

財經事務及庫務局
(庫務科)

香港下亞厘畢道
中區政府合署

**FINANCIAL SERVICES AND THE
TREASURY BUREAU
(The Treasury Branch)**

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BY FAX

2 January 2004

Legislative Council Secretariat
Legal Service Division
Legislative Council Building
8 Jackson Road
Central
Hong Kong.
Fax No. 2877 5029

(Attn: Ms. Connie Fung)

Dear Ms. Fung,

**Proposed resolution under section 3(1) of the
Loans Ordinance (Cap. 61)**

Thank you for your letter of 30 December 2003.

In consultation with the Department of Justice, I would like to respond to the three points raised in paragraph 1 of your letter as follows:-

- (a) The proposed resolution itself is more widely worded in that it does not refer to any particular bridge and tunnel. We believe the words in the Explanatory Note "... other Government revenue receivable from those bridges and tunnels ..." have made it clear that the intention is to confine to other Government revenue receivable from the specified bridges and tunnels;

- (b) the term “隧道收費” in the proposed resolution is being used in a generic sense unlike the terms used in the Road Tunnels (Government) Regulations (Cap. 368A) and the Tsing Ma Control Area (Tolls, Fees and Charges) Regulation (Cap. 498A). We therefore believe no changes to the Chinese text of the proposed resolution is needed; and
- (c) Yes. We intend to recommend the Financial Secretary to exercise his discretion under section 3(4) of Cap.61 to exclude the agreement from the application of section 3(3).

Please let me know if any further clarification is required.

Yours sincerely,

(Tommy Yuen)
for Secretary for Financial Services
and the Treasury

cc.	DoJ	(Mr. Richard Fawls)	2523 5104
		(Mr. Jeffrey Gunter)	2523 5104
	SETW	(Mrs. Sharon Yip)	2104 7274