

L.N. 198 of 1999

REPEAL OF CROSS-HARBOUR TUNNEL ORDINANCE AND
CROSS-HARBOUR TUNNEL (PASSAGE TAX) ORDINANCE
(SAVINGS, TRANSITIONAL AND CONSEQUENTIAL
PROVISIONS) REGULATION

(Made under section 47 of the Revenue
Ordinance 1999 (44 of 1999))

1. Commencement

This Regulation shall come into operation on 1 September 1999.

2. Saving

(1) All royalty payments, tolls, fees, passage tax payments or compensation that remain to be payable or refundable (as the case may be) under either or both of the repealed Ordinances immediately before

1 September 1999 shall continue to be payable or refundable (as the case may be) as if the repealed Ordinances had not been repealed.

(2) All investigations, legal proceedings or remedies in respect of---

(a) any royalty payments, tolls, fees, passage tax payments and compensation mentioned in subsection (1); and

(b) a relevant offence,

may be instituted, continued or enforced, and any penalty or punishment in respect of such offence may be imposed as if the repealed Ordinances had not been repealed.

(3) The provisions of the Road Traffic (Driving-offence Points) Ordinance (Cap. 375) shall continue to apply in respect of a relevant offence as if the repealed Ordinances had not been repealed.

(4) Notwithstanding the repeal of the repealed Ordinances, the provisions of section 18E of the Magistrates Ordinance (Cap. 227) shall continue to apply in respect of a relevant offence.

(5) The obligations of The Cross-Harbour Tunnel Company, Limited to keep records under either or both of the repealed Ordinances shall continue to be subsisting and enforceable as if the repealed Ordinances had not been repealed.

(6) In this section---

(a) "relevant offence" (有關罪行) means an offence under either or both of the repealed Ordinances committed or alleged to be committed on or before 31 August 1999;

(b) "the repealed Ordinances" (已廢除條例) means the Cross-Harbour Tunnel Ordinance (Cap. 203) and the Cross-Harbour Tunnel (Passage Tax) Ordinance (Cap. 274).

3. Transitional

Any sign erected in the Cross-Harbour Tunnel before 1 September 1999 under the Cross-Harbour Tunnel Ordinance (Cap. 203) and which is in force immediately before

that date shall, for so long as it continues to comply with that Ordinance as in force immediately before that date, be deemed to have the same effect as if that Ordinance had not been repealed.

4. Provisions not to derogate from section 23 of the Interpretation and General Clauses Ordinance

The provisions of this Regulation are in addition to and not in derogation from section 23 of the Interpretation and General Clauses Ordinance (Cap. 1).

Consequential and Related Amendments
Specification of Public Offices

5. Schedule amended

The Schedule to the Specification of Public Offices (Cap. 1 sub. leg.) is amended by repealing---

"Commissioner for Cross-Harbour Tunnel Ordinance
Transport (Chapter 203).

Commissioner for Cross-Harbour Tunnel Regulations
Transport (Chapter 203 subsidiary
legislation).

Commissioner for Cross-Harbour Tunnel By-laws
Transport (Chapter 203 subsidiary
legislation).

Commissioner for Cross-Harbour Tunnel (Passage Tax)
Transport Ordinance (Chapter 274).".

Prevention of Bribery Ordinance

6. Public bodies

Schedule 1 to the Prevention of Bribery Ordinance (Cap. 201) is amended by repealing item 6.

Metrication Amendments (Miscellaneous Provisions) Order

7. General prohibition of use of non-metric units in documents

Paragraph 2 of the Metrication Amendments (Miscellaneous Provisions) Order (Cap. 214 sub. leg.) is amended by repealing "and the Cross-Harbour Tunnel Ordinance (Cap. 203)".

8. Circumstances in which non-metric units may continue to be used

Paragraph 3 is amended by repealing "and the Cross-Harbour Tunnel Ordinance (Cap. 203)".

9. Prohibition of use of metric units

and non-metric units together

Paragraph 4 is amended by repealing "and the Cross-Harbour Tunnel Ordinance (Cap. 203)".

10. Schedule amended

The Schedule is amended---

(a) by repealing the entry relating to "Cross-Harbour Tunnel Ordinance (Cap. 203)";

(b) by repealing the entry relating to "Cross-Harbour Tunnel Regulations (Cap. 203 sub. leg.)".

Magistrates Ordinance

11. Offences to which defendant

may plead guilty by letter

The Third Schedule to the Magistrates Ordinance (Cap. 227) is amended by repealing paragraph 6.

Oil (Conservation and Control) Ordinance

12. Interpretation

Section 2 of the Oil (Conservation and Control) Ordinance (Cap. 264) is amended, in the definition of "road", by repealing "tunnel as defined in the Cross-Harbour Tunnel Ordinance (Cap. 203)" and substituting "Cross-Harbour Tunnel as named in the Schedule to the Road Tunnels (Government) Ordinance (Cap. 368)".

Motor Vehicles Insurance (Third Party Risks) Ordinance

13. Obligation on users of motor vehicles to

be insured against third party risks

Section 4(4)(bb) of the Motor Vehicles Insurance (Third Party Risks) Ordinance (Cap. 272) is amended---

(a) by repealing "a tunnel officer" and substituting "an authorized officer as defined in the Road Tunnels (Government) Ordinance (Cap. 368)";

(b) by repealing "under the Cross-Harbour Tunnel Ordinance (Cap. 203)".

Road Traffic (Public Service Vehicles) Regulations

14. Taxi fares

Schedule 5 to the Road Traffic (Public Service Vehicles) Regulations (Cap. 374 sub. leg.) is amended, in item 4(iii), by repealing ", tax under the Cross-Harbour Tunnel (Passage Tax) Ordinance (Cap. 274),".

Road Traffic (Driving-offence Points) Ordinance

15. Offence

The Schedule to the Road Traffic (Driving-offence Points) Ordinance (Cap. 375) is amended by repealing items 23, 24, 25, 26 and 27.

Nicholas NG

Secretary for Transport

19 July 1999

Explanatory Note

This Regulation saves certain rights and obligations consequential upon the repeal of the Cross-Harbour Tunnel Ordinance (Cap. 203) and the Cross-Harbour Tunnel (Passage Tax) Ordinance (Cap. 274). It provides that payments payable immediately before the repeal of those Ordinances are still payable and enforceable, and investigations and legal proceedings in respect of offences under those Ordinances can be continued and driving-offence points recorded. The defendant's right to plead guilty by letter will also be preserved in respect of those offences.

2. The Regulation also provides that traffic signs currently used at the Cross-Harbour Tunnel Area can continue to be used.

3. Certain consequential amendments to other legislation concerning references to the repealed Ordinances are also made.