

(譯文)

(中華人民共和國香港特別行政區立法會用箋)

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**研究《2005年大老山隧道條例(替換附表)公告》及
《2005年大欖隧道及元朗引道條例(替換附表1)公告》小組委員會**

2005年10月5日會議的跟進事宜

多謝閣下出席今日上午舉行的會議及就委員提出的多項事宜作出回應，當中包括貴公司與經營大欖隧道有關的財政狀況及表現。依照小組委員會主席的指示，本人謹致函邀請貴公司就以下事宜提供書面回覆。

關於在1995年5月24日《大欖隧道及元朗引道條例草案》恢復二讀辯論時，當時的運輸司所作的3項承諾，小組委員會委員察悉政府當局的意見，即當時的運輸司所作的保證在某程度上與工程項目協議及《大欖隧道及元朗引道條例》的條文並不一致，而政府當局認為，以當時的運輸司提出的方式履行其保證實際上並不可行。委員雖然明白必須遵守工程項目協議及有關條例的相關條款及條文，但他們認為，貴公司設法提高有關貴公司財政狀況及表現的透明度亦甚重要，以確保公眾利益受到保障。因此，委員要求貴公司採取以下行動：

- (a) 考慮披露當時的運輸司作出的首兩項承諾所載列的資料，以便提高透明度，並令政府當局可履行有關承諾(請參閱隨文附上1995年5月24日立法局會議過程正式紀錄的摘錄)；及
- (b) 向小組委員會提供貴公司在整個項目直接投資的金額(銀行貸款除外)，以及貴公司取得的銀行貸款額。

依照主席的指示，謹請貴公司盡早提供書面答覆，以便可將其納入將於2005年10月12日(即2005年10月14日的內務委員會會議舉行兩天前)送交全體內務委員會委員的小組委員會報告內。鑑於時間緊迫，謹請貴公司在**2005年10月7日或之前**將書面答覆(中、英文本)送交本人。謹請將書面答覆的電腦檔案本傳送給梁美瓊女士(電郵地址：mleung@legco.gov.hk)。

本人謹代表主席，感謝貴公司為小組委員會的工作提供協助。

小組委員會秘書

(陳美卿小姐)

副本致：劉江華議員，JP(主席)

2005年10月5日

out by the Government instead of contracting it out to a consortium? Such arguments are really very strange. Amongst the projects which have been granted fund for construction by the Finance Committee, many are undertaken by the Government, and which were approved unanimously by both the Liberal Party and the Democratic Party. So do we become supporters of socialism whenever we approve any infrastructural project to be undertaken by the Government? These arguments actually cannot hold water. Let me ask Members to think about this, the question now is a simple one, which is whether or not we want to have the function of monitoring. Those who want it will vote in favour of us, whereas those who do not want it will vote against us. It is as simple as that. Why talk about -ism this or -ism that?

SECRETARY FOR TRANSPORT: Mr President, may I first express the Administration's sincere thanks to the Honourable Mrs Miriam LAU and all other honourable Members who served on the Bills Committee to vet the Tai Lam Tunnel and Yuen Long Approach Road Bill. I am grateful for their tremendous input and efforts in examining the Bill, and for completing their work so expeditiously. May I also thank honourable Members for the views they have expressed this afternoon. In this respect, the Honourable WONG Wai-yin's criticism that the Administration has failed to keep the Council informed is, in my view, unfounded. The Administration in fact provided three sitreps to the Legislative Council Transport Panel before the Bill was introduced, and the very fact that the Bills Committee has been able to complete its deliberations to allow the Second Reading to be resumed today is indicative of the fact that there has been adequate time to study the Bill.

Proposed terms of the franchise

The Bill seeks to award a franchise to the Route 3 (Country Park Section) Company to build and operate the Tai Lam Tunnel and Yuen Long Approach Road. Under the proposed terms of the franchise contained in the Bill, the franchisee is committed to building the project, at its own expense, within a very aggressive construction programme of 38 months. The budgeted project cost is \$7,254 million, and any cost overrun will have to be fully borne by the proposed franchisee and will not be part of the construction cost on which the permitted return is based. In other words, cost overruns will not be passed onto the road-users.

I must emphasize that the package offered by the Route 3 (CPS) Company is the best available, achieved through a competitive tendering exercise. The proposed BOT franchise will allow this urgently needed project to be completed in the shortest possible time and at the lowest cost. The tolls proposed by the franchisee will provide a low and stable toll regime. The Administration has no hesitation in commending this Bill to the Legislative Council. Some Members have referred to land hoardings in northwest New Territories by the Sun Hung Kai Group. This is totally irrelevant. The project has no associated property development right whatsoever.

Measures to enhance transparency

During the discussion in the Bills Committee, honourable Members sought various assurances regarding transparency and the operation of the Toll Stability Fund. I am happy, on behalf of the Administration, to provide these assurances. Honourable Members quite rightly expressed concern that there should be transparency in the operation of the franchise. The Administration fully agrees that there should be transparency and we will adopt the following steps to enhance the transparency of the franchisee's plans and performance:

- (a) we will require the tabling in the Legislative Council in July each year (before the summer recess) the franchisee's plan as embodied in its three-year rolling projection of net revenue and its annual budget of operating costs, together with a statement;
- (b) we will table in the Legislative Council in October each year the franchisee's annual audited statement of Actual Net Revenue, and will make a statement on that occasion on both the figures and any application for a toll increase; and
- (c) the Administration will brief the Legislative Council Transport Panel on the Administration's findings before deciding by the end of October whether a toll increase should be agreed or whether we should proceed to arbitration. Honourable Members will then have the opportunity to debate the findings if they so wish.

Members have also expressed concern regarding the management and use of the Toll Stability Fund, in particular as regards the Financial Secretary's power under clause 31(4) to transfer excess money in the Fund to General Revenue, and the discretionary power of the Toll Stability Fund Management Committee under clause 43 to use the Fund in deferring toll increases.

Although the Financial Secretary has powers under clause 31(4) of the Bill to transfer money from the Fund to General Revenue, he will not do so unless he is of the opinion that the amount to be transferred is in excess of what is required for deferring future toll increases for the rest of the franchise period. The Administration does not, therefore, envisage that there will ever be a need to re-transfer sums from General Revenue back to the Fund as a result of there being insufficient money left in the Fund for the purpose of deferring toll increases.

Nonetheless, to allay Members' concern, the Administration agrees that before any money is transferred from the Toll Stability Fund to General Revenue under clause 31(4), the Administration will first seek the views of the Legislative Council Transport Panel and provide a full explanation for such a transfer. The Administration also undertakes that should moneys be transferred out of the Toll Stability Fund to General Revenue under clause 31(4) of the Bill, this will not lead to any toll increase resulting from there being insufficient