

立法會

Legislative Council

LC Paper No. LS1/16-17

Paper for the House Committee Meeting on 14 October 2016

Legal Service Division Report on Subsidiary Legislation gazetted between 21 June and 30 September 2016

Purpose

The purposes of this paper are to present our reports on subsidiary legislation for Members' consideration, and to explain the Legislative Council ("LegCo")'s power to amend subsidiary legislation in accordance with the statutory framework provided by law.

Background

2. There are six items of subsidiary legislation currently submitted to Members. They are divided into two groups:

(a) Items subject to amendment by LegCo (**Appendix A**)

The two items of subsidiary legislation at Appendix A were tabled before the Fifth LegCo on 22 June 2016 and 6 July 2016 respectively. They are subject to section 34 of the Interpretation and General Clauses Ordinance (Cap. 1) which empowers LegCo to amend an item of subsidiary legislation in any manner consistent with the power to make such subsidiary legislation. Under section 34(2) and (3) of Cap. 1, the period during which amendment may be made to these items is deemed to extend to and expire on the day after the second meeting of the Sixth LegCo (i.e. 19 October 2016). This period could be further extended under section 34(4) of Cap. 1 by resolution of LegCo to the first meeting held not earlier than the 21st day after the second meeting of the Sixth LegCo (i.e. 9 November 2016).

(b) Items not subject to amendment by LegCo (Appendix B)

The four items of subsidiary legislation at Appendix B are not required to be tabled before LegCo and are not subject to amendment by LegCo, as the relevant Ordinances provide that section 34 of Cap. 1 does not apply to them.

3. The Legal Service Division ("LSD") has issued reports on subsidiary legislation gazetted between 21 June and 30 September 2016 to Members of the Fifth LegCo. Members may view the gazette version of these items at the following website: <http://www.gld.gov.hk/egazette/>. Where a LegCo Brief has been issued by the Administration on a particular item, the Brief is appended to the report on the relevant item. Members may wish to refer to the LegCo Brief for background information.

Items for particular attention

4. Members may wish to pay particular attention to the following items:

(a) Road Traffic (Public Light Buses: Limited on Number) Notice 2016 (L.N. 101)

L.N. 101 was made by the Chief Executive ("CE") in Council under section 23 of the Road Traffic Ordinance (Cap. 374) to limit the total number of vehicles which may be registered as public light buses ("PLBs") to 4 350. Such limit remains in force for 12 months beginning on 21 June 2016.

L.N. 101 also repealed the Public Light Buses (Limitation on Number) Notice (Cap. 374K), which set out the limit of 4 350 on the total number of PLBs. The limit had been extended from time to time through resolutions of LegCo, and it was last extended in 2011 for five years up to 20 June 2016.

The Secretary for Transport and Housing gave notice to move a motion at the LegCo meeting of 6 January 2016 to seek LegCo's approval to extend the period for which the limit would remain in force for five years up to 20 June 2021 ("the Proposed Resolution"). However, the Proposed Resolution was not dealt with by the Council before the expiry of the statutory limit on 20 June 2016. As the limit on the number of PLBs set out in Cap. 374K could not

be extended after it ceased to be in force after 20 June 2016, L.N. 101 was made to re-impose the same statutory limit on the number of PLBs which may be registered.

Members may refer to the LegCo Brief (File Ref.: THB(T) CR 19/5591/72) issued by the Transport and Housing Bureau on 21 June 2016 for further information on L.N. 101.

(b) United Nations Sanctions (Libya) Regulation 2011 (Amendment) Regulation 2016 (L.N. 111)

L.N. 111 was made by CE under section 3 of the United Nations Sanctions Ordinance (Cap. 537) on the instruction of the Ministry of Foreign Affairs of the People's Republic of China and after consultation with the Executive Council. L.N. 111 amended the United Nations Sanctions (Libya) Regulation 2011 (Cap. 537AW) to give effect to Resolution 2278 (2016) adopted by the Security Council of the United Nations on 31 March 2016 to impose various sanctions against Libya.

L.N. 111 came into operation when it was published in the Gazette on 30 June 2016. Members may refer to the LegCo Brief (File Ref.: CITB CR 95/53/1) issued by the Commerce and Economic Development Bureau in June 2016 for further information.

Under section 3(5) of Cap. 537, sections 34 and 35 of Cap. 1 shall not apply to regulations made under section 3 of Cap. 537. Therefore, L.N. 111 is not required to be tabled before LegCo and is not subject to amendment by LegCo.

In the Fifth LegCo, regulations made under Cap. 537 were considered by the Subcommittee to Examine the Implementation in Hong Kong of Resolutions of the United Nations Security Council in relation to Sanctions ("the Subcommittee"), which was established under the House Committee ("HC"). The Subcommittee submitted its report to HC of the Fifth LegCo for consideration at the HC meeting on 24 June 2016. Given that regulations made under section 3 of Cap. 537 would be submitted by the Government to LegCo from time to time, the Subcommittee recommended that a dedicated subcommittee should be set up under HC in the Sixth LegCo to deal with these regulations. At the meeting of HC of the Fifth LegCo held on 8 July 2016 where the LSD report on subsidiary legislation including L.N. 111 was

considered, Members agreed to defer to HC in the Sixth LegCo to decide how L.N. 111 should be dealt with. Members may wish to form a similar subcommittee and refer L.N. 111 to the subcommittee for consideration.

Concluding observations

5. No difficulties relating to the legal and drafting aspects of the subsidiary legislation covered by the respective reports have been identified.

Encls.

Prepared by

Legal Service Division
Legislative Council Secretariat
13 October 2016

**Legal Service Division Report on
Subsidiary Legislation subject to amendment by LegCo**

<u>L.N. No.</u>	<u>Item</u>
101	Road Traffic (Public Light Buses: Limit on Number) Notice 2016
+	
110	Legal Aid in Criminal Cases (Amendment) Rules 2016 (Commencement) Notice

+ L.N. 102 to L.N. 104, L.N. 106 and L.N. 108 are resolutions made and passed by the Fifth LegCo. L.N. 105, L.N. 107 and L.N. 109 are orders or rules approved by the Fifth LegCo as stated in L.N. 104, L.N. 106 and L.N. 108 respectively.

**Legal Service Division Report on
Subsidiary Legislation not subject to amendment by LegCo**

<u>L.N. No.</u>	<u>Item</u>
111	United Nations Sanctions (Libya) Regulation 2011 (Amendment) Regulation 2016
+	
116	Volunteer and Naval Volunteer Pensions Ordinance (Amendment of Schedules) Order 2016
117	Tai Lam Tunnel and Yuen Long Approach Road Ordinance (Amendment of Schedule 1) Notice 2016
118	Western Harbour Crossing Ordinance (Amendment of Schedule 1) Notice 2016

+ L.N. 112, L.N. 114 and L.N. 115 are resolutions made and passed by the Fifth LegCo.
L.N. 113 is a bylaw approved by the Fifth LegCo as stated in L.N. 112.

立法會
Legislative Council

LC Paper No. LS59/15-16

**Paper for the House Committee Meeting
on 24 June 2016**

**Legal Service Division Report on
Subsidiary Legislation Gazetted on 21 June 2016**

Tabling in LegCo : Council meeting of 22 June 2016

Amendment to be made by : Second meeting of LegCo in the next session (or the first meeting held not earlier than the 21st day after the second meeting of the next session if extended by resolution)

**Road Traffic (Public Light Buses: Limit on Number)
Notice 2016**

(L.N. 101)

L.N. 101 is made by the Chief Executive in Council under section 23 of the Road Traffic Ordinance (Cap. 374) to limit the total number of vehicles which may be registered as public light buses (PLBs) to 4 350¹. This limit remains in force for 12 months beginning on 21 June 2016².

2. L.N. 101 also repeals the Public Light Buses (Limitation on Number) Notice (Cap. 374K), which sets out the limit of 4 350 on the total number of PLBs. The limit set out in Cap. 374K has been extended from time to time through resolutions of the Legislative Council (LegCo), and it was last extended in 2011 for five years up to 20 June 2016. The Secretary for Transport and Housing (STH) gave notice to move a motion at the LegCo meeting of 6 January 2016 to seek LegCo's approval to further extend the period for which the limit will remain in force for five years up to 20 June 2021 (Proposed Resolution). However, the Proposed Resolution was not dealt with by the Council before the expiry of the current statutory limit on 20 June 2016. The limit on the number of PLBs set out in Cap. 374K therefore ceased to be in force after 20 June 2016 and may not now be extended. The Proposed Resolution was withdrawn by STH on 21 June 2016.

¹ The limit of 4 350 on the total number of PLBs was first imposed in 1976 by G.N. 1065 of 1976 published in the Gazette on 21 May 1976.

² The Legislative Council may, pursuant to section 23(3) of Cap. 374, from time to time by resolution extend such period.

3. L.N. 101 comes into operation on 21 June 2016.

4. According to paragraph 10 of the LegCo Brief (File Ref.: THB(T) CR 19/5591/72) issued by the Transport and Housing Bureau on 21 June 2016, the Administration does not consider it necessary to adjust the statutory limit on the number of PLBs. The Administration consulted the PLB trade in June 2015 on the statutory limit. According to paragraph 13 of the LegCo Brief, 36 out of the 38 written submissions from the PLB trade indicated support for retaining the statutory cap at 4 350.

5. On 6 November 2015, the Panel on Transport was briefed on the Administration's findings on the review on the statutory limit on the number of PLBs. The Panel noted that the Administration would recommend extending the effective period of the limit for five years from 21 June 2016 to 20 June 2021. Whilst Panel members had no specific objection to the proposed extension, a few members were of the view that limiting the number of PLBs might hamper the efforts to improve PLB service. Other members expressed concerns that increasing the number of PLBs might intensify competition and adversely affect the existing operation of the trade. Quite a number of members expressed support for the proposal to increase the seating capacity of PLBs to enhance the overall capacity without having to increase the number of PLBs.

6. No difficulties have been identified in the legal and drafting aspects of L.N. 101.

Prepared by

Joyce CHAN
Assistant Legal Adviser
Legislative Council Secretariat
22 June 2016

立法會
Legislative Council

LC Paper No. LS60/15-16

**Paper for the House Committee Meeting
on 8 July 2016**

**Legal Service Division Report on
Subsidiary Legislation Gazetted on 30 June 2016**

Tabling in LegCo : Council meeting of 6 July 2016

Amendment to be made by : Second meeting of LegCo in the next session (or the first meeting held not earlier than the 21st day after the second meeting of the next session if extended by resolution)

**Legal Aid in Criminal Cases (Amendment) Rules 2016
(Commencement) Notice**

(L.N. 110)

L.N. 110 is made by the Secretary for Home Affairs under rule 1 of the Legal Aid in Criminal Cases (Amendment) Rules 2016 (L.N. 109 of 2016) ("the Amendment Rules") to appoint 14 November 2016 as the day on which the Amendment Rules come into operation.

2. The Amendment Rules, made by the Criminal Procedure Rules Committee on 4 May 2016 under section 9A of the Criminal Procedure Ordinance (Cap. 221), were passed by the Legislative Council ("LegCo") on 23 June 2016 and published in the Gazette on 24 June 2016 (L.N. 109 of 2016). The main purposes of the Amendment Rules are to amend the Legal Aid in Criminal Cases Rules (Cap. 221D) to increase by 25% to 50% the criminal legal aid fees payable to counsel and instructing solicitors engaged to act for legally aided persons in criminal cases and to solicitors engaged to act as advocate as well as instructing solicitor ("Solicitor Advocates") in respect of proceedings in the District Court. The Amendment Rules also introduce a new category of criminal legal aid fees for Solicitor Advocates with higher rights of audience engaged to handle cases in the High Court.

3. No LegCo Brief has been issued in respect of L.N. 110.

4. As advised by the Clerk to the Panel on Administration of Justice and Legal Services ("the Panel"), the Panel has not been consulted on L.N. 110.

SUBSIDIARY LEGISLATION NOT REQUIRED TO BE TABLED AND NOT SUBJECT TO AMENDMENT

United Nations Sanctions (Libya) Regulation 2011 (Amendment) Regulation 2016

(L.N. 111)

5. L.N. 111 is made by the Chief Executive under section 3 of the United Nations Sanctions Ordinance (Cap. 537) on the instruction of the Ministry of Foreign Affairs of the People's Republic of China and after consultation with the Executive Council. L.N. 111 came into operation when it was published in the Gazette on 30 June 2016.

6. Since 2011, the Security Council of the United Nations ("UNSC") has adopted several resolutions imposing sanctions against Libya in view of serious violations of human rights and attacks against civilians in Libya. These resolutions have been implemented by regulations made under Cap. 537, the last one being the United Nations Sanctions (Libya) Regulation 2011 (Cap. 537AW) which expired at midnight on 31 March 2016.

7. L.N. 111 amends Cap. 537AW to give effect to certain decisions in Resolution 2278 (2016), as adopted by UNSC on 31 March 2016 in respect of Libya, by providing for:

- (a) the prohibition against the loading, transport or discharge of crude oil from Libya aboard certain ships;
- (b) the prohibition against engaging in any financial transaction related to any crude oil from Libya aboard certain ships;
- (c) the prohibition against provision of certain services to certain ships;
- (d) the prohibition against certain ships from entering the waters of Hong Kong; and
- (e) the grant of licence for provision of certain services to certain ships for humanitarian purposes or for the ships to return to Libya.

8. The above provisions will expire at midnight on 31 July 2017.

9. Members may refer to the LegCo Brief (File Ref: CITB CR 95/53/1) issued by the Commerce and Economic Development Bureau in June 2016 for further information. A marked-up version showing the changes made by L.N. 111 to Cap. 537AW is at Annex D to the LegCo Brief.

10. Under section 3(5) of Cap. 537, sections 34 and 35 of the Interpretation and General Clauses Ordinance (Cap. 1) shall not apply to regulations made under section 3 of Cap. 537. Accordingly, L.N. 111 is not required to be tabled at LegCo and is not subject to amendment by LegCo.

11. According to the Clerk to the Subcommittee to Examine the Implementation in Hong Kong of Resolutions of the United Nations Security Council in relation to Sanctions ("Subcommittee"), the LegCo Brief on L.N. 111 (File Ref: CITB CR 95/53/1) was circulated to members of the Subcommittee and all other Members vide LC Paper No. CB(1)1092/15-16 on 4 July 2016.

Concluding Observations

12. No difficulties have been identified in relation to the legal and drafting aspects of L.N. 110. The Legal Service Division is scrutinizing the legal and drafting aspects of L.N. 111 and will report further if necessary.

Prepared by

Rachel DAI
Assistant Legal Adviser
Legislative Council Secretariat
6 July 2016

LS/S/28/15-16

立法會
Legislative Council

LC Paper No. LS61/15-16

**Legal Service Division Report on
Subsidiary Legislation Gazetted on 15 July 2016**

**SUBSIDIARY LEGISLATION NOT REQUIRED TO BE TABLED AND
NOT SUBJECT TO AMENDMENT**

**Volunteer and Naval Volunteer Pensions Ordinance
(Amendment of Schedules) Order 2016**

(L.N. 116)

L.N. 116 is made by the Secretary for Labour and Welfare under section 35(2) of the Volunteer and Naval Volunteer Pensions Ordinance (Cap. 202). It amends Schedules 3 to 8 to Cap. 202 to increase the amounts and monthly rates of the pensions, gratuities and other allowances (the statutory payment) payable under Cap. 202 in connection with the disablement or death of the officers and volunteers of the Hong Kong Volunteer Defence Corps and members of the Hong Kong Naval Volunteer Force who fought in defence of Hong Kong during the Second World War. Under section 35(2) of Cap. 202, the relevant amounts and monthly rates of the statutory payment are adjusted in accordance with the percentage of increase declared in a notice made under section 4(1C) of the Pensions (Increase) Ordinance (Cap. 305).

2. By the Declaration of Increase in Pensions Notice 2016 (L.N. 99 of 2016) (the DIP Notice) gazetted on 10 June 2016 and made under section 4(1C) of Cap. 305, an increase of 3.2% is declared in respect of the basic pensions with effect from 1 April 2016 in accordance with the percentage of increase in the average monthly Consumer Price Index (A) (Average Index) of the 12 months ending on 31 March 2016 over the Average Index of the immediately preceding 12 months. Accordingly, pursuant to section 35(2) of Cap. 202, the amounts and monthly rates set out in Schedules 3 to 8 to Cap. 202 are adjusted in accordance with the percentage of increase of the basic pensions declared in the DIP Notice (i.e. 3.2%). The relevant amounts and monthly rates were last revised in 2015 by L.N. 169 of 2015.

3. Section 35(4) of Cap. 202 provides that an order made under section 35(2) shall take effect on the same date as specified in the relevant notice made under Cap. 305. As the relevant DIP Notice came into effect on 1 April 2016, L.N. 116 is deemed to have come into operation on 1 April 2016.

4. Section 35(5) of Cap. 202 provides that section 34 of the Interpretation and General Clauses Ordinance (Cap. 1) shall not apply in respect of an order made under section 35(2) of Cap. 202. L.N. 116 is therefore not required to be tabled in the Legislative Council and is not subject to amendment.

5. As advised by the Clerk to the Panel on Welfare Services (WS Panel), the WS Panel has not been consulted on L.N. 116.

6. According to paragraph 7 of the LegCo Brief issued by the Labour and Welfare Bureau on 11 July 2016 (File Ref: LWB CR 8/3231/92 Pt. 18), the Administration considers that public consultation on L.N. 116 is not necessary as the adjustment of the amounts and monthly rates payable under Cap. 202 is a routine updating exercise.

7. No difficulties have been identified in the legal and drafting aspects of L.N. 116.

Prepared by

CHUI Ho-yin, Alvin
Assistant Legal Adviser
Legislative Council Secretariat
3 August 2016

立法會
Legislative Council

LC Paper No. LS62/15-16

**Legal Service Division Report on
Subsidiary Legislation Gazetted on 29 July 2016**

**SUBSIDIARY LEGISLATION NOT REQUIRED TO BE TABLED AND NOT
SUBJECT TO AMENDMENT**

**Tai Lam Tunnel and Yuen Long Approach Road (L.N. 117)
Ordinance (Amendment of Schedule 1) Notice 2016**

L.N. 117 is made by the Commissioner for Transport (the Commissioner) under section 45(1) of the Tai Lam Tunnel and Yuen Long Approach Road Ordinance (Cap. 474) to replace Schedule 1 to Cap. 474 with a new Schedule 1 to reflect the increase of statutory tolls payable for the use of the Tai Lam Tunnel and Yuen Long Approach Road (Route 3 (CPS)). L.N. 117 came into operation on 1 August 2016.

2. Cap. 474 provides for a toll adjustment mechanism for Route 3 (CPS) as follows -

- (a) Route 3 (CPS) Company Limited (the Franchisee) may, during the franchise period and subject to the relevant requirements stipulated in Cap. 474, apply in writing to the Secretary for Transport and Housing (the Secretary) to give effect to an anticipated toll increase on each of three specified dates (i.e. 1 January 2003, 1 January 2010 and 1 January 2017) (section 39);
- (b) if the Actual Net Revenue (ANR) of the Franchisee for any year which is not a year immediately preceding a year in which a specified date occurs is less than the Minimum Estimated Net Revenue (MENR) for that year as specified in Schedule 4, the Franchisee may apply to the Secretary to give effect to the next anticipated toll increase (section 40);
- (c) where the Franchisee has given effect to all the anticipated toll increases and its ANR for any year occurring before the expiry of the franchise period is less than its MENR for that year as stated in Schedule 4, it may apply to the Secretary to give effect to an additional toll increase (section 42);

- (d) the amounts of toll increase to which the Franchisee may give effect in respect of different categories of vehicles are set out in Schedule 2 (section 44(5));
- (e) where a toll is increased, the Commissioner must 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 (section 45(1)); and
- (f) section 34 of the Interpretation and General Clauses Ordinance (Cap. 1) does not apply in respect of any such notice; accordingly, any such notice, including L.N. 117, is not required to be tabled at, and is not subject to amendment by, the Legislative Council (LegCo) (section 45(3)).

3. According to paragraphs 7 and 8 of the LegCo Brief (File Ref: THB(T)CR 19/3/5591/91) issued by the Transport and Housing Bureau (THB) in July 2016, the Franchisee's ANR has, since the commissioning of Route 3 (CPS) in 1998, consistently fallen short of the level of MENR as stipulated in Schedule 4 to Cap. 474. By 19 June 2005, the Franchisee has effected all the anticipated toll increases and has since applied for and been permitted ten additional toll increases. The last statutory toll increase for Route 3 (CPS) came into effect on 1 August 2015.

4. The present increase as reflected in L.N. 117, which was applied by the Franchisee in August 2012, is the eleventh additional toll increase. The amounts of increase are in accordance with the amounts stated in Schedule 2 to Cap. 474. It is based on the Franchisee's audited 2011/12 statement of ANR which shows that the Franchisee's ANR for 2011/12 was \$774 million, which is lower than MENR of \$2,140 million for that year as specified in Schedule 4 to Cap. 474.

5. According to paragraph 11 of the LegCo Brief, the Franchisee will continue to offer concessions to all categories of vehicles so that the current concessionary tolls¹ will be maintained notwithstanding the present increase in statutory tolls. Therefore, users of Route 3 (CPS) will not be affected by the changes in the statutory tolls.

6. A comparison of the Route 3 (CPS) statutory tolls before and after the increase under L.N. 117, and the applicable concessionary tolls, is at **Annex I**.

7. As advised by the Clerk to the Panel on Transport, the Administration has not consulted the Panel on L.N. 117.

8. No difficulties have been identified in relation to the legal and drafting aspects of L.N. 117.

¹ The current concessionary tolls took effect from 22 February 2015.

Western Harbour Crossing Ordinance (Amendment of Schedule 1) Notice 2016 (L.N. 118)

9. L.N. 118 is made by the Commissioner under section 52(1) of the Western Harbour Crossing Ordinance (Cap. 436) to replace Schedule 1 to Cap. 436 with a new Schedule 1 to reflect the increase of statutory tolls payable for the use of the Western Harbour Crossing (WHC). L.N. 118 came into operation on 31 July 2016.

10. Cap. 436 provides for a toll adjustment mechanism for WHC which is similar to that for Route 3 (CPS) as described in paragraph 2 above. The mechanism under Cap. 436 is summarized as follows -

- (a) Western Harbour Tunnel Company Limited (the Company) may, during the franchise period and subject to the relevant requirements stipulated in Cap. 436, apply in writing to the Secretary to give effect to an anticipated toll increase on each of six specified dates (i.e. 1 January 2001, 1 January 2005, 1 January 2009, 1 January 2013, 1 January 2017 and 1 January 2021) (section 45);
- (b) where in respect of any year which is not a year ending immediately before a specified date, the net revenue of the Company is less than MENR for that year as stipulated in Schedule 5, the Company may apply to the Secretary to give effect to the next anticipated toll increase (section 46);
- (c) where the Company has given effect to all the anticipated toll increases and its net revenue in respect of any year before the expiry of the franchise period is less than MENR for that year as specified in Schedule 5, the Company may apply to the Secretary to give effect to an additional toll increase (section 48);
- (d) the amounts of toll increase to which the Company may give effect to for different categories of vehicles on or after 1 January 2011 are set out in Schedule 3 (section 50);
- (e) where a toll is increased, the Commissioner must 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 (section 52(1)); and
- (f) section 34 of Cap. 1 does not apply in respect of any such notice; accordingly, any such notice, including L.N. 118, is not required to be tabled at, and is not subject to amendment by, LegCo (section 52(3)).

11. According to paragraphs 7 and 8 of the LegCo Brief (File Ref: THB(T)CR 1/4651/99) issued by THB in July 2016, the actual net revenue of the Company has, since the commissioning of WHC in 1997, consistently fallen short of the level of MENR as specified in Schedule 5 to Cap. 436. By 31 July 2006, the Company has effected five anticipated toll increases² and has since applied for and been permitted nine additional toll increases. The last statutory toll increase for WHC came into effect on 31 July 2015.

12. The present increase as reflected in L.N. 118, which was applied by the Company in August 2013, is the tenth additional toll increase. The amounts of increase are in accordance with the amounts stated in Schedule 3 to Cap. 436. It is based on the Company's audited 2012/13 statement of net revenue which shows that the Company's actual net revenue for 2012/13 was \$1,179 million, which is lower than MENR of \$2,212 million for that year as specified in Schedule 5 to Cap. 436.

13. According to paragraph 11 of the LegCo Brief, the Company will continue to offer concessions to all categories of vehicles so that the current concessionary tolls³ will be maintained notwithstanding the present increase in statutory tolls. Therefore, users of WHC will not be affected by the changes in the statutory tolls.

14. A comparison of the WHC statutory tolls before and after the increase under L.N. 118, and the applicable concessionary tolls, is at **Annex II**.

15. As advised by the Clerk to the Panel on Transport, the Administration has not consulted the Panel on L.N. 118.

16. No difficulties have been identified in relation to the legal and drafting aspects of L.N. 118.

Prepared by

CHENG Kiu-fung, Vanessa
Assistant Legal Adviser
Legislative Council Secretariat
8 August 2016

² The Company has forfeited its right once to effect anticipated toll increase.

³ The current concessionary tolls took effect from 22 February 2015.

Annex I

Tai Lam Tunnel and Yuen Long Approach Road Tolls

Category	Vehicle	Statutory tolls (\$)		Concessionary tolls (\$)
		Before increase	w.e.f. 1 August 2016	
1.	Motorcycles, motor tricycles	75	80	20
2.	Private cars, electrically powered passenger vehicles, taxis	80	85	40
3.	Public and private light buses	225	240	100
4.	(a) Light goods vehicles and special purpose vehicles of a permitted gross vehicle weight not exceeding 5.5 tonnes	225	240	41
	(b) In a vehicle specified in paragraph (a), each additional axle in excess of 2	85	90	0
5.	(a) Medium goods vehicles and special purpose vehicles of a permitted gross vehicle weight exceeding 5.5 tonnes but not exceeding 24 tonnes	235	250	47
	(b) In a vehicle specified in paragraph (a), each additional axle in excess of 2	85	90	0
6.	(a) Heavy goods vehicles and special purpose vehicles of a permitted gross vehicle weight exceeding 24 tonnes	255	270	52
	(b) In a vehicle specified in paragraph (a), each additional axle in excess of 2	85	90	0
7.	Public and private single-decked buses	225	240	120
8.	Public and private double-decked buses	240	255	140

Annex II

Western Harbour Crossing Tolls

Category	Vehicle	Statutory tolls (\$)		Concessionary tolls (\$)
		Before increase	w.e.f. 31 July 2016	
1.	Motorcycles, motor tricycles	110	120	25
2.	Private cars, electrically powered passenger vehicles	195	210	60
	Taxis	195	210	55
3.	Public and private light buses	230	250	70
4.	(a) Light goods vehicles and special purpose vehicles of a permitted gross vehicle weight not exceeding 5.5 tonnes	280	300	70
	(b) In a vehicle specified in paragraph (a), each additional axle in excess of 2	195	210	30
5.	(a) Medium goods vehicles and special purpose vehicles of a permitted gross vehicle weight exceeding 5.5 tonnes but not exceeding 24 tonnes	420	455	95
	(b) In a vehicle specified in paragraph (a), each additional axle in excess of 2	195	210	30
6.	(a) Heavy goods vehicles and special purpose vehicles of a permitted gross vehicle weight exceeding 24 tonnes	590	635	125
	(b) In a vehicle specified in paragraph (a), each additional axle in excess of 2	195	210	30
7.	Public and private single-decked buses	230	250	110
8.	Public and private double-decked buses	340	370	155