

**立法會**  
**Legislative Council**

LC Paper No. CB(1)1539/04-05  
(These minutes have been seen  
by the Administration)

Ref: CB1/SS/4/04/1

**Subcommittee to Study the Eastern Harbour Crossing Ordinance  
(Amendment of Schedule) Notice 2005**

**Minutes of meeting on  
Thursday, 28 April 2005, at 2:00 pm  
in Conference Room B of the Legislative Council Building**

- Members present** : Hon LAU Kong Wah, JP (Chairman)  
Hon Miriam LAU Kin-ye, GBS, JP  
Hon Andrew CHENG Kar-foo  
Hon LI Fung-ying, BBS, JP  
Hon WONG Kwok-hing, MH  
Hon LEUNG Kwok-hung
- Member attending** : Hon Ronny TONG Ka-wah, SC
- Members absent** : Hon LEE Cheuk-yan  
Hon Fred LI Wah-ming, JP  
Hon Mrs Selina CHOW LIANG Shuk-ye, GBS, JP  
Hon CHAN Kam-lam, JP  
Hon Emily LAU Wai-hing, JP  
Hon Jeffrey LAM Kin-fung, SBS, JP
- Public Officers Attending** : Ms Annie CHOI  
Deputy Secretary for the Environment, Transport and Works
- Mr Clement LAU  
Principal Assistant Secretary for the Environment,  
Transport and Works (Acting)
- Mr LEE Kwong-ming  
Chief Treasury Accountant (Transport)  
Environment, Transport and Works Bureau

Mr TO Kam-biu  
Chief Engineering/Transport Planning  
Transport Department

Miss LUI Ying  
Principal Transport Officer/Management  
Transport Department

**Attendance by invitation** : New Hong Kong Tunnel Company Limited

Ms Becky FUNG  
Project Manager

**Clerk in attendance** : Mr Andy LAU  
Chief Council Secretary (1)2

**Staff in attendance** : Ms Connie FUNG  
Assistant Legal Adviser 3

Ms Anita SIT  
Senior Council Secretary (1)9

---

Action

**I Meeting with the Administration and other relevant parties**

Members noted the following papers tabled at the meeting –

- (a) letter from the Administration dated 28 April 2005 responding to matters raised at previous meetings; and
- (b) letter dated 28 April 2005 from the New Hong Kong Tunnel Company Limited providing further information as requested at the meeting on 26 April 2005.

*(Post-meeting note: The above letters were issued vide LC Paper No. CB(1)1413/04-05 dated 29 April 2005.)*

- 2. The Subcommittee deliberated (index of proceedings attached at **Annex A**).
- 3. The Subcommittee agreed to handle a motion moved by Mr WONG Kwok-hing. After deliberation, Mr WONG Kwok-hing agreed to amend the wordings of his motion to incorporate the suggested amendment by Mr CHENG Kar-foo. The wordings of Mr WONG's motions as amended were as follows:

Action

"本小組委員會強烈譴責新香港隧道有限公司漠視民生大幅加價，並呼籲新香港隧道有限公司盡快與政府達成協議，在未達成協議前，本小組委員會要求新香港隧道有限公司押後加價。"

"That this Subcommittee strongly reprimands the New Hong Kong Tunnel Company Limited for substantially increasing the tolls of the Eastern Harbour Crossing in disregard of people's livelihood, and calls on the company to expeditiously reach an agreement with the Government; this Subcommittee requests the company to defer its toll increase before such an agreement is reached." (translation)

4. Ms Miriam LAU remarked that whilst the Arbitrators' Award was not welcomed by the general public, it was an outcome of due process in full compliance with the law. As such, it might not be appropriate for the Subcommittee to reprimand the company for substantially increasing the tolls of Eastern Harbour Crossing (EHC) in accordance with the Arbitrators' Award. As such, she would abstain from voting.

5. The motion was passed by the Subcommittee.

6. Regarding the measures to even out the distribution of traffic among the three road harbour crossings, the Subcommittee recommended that the Transport Panel should be invited to take up the related issues. The Subcommittee also urged the Administration to put in place adequate measures to address the traffic and transport problems arising from the toll increase of EHC.

7. The Chairman concluded that the Subcommittee had completed deliberations of the Eastern Harbour Crossing Ordinance (Amendment of Schedule) Notice 2005. The Subcommittee would report to the House Committee on 29 April 2005.

**II Any other business**

8. There being no other business, the meeting ended at 3:00 pm.

**Proceedings of the meeting of  
the Subcommittee to Study the Eastern Harbour Crossing Ordinance  
(Amendment of Schedule) Notice 2005  
Thursday, 28 April 2005, at 2:00 pm  
in Conference Room B of the Legislative Council Building**

Time marker	Speaker	Subject(s)	Action required
000000 - 000227	Chairman	<ul style="list-style-type: none"> <li>- Chairman's recapitulation of the Subcommittee's requests at the last meeting on 26 April 2005 for further information from the New Hong Kong Tunnel Company Limited (NHKTC) and the Administration and for deferral of the toll increase of Eastern Harbour Crossing (EHC)</li> </ul>	
000228 - 001038	Ms Becky FUNG Admin	<ul style="list-style-type: none"> <li>- Ms FUNG's briefing on the response of NHKTC (LC Paper No. CB(1)1413/04-05(02))</li> <li>- Administration's response (LC Paper No. CB(1)1413/04-05(01))</li> </ul>	
001039- 001536	Mr WONG Kwok-hing Ms Becky FUNG Chairman	<ul style="list-style-type: none"> <li>- Mr WONG's enquiry and Ms FUNG's response to NHKTC's position regarding the implementation of toll increase of EHC on 1 May 2005</li> <li>- Mr WONG's view that the Subcommittee should seriously follow up the queries raised by Dr Raymond SO, Associate Professor of the Department of Finance of the Chinese University of Hong Kong</li> <li>- Motion moved by Mr WONG</li> </ul>	
001537 - 002240	Mr Andrew CHENG Ms Becky FUNG Admin	<ul style="list-style-type: none"> <li>- Mr CHENG's request for Ms FUNG to clarify her remark that deferring the toll increase would not be beneficial to users of EHC</li> <li>- Ms FUNG's clarification and emphasis that the outcome of the arbitration on the toll increase of EHC should be respected</li> <li>- Mr CHENG's comment that NHKTC should defer the toll increase and seek to reach an agreement with the Administration on viable arrangements that could enable NHKTC to obtain its entitled profits and at same time address the problem of uneven traffic distribution among the road harbour</li> </ul>	

Time marker	Speaker	Subject(s)	Action required
		crossings	
002241 – 002625	Ms Miriam LAU	<ul style="list-style-type: none"> <li>- Ms LAU's comment that it would not be fruitful nor practical for the Subcommittee to drag on the issues relating to the financial arrangements of NHKTC as these matters had been thoroughly examined in the Arbitration</li> <li>- Ms LAU's request for NHKTC to reconsider its position having regard to the social sentiments towards the toll increase and the need to address the traffic problems arising from the toll increase</li> <li>- Mr LAU's indication that she would abstain from voting on the motion moved by Mr WONG Kwok-hing</li> </ul>	
002626 – 003134	Mr LEUNG Kwok-hung	<ul style="list-style-type: none"> <li>- Mr LEUNG's comment that LegCo should obtain expert advice on the issues relating to the financial arrangements of NHKTC and LegCo should reprimand NHKTC for substantially increasing the tolls of EHC in disregard to people's livelihood</li> </ul>	
003135 – 003348	Ms LI Fung-ying	<ul style="list-style-type: none"> <li>- Ms LI's view that the financial issues should be followed up by the Panel on Transport rather than by the Subcommittee</li> <li>- Ms LI's indication of support for Mr WONG Kwok-hing's motion</li> </ul>	
003349 – 004038	Mr Ronny TONG Admin	<ul style="list-style-type: none"> <li>- Mr TONG's comment that in accordance with the EHC Ordinance, the Arbitrators' Award was final and was binding on the Government and NHKTC, and thus LegCo was not in a position to challenge the Award</li> <li>- Mr TONG's view on the need to draw up a contingent transport plan to tackle the anticipated traffic congestion after the toll increase of EHC took effect</li> <li>- Administration's advice on the traffic management measures to be taken after the toll increase of EHC took effect on 1 May 2005, and that the cooperation of the MTR Corporation Limited and franchised bus companies had been sought to implement certain</li> </ul>	

<b>Time marker</b>	<b>Speaker</b>	<b>Subject(s)</b>	<b>Action required</b>
		arrangements to relieve the congestion at the Cross-Harbour Tunnel	
004039 – 004538	Chairman Mr Andrew CHENG Ms Miriam LAU Mr WONG Kwok-hing	<ul style="list-style-type: none"><li>- The Subcommittee's agreement that there was no need to extend the scrutiny period in respect of the Notice, and that the Subcommittee would report to the House Committee on its deliberation on 29 April 2005</li><li>- With the agreement of Mr Andrew CHENG, Mr WONG Kwok-hing revised his motion incorporating the amendment suggested by Mr CHENG</li><li>- The Subcommittee's agreement that the motion moved by Mr WONG Kwok-hing should be proceeded with at the meeting</li><li>- Voting on the motion</li></ul>	Administration and NHKTC to provide written response to the motion passed by the Subcommittee
	Chairman	The Chairman's declaration of close of meeting	