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TRAN 4/02/43  
LS/R/12/98-99

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24 March 2000

Clerk to House Committee  
(Attn.: Mr Law Wing-lok)  
Legislative Council  
Legislative Council Building  
8 Jackson Road, Central

Dear Mr Law,

### **Discovery Bay Tunnel Link Bylaw**

Thank you for your letter of 17 March 2000. I have consulted the Discovery Bay Road Tunnel Company Limited on the point you raised.

It is considered from legal point of view that the Discovery Bay Tunnel Link Ordinance (Cap. 520) does not apply to State organs or their vehicles. Accordingly, the Discovery Bay Tunnel Link Bylaw which is made thereunder and works within the confines of its empowering provision, i.e. section 30 of the Ordinance, should follow the same scope of application.

The Bylaws under the Western Harbour Crossing Ordinance (Cap. 436) and the Tai Lam Tunnel and Yuen Long Approach Road Ordinance (Cap. 474) as they now stand also apply to the Government and its vehicles only.

In the context of examining the Adaptation of Laws (No. 9) Bill 1999, the Administration has undertaken to conduct an overall review on the exemptions, saving, and application provisions in all tunnel legislation. The Discovery Bay Tunnel Link Ordinance will be covered in that review.

In order that the Discovery Bay Tunnel Link can be opened to traffic in April 2000 as scheduled, we suggest introducing the Bylaw to LegCo as soon as possible. As mentioned above, the issue of whether the Ordinance and Bylaw should be amended to the effect that they are applicable to State organs will be reviewed separately.

Yours sincerely,

(Benjamin Mok)  
for Secretary for Transport

C.C.

Discovery Bay Road Tunnel Company Limited (Attn.: Mr Bertie To)  
Department of Justice (Attn.: Miss Betty Cheung)  
(Attn.: Miss Florence Ling)  
(Attn.: Ms Vicki Lee)

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LS/R/12/98-99  
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Secretary for Transport  
(Attn: Mr. Benjamin Mok, AS(T)5)  
Transport Bureau  
16/F., Murray Building  
Garden Road  
Hong Kong

17 March 2000

**Urgent By Fax**  
**Fax No. 2868 5261**

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Dear Mr. Mok,

**Discovery Bay Tunnel Link Bylaw**

At the House Committee meeting on 17 March 2000, a Member asked whether as a matter of policy, the Discovery Bay Tunnel Link Ordinance (Cap. 520) and the above Bylaw should be made applicable to State organs.

I should be grateful if you would let us have your reply as soon as possible.

Yours sincerely,

(Law Wing-lok)  
for Clerk to House Committee

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