

立法會
Legislative Council

LC Paper No. CB(4)604/2023

Ref: CB4/BC/5/23

**Report of the Bills Committee on Road Tunnels (Government)
(Amendment) Bill 2023**

Purpose

This paper reports on the deliberations of the Bills Committee on Road Tunnels (Government) (Amendment) Bill 2023 (“the Bills Committee”).

2. The Road Tunnels (Government) (Amendment) Bill 2023 (“the Bill”) seeks to amend the Road Tunnels (Government) Ordinance (Cap. 368) (“RT(G)O”) and its subsidiary legislation to:

- (a) extend their application to the Western Harbour Crossing (“WHC”)¹;
- (b) empower the Chief Executive in Council (“CE in C”) to set different tolls for different time slots, or different parts of a time slot, in any day;
- (c) provide for new tolls in respect of the Eastern Harbour Crossing (“EHC”), the Cross-Harbour Tunnel (“CHT”) and WHC (collectively refer to as the three road harbour crossings (“RHCs”)) on the takeover of WHC;
- (d) provide for time-varying tolls to be charged for the three RHCs;

¹ WHC is a “Build-Operate-Transfer” (“BOT”) tunnel. The Government awarded a 30-year BOT franchise to the Western Harbour Tunnel Company Ltd. and enacted the Western Harbour Crossing Ordinance (Cap. 436) (“WHC Ordinance”) in 1993 to govern the construction, operation and maintenance of WHC during the franchise period. The Government will take over WHC after the BOT franchise expires on 1 August 2023.

- (e) authorize the Commissioner for Transport (“C for T”) to make adjustments of tolls, time and duration in relation to peak time slots; and
- (f) provide for transitional matters and make related amendments.

Background

3. At present, the Western Harbour Crossing Ordinance (Cap. 436) provides for the operation of WHC, while RT(G)O applies to the tunnels specified in its Schedule 1 (“government tunnels”), including CHT and EHC. According to the Legislative Council (“LegCo”) Brief, when the Government takes over WHC on 2 August 2023, WHC will become a government tunnel the operation of which should be subsumed under RT(G)O. The Administration sees this as a juncture to review holistically the tolls of the three RHCs in a bid to rationalize the cross-harbour traffic flow. At present, the tolls for private cars using CHT, EHC and WHC are \$20, \$25 and \$75 respectively.

4. In 2021, despite the significant drop in the traffic flow resultant of the reduction in cross-boundary and tourist activities amid the COVID-19 epidemic, the traffic demand for the RHCs was excessive and far above the total capacity of the RHCs, especially during peak hours. In 2021 during weekday morning peak hours, the traffic demands for using CHT, EHC and WHC were 150%, 146% and 98% of the respective tunnel capacities, or 126% for the three RHCs collectively. The Administration intends to introduce new fixed tolls for certain vehicles using the three RHCs from 2 August 2023 onwards, pending the implementation of time-varying tolls for the use of the three RHCs by the end of 2023.

633 fixed toll plan

5. Upon the takeover of WHC on 2 August 2023, all three RHCs will be government tunnels. For private cars, the Administration proposes to reduce the actual fixed tolls of WHC, and to moderately increase the tolls of CHT and EHC at the same time, such that the current overall cross-harbour traffic volume could be maintained as far as possible. The respective toll levels for private cars using WHC, CHT and EHC will be revised as follows:

	WHC	CHT	EHC
Current tolls	\$75	\$20	\$25
Proposed tolls (<i>from the date of WHC takeover</i>)	\$60	\$30	\$30

As a result of the adjustment, the toll difference between WHC and CHT/EHC for private cars will be narrowed. It is expected that this will induce some motorists to choose WHC according to their destinations and help reduce detours by motorists and relieve the pressure on CHT and EHC.

6. For taxis, the Government proposes charging an all-day fixed toll of \$25 for using any of the RHCs. Same as the current additional fare arrangement, a taxi passenger (if not hire from a cross-harbour taxi stand) will need to pay both the outbound and return tolls (i.e. \$50 in total for a hired trip). This arrangement will help change the current situation whereby most empty taxis drivers prefer to use CHT and EHC for return trips to enjoy a lower toll, thereby relieving the burden on these two already congested tunnels.

7. According to paragraph 7 of the LegCo Brief, implementing the 633 fixed toll plan as an interim arrangement before putting in place the time-varying toll plan will help motorists adapt to the adjusted toll levels, paving the way for the implementation of time-varying tolls at the three RHCs.

Empowering provisions to charge time-varying tolls

8. To enable the Government to implement time-varying tolls to further alleviate cross-harbour congestion, the Administration proposes introducing enabling provisions under RT(G)O to empower CE in C to charge time-varying tolls at any government tunnels by way of making subsidiary legislation. The CE in C may also make subsidiary legislation to provide for specific toll plans for different vehicle classes using different government tunnels.

9. For the current legislative amendment exercise, the Administration proposes to only apply time-varying tolls on private cars and motorcycles² using the three RHCs. The charging time slots in a day from Monday to Saturday (not being a general holiday) are summarized below:

² “Motorcycles” in this paper also include motor tricycles.

- (a) peak time slots: it refers to the morning peak and evening peak³. It is the time of the day when the traffic is busiest. The actual durations of peak time slots in WHC and CHT/EHC will be different. Higher “peak toll” for WHC (of \$60, as compared to \$40 for CHT/EHC for a private car) is required to cater for the traffic demand from the huge population and major transport facilities;
- (b) normal time slot: it is between the end of the morning peak and start of the evening peak of the same day. To avoid inducing excessive additional traffic and maintain the cross-harbour traffic below the tunnel capacity, “normal toll” of \$30 for private cars for using all three RHCs will be charged for this charging time slot; and
- (c) off-peak time slots: it is the rest of the hours of a day. To benefit motorists using RHCs during the off-peak hours and preserve the revenue generating function of tolled tunnels, “off-peak toll” of \$20 for private cars for using all three RHCs will be charged.

10. For general holidays (which include Sundays), in view of the generally lighter traffic, private cars using all three RHCs will be charged at \$25 for nine hours between 10:15 am and 7:15 pm where traffic is comparatively heavier; and at \$20 for the rest of the day.

11. Motorcycles will also be subject to time-varying toll arrangement. The Administration proposes that the corresponding toll for motorcycles for all time slots be set at a level of 40% of the toll for private cars.

12. For the rest of the vehicle classes, when above the time-varying toll plan takes effect at RHCs, the all-day fixed toll for taxis for all three RHCs explained in paragraph 6 will continue to apply. For other commercial

³ Cross-harbour traffic is generally busiest between 7:30 am-10:30 am and 4:30 pm-7:30 pm on weekdays and Saturdays. But taking into account further assessment of traffic management needs, the Administration now proposes that the morning and evening peaks should last only about 2.5 and 2 hours (at CHT/EHC and WHC respectively) within the aforementioned two “three hours’ periods”. Both morning and evening peaks will be preceded and followed by a transitional time slot for road safety considerations. The transitional time slot will kick in across the three RHCs at the same time to make it easier for the public to remember. Since the peak time slot tolls are different between CHT/EHC and WHC, the needed transitional time slots at WHC are longer and the duration of the peak time slots at WHC is shorter.

vehicle⁴, in accordance with the efficiency-first principle, the Administration proposes to charge an all-day fixed toll of \$50 for all three RHCs.

13. The time-varying toll plan will take effect on a day to be separately appointed by the Secretary for Transport and Logistics, and it is targeted to be implemented within 2023. The tolls for private cars under the 633 fixed toll plan will be abolished with the implementation of the above time-varying tolls.

Transition charging arrangement

14. Under the proposed time-varying toll plans, there will be toll differentials for private cars and motorcycles between the peak time slots, normal time slot and the off-peak time slots. The Administration proposes to put in place a transition charging arrangement to bridge those time slots in an orderly manner. For private cars, tolls across the three RHCs will gradually increase/decrease at an interval of a maximum of \$2 per two minutes between any of those time slots; while for motorcycles, similar arrangement by applying the ratio of 40% (i.e. \$0.8 per two minutes) will be put in place. This will discourage motorists to rush or slow down in order to avoid paying higher tolls. The Bill provides that the transition charging arrangement will be devised under the Road Tunnels (Government) Regulations (Cap. 368A) (“RT(G)R”), and any change to it should be made by the CE in C by way of subsidiary legislation subject to negative vetting by LegCo.

Administrative mechanism to effectively adjust time-varying tolls according to needs

15. The timing of peak hours and off-peak hours may change over time, in particular because motorists may adjust their commuting pattern in response to the time-varying tolls at RHCs. Therefore, the effectiveness of the time-varying tolls to regulate tunnel traffic will hinge on timely, responsive and flexible adjustments of the starting or end time as well as the toll level of the morning and evening peaks where cross-harbour traffic demands are the highest. The Administration proposes to provide administrative flexibility for C for T to make minor yet effective adjustments of the time, toll level and overall duration of the peak time slots. To allow the public to clearly understand the restrictions within which C for T may

⁴ “Commercial vehicles” in this paper cover vehicles classes other than private cars, motorcycles and taxis. They include light goods vehicles, medium goods vehicles, heavy goods vehicles, public and private light buses, public and private single-decked buses, as well as public and private double-decked buses.

exercise the administrative power to make such adjustments, the Administration proposes to set out in a new Schedule 1B to RT(G)O the conditions to be met by C for T for exercising the power, as well as the extent of adjustments that C for T could make. Any amendments to the Schedule itself should be made by CE in C by way of subsidiary legislation subject to negative vetting by LegCo.

Provisions of the Bill

16. The main provisions of the Bill are as follows:

- (a) Clause 3 of the Bill adds four definitions to section 2(1) of RT(G)O (namely adjust, peak time slot, peak time slot (a.m.) and peak time slot (p.m.));
- (b) Clause 4 of the Bill amends the definition of prescribed facilities in section 14A of RT(G)O;
- (c) Clause 5 of the Bill amends section 20 of RT(G)O to empower CE in C to make regulations to —
 - (i) provide for the payment and recovery of tolls payable for the use of a tunnel at above cost recovery level;
 - (ii) provide that different tolls are payable for the use of a tunnel for either or both of the following —
 - (A) different classes of vehicles;
 - (B) different time slots (or different parts of a time slot) in any day; and;
 - (iii) specify, in relation to the use of a tunnel, any two time slots in any day as a peak time slot (a.m.) and a peak time slot (p.m.);
- (d) Clause 6 of the Bill adds a new section 20AA to RT(G)O to provide that where a time slot is specified as a peak time slot for a tunnel, C for T, on meeting the conditions set out in a new Schedule 1B to the RT(G)O, may adjust by notice published in the Gazette —
 - (i) the tolls payable for the use of the tunnel for different classes of vehicles during the peak time slot;
 - (ii) the starting and end time of the peak time slot; and
 - (iii) the duration of the peak time slot;

- (e) Clause 7 of the Bill provides for the repeal of WHC Ordinance and its subsidiary legislation and the relevant savings and transitional arrangements as set out in the new Schedule 4 to RT(G)O;
- (f) Clause 8 of the Bill amends Schedule 1 to RT(G)O by adding to it the WHC so as to make RT(G)O applicable to WHC as well;
- (g) Clause 9 of the Bill adds a new Schedule 1B to RT(G)O to set out the conditions to be met by C for T for making adjustments under the new section 20AA(1) of RT(G)O;
- (h) Clause 10 of the Bill adds a new Schedule 4 to RT(G)O to provide for the relevant savings and transitional arrangements on the Government's takeover of WHC;
- (i) Clauses 11 to 21 of the Bill amend the RT(G)R to —
 - (i) extend their application to WHC;
 - (ii) provide for new tolls in respect of the three RHCs;
 - (iv) provide for time-varying tolls to be charged for the three RHCs;
 - (iv) provide that where different tolls are specified for different time slots, or different parts of a time slot, in a day for the use of a boothless mode tunnel by a vehicle of a particular class, the amount of the toll payable for the use of the tunnel is determined according to the time of the vehicle using the tunnel as shown in the record of the boothless tolling system of the tunnel;
 - (v) provide that where an adjustment is made by C for T in respect of a peak time slot of a tunnel under the new section 20AA(1) of RT(G)O, the new Schedule 2A added by clause 21 to RT(G)R has effect in relation to the off-peak time slot (a.m.), the normal time slot, the off-peak time slot (p.m.) and the transitional time slots of the tunnel; and
 - (vi) provide for the adjustments of the starting and end time, duration and tolls for various time slots of a tunnel mentioned in subparagraph (v) above as a result of the adjustments made by C for T in respect of a peak time slot; and

- (j) Clauses 22 to 32 of the Bill contain related amendments to several enactments.

The Bills Committee

17. At the House Committee meeting on 31 March 2023, Members agreed to form a Bills Committee to study the Bill.

18. Under the chairmanship of Hon CHAN Han-pan, the Bills Committee has held five meetings with the Administration and invited written views from the public on the Bill. The membership list of the Bills Committee is in **Appendix 1**. A total of seven organizations have given views to the Bills Committee, the list of which is in **Appendix 2**. At the request of the Bills Committee, the Administration has provided a written response to the submissions (please see LC Paper No. CB(4)444/2023(02)).

Deliberations of the Bills Committee

19. Members generally agree that the Administration should amend RT(G)O to use tunnel tolling as a tool to regulate cross-harbour traffic. In the course of scrutiny, members have expressed concern, among others, about the toll proposal upon the takeover of WHC, the setting of tolls at above cost recovery level, the power of C for T to make adjustments of the toll level, time and duration of the peak time slots by administrative means, the details of the time-varying toll plans and the transition charging arrangement, as well as the tolls for commercial vehicles. The deliberations of the Bills Committee are summarized below.

Toll proposal upon the takeover of the Western Harbour Crossing

20. Members generally concur with the Administration's policy objective of rationalizing cross-harbour traffic during peak hours by changing the commuting patterns of motorists making cross-harbour trips through adjusting tolls at the three RHCs. Some members are concerned about the effectiveness of the toll proposal to be implemented upon the Government's takeover of WHC, and have requested the Administration to provide relevant information and data (e.g. the estimated traffic flow, the length of traffic queues at tunnel portals, the estimated reduction in journey time, etc.) to support the efficacy of the toll proposal in properly addressing the congestion problem at RHCs.

21. The Administration has pointed out that the Transport Department (“TD”) conducted a territory-wide Travel Characteristics Survey (“the Survey”) last year to collect up-to-date data on the travel habits and patterns of the public. TD has made reference to the data collected from the Survey in assessing the impact of the 633 toll plan and the time-varying tolls on the cross-harbour traffic using the transport model. The Administration has shared with members the relevant preliminary data and findings of the Survey on a separate occasion.

22. Some members are of the view that apart from smoothing traffic flow at tunnel portals, the progressive implementation of HKeToll at all government-tolled tunnels and Tsing Sha Control Area can help the Administration to quickly grasp traffic information through the collection of real-time data by the HKeToll system. Such information (including changes in traffic flow at the RHCs during peak hours, changes in the travel time and habits of motorists, etc.) enables the Administration to make corresponding adjustments for prompt and effective traffic management. This will be more effective and direct for collecting traffic data compared to the traffic surveys conducted by TD. In this connection, members have urged the Administration to expedite the implementation progress of HKeToll and step up publicity to speed up the popularization of HKeToll.

23. Apart from the above, some members consider that the construction of the fourth RHC is the most effective solution to address cross-harbour congestion as the cross-harbour traffic flow during peak hours has already exceeded the total capacity of the three RHCs. In addition, members have urged the Administration to enhance the design and capacity of the connecting roads of RHCs, improve the transport infrastructure, expand and improve public transport services as well as provide additional park-and-ride facilities, so as to facilitate and encourage motorists to switch to public transport.

Allowing tunnel tolls to be set at above cost recovery level

24. Noting that clause 5(1) of the Bill proposes to amend section 20(1)(m)(i) of RT(G)O to empower CE in C to make regulations to set the tolls payable for the use of the tunnels specified in Schedule 1 to RT(G)O at above cost recovery level, members are concerned that the amendment may give rise to public perception that the objective of implementing time-varying toll plans is to generate additional revenue for the public coffers. In this connection, members have urged the Administration to explain the legislative intent of the amendment and whether it will consider removing clause 5(1) of the Bill without adding the phrase “, which may be set at above cost recovery level” to RT(G)O.

25. The Administration has stressed that the objective of implementing time-varying tolls is to rationalize the cross-harbour traffic flow and address cross-harbour congestion during peak hours, and tunnel tolling is an effective measure to manage traffic. For the purpose of traffic management, the proposed time-varying toll plan is to delineate different charging periods according to traffic conditions, so as to more holistically regulate cross-harbour traffic during different time slots of a day. For that purpose, the tolls may be charged at above cost recovery level. In fact, the total revenue generated from the proposed toll plans for RHCs is estimated to be less than that generated if existing toll levels were to remain unchanged after the takeover of WHC. In order to reflect the policy intent of the toll plans, the Administration has, by making reference to the legal advice from the Department of Justice, proposed to stipulate in RT(G)O to the effect that the Government is empowered to charge a toll at above cost recovery level in accordance with the established legal principles, so that the Government's policy to effectively regulate traffic through the imposition of tolls and its effect can be clearly and expressly reflected.

26. In response to members' concern about enhancing the public's understanding of the policy intent of implementing the time-varying toll plans, the Administration has pointed out that it will explain the purpose and details of the toll plans through various channels and in an easy-to-understand manner. Some members have pointed out that the main purpose and objective of the Bill have been spelt out in the Explanatory Memorandum of the Bill, which may facilitate the public's understanding of this legislative proposal.

Time-varying tolls

27. Members note that for the current legislative amendment exercise, the Administration proposes to apply time-varying tolls on private cars and motorcycles using the three RHCs only. Some members are concerned whether the Administration may also impose time-varying tolls to other vehicle types (e.g. commercial vehicles), or adopt time-varying tolls at other government tunnels. As such, members have enquired whether the Bill has set out the procedures and restrictions that will apply if the Administration intends to amend the applicable vehicle types and the implementation details of the time-varying tolls.

28. The Administration has explained that clause 5(2) of the Bill proposes to introduce enabling provisions under section 20 of RT(G)O to empower CE in C to charge time-varying tolls at government tunnels by way of making subsidiary legislation. Schedule 2 to RT(G)R shall specify the

vehicle types for which or the tunnels at which time-varying tolls will be charged in order for the empowering provision to take effect. If the Government plans to charge time-varying tolls for other vehicle types or at other government tunnels in future, this has to be done by making subsidiary legislation by CE in C and subject to the negative vetting procedure by LegCo. Under the aforesaid empowering framework, the Bill seeks to amend the existing Schedule 2 to RT(G)R to provide that time-varying tolls only apply to private cars and motorcycles using the three RHCs⁵. If the Government plans to introduce time-varying tolls for other vehicle types or at other government tunnels in future, RT(G)R would have to be amended by CE in C by way of subsidiary legislation subject to the negative vetting procedure by LegCo before implementation.

Adjustments that C for T is empowered to make

29. In order for the Administration to make timely, responsive and flexible adjustments having regard to the traffic situation, it is proposed that section 20AA be added to RT(G)O to empower C for T to administratively adjust, by a notice published in the Gazette, the tolls of the three RHCs during peak time slots, as well as the starting time, end time and/or duration of the peak time slots, subject to the satisfaction of the applicable conditions set out in the new Schedule 1B to RT(G)O. Some members note with concern that the wording of section 20AA(1)(a), which reads “ ... the Authority may adjust any one or more of the following by notice published in the Gazette ... (a) the tolls payable for the use of the tunnel for different classes of vehicles during the peak time slot”, may give the public an impression that C for T is also empowered to adjust the tolls for vehicle types other than private cars and motorcycles for the use of the tunnel during the peak time slots.

30. In response to the above concern, the Administration has explained that as mentioned in paragraph 28 above, the Bill seeks to amend the existing Schedule 2 to RT(G)R to provide that the time-varying toll arrangement only applies to private cars and motorcycles using the three RHCs. Therefore, C for T cannot administratively adjust the tolling arrangements of those vehicle types the peak time slots of which are not specified in Schedule 2 to RT(G)R. In exercising the above administrative power, C for T shall comply with the conditions in the new Schedule 1B to RT(G)O, which are relating to the extent of and considerations for various adjustments. Any future amendments to the extent of and considerations for various

⁵ Parts 2, 3 and 3B of Schedule 2 provide for the respective tolls for CHT, EHC and WHC.

adjustments as set out in Schedule 1B shall be made by CE in C by way of subsidiary legislation subject to negative vetting by LegCo.

Period of time within which C for T may make adjustments

31. Some members have pointed out that the new Part 2 of Schedule 1B to RT(G)O appears to provide for the restrictions on the frequency (instead of time) in respect of the power conferred on C for T under the proposed new section 20AA(1)(a). Members have therefore enquired whether the Administration will amend the title of Part 2 of Schedule 1B to better reflect the legislative intent of this Part.

32. The Administration has explained that the purpose of Part 2 of Schedule 1B is to provide for the calculation of each period of time within which C for T may adjust the tolls, time and duration of peak time slots, i.e. during each successive period of six months, C for T may only exercise the relevant power once, and the calculation of the period depends on the date of the events as specified in section 2(a), (b) and (c) of Schedule 1B, i.e. (a) the first specification of any peak time slots for a class of vehicles; (b) the addition of peak time slots for a day for a class of vehicles; (c) any adjustment to the toll, the starting and end time, or the duration relating to a peak time slot. In addition, as C for T shall decide whether to exercise the power taking into account the considerations set out in Part 5 of Schedule 1B (including whether congestion constantly occurs at the tunnel and whether the traffic queues tailing back from the tunnel concerned constantly and adversely affects the traffic in critical locations), there is no pattern according to which C for T may exercise the power. The term “頻率” (frequency), which generally refers to the rate of recurrence, is hence not suitable for use as the title of Part 2 of Schedule 1B.

Adjustments of tolls for peak time slots that may be made by C for T

33. Sections 4 and 6 of Part 3 of Schedule 1B to RT(G)O provide that C for T's each toll adjustment for private cars must not be more than \$3, and the aggregate toll adjustments must not be more than \$15 above, or below, the prevailing base amount of the toll for private cars. Noting that the tolls for private cars using WHC, CHT and EHC during peak time slots are set at \$60, \$40 and \$40 respectively under the time-varying toll plan, some members are concerned that if C for T exercises his/her power to adjust the toll for WHC downward cumulatively to \$45 and adjust the tolls for CHT and EHC upward cumulatively to \$55, there may be a situation where the tolls for CHT and EHC are higher than that for WHC. They have therefore suggested that the aggregate adjustments should be set at \$10 to avoid such a situation.

34. The Government has responded that the timing of peak hours and off-peak hours may change over time, in particular because motorists may adjust their commuting pattern in response to the implementation of the time-varying tolls. Therefore, it is necessary to formulate a flexible framework that allows C for T to make timely and flexible adjustments to the starting or end time and toll levels of peak time slots. In determining the framework for the toll plans and the extent of the adjustments, the Administration will take into account a host of factors, including the effect of the adjustments, public affordability and acceptability, etc. As for the tolls for CHT, the Administration has pointed out that they have not been adjusted for many years and considered that it is an opportune time to rationalize the tolls, so as to restore the function of tunnel tolls as an important and effective tool in regulating traffic and to alleviate the congestion of CHT during peak time slots which has persisted for years.

Considerations to be taken into account by C for T in making toll adjustments

35. Members have invited the Administration to explain the considerations to be taken into account by C for T in making adjustments as set out in Part 5 of Schedule 1B to RT(G)O, including how to determine whether the traffic demand for the tunnel has been constantly exceeding the capacity of the tunnel concerned, as well as the reasons for considering the traffic queues tailing back from the tunnel concerned (instead of tailing back in both directions) as set out in section 12(a) of Part 5.

36. The Administration has explained that when the number of vehicles meaning to use a tunnel (i.e. traffic demand) exceeds the tunnel capacity, the excessive traffic will cause traffic queues at the approaching roads and may cause congestion. Thus, the traffic condition of a tunnel can be assessed objectively by comparing the traffic demand, which is determined based on the traffic flow passing the tunnel and traffic queues along the approaching roads, against the tunnel capacity. In order to produce objective ground for C for T to consider whether the toll adjustment mechanism for a tunnel should kick in, TD will conduct traffic counts and traffic queue surveys at the tunnel concerned and the respective approaching roads. In general, whenever the tunnel capacity is exceeded, traffic queues will develop and tail back from the tunnel to the approaching roads. If traffic queues tailing back from the tunnel are observed on more than half of the weekdays during the one-month survey period, the traffic demand for the tunnel concerned is regarded as constantly exceeding the capacity of the tunnel. Depending on the level of exceedance, the traffic queues may even extend to the critical locations blocking non-tunnel and cross-district traffic, causing more widespread congestion. If any of the critical locations along the

approaching roads are blocked by the traffic queues tailing back from the tunnel on more than half of the weekdays during the one-month survey period, the traffic at the critical location will be regarded as being constantly and adversely affected in an extensive manner.

Transition charging arrangement

37. Under the time-varying toll plans, there will be toll differentials for private cars and motorcycles between the peak time slots, normal time slot and the off-peak time slots. Hence, the Administration proposes to put in place a transition charging arrangement to bridge those time slots in an orderly manner, so as to discourage motorists to rush or slow down in order to avoid paying higher tolls. For private cars, tolls across the three RHCs will gradually increase or decrease at an interval of a maximum of \$2 per two minutes between any of those time slots; while for motorcycles, similar arrangement by applying the ratio of 40% will be put in place. Some members have criticized that the proposed transition charging arrangement is too complicated the public to understand and to keep track of the tolls to be paid when crossing the tunnels, and suggested that arrangement should be simplified by, say, standardizing the duration of the transitional periods of the three RHCs for the public's easy understanding.

38. The Administration has explained that the transition charging arrangement aims to discourage motorists to rush or slow down in order to avoid paying higher tolls. If C for T makes adjustment to the tolls, the time and the duration of peak time slots under the power conferred upon him/her by the new section 20AA of RT(G)O, the charging arrangement for the transitional time slots will also be adjusted in the manner set out in the proposed new Schedule 2A to RT(G)R. It is intended that this will enhance the clarity and consistency of the toll adjustment arrangement for the relevant time slots.

39. In addition, the Administration has pointed out that the transitional time slots will initially start at the same time across the three RHCs to make it easier for the public to remember. The proposal of increasing or decreasing the tolls at an interval of a maximum of \$2 per two minutes was also based on road safety considerations. Since the peak time slot tolls are different between CHT/EHC and WHC, the transitional time slots at WHC need to be longer and the duration of the peak time slots at WHC is shorter. Therefore, it is not feasible to standardize the duration of the transitional time slots of the three RHCs. When motorists use the three RHCs, the new signage near the toll charging points will clearly display the real-time toll information (i.e. the relevant tolls as indicated by the boothless tolling system of the tunnel concerned). As HKeToll will have been implemented

at the three RHCs by that time, motorists will also receive messages from the HKeToll system electronically after using the tunnels, informing them of the tunnel tolls charged. The Administration believes that the above arrangements will help motorists understand the toll collection arrangement and avoid confusion.

Toll levels for commercial vehicles

40. Members have expressed concern about the Administration's proposal of charging a uniform toll of \$50 for commercial vehicles other than taxis under the time-varying toll plans. They are concerned that a considerable number of small and medium-sized enterprises (such as the logistics services providers, non-franchised minibuses, non-franchised buses operating student service, employees' service and residents' service) are currently using the lower-tolled CHT to cross the harbour, and their operating costs will increase by four to five-fold under the proposed all-day uniform toll of \$50. However, the transport industry can hardly pass on the cost increase to its customers in the face of the keen competition and uncertain economic outlook, which will inevitably deal a blow to their business operations. Members have urged the Administration to consider lowering the tolls for commercial vehicles to relieve the burden of the operators.

41. In addition, citing that the Administration had indicated that it would apply the efficiency-first principle in setting tunnel tolls, i.e. transport modes with higher passenger or cargo capacity may be charged lower tolls, some members have argued that the proposed all-day uniform toll of \$50 for all commercial vehicles (other than taxis), regardless of size, will run against the efficiency-first principle. As for taxis, the toll level is set at \$25. Since the minimum toll for private cars under the time-varying toll plans is \$20 (which is lower than the \$25 for taxis), this will in effect encourage the public to hire the illegally operated "pak pai" vehicles (i.e. motor vehicles used for illegal carriage of passengers for hire or reward).

42. The Administration has responded that the tolls for most commercial vehicles using CHT have not been adjusted for almost 40 years, while commercial vehicle tolls of EHC have been in effect for 18 years. Hence, their existing toll levels may not make a good reference. The toll plan for commercial vehicles has taken into account the views of the transport trade and the relevant LegCo Panel. An all-day fixed toll will enable the trade to better comprehend the toll costs. The adoption of a uniform toll for all three RHCs can achieve better traffic diversion and allows the trade to choose the driving routes according to their destinations, saving additional journey time and fuel costs due to the use of a tunnel with lower tolls. For medium and heavy goods vehicles, as well as single-decked and

double-decked buses, the proposed toll of \$50 is lower than the existing average tolls of about \$66-\$97 for such vehicles using the three RHCs; while for light goods vehicles, the proposed toll is comparable to the existing average tolls for using the three RHCs. There is also a substantial toll reduction for using WHC. The Administration believes that the proposed toll plans would benefit the trade as a whole.

43. For light buses, according to the findings of the traffic survey conducted by TD in the fourth quarter of 2021, about 66% of the light buses use WHC and EHC (about 34% and 32% respectively) which charge relatively higher tolls to cross the harbour during most of the time on a weekday. This shows that at the existing toll levels, light buses tend to choose the RHCs according to the traffic conditions or operational needs (not just toll levels). The proposed uniform toll of \$50 for light buses is comparable to the average of existing tolls for using the three RHCs, by which time the tolls for light buses using WHC could be reduced by about 41%. In addition, time-varying tolls will improve the overall cross-harbour traffic, save journey time, help enhance the passenger-carrying efficiency and attractiveness of non-franchised buses and light buses to passengers, and optimize the overall operating time and fuel costs of commercial vehicles. As for the concerns about “pak pai” vehicles, the Government will continue to adopt a multi-pronged approach, including law enforcement, education and publicity, to combat illegal carriage of passengers for hire or reward.

44. Some members have suggested adopting two tiers of tolls for commercial vehicles (excluding taxis) instead of charging a fixed toll of \$50. Some other members have considered that the definition of light goods vehicles under the existing legislation too broad and suggested that the Administration should review it.

45. The Administration has pointed that tolls for large vehicles (such as goods vehicles and buses) are generally charged at a higher level than those for smaller vehicles, owing to larger road space they occupy and the greater wear and tear they cause on the road surface. Under the time-varying toll plans, vehicles are no longer charged tolls based on their size and weight, but according to the efficiency-first principle, such that the tolls for more efficient and effective large commercial vehicles can be reduced from a generally higher level to the same level as small commercial vehicles. This arrangement also simplifies the toll structure for commercial vehicles and facilitate the operation of the trade. Furthermore, since most of the small commercial vehicles are light goods vehicles, which account for 14% of the cross-harbour traffic during peak time slots and are more price-sensitive, if the tolls for commercial vehicles are divided into two tiers and a lower toll is to be charged for small commercial vehicles, the additional traffic induced

would increase the pressure on traffic during peak time slots, which is not in line with the Administration's objective of rationalizing traffic under the proposed toll plans. That said, the Administration will consider reviewing the existing definition of light goods vehicles to facilitate future improvements to the tolling arrangements relating to vehicle classification.

Views on the law drafting aspects

46. Various members have expressed views on the law drafting aspects of the Bill. Their views and the Administration's responses are set out in **Appendix 3**.

Committee Stage Amendments ("CSAs")

Proposed CSAs to be moved by Hon Frankie YICK

47. By a letter to the Bills Committee dated 2 May 2023, Hon Frankie YICK has indicated his intention to propose CSAs to the Bill. Mr YICK proposes that when the Government implements the time-varying tolls at the three RHCs, the proposed tolls for vehicles other than private cars and motorcycles, i.e. taxis and other commercial vehicles (including light goods vehicles, medium goods vehicles, heavy goods vehicles, public and private light buses, public and private single-decked buses, and public and private double-decked buses) should be reduced from the daily fixed rates of \$25 and \$50 respectively for the three RHCs to a uniform rate of \$20. A copy of the proposed CSAs are in **Appendix 4**.

The Administration's responses on the determination of commercial vehicle tolls

48. In response to Mr YICK's proposed CSAs, the Administration has advised that the proposed toll plan is a well-thought-out and balanced proposal. Based on the efficiency-first principle, the Administration has proposed that the current generally higher tolls for commercial vehicles would be reduced to a level comparable to that of private cars during peak time slots. For medium and heavy goods vehicles, as well as single-decked and double-decked buses, the proposed toll of \$50 is lower than their existing average tolls for using the three RHCs, with a substantial toll reduction of WHC. For light goods vehicles, the proposed toll is also comparable to the existing average of the three RHC tolls, with a reduction of about 41% compared to the existing tolls of WHC.

49. For light buses, according to the traffic survey conducted by the TD, about 66% of the light buses use WHC and EHC (about 34% and 32% respectively) which charge relatively higher tolls to cross the harbour. The proposed uniform toll of \$50 for light buses is comparable to the existing average toll of \$44 for light buses using the three RHCs, and the tolls for using WHC could even be reduced by 41% (i.e. \$35). For non-franchised buses, which are generally operated by single-deck buses, the proposed toll of \$50 is lower than the existing average toll of \$67 for single-deck buses using the RHCs, with the toll for using WHC being substantially reduced from the existing level of \$140 to \$50, i.e. a reduction of about 64%. In this light, the Administration considers that the proposed toll plans would benefit the trade.

50. For taxis, considering that taxis provide a personalized point-to-point transportation service and accounts for a large volume of cross-harbour traffic, coupled with the fact that taxis are sensitive to toll levels, and that their nature and passenger-carrying efficiency are similar to that of private cars, the Administration proposes to charge an all-day uniform toll of \$25 for taxis using the three RHCs after consulting the taxi trade and the relevant LegCo Panel and taking into account the actual operational needs of the trade. This toll level is also lower than the proposed toll level for private cars under the first-stage 633 fixed toll plan, as well as the proposed toll levels for private cars during peak time slots and normal time slot under the time-varying toll plans (i.e. \$30 to \$60).

Some contents of the amendments having a charging effect

51. Furthermore, the Administration has pointed out that by comparing the proposed CSAs (which refer to the tolls for certain vehicle types using the specified tunnels) with the relevant provisions in the existing legislation, it is considered that certain parts of the CSAs have a charging effect as it would result in government revenue forgone which may be collected under the existing statutory authority: The CSAs proposed by Mr YICK seek to reduce the tolls for taxis and other commercial vehicles using the CHT and EHC to \$20 across the board, which will result in a lower toll level for heavy goods vehicles using CHT when compared with the existing statutory toll of \$30, and lower toll levels for all vehicle types (including taxis⁶) using EHC when compared with what is prescribed in the existing legislation⁷, resulting in a loss of revenue to the Government in respect of the toll payable by those

⁶ With the standardization of taxi toll at the three RHCs, there will no longer be a vehicle type of “empty taxi”.

⁷ The existing tolls for taxis that are not classified as “empty taxi” and commercial vehicles range from \$25 to \$75.

vehicle types using the CHT and EHC. The Administration therefore considers that the proposed CSAs have a charging effect within the meaning of Rule 57(6) of the Rules of Procedure.

52. Regarding the Administration's views above, some members consider that the Administration's proposed toll plans are a comprehensive proposal covering the three RHCs, and the contents of the toll plans will affect the overall traffic layout of the three RHCs. Therefore, in assessing whether the CSAs have a charging effect, the Administration should evaluate if the CSAs will, on the whole, result in revenue forgone which may be collected under the existing statutory authority, instead of evaluating only the government revenue generated from the use of CHT and/or EHC by a particular type of vehicles. Secondly, since the operation of WHC has not yet been incorporated into government tunnels, it is actually difficult to assess the level of relevant revenue to be received after the takeover of WHC. In addition, members consider that the implementation of the 633 proposal and the time-varying toll plans will affect the traffic flow of the three RHCs. Members have doubted how the Administration can accurately assess the vehicular flows and the change in the revenue levels. In this connection, members have requested the Administration to provide further information for their consideration.

53. The Administration has further responded that for the overall fiscal implications of the CSAs, the purpose for the Government to introduce the proposed toll plans is not for revenue generation, but managing traffic through adjustment of tolls and thereby alleviating the cross-harbour congestion that has plagued Hong Kong for years. WHC will be taken over by the Government on 2 August 2023 upon the expiry of its franchise, the toll revenue of which will then become part of the Government's revenue. If the CSAs proposed by Mr YICK are passed by LegCo, the Government estimates that the annual toll revenue would be reduced by about \$700 million in 2024-2025 compared to the expected toll revenue of \$3.4 billion to be generated under the time-varying tolls proposal, even after taking into account the possible increase in traffic flow. In terms of the impact of the CSAs on cross-harbour traffic, compared to the Government's time-varying tolls proposal, the reduction of relevant tolls will trigger additional traffic flow, resulting in an increase of about 700 vehicles per hour during the peak time slot (a.m.). This would increase the traffic pressure on the RHCs, extending the traffic queues of the tunnels by about 0.7 kilometres, blocking the critical locations at the connecting roads tailing back from the tunnel concerned, and affecting non-cross-harbour traffic in an extensive manner. Having considered the above implications, the Administration does not support Mr YICK's proposed CSAs.

54. After discussion by the Bills Committee, Hon Frankie YICK has indicated that he will consider moving the CSAs in his personal capacity.

Resumption of the Second Reading debate

55. The Bills Committee has completed scrutiny of the Bill. The Bills Committee raises no objection to the resumption of the Second Reading debate on the Bill at the Council meeting of 28 June 2023 as proposed by the Administration.

Consultation with the House Committee

56. The Bills Committee reported its deliberation to the House Committee on 9 June 2023.

Council Business Division 4
Legislative Council Secretariat
16 June 2023

**Bills Committee on Road Tunnels (Government)
(Amendment) Bill 2023**

Membership list

Chairman Hon CHAN Han-pan, BBS, JP

Members Hon Frankie YICK Chi-ming, SBS, JP
Hon KWOK Wai-keung, JP
Ir Dr Hon LO Wai-kwok, GBS, MH, JP
Hon LUK Chung-hung, JP
Hon Tony TSE Wai-chuen, BBS, JP
Hon Doreen KONG Yuk-foon
Hon Dominic LEE Tsz-king
Hon Andrew LAM Siu-lo, SBS, JP
Dr Hon Wendy HONG Wen
Hon Edward LEUNG Hei
Hon Kenneth LEUNG Yuk-wai, JP
Ir Hon CHAN Siu-hung, JP
Hon CHAN Hok-fung, MH, JP
Hon YANG Wing-kit

(Total: 15 members)

Clerk Ms Sophie LAU

Legal adviser Miss Evelyn LEE

**Bills Committee on Road Tunnels (Government)
(Amendment) Bill 2023**

**List of organizations which have given written views
to the Bills Committee**

Organizations

1. Hong Kong Storehouses, Transportation & Logistics Staff Association
2. The Federation of Hong Kong Transportation and Logistics Industry Unions
3. Public Light Buses Staff Union
4. China-Hong Kong Passenger Transportation Workers Union
5. Liberal Party
6. The non-franchised bus trade (Public Omnibus Operators Association Ltd, Tsuen Wan District Tourists and Passengers Omnibus Operators Association, Hong Kong District Tourists and Passengers Omnibus Operators Association, Kowloon District Tourists and Passengers Omnibus Operators Association, Yuen Long District Tourists and Passengers Omnibus Operators Association, Tuen Mun District Tourists and Passengers Omnibus Operators Association)
7. Motor Transport Workers General Union

Bills Committee on Road Tunnels (Government) (Amendment) Bill 2023

The Committee's views on the law drafting aspects of the Bill and the Administration's response

Views of members	Response of the Administration	Result
<p>1. Clause 3 of the Road Tunnels (Government) (Amendment) Bill 2023 (“the Bill”) proposes to add the definitions of “peak time slot (p.m.)” and “peak time slot (a.m.)” to section 2(1) of the Road Tunnels (Government) Ordinance (Cap. 368) (“Cap. 368”). In respect of the definition of “peak time slot (p.m.)”, while it is explicitly defined in paragraph (a) of the Chinese text as “指根據第20(4)(ca)條訂立的規例所指明為下午繁忙時段的時段”, there does not seem to be a clear and precise reference for the description “下午繁忙時段的時段” in drafting the English version of the definition, and it is rather expressed as “means a time slot specified as such by regulations made under section 20(4)(ca)”. Similar drafting is also adopted for the definition of “peak time slot (a.m.)” in the Chinese and English texts. The Administration is requested to clarify the reasons for the above drafting and/or textual differences between the</p>	<p>1. In the English definitions, <i>peak time slot (a.m.)</i>(上午繁忙時段) –</p> <p>(a) means a time slot specified as such by regulations made under section 20(4)(ca); and (b) includes the time slot mentioned in paragraph (a) the starting and end time or the duration of which is adjusted by the Authority under section 20AA;</p> <p><i>peak time slot (p.m.)</i>(下午繁忙時段) –</p> <p>(a) means a time slot specified as such by regulations made under section 20(4)(ca); and (b) includes the time slot mentioned in paragraph (a) the starting and end time or the duration of which is adjusted by the Authority under section 20AA ;</p> <p>2. In the Chinese definitions, <i>上午繁忙時段 (peak time slot (a.m.))</i> –</p> <p>(a) 指根據第20(4)(ca)條訂立的規例所指明為上午繁忙時段的時段；及</p>	<p>In both the Chinese definitions of <i>上午繁忙時段</i> and <i>下午繁忙時段</i>, paragraph (a) do not require any change</p>

<p>Chinese and English texts, and advise whether it will consider making revisions (Please refer to LC Paper No. CB(4)408/2023(01) for details)</p>	<p>(b) 包括符合以下說明的(a)段所述時段:經監督根據第20AA條調整該時段的開始及結束時間或時限;</p> <p>下午繁忙時段(<i>peak time slot (p.m.)</i>)—</p> <p>(a) 指根據第20(4)(ca)條訂立的規例所指明為下午繁忙時段的時段;及</p> <p>(b) 包括符合以下說明的(a)段所述時段:經監督根據第20AA條調整該時段的開始及結束時間或時限。</p> <p>3. According to the Concise Oxford Dictionary, the word “such” means ‘of the type previously mentioned’. The use of the word “such” in paragraph (a) of both the definitions is intended to refer to the <i>peak time slot (a.m.)</i> and <i>peak time slot (p.m.)</i> respectively. Paragraphs (a) of the Chinese definitions render the word “such” and express its meaning clearly and concisely in Chinese as “上午繁忙時段” and “下午繁忙時段”. Paragraph (a) of the Chinese definitions have reflected the policy intent and conveyed the same meaning as the English definitions. The Chinese definitions have also complied with the grammatical rules</p>	
---	--	--

<p>2. Whether the Administration will consider adopting the proposed amendments put forward by members at the meeting to paragraph (b) in the Chinese text of the aforesaid definitions of “下午繁忙時段” and “上午繁忙時段”, i.e. “(b)包括(a)段所述時段, 該時段的開始及結束時間或時限由監督根據第20AA條調整”, so as to improve the linguistic fluency of the definition</p> <p>(Please refer to LC Paper No. CB(4)408/2023(01) for details)</p>	<p>1. In the English definitions, <i>peak time slot (a.m.)</i>(上午繁忙時段) –</p> <p>(a) means a time slot specified as such by regulations made under section 20(4)(ca); and</p> <p>(b) includes the time slot mentioned in paragraph (a) <u>the starting and end time or the duration of which is adjusted by the Authority under section 20AA;</u></p> <p><i>peak time slot (p.m.)</i>(下午繁忙時段) –</p> <p>(a) means a time slot specified as such by regulations made under section 20(4)(ca); and</p> <p>(b) includes the time slot mentioned in paragraph (a) <u>the starting and end time or the duration of which is adjusted by the Authority under section 20AA;</u></p> <p>2. In the Chinese definitions, 上午繁忙時段 (<i>peak time slot (a.m.)</i>) –</p> <p>(a) 指根據第20(4)(ca)條訂立的規例所指明為上午繁忙時段的時段；及</p> <p>(b) 包括符合以下說明的(a)段所述時段：<u>經監督根據第20AA條調整該時段的開始及結束時間或時限；</u></p>	<p>In both the Chinese definitions of 上午繁忙時段 and 下午繁忙時段, paragraph (b) do not require any change</p>
--	---	--

下午繁忙時段(*peak time slot (p.m.)*)—

- (a) 指根據第20(4)(ca)條訂立的規例所指明為下午繁忙時段的時段；及
- (b) 包括符合以下說明的(a)段所述時段：經監督根據第20AA條調整該時段的開始及結束時間或時限。

3. In paragraph (b) of the Chinese definitions above, the wordings after the colon, i.e. “經監督根據第20AA條調整該時段的開始及結束時間或時限”(in short, “經調整的”) is a long qualifier for the time slot mentioned in paragraph (a) being adjusted. The effect is that the time slot so adjusted in paragraph (b) (“經調整的”(a)段所述時段) also falls within the respective definitions. This will fit well into the context of the body of the Bill in which the definitions appear. The Chinese definitions have reflected the policy intent and conveyed the same meaning as the English definitions. The Chinese definitions have also complied with the grammatical rules.

4. Moreover, a qualifier in the English text can modify the meaning of a noun by adding it before the noun or after the noun. However, a qualifier in the Chinese text is usually added

before the noun. We have considered drafting paragraph (b) by putting the qualifier in front of “時段” as follows:

“(b)包括經監督根據第20AA條調整上午繁忙時段的開始及結束時間或時限的(a)段所述的時段”

5. The qualifier is so long that it will obscure the subject matter “(a)段所述的時段” at the end and makes paragraph (b) difficult to understand. On balancing the different ways of drafting, the Administration decided to adopt the present formulation which is clear and concise. In the drafting practice, “符合以下說明的 [...] :” is a formulation commonly used in the Hong Kong legislation.
6. The Administration is thankful for the member’s proposed formulation “(b)包括(a)段所述時段，該時段的開始及結束時間或時限由監督根據第20AA條調整”. The proposed formulation consists of two sentences. According to the context, the second sentence “該時段的...” is a non-restrictive relative clause that elaborates on (rather than defines) the time slot “(a)段所述時段的...” in the first sentence. As compared with paragraph (b) of the English definition, a

	<p>reference to “the starting and end time or the duration of which is adjusted by the Authority under section 20AA” is a restrictive relative clause that defines the time slot mentioned in paragraph (a). In the circumstances, the proposed formulation does not function as a qualifier and does not fit with the parallel structure of the English definition as follows: (a) means a time slot...; and (b) includes the [adjusted] time slot...</p>	
<p>3. The proposed new section 12(a) and (b) of Schedule 1B, i.e. “有關隧道的交通需求.....是否已經常超出隧道的容量，並已經常導致擠塞.....” and “從有關隧道向上游的車龍，是否...對...交通有持續.....的影響。”， provide for the considerations to be taken into account by the Commissioner for Transport for making toll adjustment pursuant to the new section 20AA of Cap. 368. However, in the English texts of these provisions (i.e. “whether the traffic demand...has been constantly exceeding the capacity of the tunnel and resulting in congestion...” and “whether the traffic queues tailing back from the tunnel...constantly...affects traffic...”), the same term “constantly” is used to express both</p>	<ol style="list-style-type: none">1. In Schedule 1B, if the toll of the peak time slot is adjusted, section 8 requires that: “Adjustment under section 20AA(1)(a) may only be made if the Authority has taken into account, and has only taken into account, the considerations set out in Part 5 of this Schedule.”2. If the time and duration of the peak time slot is adjusted, section 11 requires that: “Adjustment under section 20AA(1)(b) may only be made if the Authority has taken into account, and has only taken into account, the considerations set out in Part 5 of this Schedule.”3. In the Chinese text of section 12 of Part 5 of Schedule 1B: “考慮因素為 ——	<p>It is appropriate to use “constantly” in both paragraphs (a) and (b) of section 12 of Schedule 1B, and the meaning of the word is clear in the context of those paragraphs. As the bilingual texts convey the same meaning, the Administration considers it unnecessary to make any change</p>

<p>the meaning of “經常” and “持續”. The Administration is requested to clarify why the said Chinese and English texts are drafted in such a way, and whether it will consider amending the English text of the provision so as to reflect the respective meanings of “經常” and “持續” more accurately</p> <p>(Please refer to LC Paper No. CB(4)444/2023(01) for details)</p>	<p>(a) 有關隧道的交通需求(以車流及車龍作例證)，是否已經常超出該隧道的容量，並已經常導致擠塞；及</p> <p>(b) 從有關隧道向上游形成的車龍，是否廣泛地對香港任何關鍵地點的交通有持續及不利的影響。”</p> <p>4. In the English text of section 12 of Part 5: “The considerations are —</p> <p>(a) whether the traffic demand (as exemplified by traffic flow and traffic queues) for the tunnel concerned has been <u>constantly</u> exceeding the capacity of the tunnel and resulting in congestion; and</p> <p>(b) whether the traffic queues tailing back from the tunnel concerned <u>constantly</u> and adversely affects traffic in any critical location in Hong Kong in an extensive manner.”</p> <p>5. According to the Concise Oxford Dictionary, “constant” (adj.) means occurring continuously, remaining the same, and “constantly” is the adverb</p>	
---	--	--

	<p>6. According to the Oxford Advanced Learner’s English-Chinese Dictionary, “constant” (adj.) means:</p> <ul style="list-style-type: none">(1) going on all the time; happening again and again (經常的、不斷發生的);(2) unchanging, fixed (不變的、恆定的、穩定的);(3) firm, faithful (堅定的、忠實的); and <p>“constantly” (adv.) means continuously and frequently (不斷地、經常地)</p> <p>7. It can be seen that the word “constantly” has multiple meanings, and which meaning to adopt will depend on the context of the provision concerned.</p> <p>8. From the context of section 12(a), the word “constantly” carries the meaning of “frequently” in describing the state of traffic demand which exceeds the tunnel capacity and results in congestion. From traffic management perspective, when traffic queues and congestion constantly appear at a tunnel, meaning traffic demand has been constantly exceeding the capacity of the tunnel, it would form an objective and factual basis for the Authority to consider whether it is necessary to adjust the</p>	
--	---	--

	<p>tolls, starting/end time or duration of relevant peak time slot. In our view, the Chinese rendition of “經常超出該隧道的容量，並已經常導致擠塞” is appropriate and clear in this context.</p> <p>9. From the context of section 12(b), in the expression “constantly and adversely affects”, the word “constantly” carries the meaning of “continuously” in describing the effect of traffic queues on the traffic in any critical location. In our view, the Chinese rendition of “對香港任何關鍵地點的交通有持續及不利的影響” is more appropriate and clear in the context.</p>	
<p>4. Regarding the new section 12AAA proposed to be added to the Road Tunnels (Government) Regulations (Cap. 368A) under the Bill, the Administration is requested to explain why no reference is made to the proposed new section 20AA(1)(c) of Cap. 368 in the proposed new section 12AAA, and whether the Administration will consider making amendments</p> <p>(Please refer to LC Paper No. CB(4)471/2023(01) for details)</p>	<p>1. Clause 6 of the Bill adds a new section 20AA to the Road Tunnels (Government) Ordinance (Cap. 368) (“the Ordinance”) to provide that in respect of a peak time slot for a tunnel, the Authority (i.e. the Commissioner for Transport), may adjust one or more of the following —</p> <ul style="list-style-type: none">(a) the tolls payable for the use of the tunnel for different classes of vehicles during the peak time slot;(b) the starting and end time of the peak time slot;(c) the duration of the peak time slot.	<p>The new regulation 12AAA does not require any amendment</p>

	<p>2. Under the new regulation 12AAA added to the Road Tunnels (Government) Regulations (Cap. 368A) (“the Regulations”), where an adjustment is made by the Authority to any of the matters referred to in section 20AA(1)(a) or (b) of the Ordinance in respect of a peak time slot of a tunnel, the new Schedule 2A has effect in relation to the following —</p> <ul style="list-style-type: none">(a) the end time and the duration of the off-peak time slot (a.m.) of the tunnel;(b) the starting and end time of the normal time slot of the tunnel;(c) the starting time and the duration of the off-peak time slot (p.m.) of the tunnel;(d) the starting and end time, the number of intervals, the duration, and the toll for each interval, of the transitional time slots of the tunnel. <p>3. Schedule 2A to the Regulations provides for the consequential adjustments of the starting and end time, duration and tolls for the off-peak time slots, normal time slot and transitional time slots (“consequential adjustments”), as a result of an adjustment made to the peak time slot(s) by the Authority. The calculation method for the consequential adjustments is particularized in that Schedule, and the result of the consequential</p>	
--	---	--

	<p>adjustments can already be obtained pursuant to the result of the adjustment made by the Authority to the matters referred to in section 20AA(1)(a) or (b) of the Ordinance.</p> <p>4. In the premises, it is not necessary for regulation 12AAA of the Regulations to refer to section 20AA(1)(c) of the Ordinance. Even without such a reference, the calculation result of the consequential adjustments would not be affected.</p>	
--	---	--

Road Tunnels (Government) (Amendment) Bill 2023

Amendments Proposed by the Honourable Frankie YICK Chi-ming

<u>Clause</u>	<u>Amendment Proposed</u>
20(4)	In the proposed Part 2, Division 3, by deleting “\$25” and substituting “\$20”.
20(4)	In the proposed Part 2, Division 4, by deleting “\$50” and substituting “\$20”.
20(7)	In the proposed Part 3, Division 3, by deleting “25” and substituting “20”.
20(7)	In the proposed Part 3, Division 4, by deleting “\$50” and substituting “\$20”.
20(9)	In the proposed Part 3B, Division 3, by deleting “25” and substituting “\$20”.
20(9)	In the proposed Part 3B, Division 4, by deleting “\$50” and substituting “\$20”.