

香港特別行政區政府
The Government of the Hong Kong Special Administrative Region

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By Email

16 April 2021

Ms Sophie LAU
Clerk to Panel on Transport
Legislative Council Secretariat
Legislative Council Complex
1 Legislative Council Road
Central, Hong Kong

Dear Ms LAU,

**Legislative Council Panel on Transport
Meeting on 5 January 2021**

**Submission by Hon Tony TSE Requesting for Supplementary
Information on Free-flow Tolling System**

Thank you for your letter dated 9 January 2021 relaying follow-up questions from Hon Tony TSE on the implementation of the Free-flow Tolling System (“FFTS”) at government tolled tunnels and Tsing Sha Control Area (hereafter collectively referred to as “Tolled Tunnels”). Having consulted the Transport Department (“TD”), we provide our reply below.

(1) Penalties for Failure to Pay Tolls

2. According to the existing Road Tunnels (Government) Regulations (Cap. 368A) and Tsing Sha Control Area (Tolls, Fees and Charges)

Regulation (Cap. 594B), the toll liability rests with the driver. After implementation of FFTS, since the FFTS field equipment will only capture and store data of toll tags and images of vehicles passing through a Tolled Tunnel, there is practical difficulty in identifying the driver at the time the vehicle passes through a Tolled Tunnel. Having regard to the requirement under the Fixed Penalty (Traffic Contraventions) Ordinance (Cap. 237), we propose that the registered vehicle owner (or the holder of the international circulation permit, trade licence or movement permit under which the vehicle is used) be held liable for toll payment upon implementation of FFTS, meaning that he/she will be the responsible person for toll payment.

3. Since the toll liability will be shifted from drivers to the aforementioned responsible persons, having considered the nature of failure to pay tolls and surcharges, we suggest that the responsible persons will not be punishable by imprisonment, with a view to reducing the potential impact on the responsible persons.

4. TD plans to engage a Toll Service Provider ("TSP") for handling toll-related matters under FFTS, including the issuance of toll tags, toll collection and recovery of tolls and relevant surcharges, among others. Hence, although certain expenses are to be incurred by TSP for recovery of tolls and surcharges, such expenses will be included in the remunerations to TSP. On the other hand, if a responsible person disputes over his/her toll liability, TD may apply to the magistrate by way of complaint for the issue of a summons to the responsible person for a court hearing. TD plans to undertake the relevant work using its existing staff establishment. We do not have a detailed estimation of the administrative costs to be involved in the recovery of tolls and relevant surcharges, and has not reserved additional funding for such purpose at this stage.

5. With reference to the experience in handling illegal parking offences under the Fixed Penalty (Traffic Contraventions) Ordinance, we consider that the proposed fine level¹ and other penalties² for failure to pay tolls should provide sufficient deterrent effect, and should serve to facilitate the Government's effective and swift recovery of tolls after implementation of FFTS.

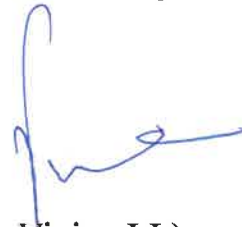
¹ Including the initial surcharge and further surcharge of \$175 and \$350 respectively; and a penalty of an amount not less than the amount of the further surcharge and not more than \$5,000 ordered by the magistrate (such penalty will be imposed beyond the unpaid toll, initial surcharge and further surcharge) after relevant court hearings.

² The magistrate may order TD to take no action on the responsible person's application for vehicle transfer and vehicle licence, and order the responsible person to pay the cost of the court proceedings. The magistrate may also order that the sum adjudged to be paid and additional sum and costs in the proceedings be levied on any goods and chattels of the person by distress and sale thereof.

(2) Traffic of Non-Passenger-Carrying Taxis using Eastern Harbour Crossing

6. In 2020, the number of non-passenger-carrying taxis having used Eastern Harbour Crossing was around 865 000 vehicles, equivalent to an average daily traffic of around 2 360 vehicles.

Yours sincerely,

A handwritten signature in blue ink, appearing to be 'Vivien LI', written in a cursive style.

(Ms Vivien LI)

for Secretary for Transport and Housing

c.c. Commissioner for Transport (Attn.: Mr Patrick WONG)