

- (a) 就其財務往來，備存妥善的帳目及紀錄；及
- (b) 於每個財政年度終結後，在切實可行範圍內盡快擬備帳目報表，帳目報表須——
- (i) 包括收支結算表及資產負債表；及
 - (ii) 由主席簽署。
- (2) 第(1)款所提述的帳目報表須由委員會所委任的核數師審計。
- (3) 該核數師可就該帳目報表擬備報告，如他這樣做的話，他須在該報告的規限下核證該報表。
- (4) 委員會須安排將經審計的帳目報表一份，連同根據第(3)款擬備的報告(如有的話)，以及委員會就在該報表所關乎的期間內基金的管理所擬備的報告一份，在財政年度終結後隨後的 12 月 31 日或之前，或在總督就個別情況所准許的較後日期或之前，提交立法局會議席上省覽。
- (5) 在本條中，“財政年度”(financial year)具有第 36 條給予“年度”的涵義。

35. 委員會的不再存在

- (1) 當公司的權利及義務根據第 53(1) 條終止時——
- (a) 除在實施 (b) 段的規定的所需範圍內，委員會及基金即不再存在；及
 - (b) 在上述權利及義務終止當日，委員會須將組成基金的款項撥入政府一般收入。
- (2) 當委員會及基金根據第(1)款不再存在時，本部及第 X 部關於委員會及基金的條文即失效。
- (3) 第(1)或(2)款的施行不得影響在上述委員會及基金不再存在前已作出的任何事情或已取得、產生或招致的任何權利、義務或法律責任，亦不得影響就該等權利、義務或法律責任而提起、持續進行或強制執行的任何法律程序、仲裁或補救。

第 X 部

帳目及使用費增加

36. 定義

- (1) 在本部中，除文意另有所指外——

- (a) keep proper accounts and records of its financial transactions; and
- (b) as soon as practicable after the expiry of a financial year prepare a statement of accounts which shall—
- (i) include an income and expenditure account and a balance sheet; and
 - (ii) be signed by the Chairman.
- (2) A statement of accounts referred to in subsection (1) shall be audited by an auditor appointed by the Committee.
- (3) The auditor may prepare a report on the statement of accounts and, if he does so, shall certify the statement subject to such report.
- (4) The Committee shall cause a copy of the audited statement of accounts, together with the report under subsection (3), if any, and a report by the Committee on the administration of the Fund during the period to which the statement relates, to be laid on the table of the Legislative Council not later than 31 December next following the end of the financial year or such later date as the Governor may allow in a particular case.
- (5) In this section “financial year” (財政年度) has the meaning assigned to “year” by section 36.

35. Cessation of Committee

- (1) Upon the cessation of the rights and obligations of the Company under section 53(1)—
- (a) the Committee and the Fund shall cease to exist, except to the extent of giving effect to paragraph (b); and
 - (b) the Committee shall pay into the general revenue the moneys constituting the Fund as at the date of such cessation.
- (2) Upon the Committee and the Fund ceasing to exist under subsection (1), the provisions of this Part and of Part X relating to the Committee or the Fund shall cease to have effect.
- (3) Subsection (1) or (2) shall not operate to affect anything done or any right, obligation or liability acquired, accrued or incurred before such cessation or the institution, continuance or enforcement of any legal proceeding, arbitration or remedy in respect of such right, obligation or liability.

PART X

ACCOUNTS AND TOLL INCREASES

36. Definitions

- (1) In this Part, unless the context otherwise requires—

“年度”(year)，除附表 4 註 2 另有規定外——

- (a) 如開始經營日期是在 1998 年或其後任何公曆年內的——
- (i) 8 月 1 日；或
 - (ii) 9 月 30 日；或
 - (iii) 8 月 1 日至 9 月 30 日之間的任何一日，指自該開始經營日期當日起至下一年的 7 月 31 日止的期間，以及自該下一年的 8 月 1 日起計的每段 12 個月的期間；
- (b) 如開始經營日期是在 1998 年 8 月 1 日之前，指自該開始經營日期當日或 1998 年 6 月 1 日(以較遲者為準)起至 1999 年 7 月 31 日止的期間，以及自其後的 8 月 1 日起計的每段 12 個月的期間；及
- (c) 如開始經營日期是在——
- (i) 1998 年或其後任何公曆年內的 9 月 30 日之後；或
 - (ii) 1999 年或其後任何公曆年內的 8 月 1 日之前，指自該開始經營日期隨後的 8 月 1 日起計的 12 個月期間，以及自其後的 8 月 1 日起計的每段 12 個月的期間；

“指明日期”(specified date) 指附表 3 指明的日期；

“最低估計淨收入”(Minimum Estimated Net Revenue) 就任何一個年度而言——

- (a) 指在附表 4 第 2 欄指明的該年度的最低估計淨收入的款額；或
- (b) 凡任何該等款額依據工程項目協議予以調整，指經如此調整的款額；

“最高估計淨收入”(Maximum Estimated Net Revenue) 就任何一個年度而言——

- (a) 指在附表 4 第 3 欄指明的該年度的最高估計淨收入的款額；或
- (b) 凡任何該等款額依據工程項目協議予以調整，指經如此調整的款額；

“預期的使用費增加”(anticipated toll increase) 即公司預期它有資格依據第 39(1) 條實施的使用費增加；

“實際淨收入”(Actual Net Revenue) 就任何一個年度而言，指公司在該年度從任何來源得到的以累算基準按照公司的正常會計原則而計算的總收入(利息入息及在就開始建造日期後但在開始經營日期當日或之前發生或出現的任何作為、事件、不作為或情況而收取的任何資本性質的收入或其他收益，則不計算在內)，減去——

- (a) 利息開支；及
- (b) 該年度的經營成本，

“Actual Net Revenue”(實際淨收入) means, in relation to any year, the gross revenue from whatever source of the Company for that year (other than any revenue or other receipt of a capital nature received in respect of any act, event, omission or circumstance which occurred after the start of construction but on or before the operating date and interest income) calculated on an accruals basis in accordance with the Company's normal accounting principles less—

- (a) interest expense; and
- (b) operating costs for that year,

all as calculated and adjusted (if appropriate) in accordance with the provisions in the project agreement for the computation of net revenue;

“anticipated toll increase”(預期的使用費增加) is a toll increase which the Company expects to be eligible to give effect to pursuant to section 39(1);

“Maximum Estimated Net Revenue”(最高估計淨收入) means, in relation to any year—

- (a) the amount specified in column 3 of Schedule 4 as the Maximum Estimated Net Revenue for that year; or
- (b) where pursuant to the project agreement any such amount is adjusted, the amount as so adjusted;

“Minimum Estimated Net Revenue”(最低估計淨收入) means, in relation to any year—

- (a) the amount specified in column 2 of Schedule 4 as the Minimum Estimated Net Revenue for that year; or
- (b) where pursuant to the project agreement any such amount is adjusted, the amount as so adjusted;

“specified date”(指明日期) means a date specified in Schedule 3;

“year”(年度) means, subject to Note 2 of Schedule 4—

- (a) if the operating date is—
 - (i) 1 August; or
 - (ii) 30 September; or
 - (iii) a date between 1 August and 30 September, in 1998 or any subsequent calendar year, the period beginning on such operating date and ending on 31 July next following and each period of 12 months beginning on 1 August thereafter;
- (b) if the operating date is before 1 August 1998, the period beginning on such operating date or 1 June 1998, whichever is later, and ending on 31 July 1999 and each period of 12 months beginning on 1 August thereafter; and
- (c) if the operating date is—
 - (i) after 30 September in 1998 or any subsequent calendar year;
 - or
 - (ii) before 1 August in 1999 or any subsequent calendar year,

全部按照工程項目協議中計算淨收入的條文而計算及調整(如適當的話)。

(2) 在實際淨收入的定義中，“利息入息”(interest income)、“利息開支”(interest expense)及“經營成本”(operating costs)具有工程項目協議所分別給予“interest income”、“interest expense”及“operating costs”的涵義。

37. 呈交實際淨收入報表

(1) 公司須在每個年度終結後的 30 日內，或在局長在個別情況下容許的較長期間內，向局長呈交該年度經公司所委任的核數師審計的公司實際淨收入報表。

(2) 局長須在下列期間內，通知公司他是否對根據第(1)款呈交的實際淨收入報表感到滿意——(由 2002 年第 106 號法律公告修訂)

(a) 每個年度終結後的 90 日；或

(b) 自接獲根據第(1)款呈交的實際淨收入報表當日起計的 60 日，

兩者以較遲者為準。

(3) 局長須為施行第(2)款，按照工程項目協議的有關條文，就該實際淨收入報表作出決定。

(4) 局長在接獲該實際淨收入報表後，可要求公司提交與該報表有關的進一步資料，而公司須在切實可行範圍內盡快遵從該要求。

(5) 如局長根據第(2)款通知公司他對該實際淨收入報表不感滿意，而局長及公司亦未能就該報表透過按照工程項目協議的條款進行的談判達成協議，則該事宜須交由為此目的按照工程項目協議委任的獨立專家解決，而該專家就該實際淨收入報表所關乎的事宜作出的決定即為最終決定。

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

38. 撥入基金的款項

(1) 如公司在任何一個年度的實際淨收入超過該年度的最高估計淨收入，則公司須將實際淨收入及最高估計淨收入的差額撥入基金。

the period of 12 months beginning on 1 August next following such operating date and each period of 12 months beginning on 1 August thereafter.

(2) In the definition of Actual Net Revenue, “interest income” (利息入息), “interest expense” (利息開支) and “operating costs” (經營成本) have the meanings respectively assigned to them in the project agreement.

37. Submission of statement of Actual Net Revenue

(1) Not later than 30 days after the end of a year or such longer period as the Secretary may allow in a particular case, the Company shall submit to the Secretary a statement of its Actual Net Revenue for that year audited by an auditor appointed by the Company.

(2) Not later than—

(a) 90 days after the end of each year; or

(b) 60 days beginning on the date a statement of Actual Net Revenue is received under subsection (1),

whichever is later, the Secretary shall inform the Company whether or not he is satisfied with the statement of Actual Net Revenue.

(3) The Secretary shall make a decision in respect of the statement of Actual Net Revenue for the purposes of subsection (2) in accordance with the relevant provisions in the project agreement.

(4) The Secretary may, after the receipt of the statement of Actual Net Revenue, require from the Company further information relating to the statement and the Company shall comply with any such requirement as soon as practicable.

(5) If the Secretary informs the Company under subsection (2) that he is not satisfied with the statement of Actual Net Revenue, and an agreement cannot be reached as to the statement by negotiation between the Secretary and the Company in accordance with the terms of the project agreement, the matter shall be referred for resolution to an independent expert appointed for the purpose in accordance with the project agreement, and the decision of such expert shall be final as regards any matter relating to the statement of Actual Net Revenue.

38. Payments into the Fund

(1) If the Actual Net Revenue of the Company for any year exceeds the Maximum Estimated Net Revenue for that year, the Company shall pay into the Fund the difference between the Actual Net Revenue and the Maximum Estimated Net Revenue.

(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，則公司可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. Deferral 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.

(3) 凡預期的使用費增加根據第(2)(b)款進一步延遲實施，或根據本款再進一步延遲實施，而在緊接有再延遲日期或預期的使用費增加再進一步延遲的實施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，則公司可在該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，須再進一步延遲至以下日期始實施——
 - (i) 再延遲日期 12 個月後的日期；或
 - (ii) 根據本款再進一步延遲的實施日期 12 個月後的日期，視屬何情況而定。

(4) 公司在實施根據本條延遲實施的使用費增加方面的權利，須受第 43 條的條文規限。

(5) 凡公司根據本條可在指明日期實施根據本條延遲實施的使用費增加，而如無本款的規定，公司本可同時在該指明日期實施有關的預期的使用費增加的，則該預期的使用費增加須延遲至該指明日期 12 個月後的日期始實施，而第(2)、(3)及(4)款則就該延遲實施的使用費增加而適用。

42. 實施額外的使用費增加

(1) 凡公司已依據第 39(1) 或 40(1) 條實施所有預期的使用費增加，但公司在專營期屆滿前任何年度的實際淨收入，少於該年度的其最低估計淨收入，則公司向局長申請實施額外的使用費增加。(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)款申請的使用費增加，如獲准實施，可在該申請所關乎的年度終結後隨後的 1 月 1 日實施。

43. 從基金支付款項

(1) 委員會可就緊接有下列日期的年度之前的一個年度——

- (a) 指明日期；或

(3) Where an anticipated toll increase is further deferred under subsection (2)(b) or still further deferred under this subsection, and the Actual Net Revenue for the year immediately preceding the year in which the further deferred date or the date to which the anticipated toll increase is still further deferred occurs is—

- (a) less than the Maximum Estimated Net Revenue for that year, the Company may give effect to the toll increase on that date; or
- (b) equal to or exceeds the Maximum Estimated Net Revenue for that year, the deferred anticipated toll increase shall be still further deferred to the date occurring 12 months from—
 - (i) the further deferred date; or
 - (ii) the date to which it is still further deferred under this subsection, as the case may be.

(4) Any entitlement of the Company to give effect to a toll increase deferred under this section is subject to the provisions of section 43.

(5) Where the Company may give effect under this section to a toll increase deferred under this section on a specified date on which the Company may, if not for this subsection, also give effect to the relevant anticipated toll increase, the anticipated toll increase shall be deferred to the date occurring 12 months from the specified date and subsections (2), (3) and (4) shall apply in respect of such deferred toll increase.

42. Creation of additional toll increases

(1) Where the Company has given effect to all the anticipated toll increases pursuant to section 39(1) or 40(1) and the Actual Net Revenue of the Company for any year occurring before the expiry of the franchise period is less than its Minimum Estimated Net Revenue for that year, the Company may apply to the Secretary to give effect to an additional 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 applied for under subsection (1), if permitted, may be given effect to is 1 January next following the year in respect of which the application is made.

43. Payments from the Fund

(1) The Committee may pay from the Fund to the Company, in respect of a year immediately preceding a year in which—

- (a) a specified date; or

(b) 使用費增加根據第 41(1)、(2) 或 (3) 條延遲的實施日期 (“延遲日期”) 或進一步延遲的實施日期 (“再延遲日期”) 或再進一步延遲的實施日期，從基金支付一筆款項予公司，其款額相等於有關年度的實際淨收入與最高估計淨收入的差額。

(2) 如——

(a) 根據第 (1)(a) 款支付款項，則該款項須在有關的指明日期或之前支付；及

(b) 根據第 (1)(b) 款支付款項，則該款項須在延遲日期或之前支付，或在再延遲日期或之前支付，或在預期的使用費增加再進一步延遲的實施日期或之前支付 (視屬何情況而定)，

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。

(3) 凡委員會已根據第 (1) 款支付款項，公司即不得實施如沒有該款項它本可實施的使用費增加，而該使用費增加，則須延遲至指明日期、延遲日期或再延遲日期或預期的使用費增加再進一步延遲的實施日期 (視屬何情況而定) 12 個月後的日期始實施。

(4) 凡根據第 (3) 款延遲實施或根據本款或第 (5) 款進一步延遲實施或再進一步延遲實施使用費增加，而公司在緊接有預期的使用費增加延遲、進一步延遲或再進一步延遲的實施日期 (視屬何情況而定) 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，則公司可實施使用費增加；或

(b) 相等於或超過該年度的最高估計淨收入，則該使用費增加須延遲至如沒有本段的規定本可實施該使用費增加的日期隨後的 1 月 1 日始實施。

(5) 凡公司可就任何年度根據第 (4)(a) 款實施使用費增加，委員會可將該年度的實際淨收入與最高估計淨收入的差額從基金支付予公司，而如沒有本款的規定公司本可實施的使用費增加，則須延遲至隨後的 1 月 1 日始實施。

(6) 委員會可就下列任何年度從基金支付一筆款項予公司，其款額相等於該年度的實際淨收入與其最低估計淨收入的差額——

(a) 並非緊接有下列日期的年度之前的一個年度——

(i) 指明日期；或

(ii) 由於第 41 條或本條而有的延遲日期或再延遲日期或預期的使用費增加延遲、進一步延遲或再進一步延遲的實施日期；而

(b) a date to which a toll increase is deferred (“deferred date”) or further deferred (“further deferred date”) or still further deferred under section 41(1), (2) or (3), occurs, an amount equal to the difference between its Actual Net Revenue and the Maximum Estimated Net Revenue for the year concerned.

(2) A payment, if any, under—

(a) subsection (1)(a) shall be made not later than the relevant specified date; and

(b) subsection (1)(b) shall be made not later than the deferred date or further deferred date or the date to which the anticipated toll increase is still further deferred, as the case may be,

or such later date as may be appropriate having regard to the project agreement.

(3) Where a payment is made under subsection (1), the Company shall not give effect to the toll increase which it could have otherwise given effect to and the toll increase shall be deferred to the date occurring 12 months from the specified date, the deferred date or the further deferred date or the date to which the anticipated toll increase is still further deferred, as the case may be.

(4) Where a toll increase is deferred under subsection (3) or is further deferred or still further deferred under this subsection or subsection (5) and the Actual Net Revenue of the Company for the year immediately preceding the year in which the date to which the anticipated toll increase is deferred, further deferred or still further deferred, as the case may be, occurs is—

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

(b) equal to or exceeds the Maximum Estimated Net Revenue for that year, the toll increase shall be deferred to 1 January next following the date on which it could have been given effect to if not for this paragraph.

(5) Where the Company may give effect to a toll increase under subsection (4)(a) in respect of any year, the Committee may pay to the Company from the Fund the difference between the Actual Net Revenue and the Maximum Estimated Net Revenue for that year and the toll increase which it could have given effect to if not for this subsection shall be deferred to 1 January next following.

(6) The Committee may pay to the Company from the Fund in respect of any year—

(a) which is not a year immediately preceding a year in which—

(i) a specified date occurs; or

(ii) a deferred date or a further deferred date or a date to which the anticipated toll increase is deferred, further deferred or still further deferred occurs as a result of section 41 or this section; and

(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

分類	車輛	使用費 \$	Category	Vehicle	Toll \$
4.	(a) 許可車輛總重不超過 5.5 噸的輕型貨車及特別用途車輛	75	4.	(a) Light goods vehicles and special purpose vehicles of a permitted gross vehicle weight not exceeding 5.5 tonnes	75
	(b) (a) 段所指明的車輛，如是超過 2 條車軸的，每條額外車軸	35		(b) In a vehicle specified in paragraph (a), each additional axle in excess of 2	35
5.	(a) 許可車輛總重在 5.5 噸以上但不超過 24 噸的中型貨車及特別用途車輛	85	5.	(a) Medium goods vehicles and special purpose vehicles of a permitted gross vehicle weight exceeding 5.5 tonnes but not exceeding 24 tonnes	85
	(b) (a) 段所指明的車輛，如是超過 2 條車軸的，每條額外車軸	35		(b) In a vehicle specified in paragraph (a), each additional axle in excess of 2	35
6.	(a) 許可車輛總重超過 24 噸的重型貨車及特別用途車輛	105	6.	(a) Heavy goods vehicles and special purpose vehicles of a permitted gross vehicle weight exceeding 24 tonnes	105
	(b) (a) 段所指明的車輛，如是超過 2 條車軸的，每條額外車軸	35		(b) In a vehicle specified in paragraph (a), each additional axle in excess of 2	35
7.	公共及私家單層巴士	75	7.	Public and private single-decked buses	75
8.	公共及私家雙層巴士	90	8.	Public and private double-decked buses	90
		(附表 1 由 2005 年第 95 號法律公告代替)	(Schedule 1 replaced L.N. 95 of 2005)		

附表 2

[第 28 及 44 條]

大欖隧道及元朗引道使用費的加幅

SCHEDULE 2

[ss. 28 & 44]

INCREASES IN TAI LAM TUNNEL AND YUEN LONG APPROACH ROAD TOLLS

分類	車輛	加幅 \$	Category	Vehicle	Increase \$
1.	電單車、機動三輪車	5	1.	Motorcycles, motor tricycles	5
2.	私家車、電動載客車輛、的士	5	2.	Private cars, electrically powered passenger vehicles, taxis	5
3.	公共及私家小型巴士	15	3.	Public and private light buses	15
4.	(a) 許可車輛總重不超過 5.5 噸的輕型貨車及特別用途車輛	15	4.	(a) Light goods vehicles and special purpose vehicles of a permitted gross vehicle weight not exceeding 5.5 tonnes	15
	(b) (a) 段所指明的車輛，如是超過 2 條車軸的，每條額外車軸	5		(b) In a vehicle specified in paragraph (a), each additional axle in excess of 2	5

分類	車輛	加幅 \$
5.	(a) 許可車輛總重在 5.5 噸以上但不超逾 24 噸的中型貨車及特別用途車輛	15
	(b) (a) 段所指明的車輛，如是超過 2 條車軸的，每條額外車軸	5
6.	(a) 許可車輛總重超逾 24 噸的重型貨車及特別用途車輛	15
	(b) (a) 段所指明的車輛，如是超過 2 條車軸的，每條額外車軸	5
7.	公共及私家單層巴士	15
8.	公共及私家雙層巴士	15

Category	Vehicle	Increase \$
5.	(a) Medium goods vehicles and special purpose vehicles of a permitted gross vehicle weight exceeding 5.5 tonnes but not exceeding 24 tonnes	15
	(b) In a vehicle specified in paragraph (a), each additional axle in excess of 2	5
6.	(a) Heavy goods vehicles and special purpose vehicles of a permitted gross vehicle weight exceeding 24 tonnes	15
	(b) In a vehicle specified in paragraph (a), each additional axle in excess of 2	5
7.	Public and private single-decked buses	15
8.	Public and private double-decked buses	15

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

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

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

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

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
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。

Year ending on 31 July in	Minimum Estimated Net Revenue	Maximum Estimated Net Revenue
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.