

## **LEGISLATIVE COUNCIL BRIEF**

### **Road Traffic Ordinance (Chapter 374)**

#### **ROAD TRAFFIC (PUBLIC SERVICE VEHICLES) (AMENDMENT) REGULATION 2005 (AMENDMENT OF COMMENCEMENT DATE) REGULATION 2005**

#### **CHANGE OF COMMENCEMENT DATE FOR ADJUSTMENT TO THE RETURN TOLL CHARGE FOR TAXI PASSENGERS USING HARBOUR CROSSINGS**

### **INTRODUCTION**

At the meeting of the Executive Council on 27 September 2005, the Council ADVISED and the Chief Executive ORDERED that the Road Traffic (Public Service Vehicles) (Amendment) Regulation 2005 (Amendment of Commencement Date) Regulation 2005, at Annex A, ("the Amendment Regulation") should be made to amend the commencement date of the increase in the return toll charge payable by taxi passengers using the Eastern Harbour Crossing ("EHC") and Western Harbour Crossing ("WHC") from 1 October 2005 to a date to be appointed by the Secretary for the Environment, Transport and Works ("SETW") by notice in the Gazette.

### **JUSTIFICATIONS**

2. One of the purposes of the Road Traffic (Public Service Vehicles) (Amendment) Regulation 2005, at Annex B, is to increase the return toll charge payable by taxi passengers using EHC and WHC where the hiring does not begin from a cross-harbour taxi stand from \$15 to \$25, to tie in with the increase in the tunnel toll of EHC for empty taxis from \$15 to \$25 that originally was to take effect on 1 October 2005. The purpose of the

increase in the return toll charge is to maintain the current arrangement whereby taxi drivers who carry passengers across the harbour via EHC or WHC can have a choice of two alternative harbour crossings, i.e. EHC or the Cross-harbour Tunnel (CHT), in returning to their operating base without having to pay out of pocket, in case they cannot obtain a hire on the return journey.

3. On 16 September 2005, New Hong Kong Tunnel Company Limited (“NHKTCL”), the franchisee of EHC, announced its decision to extend the toll concession for empty taxis for three months until the end of 2005. With the extension of the concession, drivers of taxis without passengers will continue to be required to pay \$15 for using EHC until the expiry of the concession. The new return toll charge of \$25 payable by taxi passengers using EHC or WHC therefore does not need to take effect until the toll of EHC for empty taxis is increased from \$15 to \$25. In order to allow flexibility for SETW in appointing the commencement date of the increase having regard to any decision of NHKTCL in extending the concession further, we propose that the commencement date of the taxi return toll charge increase should be appointed by the SETW by notice in the Gazette.

## **OTHER OPTIONS**

4. We have considered not postponing the commencement date of the increase in the return toll charge. If the return toll charge were to be increased from \$15 to \$25 as scheduled on 1 October 2005 under the Road Traffic (Public Service Vehicles) (Amendment) Regulation 2005, taxi passengers will have to pay \$25, i.e. an extra \$10, despite that the taxi drivers would only have to pay \$15 for using EHC on their return journey if they cannot obtain return hire. Therefore, we consider that the increase in the taxi return toll charge for EHC and WHC should be deferred. The deferment will be in the interests of both the taxi trade and the public.

## **THE REGULATOIN**

5. The Amendment Regulation at **Annex A** is made under section 7(1C) of the Road Traffic Ordinance (Cap. 374). It amends the Road Traffic (Public Service Vehicles) (Amendment) Regulation 2005 to change the commencement date for the increase in the return toll charge payable by taxi passengers using EHC or WHC from 1 October 2005 to a date to be

appointed by SETW by notice in the Gazette. The commencement date of the provisions related to the removal of references to vehicular ferry service in Schedule 5 to the Road Traffic (Public Service Vehicles) Regulations (Cap.374 sub. leg. D) remains unchanged, i.e. on 1 October 2005.

## **LEGISLATIVE TIMETABLE**

6. The legislative timetable will be as follows –

Publication in the Gazette	30 September 2005
Tabling at the Legislative Council	12 October 2005

7. The Amendment Regulation needs to commence before 1 October 2005 in order to defer the effective date of the increase in the return toll charge from 1 October 2005 to a later date. The Amendment Regulation will commence upon gazettal on 30 September 2005.

## **IMPLICATIONS OF THE PROPOSAL**

8. The proposal is in conformity with the Basic Law, including the provisions concerning human rights. The Amendment Regulation would not affect the binding effect of the Road Traffic Ordinance (Cap.374). The proposal has no productivity, financial, environmental, sustainability or civil service implications. It does not have any major economic implications.

## **PUBLIC CONSULTATION**

9. The increase in the return toll charge was proposed and unanimously supported by the taxi trade. The Transport Advisory Committee and the Legislative Council Panel on Transport were consulted in April 2005 and they accepted the proposal. After NHKTCL announced the extension of the concession for empty taxis on 16 September 2005, three taxi trade associations requested the Transport Department (“TD”) to defer the increase in the return toll charge until the end of EHC’s empty taxi concession. TD has informed all urban taxi associations of the proposed deferral of the commencement date of the increase of the return toll charge and the taxi trade has not raised any objection.

## **PUBLICITY**

10. A press release will be issued and a spokesman will be available to handle public enquiries.

## **BACKGROUND**

11. NHKTCL increased the toll for EHC with effect from 1 May 2005. While the toll for taxis was increased from \$15 to \$25, NHKTCL introduced a concessionary rate for empty taxis at \$15. The concession was scheduled to end on 30 September 2005. On 24 May 2005, CE in Council made the Road Traffic (Public Service Vehicles) (Amendment) Regulation 2005 to increase the return toll charge payable by taxi passengers using the EHC or WHC where the hiring does not begin from a cross-harbour taxi stand from \$15 to \$25. Its commencement date was specified to be 1 October 2005 having regard to the NHKTCL's decision then to charge empty taxis using EHC a concessionary toll of \$15 until 30 September 2005.

## **ENQUIRIES**

12. Any enquiries to this brief should be directed to Miss Angela Lee, Principal Assistant Secretary for the Environment, Transport and Works, at 2189 2181.

Environment, Transport and Works Bureau  
28 September 2005

**CHANGE OF COMMENCEMENT DATE FOR ADJUSTMENT TO  
THE RETURN TOLL CHARGE FOR TAXI PASSENGERS  
USING HARBOUR CROSSINGS**

**List of Annexes**

- Annex A Road Traffic (Public Service Vehicles) (Amendment)  
Regulation 2005 (Amendment of Commencement Date)  
Regulation 2005
- Annex B Road Traffic (Public Service Vehicles) (Amendment)  
Regulation 2005

**ROAD TRAFFIC (PUBLIC SERVICE  
VEHICLES)(AMENDMENT) REGULATION 2005  
(AMENDMENT OF COMMENCEMENT DATE)  
REGULATION 2005**

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

**1. Section substituted**

Section 1 of the Road Traffic (Public Service Vehicles)(Amendment)  
Regulation 2005 (L.N. 83 of 2005) is repealed and the following substituted –

**“1. Commencement**

(1) This Regulation (other than section 2(*b*)) shall come into  
operation on 1 October 2005.

(2) Section 2(*b*) shall come into operation on a day to be  
appointed by the Secretary for the Environment, Transport and Works by  
notice published in the Gazette.”.

Clerk to the Executive Council

COUNCIL CHAMBER

2005

### **Explanatory Note**

This Regulation amends the commencement provision of the Road Traffic (Public Service Vehicles)(Amendment) Regulation 2005 (L.N. 83 of 2005) so that the amendment increasing the additional fare payable by a taxi passenger using the Eastern Harbour Crossing or the Western Harbour Crossing will take effect not on 1 October 2005, but on a later date to be appointed by the Secretary for the Environment, Transport and Works.

**L.N. 83 of 2005**

**ROAD TRAFFIC (PUBLIC SERVICE VEHICLES)  
(AMENDMENT) REGULATION 2005**

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

**1. Commencement**

This Regulation shall come into operation on 1 October 2005.

**2. Taxi Fares**

Schedule 5 to the Road Traffic (Public Service Vehicles) Regulations (Cap. 374 sub. leg. D) is amended—

(a) in item 4(iii)—

(i) by repealing “, the Western Harbour Crossing or the vehicular ferry service between North Point and Kowloon City” and substituting “or the Western Harbour Crossing”;

(ii) by repealing “or ferry charge, as the case may be,”;

(b) in item 4(iv)(b) by repealing “\$15.00” and substituting “\$25.00”;

(c) by repealing item 4(v).

LAM Chik-ting, Tony  
Clerk to the Executive Council

COUNCIL CHAMBER  
24 May 2005

**Explanatory Note**

This Regulation amends Schedule 5 to the Road Traffic (Public Service Vehicles) Regulations (Cap. 374 sub. leg. D) to—

(a) increase the additional fare payable by a taxi hirer for every hiring which is for a destination across the harbour via the Eastern Harbour Crossing or the Western Harbour Crossing where the hiring does not begin from a cross-harbour taxi stand (section 2(b)); and

(b) reflect that the vehicular ferry service between North Point and Kowloon City has ceased operation (section 2(a) and (c)).