

LEGISLATIVE COUNCIL BRIEF

Road Tunnels (Government) Ordinance
(Chapter 368)

ROAD TUNNELS (GOVERNMENT) (AMENDMENT) BILL 2024

INTRODUCTION

At the meeting of the Executive Council on 3 December 2024, the Council ADVISED and the Chief Executive ORDERED that the Road Tunnels (Government) (Amendment) Bill 2024 (“the Bill”) at **Annex A** should be introduced into the Legislative Council (“LegCo”). The Bill seeks to mainly amend the Road Tunnels (Government) Ordinance (Cap. 368) (“RT(G)O”) and the Road Tunnels (Government) Regulations (Cap. 368A) (“RT(G)R”) to –

- (a) extend their application to the Tai Lam Tunnel (“TLT”) for its management, operation and maintenance as a government tunnel;
- (b) provide for new tolls in respect of the TLT; and
- (c) repeal the Tai Lam Tunnel and Yuen Long Approach Road Ordinance (Cap. 474) (“TLT Ordinance”) and its subsidiary legislation, as well as to make related amendments arising from the repeal.

JUSTIFICATIONS

2. Upon the expiry of the “Build-Operate-Transfer” (“BOT”) franchise at 00:00 on 31 May 2025, the TLT will vest in the Government. We need to provide the necessary legal backing for operating and managing the TLT as a government tunnel for seamless transition and uninterrupted operation which is essential for the TLT to continue to serve as a major traffic link between the New Territories West/North and the urban areas. The governing legislation of the TLT as a BOT tunnel will also need to be repealed.

3. Since the commissioning of the TLT in 1998, the franchisee of the TLT has adjusted its actual toll 16 times, with the latest round of increase effective

from 8 October 2023. The actual tolls for private cars and commercial vehicles (“CVs”)¹ have risen by 45%, and 26% to 56%, respectively between 2015 and 2023. The toll levels for all classes of vehicles for using the TLT at present and in recent years are set out at **Annex B**.² Tunnel tolling is an important and effective tool in regulating traffic. Taking the opportunity of the takeover of the TLT to determine its future toll levels in a bid to strike a balance among various considerations including traffic management needs, support for the transport trade, public expectation for more affordable tolls and upholding the “user-pays” principle, we **propose** to suitably lower the TLT tolls to achieve the following policy objectives –

- (a) set reasonable toll levels to regulate the traffic for smooth flow at the TLT and maintain it as one of the most convenient north-south links in New Territories West, while making optimal use of its spare capacity to alleviate the busy traffic on its alternative routes, i.e. Tuen Mun Road, and even the Tolo Highway³;
- (b) ensure smooth public transport services through the TLT to facilitate commuting by the public to and from New Territories West/North;
- (c) apply the “efficiency first” principle and suitably lower the tolls in order to attract CVs⁴ to use the TLT, while keeping its function as a logistics artery and supporting the operation and development of the logistics industry; and

¹ For the avoidance of doubt, CVs in this paper refer to vehicles other than motor cycles, motor tricycles, private cars and taxis.

² These are the actual tolls for vehicles using the TLT as determined by the franchisee of the TLT at present and in recent years, which are lower than the statutory tolls under the TLT Ordinance (e.g. currently \$100 for private cars). The TLT Ordinance provides that the franchisee shall not charge in respect of a motor vehicle a toll greater than the statutory toll. On this basis, the franchisee may, at its own discretion, levy a toll at a level below the statutory toll.

³ In 2023, during the weekday peak hours, the traffic at the TLT was at over 80% of its capacity whereas Tuen Mun Road was already overloaded with traffic which exceeded its capacity by about 14%; the Tolo Highway was saturated with traffic exceeding its capacity by about 1%. Appropriate adjustments of TLT tolls could divert some of the traffic of Tuen Mun Road and Tolo Highway to the TLT, thus improving the traffic conditions of these two roads.

⁴ Currently, about 32% of the vehicles using the TLT are goods vehicles, many of which are medium and heavy goods vehicles. Goods vehicles on Tuen Mun Road and Tolo Highway constitute about 34% and 32% of the traffic on these two roads respectively.

- (d) uphold the “user-pays” principle. Tunnels are critical transport infrastructures and assets of the Government requiring considerable resources for effective management and operation. Reasonable tolling under the “user-pays” principle is meant for maintaining the efficient operation of government tunnels, as well as assisting to raise resources for future infrastructure investment.

(a) Adjustment to Toll Levels of the TLT

The toll plan

4. The Government strives to devise a toll plan which reduces tunnel tolls as much as possible in response to public expectation while maintaining smooth traffic at the TLT, with a view to effectively alleviating the traffic conditions at Tuen Mun Road and the Tolo Highway. Having considered various factors and the stakeholders’ views, we **propose** to apply time-varying tolls to private cars and motor cycles⁵, while taxis and CVs will continue to be charged all-day uniform tolls⁶. The toll plan⁷ is summarised at **Annex C**, with key features summarised below –

- (a) the tolls for **private cars** will vary with time slots, ranging from \$45 during peak time slots and \$30 during normal time slot on weekdays (i.e. Mondays to Saturdays (excluding public holidays)) to \$18 during off-peak time slots, with a reduction rate between 22% and 69% compared with the current toll. The public can use the tunnel at a lower toll during off-peak time slots;
- (b) to simplify the toll structure and facilitate the operation of the transport trade, **taxis** will be charged an all-day uniform toll of \$28⁸ with a reduction rate of 52% compared with the current toll;

⁵ For the avoidance of doubt, motor cycles in this paper also include motor tricycles.

⁶ Such a tolling arrangement is similar to that of the three Road Harbour Crossings (“RHCs”), where a three-tier tolling structure for private cars and motor cycles are adopted while all-day uniform tolls for taxis and CVs are charged.

⁷ The Government presented three toll scenarios to the LegCo Panel on Transport on 12 July 2024. Compared with toll scenario 3 (time-varying tolls), the toll plan at **Annex C** further reduces the tolls across all types of vehicles by the range of \$2 to \$5 outside peak time slots.

⁸ The proposed taxi toll is the weighted average of the all-day tolls on weekdays (i.e. Mondays to Saturdays (excluding public holidays)) for private cars.

- (c) **CVs** such as goods vehicles and buses will be charged an all-day uniform toll of \$43, with a reduction rate between 33% and 80% compared with the current tolls;
- (d) **motor cycles** will be subject to time-varying toll arrangement, similar to private cars. The corresponding tolls for motor cycles for all time slots and for Sundays and public holidays will be set at a level of 40% of the tolls for private cars⁹;
- (e) with reference to the traffic flow of the north-south traffic in the New Territories in a day, it is proposed that the **morning peak time slot** should last for 2 hours and 30 minutes whereas the **evening peak time slot** should last for 1 hour and 45 minutes, with a total duration of 4 hours and 15 minutes, accounting for less than 18% of a day¹⁰;
- (f) similar to the time-varying toll plans for the three RHCs, a **transition charging arrangement** for bridging peak time slots, normal time slot and off-peak time slots in an orderly manner will be put in place. This will reduce the incentives for motorists to rush or slow down abruptly for lower tolls; and
- (g) the adjustment mechanism providing administrative flexibility for the Commissioner for Transport to make effective minor adjustments of the time, toll levels of private cars and motor cycles and overall duration of the peak time slots up to the extent stipulated under the RT(G)O and the RT(G)R, will be extended from the RHCs to the TLT, to save the need for introducing further legislative amendments for minor toll adjustments in order to timely respond to changing traffic management needs.

5. For Sundays and public holidays, in view of the generally lighter traffic, private cars and motor cycles using the TLT will be charged \$18 and \$7.2 respectively throughout the day (i.e. the off-peak toll level for Mondays to Saturdays), while taxis and CVs will continue to be charged the all-day uniform tolls of \$28 and \$43 respectively.

(b) Takeover Arrangements for the TLT

6. The takeover arrangements for the TLT are made with reference to those of previously BOT tunnels. The Government is preparing for the takeover

⁹ The same ratio of 40% has been adopted for motor cycle toll at the three RHCs.

¹⁰ The morning peak and evening peak time slots of the three RHCs last respectively for 2 hours and 45 minutes as well as 2 hours and 30 minutes.

arrangement and plans to implement HKeToll, a free-flow tolling service, on 31 May 2025 after the takeover of the TLT.

7. In line with other government tunnels, the TLT will be subsumed under the legal framework of the RT(G)O and its subsidiary legislation. The existing TLT Ordinance and its subsidiary legislation will be repealed. There will be no major change to other aspects of the TLT's operation, such as traffic management and enforcement actions within the tunnel area.

(c) Implementation Plan

8. The toll plan will come into effect upon the Government's takeover of the TLT on 31 May 2025 and HKeToll will be implemented on the same day.

OTHER OPTIONS

9. The proposal cannot be implemented without legislative amendments. There are no other options.

THE BILL

10. The main provisions of the Bill are as follows—
- (a) Clause 1 provides for the commencement date, which is 31 May 2025;
 - (b) Clause 3 provides for the repeal of the TLT Ordinance and its subsidiary legislation;
 - (c) Clause 4 enables the application of the RT(G)O to the TLT;
 - (d) Clause 5 sets out the relevant savings and transitional arrangements;
 - (e) Part 3 of the Bill (clauses 6 to 15) amends the RT(G)R mainly to extend the RT(G)R's application to the TLT, and to provide for new tolls (including time-varying tolls for private cars, motor cycles and motor tricycles) in respect of the TLT; and
 - (f) Part 4 of the Bill (clauses 16 to 28) contains related amendments to several enactments.

LEGISLATIVE TIMETABLE

11. The legislative timetable will be -

Publication in the Gazette	6 December 2024
First Reading and commencement of Second Reading debate	11 December 2024
Resumption of Second Reading debate, committee stage and Third Reading	To be notified

IMPLICATIONS OF THE PROPOSAL

12. The Bill is in conformity with the Basic Law, including provisions concerning human rights. The financial and civil service, economic, and sustainability implications of the Bill are set out at **Annex D**. The proposal has no environmental, family, or gender implications. The Bill will not affect the current binding effect of RT(G)O and its subsidiary legislation.

PUBLIC CONSULTATION

13. The LegCo Panel on Transport and the Transport Advisory Committee were consulted on 12 July 2024 and 30 July 2024 respectively on the takeover arrangement of the TLT and the analyses of the tolling scenarios. Most of the views supported maintaining smooth traffic flow at the TLT while relieving the traffic on the alternative routes, as well as the adoption of time-varying tolls for private cars and motor cycles upon the Government's takeover, and welcomed the reduction of tolls, while adhering to the "user-pays" and "cost-recovery" principles. Some suggested the Government to consider the feasibility of further reducing the toll of certain vehicle types, or shortening the duration of peak time slots. The current proposal as set out in this brief has taken into account stakeholders' views having due regard to the need of traffic management and maintaining fiscal discipline.

PUBLICITY

14. A press release will be issued on 4 December 2024. A spokesperson will be available for answering media and public enquiries.

ENQUIRIES

15. Any enquiries on this brief can be addressed to Miss CHENG Sze-ling, Principal Assistant Secretary for Transport and Logistics 2, at 3509 8192.

Transport and Logistics Bureau
4 December 2024

Road Tunnels (Government) (Amendment) Bill 2024

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A BILL

To

Amend the Road Tunnels (Government) Ordinance and its subsidiary legislation to extend their application to the Tai Lam Tunnel; to provide for new tolls (including time-varying tolls for certain vehicles) in respect of the Tai Lam Tunnel on the takeover of the Tunnel by the Government; to provide for transitional matters; and to make related amendments, as well as technical amendments relating to certain definitions.

Enacted by the Legislative Council.

Part 1

Preliminary

1. Short title and commencement

- (1) This Ordinance may be cited as the Road Tunnels (Government) (Amendment) Ordinance 2024.
- (2) This Ordinance comes into operation on 31 May 2025.

2. Enactments amended

The enactments specified in Parts 2, 3 and 4 are amended as set out in those Parts.

Part 2

Amendments to Road Tunnels (Government) Ordinance (Cap. 368)

3. Sections 29 and 30 added

After section 28—

Add

“29. Tai Lam Tunnel and Yuen Long Approach Road Ordinance and its subsidiary legislation repealed

The following enactments are repealed—

- (a) the Tai Lam Tunnel and Yuen Long Approach Road Ordinance (Cap. 474);
- (b) the Tai Lam Tunnel and Yuen Long Approach Road (Designation of Agreements) Notice (Cap. 474 sub. leg. A);
- (c) the Tai Lam Tunnel and Yuen Long Approach Road Regulation (Cap. 474 sub. leg. B);
- (d) the Tai Lam Tunnel and Yuen Long Approach Road Bylaw (Cap. 474 sub. leg. C).

30. Savings and transitional arrangements for Road Tunnels (Government) (Amendment) Ordinance 2024

Schedule 5 provides for the savings and transitional arrangements that relate to the Road Tunnels (Government) (Amendment) Ordinance 2024 (of 2024).”.

4. Schedule 1 amended (tunnels to which this Ordinance applies)

Schedule 1—

Add in alphabetical order

“Tai Lam Tunnel (大欖隧道)”.

5. **Schedule 5 added**
After Schedule 4—
Add

“Schedule 5

[s. 30]

**Savings and Transitional Arrangements for Road
Tunnels (Government) (Amendment) Ordinance
2024 (of 2024)**

1. Interpretation

In this Schedule—

Amendment Ordinance (《修訂條例》) means the Road Tunnels (Government) (Amendment) Ordinance 2024 (of 2024);

specified Regulations (《指明規例》) means the Road Tunnels (Government) Regulations (Cap. 368 sub. leg. A);

Tai Lam Tunnel and Yuen Long Approach Road (大欖隧道及元朗引道) has the meaning given by section 2(1) of the Tai Lam Tunnel and Yuen Long Approach Road Ordinance (Cap. 474) as in force immediately before its repeal by the Amendment Ordinance;

TLT Bylaw (《大欖隧道附例》) means the Tai Lam Tunnel and Yuen Long Approach Road Bylaw (Cap. 474 sub. leg.

C) as in force immediately before its repeal by the Amendment Ordinance;

TLT Regulation (《大欖隧道規例》) means the Tai Lam Tunnel and Yuen Long Approach Road Regulation (Cap. 474 sub. leg. B) as in force immediately before its repeal by the Amendment Ordinance;

tunnel area (隧道區域) has the meaning given by section 1 of the TLT Bylaw.

2. Section 18E of Magistrates Ordinance continues to apply

Section 18E of the Magistrates Ordinance (Cap. 227) continues to apply on and after 31 May 2025 in relation to an offence under the TLT Bylaw that was committed before that date as if the Bylaw had not been repealed.

3. Road Traffic (Driving-offence Points) Ordinance continues to apply

The Road Traffic (Driving-offence Points) Ordinance (Cap. 375) continues to apply on and after 31 May 2025 in relation to an offence under the TLT Bylaw that was committed before that date as if the Bylaw had not been repealed.

4. Transitional arrangements for certain traffic signs

(1) For the purposes of this section, a traffic sign is a pre-existing traffic sign if it was—

(a) erected or placed in the tunnel area of the Tai Lam Tunnel and Yuen Long Approach Road under section 3 of the TLT Regulation before 31 May 2025; and

(b) in force immediately before that date.

(2) A pre-existing traffic sign of the type shown in Figure No. 5 in the Schedule to the TLT Bylaw is, on and after 31

May 2025, to be regarded for all purposes as a traffic sign of the type shown in Figure No. 17 in Schedule 1 to the specified Regulations.

- (3) A pre-existing traffic sign of the type shown in Figure No. 13 in the Schedule to the TLT Bylaw is, on and after 31 May 2025, to be regarded for all purposes as a traffic sign of the type shown in Figure No. 26A in Schedule 1 to the specified Regulations.
- (4) A pre-existing traffic sign of the type shown in Figure No. 16 in the Schedule to the TLT Bylaw is, on and after 31 May 2025, to be regarded for all purposes as a traffic sign of the type shown in Figure No. 405 in Schedule 1 to the Road Traffic (Traffic Control) Regulations (Cap. 374 sub. leg. G).
- (5) A pre-existing traffic sign of the type shown in Figure No. 27 in the Schedule to the TLT Bylaw is, on and after 31 May 2025, to be regarded for all purposes as a traffic sign of the type shown in Figure No. 25A in Schedule 1 to the specified Regulations.
- (6) A pre-existing traffic sign of the type shown in Figure No. 28 in the Schedule to the TLT Bylaw is, on and after 31 May 2025, to be regarded for all purposes as a traffic sign of the type shown in Figure No. 8 in Schedule 1 to the specified Regulations.

5. Schedule 5 not in derogation of section 23 of Interpretation and General Clauses Ordinance

The provisions in this Schedule are in addition to, and not in derogation of, section 23 of the Interpretation and General Clauses Ordinance (Cap. 1).”

Part 3

Amendments to Road Tunnels (Government) Regulations (Cap. 368 sub. leg. A)

6. Regulation 2 amended (interpretation)

- (1) Regulation 2(1), definition of *goods vehicle*—

Repeal

“tricycle or a motor cycle with or without a sidecar attached thereto”

Substitute

“cycle or motor tricycle”.

- (2) Regulation 2(1), English text, definition of *tricycle*—

Repeal

“pedals.”

Substitute

“pedals;”.

- (3) Regulation 2(1)—

Add in alphabetical order

“*franchised bus* (專利巴士) means a bus in respect of which a franchise is in force under the Public Bus Services Ordinance (Cap. 230);

motor cycle (電單車) has the meaning given by section 2 of the Road Traffic Ordinance (Cap. 374);

overall height (全高度) has the meaning given by regulation 2 of the Road Traffic (Construction and Maintenance of Vehicles) Regulations (Cap. 374 sub. leg. A);

wind-susceptible vehicle (受風車輛) means a vehicle with an overall height exceeding 1.6 m, motor cycle or motor tricycle.”.

(4) Regulation 2(2)—

Repeal

“or 3B”

Substitute

“, 3B or 3C”.

7. **Regulation 3 amended (prescribed signs and road markings)**

(1) Regulation 3(1)(a)—

Repeal

“and 28”

Substitute

“, 28 and 29”.

(2) Regulation 3(6)(a)—

Repeal

“and 28”

Substitute

“, 28 and 29”.

8. **Regulation 8 amended (left-driving tunnel (other than Central-Wan Chai Bypass Tunnel and Western Harbour Crossing): certain vehicles confined to left most lane)**

(1) Regulation 8, heading—

Repeal

“and Western Harbour Crossing”

Substitute

“, **Western Harbour Crossing and Tai Lam Tunnel**”.

(2) Regulation 8(1)—

Repeal

“and the Western Harbour Crossing”

Substitute

“, the Western Harbour Crossing and the Tai Lam Tunnel”.

9. **Regulation 8AAB amended (Western Harbour Crossing: control of use of traffic lanes for certain vehicles)**

(1) Regulation 8AAB, heading, after “Crossing”—

Add

“and Tai Lam Tunnel”.

(2) Regulation 8AAB(1), after “Crossing”—

Add

“and the Tai Lam Tunnel”.

10. **Regulation 9 amended (general restrictions)**

Regulation 9(1)—

Repeal paragraph (c)

Substitute

“(c) stop any vehicle or permit any vehicle to be stationary except—

(i) when lawfully required to do so;

(ii) when compelled to do so by reason of accident, breakdown, emergency or the presence of other stationary vehicles; or

- (iii) (in the case of a franchised bus) when it is done at a designated bus stop for the period required for passengers to get on or off the bus;”

11. Regulation 11 amended (prohibition against vehicles conveying dangerous goods)

Regulation 11(5)—

Repeal the definition of *franchised bus*.

12. Regulation 12 amended (liability for, and amount of, toll)

Regulation 12(1)—

Repeal

“or 3B”

Substitute

“, 3B or 3C”.

13. Regulation 14 amended (vehicles requiring permits)

Regulation 14(1A)—

Repeal

“or Western Harbour Crossing”

Substitute

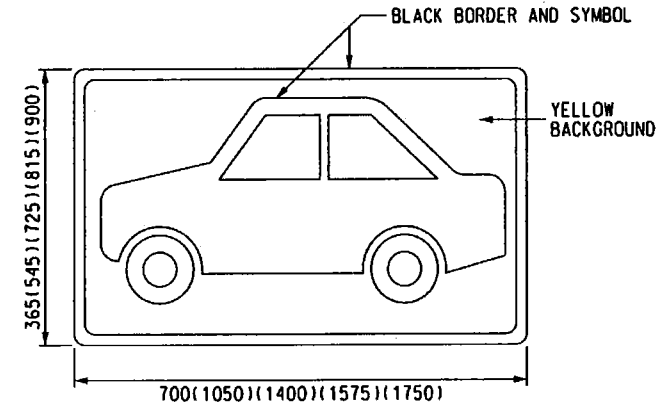
“, Western Harbour Crossing or Tai Lam Tunnel”.

14. Schedule 1 amended (traffic signs and road markings)

Schedule 1, after Figure No. 28—

Add

“Figure No. 29



Car Symbol

This sign when displayed indicates that wind-susceptible vehicles are not allowed to proceed beyond the sign.”.

15. Schedule 2 amended (tolls and fees)

- (1) Schedule 2, Part 1, heading—

Repeal

“and Western Harbour Crossing”

Substitute

“, Western Harbour Crossing and Tai Lam Tunnel”.

- (2) Schedule 2, after Part 3B—

Add

“Part 3C

Tolls (for Tai Lam Tunnel)

Division 1—Motor Cycles, Motor Tricycles and Private Cars (Mondays to Saturdays (Excluding Public Holidays))

Time slot	Starting time	End time (immediately before)	Toll for motor cycles and motor tricycles	Toll for private cars
Off-peak time slot (a.m.)	00:00	07:15	\$7.2	\$18
Transitional time slot (off-peak to peak)	07:15	07:41	\$7.6 for the first 2-minute interval with increase of \$0.8 for each successive 2-minute interval	\$19 for the first 2-minute interval with increase of \$2 for each successive 2-minute interval
	Intervals			
	07:15	07:17	\$7.6	\$19
	07:17	07:19	\$8.4	\$21
	07:19	07:21	\$9.2	\$23
	07:21	07:23	\$10	\$25
	07:23	07:25	\$10.8	\$27
	07:25	07:27	\$11.6	\$29
	07:27	07:29	\$12.4	\$31
	07:29	07:31	\$13.2	\$33

Time slot	Starting time	End time (immediately before)	Toll for motor cycles and motor tricycles	Toll for private cars	
	07:31	07:33	\$14	\$35	
	07:33	07:35	\$14.8	\$37	
	07:35	07:37	\$15.6	\$39	
	07:37	07:39	\$16.4	\$41	
	07:39	07:41	\$17.2	\$43	
Peak time slot (a.m.)	07:41	09:45	\$18	\$45	
Transitional time slot (peak to normal)	09:45	09:59	\$17.2 for the first 2-minute interval with decrease of \$0.8 for each successive 2-minute interval	\$43 for the first 2-minute interval with decrease of \$2 for each successive 2-minute interval	
	Intervals				
	09:45	09:47	\$17.2	\$43	
	09:47	09:49	\$16.4	\$41	
	09:49	09:51	\$15.6	\$39	
	09:51	09:53	\$14.8	\$37	
	09:53	09:55	\$14	\$35	
	09:55	09:57	\$13.2	\$33	
	09:57	09:59	\$12.4	\$31	
	Normal time slot	09:59	17:15	\$12	\$30
	Transitional time slot (normal to	17:15	17:29	\$12.4 for the first 2-minute interval with increase of	\$31 for the first 2-minute interval with increase of

Time slot	Starting time	End time (immediately before)	Toll for motor cycles and motor tricycles	Toll for private cars
peak)			\$0.8 for each successive 2-minute interval	\$2 for each successive 2-minute interval
	Intervals			
	17:15	17:17	\$12.4	\$31
	17:17	17:19	\$13.2	\$33
	17:19	17:21	\$14	\$35
	17:21	17:23	\$14.8	\$37
	17:23	17:25	\$15.6	\$39
	17:25	17:27	\$16.4	\$41
	17:27	17:29	\$17.2	\$43
	Peak time slot (p.m.)	17:29	19:00	\$18
Transitional time slot (peak to off-peak)	19:00	19:26	\$17.2 for the first 2-minute interval with decrease of \$0.8 for each successive 2-minute interval	\$43 for the first 2-minute interval with decrease of \$2 for each successive 2-minute interval
	Intervals			
	19:00	19:02	\$17.2	\$43
	19:02	19:04	\$16.4	\$41
	19:04	19:06	\$15.6	\$39
	19:06	19:08	\$14.8	\$37
	19:08	19:10	\$14	\$35

Time slot	Starting time	End time (immediately before)	Toll for motor cycles and motor tricycles	Toll for private cars
	19:10	19:12	\$13.2	\$33
	19:12	19:14	\$12.4	\$31
	19:14	19:16	\$11.6	\$29
	19:16	19:18	\$10.8	\$27
	19:18	19:20	\$10	\$25
	19:20	19:22	\$9.2	\$23
	19:22	19:24	\$8.4	\$21
	19:24	19:26	\$7.6	\$19
Off-peak time slot (p.m.)	19:26	00:00 (next day)	\$7.2	\$18

Division 2—Motor Cycles, Motor Tricycles and Private Cars (Sundays and Public Holidays)

Time slot	Toll for motor cycles and motor tricycles	Toll for private cars
Whole day	\$7.2	\$18

Division 3—Taxis

Time slot	Toll for taxis
Whole day	\$28

Division 4—Vehicles other than Motor Cycles, Motor Tricycles, Private Cars and Taxis

Time slot	Toll for vehicles other than motor cycles, motor tricycles, private cars and taxis
Whole day	\$43

(3) Schedule 2, Part 4, section 2, Table—

Add in alphabetical order

“Tai Lam Tunnel (大欖隧道) \$140 \$175 \$215”.

(4) Schedule 2, Part 5—

Add in alphabetical order

“Tai Lam Tunnel (大欖隧道) \$82”.

Part 4**Related Amendments****Division 1—Amendment to Prevention of Bribery Ordinance (Cap. 201)**16. **Schedule 1 amended (public bodies)**

Schedule 1—

Repeal item 78.**Division 2—Amendment to Magistrates Ordinance (Cap. 227)**17. **Third Schedule amended (offences to which defendant may plead guilty by letter)**

Third Schedule—

Repeal paragraph 17.**Division 3—Amendments to Road Traffic Ordinance (Cap. 374)**18. **Section 132 amended (interpretation of Part 15)**Section 132, definition of *traffic provision*—**Repeal paragraph (g).**19. **Schedule 11 amended (offences specified for the purposes of section 72A)**

Schedule 11—

Repeal

“49A, 49D, 49G, 49J, 49K, 50, 54,”.

Division 4—Amendments to Road Traffic (Public Service Vehicles) Regulations (Cap. 374 sub. leg. D)

20. Schedule 5 amended (taxi fares)

- (1) Schedule 5, item 4(iii)—

Repeal

“or the Western Harbour Crossing”

Substitute

“, the Western Harbour Crossing or the Tai Lam Tunnel”.

- (2) Schedule 5, item 4(iii)—

Repeal

“or 3B”

Substitute

“, 3B or 3C”.

- (3) Schedule 5—

Repeal item 4(iii).

Division 5—Amendments to Road Traffic (Driving-offence Points) Ordinance (Cap. 375)

21. Schedule amended (offence)

- (1) The Schedule, after item 49, column 2—

Repeal

“Tai Lam Tunnel and Yuen Long Approach Road Bylaw (Cap. 474 sub. leg. C)”.

- (2) The Schedule—

Repeal items 49A, 49B, 49C, 49D, 49E, 49F, 49G, 49H, 49I, 49J and 49K.

- (3) The Schedule—

Repeal

“Tai Lam Tunnel and Yuen Long Approach Road Bylaw (Cap. 474 sub. leg. C) as it was in force immediately before 20 July 2012”.

- (4) The Schedule—

Repeal items 50, 51, 52 and 54.

Division 6—Amendment to Legislative Council Ordinance (Cap. 542)

22. Schedule 1A amended (composition of the transport functional constituency)

Schedule 1A—

Repeal item 124.

Division 7—Amendment to Chief Executive Election Ordinance (Cap. 569)

23. Schedule amended (Election Committee)

The Schedule, Annex 1—

Repeal item 103.

Division 8—Amendments to Resolution Made and Passed by Legislative Council under Section 72A(10) of Road Traffic Ordinance and Section 4(3) of Road Traffic (Driving-offence Points) Ordinance on 29 May 2013 (L.N. 100 of 2013)

24. Paragraph (b) amended

Paragraph (b)—

Repeal the semicolon

Substitute

“; and”.

25. Paragraph (c) amended

(1) Paragraph (c)—

Repeal

“subject to paragraph (d).”.

(2) Paragraph (c)—

Repeal

“; and”

Substitute a full stop.

26. Paragraph (d) repealed

Paragraph (d)—

Repeal the paragraph.

27. Schedule 1 amended (amendments to Road Traffic Ordinance)

Schedule 1, section 1—

Repeal subsections (11) and (13).

28. Schedule 2 amended (amendments to Road Traffic (Driving-offence Points) Ordinance)

Schedule 2, section 1—

Repeal subsections (20) and (21).

Explanatory Memorandum

The main object of this Bill is to amend the Road Tunnels (Government) Ordinance (Cap. 368) (*principal Ordinance*) and the Road Tunnels (Government) Regulations (Cap. 368 sub. leg. A) (*principal Regulations*) to—

- (a) extend their application to the Tai Lam Tunnel and repeal the Tai Lam Tunnel and Yuen Long Approach Road Ordinance (Cap. 474) and its subsidiary legislation;
- (b) provide for new tolls (including time-varying tolls for motor cycles, motor tricycles and private cars) in respect of the Tai Lam Tunnel on the takeover of the Tunnel by the Government; and
- (c) provide for transitional matters and make related amendments, as well as technical amendments relating to certain definitions.

Part 1—Preliminary

2. Clause 1 sets out the short title and provides for commencement.

Part 2—Amendments to Principal Ordinance

3. Clause 3 provides for the repeal of the Tai Lam Tunnel and Yuen Long Approach Road Ordinance (Cap. 474) and its subsidiary legislation.
4. Section 3(1) of the principal Ordinance provides that the principal Ordinance applies to the tunnels named in Schedule 1 to the principal Ordinance (*applicable tunnels*). Clause 4 amends that Schedule by adding to it the Tai Lam Tunnel.
5. Clause 5 adds a new Schedule 5 to the principal Ordinance to set out the relevant savings and transitional arrangements.

Part 3—Amendments to Principal Regulations

6. The principal Regulations provide for, among other things, the control and regulation of traffic in, and the tolls for, the applicable tunnels. Part 3 (clauses 6 to 15) amends the principal Regulations to—
 - (a) extend their application to the Tai Lam Tunnel;
 - (b) move the definition of *franchised bus* from regulation 11 to regulation 2, so that it applies across the principal Regulations; and
 - (c) provide for new tolls (including time-varying tolls for motor cycles, motor tricycles and private cars) in respect of the Tai Lam Tunnel.

Part 4—Related Amendments

7. Part 4 (clauses 16 to 28) contains related amendments to several enactments.

Toll Levels of Tai Lam Tunnel at Present and in Recent Years*
(only actual toll adjustments since 2015 are set out)

Vehicle Types	Since 22 February 2015		Since 1 January 2017		Since 1 January 2019		Since 18 July 2021		Since 18 September 2022		Since 8 October 2023	
	Statutory toll	Actual toll	Statutory toll	Actual toll	Statutory toll	Actual toll	Statutory toll	Actual toll	Statutory toll	Actual toll	Statutory toll	Actual toll
Motorcycles and motor tricycles	\$70	\$20	\$80	\$20	\$90	\$22	\$95	\$24	\$95	\$26	\$95	\$28
Private cars, electrically powered passenger vehicles and taxis	\$75	\$40	\$85	\$44	\$95	\$48	\$100	\$52	\$100	\$55	\$100	\$58
Light goods vehicles**	\$210	\$41	\$240	\$45	\$270	\$49	\$285	\$53	\$285	\$59	\$285	\$64
Medium goods vehicles	\$220	\$47	\$250	\$50	\$280	\$55	\$295	\$59	\$295	\$65	\$295	\$71
Heavy goods vehicles	\$240	\$52	\$270	\$55	\$300	\$60	\$315	\$65	\$315	\$73	\$315	\$79
Public and private light buses	\$210	\$100	\$240	\$100	\$270	\$100	\$285	\$109	\$285	\$117	\$285	\$126
Single-decked buses	\$210	\$120	\$240	\$130	\$270	\$143	\$285	\$155	\$285	\$167	\$285	\$180
Double-decked buses	\$225	\$140	\$255	\$153	\$285	\$168	\$300	\$183	\$300	\$197	\$300	\$213
Each additional axle in excess of two for goods vehicles	\$80	\$0	\$90	\$0	\$100	\$0	\$105	\$0	\$105	\$0	\$105	\$0

* The above does not include promotional offers provided by franchisee to individual vehicle types under specific conditions.

** References to goods vehicles in this Annex include relevant special purpose vehicles of permitted gross vehicle weights as specified in Schedule 1 to the TLT Ordinance.

**Proposed Tolls for Mondays to Saturdays (Excluding Public Holidays)
at Tai Lam Tunnel**

Time Slot	Time^{II}	Motor Cycles [A]	Private Cars [B]	Taxis [C]	Vehicles other than [A], [B] and [C]
Off-peak (a.m.)	00:00 - 07:15	\$7.2	\$18	\$28	\$43
Transitional (off-peak to peak) ^I	07:15 – 07:41	\$7.6~\$17.2	\$19~\$43		
Peak (a.m.)	07:41 – 09:45	\$18	\$45		
Transitional (peak to normal) ^I	09:45 – 09:59	\$17.2~\$12.4	\$43~\$31		
Normal	09:59 – 17:15	\$12	\$30		
Transitional (normal to peak) ^I	17:15 – 17:29	\$12.4~\$17.2	\$31~\$43		
Peak (p.m.)	17:29 – 19:00	\$18	\$45		
Transitional (peak to off-peak) ^I	19:00 – 19:26	\$17.2~\$7.6	\$43~\$19		
Off-peak (p.m.)	19:26 – 00:00	\$7.2	\$18		

- Notes:**
- I Gradual increments / decrements of a maximum of \$2 and \$0.8 in each 2-minute interval will be adopted for private cars and motor cycles respectively in all transitional time slots.
 - II The end time specified for each time slot refers to the time immediately before that end time.

**Proposed Tolls for Sundays and Public Holidays
at Tai Lam Tunnel**

Motor Cycles [A]	Private Cars [B]	Taxis [C]	Vehicles other than [A], [B] and [C]
\$7.2	\$18	\$28	\$43

Note: Fixed tolls for Sundays and Public Holidays

IMPLICATIONS OF THE PROPOSAL

Civil Service Implications

The takeover of the Tai Lam Tunnel (“TLT”) and Yuen Long Approach Road (“YLAR”) will generate additional workload for day-to-day monitoring work of the TLT and YLAR since the former would become a government tunnel whereas the latter would become a government expressway. Relevant Government departments will endeavour to absorb the additional workload through internal redeployment or duties reshuffling among existing manpower resources, and where necessary, seek extra manpower resources, with justifications in accordance with the established mechanism.

Economic Implications

2. The proposed toll cut upon the takeover should be conducive to diverting some of the traffic of Tuen Mun Road and Tolo Highway to the TLT, thus helping alleviate the traffic burden of the two roads and bring about saving of some travelling time for road commuters. The proposed reduction in the tolls for taxis and commercial vehicles would help improve the operating environment of the transport trades.

Financial Implications

TLT and YLAR takeover

3. In line with the arrangements of other government tunnels including the Western Harbour Crossing, the Government will engage a contractor for traffic management and routine servicing and maintenance of tunnel equipment, and remunerate the contractor a management fee. The estimated contract value for a three-year contract is about \$320 million. The management fee will be netted off from the toll revenue pursuant to sections 22A and 22B of the Road Tunnels (Government) Ordinance (Cap. 368).

4. The Transport Department (“TD”), Highways Department (“HyD”) and relevant departments are required to carry out civil and structural maintenance / upgrading works of the TLT and YLAR, for which the Management, Operation and Maintenance contractor will not be responsible, and other additional works arising from and after the takeover.

Based on the condition survey of the TLT completed in May 2024, the estimated annual recurrent cost for carrying out the civil and structural maintenance / upgrading works of the TLT and YLAR is about \$99.2 million per year. TD, HyD and the relevant departments will absorb the relevant recurrent cost.

5. Upon expiry of the franchise period, the assets of Route 3 (CPS) Company Limited (“the franchisee”) shall vest in the Government pursuant to section 53 of the Tai Lam Tunnel and Yuen Long Approach Road Ordinance (Cap. 474) and Clause 63 of the Project Agreement. No compensation shall be payable to the franchisee except for the reduced value of any machinery, equipment or plant forming part of the assets purchased within the five years immediately preceding the expiry of the franchise period as provided by section 55 of that Ordinance. The financial resources required for purchasing such machinery, equipment or plant under section 55 will be absorbed by TD.

Estimated toll revenue

6. The annual toll revenue of the TLT to be collected by the Government under the proposed toll plan is estimated to be \$720 million.

Sustainability Implications

7. The proposal will help improve the traffic conditions of Tuen Mun Road and Tolo Highway with economic implications set out in paragraph 2 above.