

**立法會**  
***Legislative Council***

LC Paper No. LS42/04-05

**Paper for the House Committee Meeting  
on 1 April 2005**

**Legal Service Division Report on  
Subsidiary Legislation Gazetted on 18 March 2005**

**Date of Tabling in LegCo** : 6 April 2005

**Amendment to be made by** : 4 May 2005 (or 25 May 2005 if extended by resolution)

**Dangerous Drugs Ordinance (Cap. 134)**

**Dangerous Drugs Ordinance (Replacement of Fourth Schedule) Order 2005 (L.N. 36)**

Under section 49B of the Dangerous Drugs Ordinance (Cap. 134) (“the Ordinance”), the Central Registry of Drug Abuse is established to collect and analyse confidential information supplied by reporting agencies and to publish statistical information on drug abuse. The Fourth Schedule lists out the names of reporting agencies. The Secretary for Security may amend the Schedule.

2. This Order replaces the existing Fourth Schedule with a new one. 33 new reporting agencies including tertiary institutions, hospitals, social service groups, the Customs and Excise Department and the Education and Manpower Bureau are added and the names of 2 existing reporting agencies are revised. According to the Administration, all the newly added reporting agencies have been consulted and agreed to be included in the new Schedule.

3. The Panel on Security has not been consulted on the Order. The Order shall come into operation on 11 May 2005.

**Eastern Harbour Crossing Ordinance (Cap. 215)**  
**Eastern Harbour Crossing Ordinance (Amendment of Schedule) Notice 2005**  
**(L.N. 37)**

4. This Notice amends the Schedule to the Eastern Harbour Crossing Ordinance (Cap. 215) (“the Ordinance”) to vary the Eastern Harbour Crossing Road Tunnel tolls pursuant to an arbitration award. The existing and new tolls are set out in the following table –

<b>Category</b>	<b>Vehicle</b>	<b>Existing tolls (\$)</b>	<b>New tolls (\$)</b>
1	Motorcycles, motor tricycles	8	13
2	Private cars, electrically powered passenger vehicles, taxis	15	25
3	Public and private light buses	23	38
4	Light goods vehicles and special purpose vehicles of a permitted gross vehicle weight not exceeding 5.5 tonnes	23	38
5	Medium goods vehicles and special purpose vehicles of a permitted gross vehicle weight of or exceeding 5.5 tonnes but not exceeding 24 tonnes	30	50
6	Heavy goods vehicles and special purpose vehicles of a permitted gross vehicle weight of or exceeding 24 tonnes but not exceeding 38 tonnes	45	75
7	Public and private single-decker buses	30	50
8	Public and private double-decker buses	45	75
9	Each additional axle in excess of two	15	25

5. By virtue of section 55(5) and (6) of the Ordinance, where in an award pursuant to submission to arbitration it is determined that the tolls should be varied, the tolls shall be varied in compliance with such award. The Commissioner for Transport shall, by notice in the Gazette, as soon as is practicable after such award amend the Schedule. Members may wish to note that under section 34(2) of the Interpretation and General Clauses Ordinance (Cap. 1), LegCo's amending power of subsidiary legislation has to be consistent with the power to make such subsidiary legislation.

6. The Panel on Transport was briefed by the Administration and the New Hong Kong Tunnel Company Limited ("the Company") on the toll increase at its meeting on 18 March 2005. At the meeting, the Panel members called upon the Company to defer the toll increase. The Panel also passed a motion, expressing astonishment and strong dissatisfaction over the toll increase and asking the Government to –

- (a) expeditiously review the toll levels of the three cross-harbour tunnels; and
- (b) to come up within one month with proposals aimed at addressing the uneven distribution of traffic among the cross-harbour tunnels.

7. The Panel will revisit the matter at its next meeting on 22 April 2005.

8. This Notice shall come into operation on 1 May 2005. According to paragraph 15 of the LegCo Brief (File Ref.: ETWB(T)CR 1/3/4651/92) issued by the Environment, Transport and Works Bureau dated 11 March 2005, the Company has agreed to implement the new tolls by stages by administrative means.

9. No difficulties have been identified as to the legal and drafting aspects of the above subsidiary legislation.

Prepared by

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