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Secretary for Financial Services and the Treasury Bureau
(Attention: Mr Tommy YUEN, PAS)
The Treasury Branch
Financial Services and the Treasury Bureau
5/F East Wing
Central Government Offices
Hong Kong

2 January 2004

BY FAX

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Dear Mr Yuen,

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

Thank you for your letter of 2 January 2004. My comments on the Administration's response are set out below:

- (a) As you are aware, the Explanatory Note will not form part of the resolution if the proposed resolution is passed. To ensure that the wording of the proposed resolution reflects the Administration's policy intent accurately, please consider adding a Schedule to the proposed resolution setting out the relevant bridges and tunnels. The reference to "Government revenue receivable from tolls on bridges and tunnels and such other Government revenue receivable from bridges and tunnels as specified by the Financial Secretary" may thereby be amended to read "Government revenue receivable from tolls on any or all of the bridges and tunnels listed in the Schedule and such other Government revenue receivable from any or all of these bridges and tunnels as specified by the Financial Secretary".
- (b) The reference to "橋樑及隧道收費" in the Chinese text appears to be problematic in that "收費" in the context of the Tsing Ma Bridge, Ma Wan Viaduct and Kap Shui Mun Bridge may be construed to mean "charges" rather than "tolls" under the Tsing Ma Control Area (Tolls, Fees and Charges) Regulation (Cap. 498 sub. leg. A). To avoid such construction, please consider adopting in the proposed resolution the specific Chinese text used for the term "tolls" in that Regulation. It appears that the same problem will arise if, apart from tolls, Government also charges users of Government tunnels for other services. To avoid this problem, please

consider using "隧道費" instead of "收費" as the Chinese text for "tolls" in the context of Government tunnels. It is suggested that the reference to "橋樑及隧道收費" be amended to "橋樑的使用費及隧道的隧道費".

- (c) Please advise what factors or matters the Financial Secretary will take into account when deciding whether or not he will exercise his discretion under section 3(4) of the Loans Ordinance.

I would appreciate it if you could let me have your reply in both languages by *5 January 2004*.

Yours sincerely,

(Connie Fung)
Assistant Legal Adviser

c.c.: LA