

立法會
Legislative Council

LC Paper No. LS27/08-09

**Paper for the House Committee Meeting
on 2 January 2009**

**Legal Service Division Report on
Subsidiary Legislation Gazetted on 24 December 2008**

**LEGAL NOTICE NOT REQUIRED TO BE TABLED AND NOT SUBJECT TO
AMENDMENT**

**Tai Lam Tunnel and Yuen Long Approach Road Ordinance (Cap. 474)
Tai Lam Tunnel and Yuen Long Approach Road Ordinance (Amendment of
Schedule 1) Notice 2008 (L.N. 284)**

The Tai Lam Tunnel and Yuen Long Approach Road Ordinance (Cap. 474) ("the Ordinance") provides for a specified toll adjustment mechanism in respect of the Tai Lam Tunnel and Yuen Long Approach Road. Under section 39(1) of the Ordinance, the franchisee (Route 3 (CPS) Company Limited) may give effect to toll increases on each of the three specified dates (i.e. 1 January 2003, 2010 and 2017) referred to in Schedule 3 to the Ordinance. However, if the franchisee's actual net revenue ("ANR") for any year, which is not a year ending immediately before a specified date, is less than the minimum estimated net revenue ("MENR") for that year as specified in Schedule 4 to the Ordinance, the franchisee may advance an anticipated toll increase under section 40(1). Where the franchisee has effected all the anticipated toll increases pursuant to sections 39(1) and 40(1) and its ANR for any year occurring before the expiry of the franchise period is less than its MENR for that year, the franchisee may apply to the Secretary for Transport and Housing under section 42 of the Ordinance to give effect to an additional toll increase.

2. Schedule 1 to the Ordinance specifies the Tai Lam Tunnel and Yuen Long Approach Road Tolls. Under section 45(1), where a toll is increased, the Commissioner for Transport shall by notice published in the Gazette amend Schedule 1. Section 45(3) provides that section 34 of the Interpretation and General Clauses Ordinance (Cap. 1) shall not apply in respect of such notice. Accordingly, the notice is not required to be tabled before the Legislative Council and is not subject to amendment by the Legislative Council.

3. This Notice replaces Schedule 1 to the Ordinance with a new Schedule 1 to reflect the increase of tolls effected under section 42 of the Ordinance. The amounts of increase are in accordance with the maximum amounts permitted under

Schedule 2 to the Ordinance. The Notice has come into operation on 28 December 2008. The last statutory toll increase came into effect on 19 August 2007 (L.N. 170 of 2007).

4. A comparison of the statutory tolls before the increase effected by this Notice and with effect from 28 December 2008 is as follows:

Tai Lam Tunnel and Yuen Long Approach Road Tolls

Category	Vehicle	Toll (\$) before increase	Toll (\$) (as from 28 December 2008)
1.	Motorcycles, motor tricycles	35	40
2.	Private cars, electrically powered passenger vehicles, taxis	40	45
3.	Public and private light buses	105	120
4.	(a) Light goods vehicles and special purpose vehicles of a permitted gross vehicle weight not exceeding 5.5 tonnes	105	120
	(b) In a vehicle specified in paragraph (a), each additional axle in excess of 2	45	50
5.	(a) Medium goods vehicles and special purpose vehicles of a permitted gross vehicle weight exceeding 5.5 tonnes but not exceeding 24 tonnes	115	130
	(b) In a vehicle specified in paragraph (a), each additional axle in excess of 2	45	50
6.	(a) Heavy goods vehicles and special purpose vehicles of a permitted gross vehicle weight exceeding 24 tonnes	135	150
	(b) In a vehicle specified in paragraph (a), each additional axle in excess of 2	45	50
7.	Public and private single-decked buses	105	120
8.	Public and private double-decked buses	120	135

5. The Transport and Housing Bureau has provided background information about this Notice in an information paper to the Panel on Transport in December 2008 (LC Paper No. CB(1)483/08-09(01)). According to the information paper, while the franchisee will continue to offer concessions for all types of vehicles despite the statutory toll increase, the concessions will be reduced with the result that the actual tolls charged by the franchisee in respect of various types of vehicles will be increased starting from 28 December 2008. Details of the new concessionary tolls are set out in Annex B to the paper. The Notice has not been discussed by the Transport Panel.

6. The Administration has been informed of certain drafting issues relating to the Chinese text of the Notice and they have been asked to follow up those issues.

Prepared by

Fung Sau-kuen, Connie
Assistant Legal Adviser
Legislative Council Secretariat
31 December 2008

LS/S/12/08-09