (i.e. 2.55 metres), which only marginally exceeds the width restriction under Cap. 374A. The suitability of new models of NFBs to be deployed on roads in Hong Kong, including all government tunnels and control areas, will continue to be duly assessed before TD grants Cap. 374A Permits.

18. The transport trades (e.g. trucking industry associations, non-scheduled public light bus associations, public bus associations and FB operators) were consulted on the revised proposal (where the exemption from the Passage Permit requirement will cover both FBs and NFBs) in June 2018, and raised no objection to the proposal.

PUBLICITY

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

ENQUIRIES

20. Any enquiry on this brief can be addressed to Ms Vivien LI, Principal Assistant Secretary for Transport and Housing (Transport), at 3509 8192.

Transport and Housing Bureau
11 August 2021

Road Tunnels (Government) (Amendment) Regulation 2021

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

1. Commencement

This Regulation comes into operation on 8 October 2021.

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 12AAB amended (driver liable if toll not paid)

(1) Regulation 12AAB(1), after “(2)”—

Add

“, (2A)”.

(2) After regulation 12AAB(2)—

Add

“(2A) Despite paragraph (2), paragraph (1)(a) applies to a bus that falls within either or both of the descriptions in regulation 14(1)(a) and (b) in relation to a tunnel if—

- (a) the bus is exempt under regulation 15(3) or (4) or both (as applicable) in relation to the tunnel; and
- (b) the bus is not of the kind specified in regulation 14(1)(c) or (d) or (1A).”.

4. Regulation 15 amended (exemptions)

After regulation 15(2)—

Add

“(3) A specified bus is exempt from regulation 14(1)(a) in relation to a tunnel if—

- (a) there is in force a Cap. 374A approval in relation to the width of the bus; and
- (b) the approval applies in relation to the use of the tunnel by the bus and does not contain a term or condition to the effect that the use is restricted.

(4) A specified bus is exempt from regulation 14(1)(b) in relation to a tunnel if—

- (a) there is in force a Cap. 374A approval in relation to the length of the bus; and
- (b) the approval applies in relation to the use of the tunnel by the bus and does not contain a term or condition to the effect that the use is restricted.

(5) In this regulation—

Cap. 374A (《第 374A 章》) means the Road Traffic (Construction and Maintenance of Vehicles) Regulations (Cap. 374 sub. leg. A);

Cap. 374A approval (《第 374A 章》批准) means—

- (a) an exemption from regulation 6(1) of Cap. 374A granted under regulation 4 of Cap. 374A; or
- (b) a permit given under regulation 6(2) of Cap. 374A;

specified bus (指明巴士) means a bus that is not an articulated vehicle as defined by regulation 2 of Cap. 374A.”.



Clerk to the Executive Council

COUNCIL CHAMBER

20 July 2021

Explanatory Note

Under the Road Tunnels (Government) Regulations (Cap. 368 sub. leg. A) (*principal Regulations*), oversized vehicles are required to obtain permits for using tunnels regulated by the Road Tunnels (Government) Ordinance (Cap. 368). This Regulation amends the principal Regulations to exempt an oversized bus from the requirement if—

- (a) there is in force an exemption from regulation 6(1) of the Road Traffic (Construction and Maintenance of Vehicles) Regulations (Cap. 374 sub. leg. A) (*Cap. 374A*) granted under regulation 4 of Cap. 374A in relation to the restriction on the width or length of the bus; or
 - (b) there is in force a permit given under regulation 6(2) of Cap. 374A authorizing the use of the bus exceeding the restriction.
2. This Regulation also adjusts the toll payment arrangement in relation to an oversized bus so exempted.

Tsing Ma Control Area (General) (Amendment) Regulation 2021

(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 8 October 2021.

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 section 3.

3. Section 23 amended (exemptions)

(1) Section 23—

Renumber the section as section 23(1).

(2) Section 23(1)(d)—

Repeal

“; and”

Substitute a semicolon.

(3) Section 23(1)(e)(ii)(B)—

Repeal the full stop

Substitute a semicolon.

(4) After section 23(1)(e)—

Add

“(f) section 22(1)(a) does not apply to a person who drives a specified bus if—

(i) there is in force a Cap. 374A approval in relation to the width of the bus; and

(ii) the approval applies in relation to the use of the Area by the bus and does not contain a term or condition to the effect that the use is restricted;

(g) section 22(1)(b) does not apply to a person who drives a specified bus if—

(i) there is in force a Cap. 374A approval in relation to the length of the bus; and

(ii) the approval applies in relation to the use of the Area by the bus and does not contain a term or condition to the effect that the use is restricted.”.

(5) After section 23(1)—

Add

“(2) In this section—


Cap. 374A (《第 374A 章》) means the Road Traffic (Construction and Maintenance of Vehicles) Regulations (Cap. 374 sub. leg. A);

Cap. 374A approval (《第 374A 章》批准) means—

(a) an exemption from regulation 6(1) of Cap. 374A granted under regulation 4 of Cap. 374A; or

(b) a permit given under regulation 6(2) of Cap. 374A;

specified bus (指明巴士) means a bus that is not an articulated vehicle as defined by regulation 2 of Cap. 374A.”.



Secretary for Transport and Housing

9 August 2021

Explanatory Note

Under the Tsing Ma Control Area (General) Regulation (Cap. 498 sub. leg. B) (*principal Regulation*), oversized vehicles are required to obtain permits for using the Tsing Ma Control Area. This Regulation amends the principal Regulation to exempt an oversized bus from the requirement if—

- (a) there is in force an exemption from regulation 6(1) of the Road Traffic (Construction and Maintenance of Vehicles) Regulations (Cap. 374 sub. leg. A) (*Cap. 374A*) granted under regulation 4 of Cap. 374A in relation to the restriction on the width or length of the bus; or
- (b) there is in force a permit given under regulation 6(2) of Cap. 374A authorizing the use of the bus exceeding the restriction.

Tsing Sha Control Area (General) (Amendment) Regulation 2021

(Made by the Secretary for Transport and Housing under section 26(2) of
the Tsing Sha Control Area Ordinance (Cap. 594))

1. Commencement

This Regulation comes into operation on 8 October 2021.

2. Tsing Sha Control Area (General) Regulation amended

The Tsing Sha Control Area (General) Regulation (Cap. 594 sub. leg. A) is amended as set out in section 3.

3. Section 23 amended (exemptions from this Regulation)

After section 23(6)—

Add

- “(7) Section 20(1)(a) does not apply to a person who drives a specified bus if—
- (a) there is in force a Cap. 374A approval in relation to the width of the bus; and
 - (b) the approval applies in relation to the use of the Control Area by the bus and does not contain a term or condition to the effect that the use is restricted.
- (8) Section 20(1)(b) does not apply to a person who drives a specified bus if—
- (a) there is in force a Cap. 374A approval in relation to the length of the bus; and
 - (b) the approval applies in relation to the use of the Control Area by the bus and does not contain a term or condition to the effect that the use is restricted.

(9) In this section—

Cap. 374A (《第 374A 章》) means the Road Traffic (Construction and Maintenance of Vehicles) Regulations (Cap. 374 sub. leg. A);

Cap. 374A approval (《第 374A 章》批准) means—

- (a) an exemption from regulation 6(1) of Cap. 374A granted under regulation 4 of Cap. 374A; or
- (b) a permit given under regulation 6(2) of Cap. 374A;

specified bus (指明巴士) means a bus that is not an articulated vehicle as defined by regulation 2 of Cap. 374A.”


Secretary for Transport and Housing

9 August 2021

Explanatory Note

Under the Tsing Sha Control Area (General) Regulation (Cap. 594 sub. leg. A) (*principal Regulation*), oversized vehicles are required to obtain permits for using the Tsing Sha Control Area. This Regulation amends the principal Regulation to exempt an oversized bus from the requirement if—

- (a) there is in force an exemption from regulation 6(1) of the Road Traffic (Construction and Maintenance of Vehicles) Regulations (Cap. 374 sub. leg. A) (*Cap. 374A*) granted under regulation 4 of Cap. 374A in relation to the restriction on the width or length of the bus; or
- (b) there is in force a permit given under regulation 6(2) of Cap. 374A authorizing the use of the bus exceeding the restriction.

MECHANISM FOR SPECIAL CASES

In line with the policy on Passage Permit, any oversized bus/bus type suitable to run on the roads in Hong Kong but not in a particular government tunnel or control area will be subject to a condition imposed on the Cap. 374A Exemption or Cap. 374A Permit prohibiting such bus/bus type from using that particular tunnel or control area.

2. After the implementation of the proposed exemption from the Passage Permit requirement, in case TD has any doubt about the suitability of a new bus model passing through a particular government tunnel or control area in the context of its type-approval evaluation under Cap. 374A, TD will arrange trial run to confirm its suitability. In case a particular bus model is considered unfit to pass through a particular government tunnel or control area, specific condition(s) will be added to the Cap. 374A Exemption and/or Cap. 374A Permit issued to the buses of the relevant bus type to prohibit such buses from entering that particular tunnel or control area. Under such circumstances, FBs or NFBs of that relevant new bus type will not be entitled to the proposed exemption from the Passage Permit requirement in respect of the particular government tunnel or control area concerned.

3. If a FB or NFB of that new bus type is noted to have passed through that particular tunnel or control area, the driver will be in contravention of statutory provisions which stipulate that oversized vehicles must possess a Passage Permit before they could so pass through (i.e. regulation 14(1) of Cap. 368A, section 22(1) of Cap. 498B or section 20(1) of Cap. 594A, as the case may be), and commits an offence which is liable to a fine of \$5,000 and to imprisonment for 6 months. In addition, the person who uses, or causes or permits the use of such vehicle (which may include the driver or the FB or NFB operator concerned) in a tunnel or control area which is not covered by the Cap. 374A Exemption and/or Cap. 374A Permit issued in respect of the FB or NFB concerned may also be held liable under regulation 121(1) of Cap. 374A, and be subject to a fine of \$10,000 and to imprisonment for 6 months.

REGULATORY REGIMES UNDER CAP. 374A AND CAP. 368A

	Cap. 374A		Cap. 368A			
	Exemption (granted on vehicle type)	Permit (usually granted to specific vehicle)	Toll Payment at Toll Booths		Passage Permit Requirement	
			Before amendment	After amendment	Before amendment	After amendment
FBs						
- With Excess Width	✓	N/A	N/A ¹	N/A ¹	✓	×
- With Excess Length and Width	✓ (for width)	✓ (for length)	N/A ¹	N/A ¹	✓	×
NFBs						
- With Excess Width only	Not issued thus far	✓	Not allowed	Allowed	✓	×
Other oversized vehicles	Not issued thus far	On a case-by- case basis	Not allowed	Not allowed	✓	✓

¹ FBs are exempt from toll payment under the existing legislation. Such practice will continue after the proposed legislative amendments under this exercise come into effect.

IMPLICATIONS OF THE PROPOSAL

Economic Implication

The proposed exemption of oversized buses from the Passage Permit requirement will, to a certain extent, help lower the operating costs of the FB operators, thus to a certain extent easing the pressure on bus fare increase.

Financial Implication

2. The FB operators apply and pay Passage Permit fees of about \$1.25 million per annum to the Government. Once the proposed exemption is implemented, both FB and NFB operators will no longer be required to apply for Passage Permit for oversized buses and would therefore result in a decrease in the government revenue received from those permit applications of about \$1.25 million per annum. There would be no revenue forgone from a full-cost recovery perspective.
