

(2) 根據第(1)款須撥入基金的款項，須在該款項所關乎的年度終結後的隨後的12月31日或之前撥入基金，或在考慮到工程項目協議的情況下屬適當的較後日期或之前撥入基金。

39. 實施預期的使用費增加

(1) 在符合本部及工程項目協議的規定下，公司可按照本部及工程項目協議，在專營期內，在每個指明日期實施使用費增加。

(2) 如公司在緊接有指明日期的年度之前的一個年度的實際淨收入，是少於該年度的其最高估計淨收入，則公司可以書面向局長申請，按適當的預期的使用費增加的款額增加使用費。

(3) 根據第(2)款提出的申請，須在根據第37(1)條呈交有關年度的實際淨收入報表時同時提出。

(4) 凡局長接獲根據第(3)款提出的申請，則除第(5)款另有規定外，局長須在可實施預期的使用費增加(如予以實施的話)的日期前21日或之前，通知公司——(由2002年第106號法律公告修訂)

- (a) 它可實施適當的使用費增加；或
- (b) 根據第43條從基金支付一筆款項予公司。

(5) 如公司根據本條提出申請，而局長對就該申請所關乎的年度而呈交的實際淨收入報表不感滿意，則——(由2002年第106號法律公告修訂)

- (a) 凡爭議中的實際淨收入的款額並不影響公司根據本部實施使用費增加的資格，則第(4)款須予適用；而
- (b) 在任何其他情況下，如依據第37(5)條所述的談判或依據該條將事宜交由獨立專家解決後——
 - (i) 局長與公司同意實際淨收入的款額令公司有資格根據本部增加使用費；或(視屬何情況而定)
 - (ii) 專家決定了實際淨收入的款額令公司有資格根據本部增加使用費，則局長須在可實施使用費增加的日期前21日或之前，通知公司它可實施使用費增加，或將會有一筆款項根據第43條從基金支付予公司。

(2) A payment due under subsection (1) shall be made not later than 31 December next following the end of the year to which the payment relates or such later date as may be appropriate having regard to the project agreement.

39. Giving effect to anticipated toll increases

(1) Subject to and in accordance with this Part and the project agreement, the Company may, during the franchise period, give effect to a toll increase on each specified date.

(2) If the Actual Net Revenue of the Company for the year immediately preceding the year in which a specified date occurs, is less than its Maximum Estimated Net Revenue for that year, the Company may apply in writing to the Secretary to increase the tolls by the amount of the appropriate anticipated toll increase.

(3) An application under subsection (2) shall be made at the same time the statement of Actual Net Revenue for the relevant year is submitted under section 37(1).

(4) Where the Secretary receives an application under subsection (3), he shall, subject to subsection (5), inform the Company, not later than 21 days before the day on which an anticipated toll increase, if given effect to, may take place either—

- (a) that it may give effect to the appropriate toll increase; or
- (b) that a payment shall be made under section 43 to the Company from the Fund.

(5) If the Secretary is not satisfied with the statement of Actual Net Revenue submitted for a year in respect of which an application under this section is made—

- (a) where the amount of the Actual Net Revenue in dispute does not affect the eligibility of the Company to give effect to a toll increase under this Part, subsection (4) shall apply; and
- (b) in any other case, if after negotiation or reference to an independent expert as described in section 37(5)—
 - (i) it is agreed that the amount of the Actual Net Revenue; or
 - (ii) the decision of the expert as regards the amount of the Actual Net Revenue,

as the case may be, is such as to render the Company eligible for a toll increase under this Part, the Secretary shall inform the Company not later than 21 days before the day on which the toll increase may be given effect to, that the Company may give effect to a toll increase or that a payment shall be made under section 43 to the Company from the Fund.

(6) 就第 (5)(b) 款而言，可實施使用費增加的日期為在——

(a) 局長與公司就實際淨收入報表透過談判達成協議後；或（視何者適當而定）

(b) 專家就該報表作出決定後，

根據工程項目協議條款可實施使用費增加（如可實施的話）的日期。

（由 1997 年第 362 號法律公告修訂；由 2002 年第 106 號法律公告修訂）

40. 提前實施使用費增加

(1) 如公司在任何年度的實際淨收入，少於該年度的最低估計淨收入，而該年度又並非緊接有指明日期的年度之前的一個年度，則公司向局長申請實施下一次的預期使用費增加。（由 1997 年第 362 號法律公告修訂；由 2002 年第 106 號法律公告修訂）

(2) 第 39(3)、(4)、(5) 及 (6) 條就根據第 (1) 款提出的申請而適用。

(3) 根據第 (1) 款能實施使用費增加的日期，是公司根據第 (1) 款所提出的申請所關乎的年度隨後的 1 月 1 日。

41. 延遲實施使用費增加

(1) 在任何緊接有指明日期的年度之前的一個年度內，如公司的實際淨收入相等於或超過該年度的最高估計淨收入，則如沒有本款的規定公司本可在該指明日期實施的預期的使用費增加，須延遲至該指明日期 12 個月後的日期（“延遲日期”）始實施。

(2) 凡根據第 (1) 款延遲實施預期的使用費增加，而公司在緊接有延遲日期的年度之前的一個年度的實際淨收入——

(a) 少於該年度的最高估計淨收入，則公司可在延遲日期實施該使用費增加；或

(b) 相等於或超過該年度的最高估計淨收入，則該延遲實施的預期的使用費增加，須進一步延遲至延遲日期 12 個月後的日期（“再延遲日期”）始實施。

(6) For the purposes of subsection (5)(b), the date on which a toll increase may be given effect to is the date on which under the terms of the project agreement, a toll increase, if any, may be given effect to after—

(a) an agreement is reached as regards a statement of Actual Net Revenue by negotiation between the Secretary and the Company; or

(b) a determination is made by an expert as regards such a statement, as may be appropriate.

40. Advancement of toll increases

(1) If the Actual Net Revenue of the Company for any year is less than the Minimum Estimated Net Revenue for that year, and that year is not a year immediately preceding a year in which a specified date occurs, the Company may apply to the Secretary to give effect to the next anticipated toll increase.

(2) Section 39(3), (4), (5) and (6) shall apply in relation to an application under subsection (1).

(3) The date on which a toll increase under subsection (1) can be given effect to is 1 January next following the year in respect of which the Company makes the application under subsection (1).

41. Deferment of toll increases

(1) If in any year, being a year immediately preceding a year in which a specified date occurs, the Actual Net Revenue of the Company is equal to or exceeds the Maximum Estimated Net Revenue for that year, any anticipated toll increase which it could have given effect to on such specified date if not for this subsection shall be deferred to the date (“deferred date”) occurring 12 months from the specified date.

(2) Where an anticipated toll increase is deferred under subsection (1) and the Actual Net Revenue of the Company for the year immediately preceding the year in which the deferred date occurs is—

(a) less than the Maximum Estimated Net Revenue for that year, the Company may give effect to the toll increase on the deferred date; or

(b) equal to or exceeds the Maximum Estimated Net Revenue for that year, the deferred anticipated toll increase shall be further deferred to the date (“further deferred date”) occurring 12 months from the deferred date.

(b) 公司在該年度的實際淨收入是少於其最低估計淨收入的。

(7) 凡委員會已根據第(6)款支付款項，公司即不得就該年度根據第40(1)條提前實施預期的使用費增加，或(在適當的情況下)根據第42條實施額外的使用費增加。

(8) 根據第(5)或(6)款支付的款項，須在如沒有該款的規定本可實施預期的使用費增加或額外的使用費增加(視屬何情況而定)的日期或之前支付，或在考慮到工程項目協議後屬適當的較後日期或之前支付。

(9) 如公司欲實施其可根據第41(2)(a)或(3)(a)條或第(4)(a)款實施的使用費增加，它須以書面向局長申請增加使用費。(由1997年第362號法律公告修訂；由2002年第106號法律公告修訂)

(10) 第39(3)、(4)、(5)及(6)條就根據第(9)款提出的申請而適用。

44. 使用費增加程序及加幅

(1) 凡公司依據本部可實施使用費增加，則除第(2)款另有規定外，公司自以下日期(視個別情況而定)起——

- (a) 指明日期；或
- (b) 第40(3)或42(3)條所提述的日期；或
- (c) 依據第41或43條可實施經延遲、進一步延遲實施或再進一步延遲實施的預期的使用費增加的日期；或
- (d) 在考慮到第39(6)條或第(4)款後屬適當的日期，

可——

- (i) 增加各項使用費，而加幅不得超過第(5)款提述的款額；或
- (ii) 不增加任何使用費；或
- (iii) 就某類別的車輛增加使用費，而加幅不得超過第(5)款提述的款額。

(2) 公司可將它根據本部可實施的使用費增加，延遲至公司與局長協定的日期始實施。

(3) 凡公司選擇不增加任何使用費，或選擇增加任何使用費，但加幅低於第(5)款提述的款額，則公司須將該項選擇通知局長，而公司此舉須當作為已放棄實施有關的使用費增加的權利，或當作已放棄收取它沒有增加的使用費增加款額的權利(視屬何情況而定)。

(b) for which the Actual Net Revenue of the Company is less than its Minimum Estimated Net Revenue, an amount equal to the difference between the Actual Net Revenue and the Minimum Estimated Net Revenue for that year.

(7) Where a payment is made under subsection (6), the Company shall not, in respect of that year, advance an anticipated toll increase under section 40(1) or where applicable give effect to an additional toll increase under section 42.

(8) Any payment under subsection (5) or (6) shall be made not later than the date on which the anticipated toll increase or the additional toll increase, as the case may be, could have been given effect to if not for those subsections or such later date as may be appropriate having regard to the project agreement.

(9) Where the Company wishes to give effect to a toll increase to which it may give effect under section 41(2)(a) or (3)(a) or subsection (4)(a), it shall apply in writing to the Secretary to increase the tolls.

(10) Section 39(3), (4), (5) and (6) shall apply in relation to an application under subsection (9).

44. Procedure for and amount of toll increase

(1) Where the Company may give effect to a toll increase pursuant to this Part, the Company may, subject to subsection (2), with effect from——

- (a) the specified date; or
- (b) the date referred to in section 40(3) or 42(3); or
- (c) the date on which a deferred, further deferred or still further deferred anticipated toll increase may be given effect to pursuant to section 41 or 43; or
- (d) the appropriate date having regard to section 39(6) or subsection (4),

as may be applicable in the particular case——

- (i) increase each toll by an amount not exceeding that referred to in subsection (5); or
- (ii) not increase any toll; or
- (iii) increase the toll in respect of vehicles of certain categories by an amount not exceeding that referred to in subsection (5).

(2) The Company may defer the coming into effect of a toll increase to which it may give effect under this Part to such date as may be agreed between the Company and the Secretary.

(3) Where the Company elects not to increase any toll or to increase any toll by an amount less than the amount referred to in subsection (5), it shall notify the Secretary and thereupon shall be deemed to have forfeited any right as regards giving effect to the relevant toll increase, or the amount of such toll increase to which it has not given effect, as the case may be.

(4) 即使——

- (a) 第 40(3) 條；或
- (b) 第 41 或 43 條；或
- (c) 第 42(3) 條，

就提前、延遲、進一步延遲或再進一步延遲實施使用費增加的實施日期已有相反規定，或就額外使用費增加的實施日期已有相反規定（視屬何情況而定），但倘若局長對有關年度的實際淨收入報表不感滿意，而爭議中的實際淨收入的款額，對公司實施使用費增加的資格是有影響的，則可實施該使用費增加的日期須按第 39(6) 條所指明者作決定。

(5) 公司根據本部可就附表 2 第 2 欄所描述汽車實施的使用費增加的加幅，須為在該附表第 3 欄中相對於該汽車的描述處指明的款額。

(由 1997 年第 362 號法律公告修訂；由 2002 年第 106 號法律公告修訂)

45. 附表 1 的修訂

- (1) 凡按照本部及工程項目協議增加使用費，運輸署署長須藉在憲報刊登的公告，將附表 1 修訂以更改有關的使用費，而該項修訂須自實施加費的日期起生效。
- (2) 為免生疑問，現聲明公司不得在同一年度內實施超過一次的使用費增加。
- (3) 《釋義及通則條例》(第 1 章) 第 34 條不適用於根據第 (1) 款刊登的公告。

第 XI 部

交通罪行：補充條文

46. 提供有關駕車資料的義務

(1) 在不損害《道路交通條例》(第 374 章) 第 63 條的原則下，凡汽車的駕駛人被懷疑在收費區內犯了根據第 26 條訂立的附例所訂的罪行，以下條文適用——

- (a) 如收費區管理人員有理由相信任何人(包括該車輛的登記車主，以及被懷疑在該指稱的罪行發生時是該車輛的駕駛人)能夠提供關於該事件的

(4) Notwithstanding anything to the contrary—

- (a) in section 40(3); or
- (b) in section 41 or 43; or
- (c) in section 42(3),

as regards the date on which a toll increase which has been advanced, deferred, further deferred or still further deferred or on which an additional toll increase, as the case may be, may be given effect to, where the Secretary is not satisfied with the statement of Actual Net Revenue for the relevant year, and the amount of the Actual Net Revenue in dispute affects the eligibility of the Company to give effect to a toll increase, the date on which the toll increase may be given effect to shall be determined as specified in section 39(6).

(5) The amount of the toll increase to which the Company may give effect under this Part, in respect of a vehicle described in column 2 of Schedule 2 shall be the amount specified in column 3 of that Schedule, opposite the description of such motor vehicle.

45. Amendment of Schedule 1

(1) Where a toll is increased in accordance with this Part and the project agreement, the Commissioner shall by notice published in the Gazette amend Schedule 1, with effect from the date on which the increase comes into effect, to vary the relevant toll.

(2) For the avoidance of doubt it is declared that the Company shall not give effect to more than 1 increase in the tolls in 1 year.

(3) Section 34 of the Interpretation and General Clauses Ordinance (Cap. 1) shall not apply in respect of a notice under subsection (1).

PART XI

TRAFFIC OFFENCES: SUPPLEMENTARY PROVISIONS

46. Obligation to give information relating to the driving of vehicles

(1) Without prejudice to section 63 of the Road Traffic Ordinance (Cap. 374), where the driver of a motor vehicle is suspected of having committed, in the toll area, an offence under a bylaw made under section 26, the following applies—

- (a) a toll area control officer may require any person (including the registered owner of the vehicle and the person suspected of being the driver of the vehicle at the time of the alleged offence), whom he has reason to believe is able to give information relevant to

附表 3

[第 36 條]

預期公司能實施使用費增加的日期

2003 年 1 月 1 日
2010 年 1 月 1 日
2017 年 1 月 1 日

附表 4

[第 36 條]

估計淨收入 (百萬元)

在下列年份的 7 月 31 日
終結的年度

	最低估計淨收入	最高估計淨收入
1999	45	202
2000	101	253
2001	149	339
2002	264	430
2003	479	774
2004	648	1,095
2005	762	1,285
2006	877	1,488
2007	1,236	1,602
2008	1,494	1,670
2009	1,605	1,819
2010	1,863	2,159
2011	2,066	2,344
2012	2,140	2,348
2013	2,129	2,551
2014	2,059	2,648
2015	1,988	2,571
2016	1,899	2,483
2017	2,040	2,439
2018	2,146	2,419
2019	2,068	2,348
2020	1,953	2,234
2021	1,856	2,125
2022	1,715	1,976
2023	1,625	1,895
2024	1,524	1,757
2025	929	1,098

註 1：凡解釋本附表中的“年度”，須參照本條例第 36 條的“年度”定義。
註 2：在第 1 欄最後的一項指明的期間，可按照工程項目協議更改。

SCHEDULE 3

[s. 36]

DATES ON WHICH THE COMPANY IS EXPECTED TO
BE ABLE TO EFFECT A TOLL INCREASE

1 January 2003
1 January 2010
1 January 2017

SCHEDULE 4

[s. 36]

ESTIMATED NET REVENUE (\$000,000's)

Year ending on 31 July in	Minimum Estimated Net Revenue	Maximum Estimated Net Revenue
1999	45	202
2000	101	253
2001	149	339
2002	264	430
2003	479	774
2004	648	1,095
2005	762	1,285
2006	877	1,488
2007	1,236	1,602
2008	1,494	1,670
2009	1,605	1,819
2010	1,863	2,159
2011	2,066	2,344
2012	2,140	2,348
2013	2,129	2,551
2014	2,059	2,648
2015	1,988	2,571
2016	1,899	2,483
2017	2,040	2,439
2018	2,146	2,419
2019	2,068	2,348
2020	1,953	2,234
2021	1,856	2,125
2022	1,715	1,976
2023	1,625	1,895
2024	1,524	1,757
2025	929	1,098

Note 1: In this Schedule “year” shall be construed with reference to the definition of “year” in section 36 of this Ordinance.

Note 2: The period specified in the last item of column 1 may be varied in accordance with the project agreement.