

(b) 在上述權利及義務終止當日，基金的款項須撥入政府一般收入。

(2) 當委員會及基金根據第(1)款不再存在，本部及第X部有關委員會或基金的條文即失效。

(3) 第(1)或(2)款的任何條文，均不得用以影響在上述委員會及基金不再存在前已作出的任何事情或已取得、產生或引致的任何權利、義務或法律責任，亦不得用以影響就該等權利、義務或法律責任而提起、持續進行或執行的任何法律程序、仲裁或補救。

## 第 X 部

### 帳目及隧道費加費

#### 42. 定義

在本部中，除文意另有所指外——

“年度”(year)——

(a) 如開始經營日期是在 1997 年或其後任何公曆年的——

(i) 8 月 1 日；或

(ii) 9 月 30 日；或

(iii) 8 月 1 日至 9 月 30 日之間的任何一日，

指自開始經營日期起(包括當日)至 7 月 31 日止的期間，以及其後每段自 8 月 1 日起計(包括當日)的 12 個月的期間；或

(b) 如開始經營日期是在 1997 年或其後任何公曆年的——

(i) 8 月 1 日之前；或

(ii) 9 月 30 日之後，

指自開始經營日期隨後的 8 月 1 日起計(包括當日)的 12 個月期間，以及其後每段自 8 月 1 日起計(包括當日)的 12 個月的期間；

“指明日期”(specified date)就任何預期隧道費加費而言，指附表 4 指明的日期；

“淨收入”(net revenue)就任何一個年度而言，指按照工程項目協議所指明的用以計算淨收入的原則，確定為公司在該年度的淨收入的款額；

“最低估計淨收入”(minimum estimated net revenue)就任何一個年度而言，指在附表 5 第 2 欄指明的該年度的最低估計淨收入的款額；

(b) the moneys constituting the Fund as at the date of such cessation shall be paid into the general revenue.

(2) Upon the Committee and the Fund ceasing to exist under subsection (1), the provisions of this Part and of Part X relating to the Committee or the Fund shall cease to have effect.

(3) Nothing in subsection (1) or (2) shall operate to affect anything done or any right, obligation or liability acquired, accrued or incurred before such cessation or the institution, or continuance enforcement of any legal proceeding, arbitration or remedy in respect of such right, obligation or liability.

## PART X

### ACCOUNTS AND TOLL INCREASES

#### 42. Definitions

In this Part, unless the context otherwise requires—

“anticipated toll increase”(預期隧道費加費) is a toll increase which the Company expects to be eligible to give effect to pursuant to section 45(1); “maximum estimated net revenue”(最高估計淨收入) in relation to any year means the amount specified in column 4 of Schedule 5 as the maximum estimated net revenue as regards that year;

“minimum estimated net revenue”(最低估計淨收入) in relation to any year means the amount specified in column 2 of Schedule 5 as the minimum estimated net revenue as regards that year;

“net revenue”(淨收入) in relation to any year means the amount ascertained as the net revenue of the Company for that year in accordance with the principles specified in the project agreement for the computation of net revenue;

“specified date”(指明日期) in relation to an anticipated toll increase means a date specified in Schedule 4;

“upper estimated net revenue”(較高估計淨收入) in relation to any year means the amount specified in column 3 of Schedule 5 as the upper estimated net revenue as regards that year;

“year”(年度) means—

(a) if the operating date is—

(i) 1 August; or

(ii) 30 September; or

(iii) a date between 1 August and 30 September, in 1997 or any subsequent calendar year, the period beginning on such operating date and ending on 31 July and each period of 12 months beginning on 1 August thereafter; or

“最高估計淨收入”(maximum estimated net revenue)就任何一個年度而言，指在附表 5 第 4 欄指明的該年度的最高估計淨收入的款額；

“較高估計淨收入”(upper estimated net revenue)就任何一個年度而言，指在附表 5 第 3 欄指明的該年度的較高估計淨收入的款額；

“預期隧道費加費”(anticipated toll increase)即公司預期它有資格依據第 45(1) 條實施的隧道費加費。

#### 43. 呈交淨收入報表

(1) 公司須在每個年度終結後的 30 日內，或在局長在個別情況下運用其絕對酌情決定權容許的較長期間內，向局長呈交該年度經由公司委任的核數師審計的公司淨收入報表。

(2) 局長須在下列期間內，通知公司他是否對根據第 (1) 款呈交的淨收入報表感到滿意——(由 2002 年第 106 號法律公告修訂)

- (a) 每個年度終結後 90 日；或
- (b) 接獲該淨收入報表後 60 日，

兩者以較遲者為準。

(3) 局長須為施行第 (2) 款，按照工程項目協議的有關條文，就該淨收入報表作出決定。

(4) 局長在接獲該淨收入報表後，可要求公司提交與該報表有關的進一步資料，而公司須在切實可行範圍內盡快遵從該要求。

(5) 如局長根據第 (2) 款通知公司他對該淨收入報表不滿意，而局長及公司亦未能透過按照工程項目協議的條款進行的談判達成協議，則該事宜須交由為此目的按照工程項目協議委任的獨立專家決議，而該專家就與該淨收入報表有關的事宜作出的決定，即為最終決定。

(由 1997 年第 362 號法律公告修訂；由 2002 年第 106 號法律公告修訂)

#### 44. 撥入基金的款項

(1) 凡公司在任何一個年度的淨收入——

- (a) 超過較高估計淨收入但不超過最高估計淨收入，則公司須將超出較高估計淨收入的款項的 50% 撥入基金；或

- (b) if the operating date is—
  - (i) before 1 August; or
  - (ii) after 30 September,
 in 1997 or any subsequent calendar year, the period of 12 months beginning on 1 August next following such operating date and each period of 12 months beginning on 1 August thereafter.

#### 43. Submission of statement of net revenue

(1) Not later than 30 days after the end of each year or such longer period as the Secretary may, in his absolute discretion, allow in a particular case, the Company shall submit to the Secretary a statement of its net revenue for that year audited by an auditor appointed by the Company.

(2) Not later than—

- (a) 90 days after the end of each year; or
- (b) 60 days after the receipt of the statement of net revenue under subsection (1),

whichever is later, the Secretary shall inform the Company whether or not he is satisfied with that statement of net revenue.

(3) The Secretary shall make a decision in respect of the statement of net revenue for the purposes of subsection (2) in accordance with the relevant provisions in the project agreement.

(4) The Secretary may, after the receipt of the statement of net revenue, require from the Company further information relating to the statement and the Company shall comply with any such requirement as soon as practicable.

(5) If the Secretary informs the Company under subsection (2) that he is not satisfied with the statement of net revenue and an agreement cannot be reached by negotiation between the Secretary and the Company in accordance with the terms of the project agreement, the matter shall be referred for resolution to an independent expert appointed for the purpose in accordance with that agreement, and the decision of such expert shall be final as regards any matter relating to the statement of net revenue.

#### 44. Payments into the Fund

(1) Where in respect of any year the net revenue of the Company—

- (a) exceeds the upper estimated net revenue but does not exceed the maximum estimated net revenue, the Company shall pay into the Fund 50% of the amount in excess of the upper estimated net revenue; or

(b) 超過最高估計淨收入，則公司須將超出最高估計淨收入的款項，以及相等於較高估計淨收入與最高估計淨收入之間的差額的 50% 的款項，撥入基金。

(2) 根據第 (1) 款須撥入基金的任何款項，須在該款項所涉及的一個年度終結後的隨後的 12 月 31 日或之前撥入基金，或在考慮到工程項目協議的情況下屬適當的較後日期或之前撥入基金。

#### 45. 實施預期隧道費加費

(1) 公司可在專營期內，在符合本部的規定下，視乎公司在某一個年度的淨收入而按照本條及工程項目協議的規定，在每個指明日期實施隧道費加費。

(2) 凡公司在任何指明日期之前終結的最後一個年度的淨收入，少於較高估計淨收入，則公司可用書面向局長申請，按適當的預期隧道費加費的款額增加隧道費。

(3) 根據第 (2) 款提出的申請，須在根據第 43(1) 條呈交有關的一個年度的淨收入報表時同時提出。

(4) 凡公司根據本條提出申請，則除第 (5) 款另有規定外，局長須在如實施隧道費加費的加費日期前 21 日或之前，通知公司——（由 2002 年第 106 號法律公告修訂）

(a) 它可實施適當的隧道費加費；或

(b) 須根據第 49 條從基金提出一筆款項付予公司。

(5) 凡公司根據本條提出申請，而局長對就該申請所涉及的一個年度而呈交的淨收入報表不滿意，則——（由 2002 年第 106 號法律公告修訂）

(a) 如爭議中的淨收入並不影響公司根據本部實施隧道費加費的資格，則第 (4) 款即適用；而

(b) 在任何其他情況下，如依據第 43(5) 條所述的談判或依據該條將事宜交由獨立專家決議後，局長與公司同意了或專家決定了淨收入的款額，而按該淨收入的款額而言公司可根據本部實施隧道費加費，則局長須在可實施隧道費加費的日期前 21 日或之前，通知公司它可實施隧道費加費，或將會有一筆款項根據第 49 條從基金付予公司。

(b) exceeds the maximum estimated net revenue, the Company shall pay into the Fund the amount in excess of the maximum estimated net revenue and an amount equal to 50% of the difference between the upper estimated net revenue and the maximum estimated net revenue.

(2) Any payment due under subsection (1) shall be made not later than 31 December next following the end of the year to which the payment relates or such later date as may be appropriate having regard to the project agreement.

#### 45. Giving effect to anticipated toll increases

(1) The Company may, during the franchise period and in accordance with this section and the project agreement, depending on its net revenue in a particular year, and subject to this Part, give effect to a toll increase on each specified date.

(2) Where in respect of a year ending immediately before a specified date, the net revenue of the Company is less than the upper estimated net revenue, the Company may apply in writing to the Secretary to increase the tolls by the amount of the appropriate anticipated toll increase.

(3) Any application under subsection (2) shall be made at the same time the statement of net revenue in respect of the relevant year is submitted under section 43(1).

(4) Where an application is made under this section the Secretary shall, subject to subsection (5), inform the Company, not later than 21 days before the day on which a toll increase, if given effect to, may take place either—

(a) that it may give effect to the appropriate toll increase; or

(b) that a payment shall be made under section 49 to the Company from the Fund.

(5) Where the Secretary is not satisfied with the statement of net revenue submitted in respect of a year as regards which an application under this section is made—

(a) if the amount of the net revenue in dispute does not affect the eligibility of the Company to give effect to a toll increase under this Part, subsection (4) shall apply; and

(b) in any other case, if pursuant to negotiation or reference to an independent expert as described in section 43(5), it is agreed that the net revenue is such or the decision of the expert as regards the net revenue is such, as to render the Company eligible for a toll increase under this Part, the Secretary shall inform the Company not later than 21 days before the date on which the toll increase may be given effect to, that the Company may give effect to a toll increase or that a payment shall be made under section 49 to the Company from the Fund.

(6) 就第 (5)(b) 款而言，可實施隧道費加費的日期為——

(a) 局長與公司就淨收入報表透過談判達成協議後；或

(b) 專家就該報表作出決定後，

根據工程項目協議條款可實施隧道費加費(如可實施的話)的日期。

(由 1997 年第 362 號法律公告修訂；由 2002 年第 106 號法律公告修訂)

#### 46. 提前實施隧道費加費

(1) 凡公司在任何一個年度的淨收入，少於該年度的最低估計淨收入，而該年度又並非指明日期之前終結的最後一個年度，則公司向局長申請實施下一次的預期隧道費加費。(由 1997 年第 362 號法律公告修訂；由 2002 年第 106 號法律公告修訂)

(2) 第 45(3)、(4) 及 (5) 條對根據第 (1) 款提出的申請均為適用。

(3) 根據第 (1) 款能實施隧道費加費的日期，是公司根據第 (1) 款所提出的申請所涉及的年度隨後的 1 月 1 日。

#### 47. 延遲增加隧道費

(1) 在任何指明日期之前終結的最後一個年度內，如公司的淨收入相等於或超過該年度的較高估計淨收入，則如沒有本款的規定本該在該指明日期實施的預期隧道費加費，須延遲至該指明日期隨後的 1 月 1 日始實施。

(2) 凡根據第 (1) 款延遲實施隧道費加費，而公司在該加費所延至的日期之前終結的最後一個年度的淨收入——

(a) 少於該年度的較高估計淨收入，則公司可在根據第 (1) 款所延至的日期實施該隧道費加費；或

(b) 相等於或超過該年度的較高估計淨收入，則該延遲實施的隧道費加費，須進一步延遲至如沒有本段的規定本該實施該加費的日期隨後的 1 月 1 日始實施。

(3) 凡隧道費加費根據第 (2)(b) 款進一步延遲實施，或根據本款再進一步延遲實施，而在隧道費加費所延至的實施日期之前終結的最後一個年度的淨收入——

(a) 少於該年度的較高估計淨收入，則公司可在該日期實施隧道費加費；或

(6) For the purposes of subsection (5)(b), the date on which a toll increase may be given effect to is the date on which under the terms of the project agreement, a toll increase, if any, may be given effect to after—

(a) an agreement is reached as regards a statement of net revenue by negotiation between the Secretary and the Company; or

(b) a determination is made by an expert as regards such a statement,

as may be appropriate.

#### 46. Advancement of toll increases

(1) Where in respect of any year the net revenue of the Company is less than the minimum estimated net revenue for that year, and that year is not a year ending immediately before a specified date, the Company may apply to the Secretary to give effect to the next anticipated toll increase.

(2) Section 45(3), (4) and (5) shall apply in relation to an application under subsection (1).

(3) The date on which a toll increase under subsection (1) can be given effect to is 1 January next following the year in respect of which the Company makes the application under subsection (1).

#### 47. Deferment of toll increases

(1) Where in any year ending immediately before a specified date, the net revenue of the Company is equal to or exceeds the upper estimated net revenue for that year, any anticipated toll increase which could have been given effect to on such specified date if not for this subsection shall be deferred to 1 January next following the specified date.

(2) Where a toll increase is deferred under subsection (1) and the net revenue of the Company for the year ending immediately before the date to which it is deferred is—

(a) less than the upper estimated net revenue for that year, the Company may give effect to the toll increase on the date it is deferred to under subsection (1); or

(b) equal to or exceeds the upper estimated net revenue for that year, the deferred toll increase shall be further deferred to 1 January next following the date on which it could have been given effect to if not for this paragraph.

(3) Where a toll increase is further deferred under subsection (2)(b) or still further deferred under this subsection, and the net revenue of the year ending immediately before the date to which it is deferred is—

(a) less than the upper estimated net revenue for that year, the Company may give effect to the toll increase on that date; or

(b) 相等於或超過該年度的較高估計淨收入，則該隧道費加費，須再進一步延遲至如沒有本段的規定本該實施該加費的日期隨後的 1 月 1 日始實施。

(4) 公司在實施根據本條延遲實施的隧道費加費方面的權利，須受第 49 條的條文規限。

(5) 凡公司根據本條或第 49 條可在指明日期實施根據本條或第 49 條延遲實施的隧道費加費（視屬何情況而定），而如無本款的規定，公司本可同時在該指明日期實施有關的預期隧道費加費的，則該預期隧道費加費須延遲至該指明日期隨後的 1 月 1 日始實施，而第 (2)、(3) 及 (4) 款則適用於該延遲實施的預期隧道費加費。

#### 48. 實施額外的隧道費加費

(1) 凡公司已實施第 45(1) 條所提述的所有預期隧道費加費，但公司在專營期屆滿前任何一個年度的淨收入，少於該年度的最低估計淨收入，則公司可向局長申請實施額外的一次隧道費加費，而加費額須是在考慮到第 50 條的情況下屬適當的。（由 1997 年第 362 號法律公告修訂；由 2002 年第 106 號法律公告修訂）

(2) 第 45(3) 及 (4) 條對根據第 (1) 款提出的申請均為適用。

(3) 根據第 (1) 款申請的隧道費加費，如獲准實施，可在該申請所涉及的一年終結後隨後的 1 月 1 日實施。

#### 49. 從基金支付款項

(1) 委員會可就下列任何日期之前終結的最後一個年度——

(a) 指明日期；或

(b) 隧道費加費根據第 47 條所延至的實施日期（“延至日期”）或進一步延至的實施日期（“進一步延至日期”），

從基金支付一筆款項予公司，而款額則相等於有關年度的淨收入與較高估計淨收入之間的差額。

(2) 如須——

(a) 根據第 (1)(a) 款支付款項，則該款項須在有關的指明日期或之前支付；或

(b) 根據第 (1)(b) 款支付款項，則該款項須在延至日期或之前支付，或在進一步延至日期或之前支付（視屬何情況而定），

或在考慮到工程項目協議的條款後屬適當的較後日期或之前支付。

(b) equal to or exceeds the upper estimated net revenue for that year, the toll increase shall be still further deferred to 1 January next following the date on which it could have been given effect to if not for this paragraph.

(4) Any entitlement of the Company to give effect to a toll increase deferred under this section is subject to the provisions of section 49.

(5) Where the Company may give effect, under this section or section 49, to a toll increase deferred under this section or section 49, as the case may be, on a specified date on which the Company may, if not for this subsection, also give effect to the relevant anticipated toll increase, the anticipated toll increase shall be deferred to 1 January next following and subsections (2), (3) and (4) shall apply in respect of such deferred anticipated toll increase.

#### 48. Creation of additional toll increases

(1) Where the Company has given effect to all the anticipated toll increases referred to in section 45(1) and the net revenue of the Company in respect of any year before the expiry of the franchise period is less than the minimum estimated net revenue for that year, the Company may apply to the Secretary to give effect to an additional toll increase of an amount which is appropriate having regard to section 50.

(2) Section 45(3) and (4) shall apply in relation to an application under subsection (1).

(3) The date on which a toll increase applied for under subsection (1), if permitted, may be given effect to is 1 January next following the year in respect of which the application is made.

#### 49. Payments from the Fund

(1) The Committee may in respect of any year ending immediately before—

(a) a specified date; or

(b) a date to which a toll increase is deferred (“deferred date”) or further deferred (“further deferred date”) under section 47,

pay to the Company from the Fund an amount equal to the difference between the net revenue and the upper estimated net revenue for the year concerned.

(2) A payment, if any, under—

(a) subsection (1)(a) shall be made not later than the relevant specified date; and

(b) subsection (1)(b) shall be made not later than the deferred date or further deferred date as the case may be,

or such later date as may be appropriate having regard to the terms of the project agreement.

(3) 凡委員會已根據第(1)款支付款項，公司即不得實施如沒有該款項它本可實施的隧道費加費，而該隧道費加費則須延遲至如沒有本款的規定本該實施該加費的日期隨後的1月1日始實施。

(4) 凡根據第(3)或(5)款延遲實施隧道費加費，而公司在所延至的實施日期之前終結的最後一個年度的淨收入——

- (a) 少於該年度的較高估計淨收入，則公司可實施隧道費加費；或
- (b) 相等於或超過該年度的較高估計淨收入，則該隧道費加費須延遲至如沒有本段的規定本該實施該加費的日期隨後的1月1日始實施。

(5) 凡公司可就任何一個年度根據第(4)(a)款實施隧道費加費，委員會可將該年度的淨收入與較高估計淨收入之間的差額支付予公司，而如沒有本款的規定公司本可實施的隧道費加費，則須延遲至隨後的1月1日始實施。

(6) 委員會可就下列任何一個年度從基金支付一筆款項予公司，而款額則相等於該年度的淨收入與最低估計淨收入之間的差額——

- (a) 並非下列日期前終結的最後一個年度——
  - (i) 指明日期；或
  - (ii) 隧道費加費根據第47條或本條所延至的實施日期或進一步延至的實施日期；而
- (b) 公司在該年度的淨收入是少於最低估計淨收入的。

(7) 凡委員會已根據第(6)款支付款項，公司即不得就該年度提前實施隧道費加費，或根據第48條實施額外的隧道費加費。

(8) 根據第(6)款支付的款項，須在如沒有該款的規定本可實施隧道費加費的日期或之前支付，或在考慮到工程項目協議後屬適當的較後日期或之前支付。

(9) 如公司欲實施其可根據第47條或第(4)(a)款實施的隧道費加費，它須以書面向局長提出申請增加隧道費，而加幅為適當的隧道費加費款額。(由1997年第362號法律公告修訂；由2002年第106號法律公告修訂)

(10) 第45(3)、(4)及(5)條適用於根據第(9)款提出的申請。

(3) Where a payment is made under subsection (1), the Company shall not give effect to the toll increase which it could have otherwise given effect to and the toll increase shall be deferred to 1 January next following the date on which it could have been given effect to if not for this subsection.

(4) Where a toll increase is deferred under subsection (3) or (5) and the net revenue of the Company for the year ending immediately before the date to which it is deferred is—

- (a) less than the upper estimated net revenue for that year, the Company may give effect to a toll increase; or
- (b) equal to or exceeds the upper estimated net revenue for that year, the toll increase shall be deferred to 1 January next following the date on which it could have been given effect to if not for this paragraph.

(5) Where the Company may give effect to a toll increase under subsection (4)(a) in respect of any year, the Committee may pay to the Company the difference between the net revenue and the upper estimated net revenue for that year and the toll increase which it could have given effect to if not for this subsection shall be deferred to 1 January next following.

(6) The Committee may, in respect of any year—

- (a) which is not a year ending immediately before—
  - (i) a specified date; or
  - (ii) a date on which a toll increase deferred or further deferred under section 47 or this section may be given effect to; and
- (b) in which the net revenue of the Company is less than the minimum estimated net revenue,

pay to the Company from the Fund, an amount equal to the difference between the net revenue and the minimum estimated net revenue for that year.

(7) Where a payment is made under subsection (6), the Company shall not, in respect of that year, advance a toll increase or where applicable give effect to an additional toll increase under section 48.

(8) Any payment under subsection (6) shall be made not later than the date on which the toll increase could have been given effect to if not for that subsection or such later date as may be appropriate having regard to the project agreement.

(9) Where the Company wishes to give effect to a toll increase to which it may give effect to under section 47 or subsection (4)(a), it shall apply in writing to the Secretary to increase the tolls by the amount of the appropriate toll increase.

(10) Section 45(3), (4) and (5) shall apply in relation to an application under subsection (9).

## 50. 隧道費加幅

(1) 凡——

(a) 有關的專營期是“專營期”定義中 (a) 段所提述的期間，則公司可根據本部——

(i) 在開始經營日期至 2010 年 12 月 31 日的期間實施隧道費加費，就附表 2 第 2 欄所描述的車輛而言，其加幅為在該附表第 3 欄正對該等車輛的描述的位置所指明的款額；及

(ii) 在 2011 年 1 月 1 日或之後，直至該界定的專營期屆滿止的期間實施隧道費加費，就附表 3 第 2 欄所描述的車輛而言，其加幅為在該附表第 3 欄正對該等車輛的描述的位置所指明的款額；及

(b) 有關的專營期是上述定義中 (b) 段所提述的期間，則公司可根據本部——

(i) 在開始經營日期起計 (包括當日) 的 13 年內實施隧道費加費，就附表 2 第 2 欄所描述的車輛而言，其加幅為在該附表第 3 欄正對該等車輛的描述的位置所指明的款額；及

(ii) 在第 (i) 節所提述的期間屆滿時起，直至該界定的專營期屆滿止的期間實施隧道費加費，就附表 3 第 2 欄所描述的車輛而言，其加幅為在該附表第 3 欄正對該等車輛的描述的位置所指明的款額。

(2) 在本部中，凡提述“適當的預期隧道費加費”或“適當的隧道費加費”，須考慮到第 (1) 款的規定而予以解釋。

(3) 為免產生疑問，現聲明凡某次隧道費加費——

(a) 根據本部延遲實施或進一步延遲實施；

(b) 而如沒有延遲實施的話，是本可在第 (1)(a)(i) 或 (b)(i) 款所提述的期間內實施的；以及

(c) 由於延遲實施，因而在第 (1)(a)(ii) 或 (b)(ii) 款所提述的期間實施，

則適當的隧道費加費為附表 3 所指明的有關款額。

## 51. 隧道費加費程序

(1) 如公司依據本部可實施隧道費加費，則除第 (2) 款另有規定外，公司自以下日期 (視個別情況而定) 起——

(a) 指明日期；或

(b) 第 46(3) 或 48(3) 條所提述的日期；或

## 50. Amount of the toll increase

(1) Where the franchise period is the period referred to in—

(a) paragraph (a) of the definition of “franchise period”, the amount of the toll increase to which the Company may give effect to under this Part as regards a vehicle described in—

(i) column 2 of Schedule 2, from the operating date up to 31 December 2010, shall be the amount specified in column 3 of that Schedule; and

(ii) column 2 of Schedule 3, on or after 1 January 2011 and up to the expiry of the franchise period as so defined, shall be the amount specified in column 3 of that Schedule, opposite the description of such motor vehicle; and

(b) paragraph (b) of that definition, the amount of the toll increase to which the Company may give effect to under this Part as regards a vehicle described in—

(i) column 2 of Schedule 2, during the period of 13 years beginning on the operating date, shall be the amount specified in column 3 of that Schedule; and

(ii) column 2 of Schedule 3, during the period beginning on the expiry of the period referred to in subparagraph (i) and ending on the expiry of the franchise period as so defined, shall be the amount specified in column 3 of that Schedule, opposite the description of such motor vehicle.

(2) Any reference to an “appropriate anticipated toll increase” or “appropriate toll increase” in this Part shall be construed having regard to subsection (1).

(3) For the avoidance of doubt it is declared that where a toll increase—

(a) is deferred or further deferred under this Part;

(b) is an increase which could have been given effect to during the period referred to in subsection (1)(a)(i) or (b)(i) if not for such deferment; and

(c) is given effect to during the period referred to in subsection (1)(a)(ii) or (b)(ii) as a result of such deferment,

the appropriate toll increase shall be the relevant amount specified in Schedule 3.

## 51. Procedure for toll increase

(1) Where the Company may give effect to a toll increase pursuant to this Part, the Company may, subject to subsection (2), with effect from—

(a) the specified date; or

(b) the date referred to in section 46(3) or 48(3); or

- (c) 依據第 47 或 49 條可實施經延遲或進一步延遲的隧道費加費的日期；或  
 (d) 在考慮到第 45(6) 條或第 (4) 款後屬適當的日期，

可——

- (i) 增加各項隧道費，但加幅不得超過適當的預期隧道費加費款額；或  
 (ii) 不增加任何隧道費；或  
 (iii) 就某類別的車輛增加隧道費，但加幅不得超過適當的預期隧道費加費款額。

(2) 公司可將它根據本部可實施的隧道費加費，延遲至公司與局長協定的日期實施。

(3) 凡公司選擇不增加任何隧道費，或選擇增加任何隧道費，但加幅低於適當的預期隧道費加費，則公司須將該項選擇通知局長，而公司此舉須當作為已放棄實施有關的隧道費加費的權利，或當作為已放棄收取它沒有增加的隧道費加費款額的權利(視屬何情況而定)。

(4) 儘管——

- (a) 第 46(3) 條；或  
 (b) 第 47 或 49 條；或  
 (c) 第 48(3) 條，

就提前、延遲或進一步延遲隧道費加費的實施日期已另有規定，或(視屬何情況而定)就額外隧道費加費的實施日期已另有規定，倘若局長對有關年度的淨收入報表並不滿意，而爭議中的淨收入的款額，對公司實施隧道費加費的資格是有影響的，則公司可實施該隧道費加費的日期按第 45(6) 條所指明的決定。

(由 1997 年第 362 號法律公告修訂；由 2002 年第 106 號法律公告修訂)

## 52. 附表 1 的修訂

(1) 凡按照本部及工程項目協議增加隧道費，運輸署署長即須在憲報刊登公告，將附表 1 修訂以更改有關的隧道費，而該項修訂須自實施加費的日期起生效。

(2) 為免產生疑問，現聲明公司不得在同 1 年度內實施超過 1 次的隧道費加費。

(3) 《釋義及通則條例》(第 1 章) 第 34 條不適用於根據第 (1) 款刊登的公告。

- (c) the date on which a deferred or further deferred toll increase may be given effect to pursuant to section 47 or 49; or  
 (d) the appropriate date having regard to section 45(6) or subsection (4),

as may be applicable in the particular case—

- (i) increase each toll by an amount not exceeding the appropriate anticipated toll increase; or  
 (ii) not increase any toll; or  
 (iii) increase the toll in respect of vehicles of certain categories by an amount not exceeding the appropriate anticipated toll increase.

(2) The Company may defer the coming into effect of a toll increase to which it may give effect to under this Part to such date as may be agreed between the Company and the Secretary.

(3) Where the Company elects not to increase any toll or to increase any toll by an amount less than the appropriate anticipated toll increase, it shall notify the Secretary and thereupon shall be deemed to have forfeited any right as regards giving effect to the relevant toll increase, or the amount of such toll increase to which it has not given effect, as the case may be.

(4) Notwithstanding anything to the contrary in—

- (a) section 46(3); or  
 (b) section 47 or 49; or  
 (c) section 48(3),

as regards the date on which a toll increase which has been advanced, deferred or further deferred or which is an additional toll increase, as the case may be, may be given effect to, where the Secretary is not satisfied with the statement of net revenue for the relevant year, and the amount of the net revenue in dispute affects the eligibility of the Company to give effect to a toll increase, the date on which the toll increase may be given effect to shall be determined as specified in section 45(6).

## 52. Amendment of Schedule 1

(1) Where a toll is increased in accordance with this Part and the project agreement, the Commissioner shall by notice published in the Gazette amend Schedule 1, with effect from the date on which the increase comes into effect, to vary the relevant toll.

(2) For the avoidance of doubt it is declared that the Company shall not give effect to more than 1 increase in the tolls in 1 year.

(3) Section 34 of the Interpretation and General Clauses Ordinance (Cap. 1) shall not apply in respect of a notice under subsection (1).



分類	車輛	隧道費 \$	Category	Vehicle	Toll \$
3.	公共及私家小型巴士 .....	80	3.	Public and private light buses .....	80
4.	(a) 許可車輛總重不超過 5.5 噸的輕型貨車及特別用途車輛 .....	105	4.	(a) Light goods vehicles and special purpose vehicles of a permitted gross vehicle weight not exceeding 5.5 tonnes	105
	(b) (a) 段所指明的車輛，如是超過兩條車軸的，每條額外車軸 .....	70		(b) In a vehicle specified in paragraph (a), each additional axle in excess of 2 .....	70
5.	(a) 許可車輛總重在 5.5 噸以上但不超過 24 噸的中型貨車及特別用途車輛 .....	145	5.	(a) Medium goods vehicles and special purpose vehicles of a permitted gross vehicle weight exceeding 5.5 tonnes but not exceeding 24 tonnes .....	145
	(b) (a) 段所指明的車輛，如是超過兩條車軸的，每條額外車軸 .....	70		(b) In a vehicle specified in paragraph (a), each additional axle in excess of 2 .....	70
6.	(a) 許可車輛總重超過 24 噸的重型貨車及特別用途車輛 .....	215	6.	(a) Heavy goods vehicles and special purpose vehicles of a permitted gross vehicle weight exceeding 24 tonnes .....	215
	(b) (a) 段所指明的車輛，如是超過兩條車軸的，每條額外車軸 .....	70		(b) In a vehicle specified in paragraph (a), each additional axle in excess of 2 .....	70
7.	公共及私家單層巴士 .....	80	7.	Public and private single-decked buses .....	80
8.	公共及私家雙層巴士 .....	115	8.	Public and private double-decked buses .....	115
	(附表 1 由 2005 年第 129 號法律公告代替)			(Schedule 1 replaced L.N. 129 of 2005)	

附表 2

[第 34 及 50 條]

西區海底隧道隧道費的加費額

(自開始經營日期至 2010 年 12 月 31 日，或自開始經營日期起計 (包括當日) 的 13 年內)

分類	車輛	隧道費 \$
1.	電單車、機動三輪車 .....	5
2.	私家車、電動載客車輛、的士 .....	10
3.	公共及私家小型巴士 .....	10

SCHEDULE 2

[ss. 34 & 50]

INCREASES IN WESTERN HARBOUR CROSSING TOLLS

(From operating date up to 31 December 2010 or during period of 13 years beginning on operating date)

Category	Vehicle	Increase \$
1.	Motorcycles, motor tricycles .....	5
2.	Private cars, electrically powered passenger vehicles, taxis ...	10
3.	Public and private light buses .....	10

分類	車輛	隧道費 \$
4.	(a) 許可車輛總重不超過 5.5 噸的輕型貨車及特別用途車輛 .....	15
	(b) (a) 段所指明的車輛，如是超過兩條車軸的，每條額外車軸 .....	10
5.	(a) 許可車輛總重在 5.5 噸以上但不超過 24 噸的中型貨車及特別用途車輛 .....	20
	(b) (a) 段所指明的車輛，如是超過兩條車軸的，每條額外車軸 .....	10
6.	(a) 許可車輛總重超過 24 噸的重型貨車及特別用途車輛 .....	30
	(b) (a) 段所指明的車輛，如是超過兩條車軸的，每條額外車軸 .....	10
7.	公共及私家單層巴士 .....	10
8.	公共及私家雙層巴士 .....	15

Category	Vehicle	Increase \$
4.	(a) Light goods vehicles and special purpose vehicles of a permitted gross vehicle weight not exceeding 5.5 tonnes	15
	(b) In a vehicle specified in paragraph (a), each additional axle in excess of 2 .....	10
5.	(a) Medium goods vehicles and special purpose vehicles of a permitted gross vehicle weight exceeding 5.5 tonnes but not exceeding 24 tonnes .....	20
	(b) In a vehicle specified in paragraph (a), each additional axle in excess of 2 .....	10
6.	(a) Heavy goods vehicles and special purpose vehicles of a permitted gross vehicle weight exceeding 24 tonnes .....	30
	(b) In a vehicle specified in paragraph (a), each additional axle in excess of 2 .....	10
7.	Public and private single-decked buses .....	10
8.	Public and private double-decked buses .....	15

## 附表 3

[第 34 及 50 條]

## 西區海底隧道隧道費的加費額

(2011 年 1 月 1 日或之後，或自開始經營日期起計  
(包括當日) 的 13 年期滿後至專營期屆滿)

分類	車輛	隧道費 \$
1.	電單車、機動三輪車 .....	10
2.	私家車、電動載客車輛、的士 .....	15
3.	公共及私家小型巴士 .....	20

## SCHEDULE 3

[ss. 34 &amp; 50]

## INCREASES IN WESTERN HARBOUR CROSSING TOLLS

(On or after 1 January 2011 or after expiry of 13 years beginning on  
operating date up to expiry of franchise period)

Category	Vehicle	Increase \$
1.	Motorcycles, motor tricycles .....	10
2.	Private cars, electrically powered passenger vehicles, taxis ...	15
3.	Public and private light buses .....	20

分類	車輛	隧道費 \$	Category	Vehicle	Increase \$
4.	(a) 許可車輛總重不超過 5.5 噸的輕型貨車及特別用途車輛 .....	20	4.	(a) Light goods vehicles and special purpose vehicles of a permitted gross vehicle weight not exceeding 5.5 tonnes	20
	(b) (a) 段所指明的車輛，如是超過兩條車軸的，每條額外車軸 .....	15		(b) In a vehicle specified in paragraph (a), each additional axle in excess of 2 .....	15
5.	(a) 許可車輛總重在 5.5 噸以上但不超過 24 噸的中型貨車及特別用途車輛 .....	35	5.	(a) Medium goods vehicles and special purpose vehicles of a permitted gross vehicle weight exceeding 5.5 tonnes but not exceeding 24 tonnes .....	35
	(b) (a) 段所指明的車輛，如是超過兩條車軸的，每條額外車軸 .....	15		(b) In a vehicle specified in paragraph (a), each additional axle in excess of 2 .....	15
6.	(a) 許可車輛總重超過 24 噸的重型貨車及特別用途車輛 .....	45	6.	(a) Heavy goods vehicles and special purpose vehicles of a permitted gross vehicle weight exceeding 24 tonnes .....	45
	(b) (a) 段所指明的車輛，如是超過兩條車軸的，每條額外車軸 .....	15		(b) In a vehicle specified in paragraph (a), each additional axle in excess of 2 .....	15
7.	公共及私家單層巴士 .....	20	7.	Public and private single-decked buses .....	20
8.	公共及私家雙層巴士 .....	30	8.	Public and private double-decked buses .....	30

附表 4

[第 42 條]

預期公司能實施隧道費加費的日期

2001 年 1 月 1 日  
2005 年 1 月 1 日  
2009 年 1 月 1 日  
2013 年 1 月 1 日  
2017 年 1 月 1 日  
2021 年 1 月 1 日

SCHEDULE 4

[s. 42]

DATES ON WHICH THE COMPANY IS EXPECTED TO  
BE ABLE TO EFFECT A TOLL INCREASE

1 January 2001  
1 January 2005  
1 January 2009  
1 January 2013  
1 January 2017  
1 January 2021

附表 5

[第 42 條]

估計淨收入 (百萬元)

在下列年份的 7 月 31 日終結的年度	最低估計 淨收入	較高估計 淨收入	最高估計 淨收入
1998	154	336	403
1999	201	399	471
2000	253	461	538
2001	506	768	865
2002	713	1,016	1,128
2003	794	1,106	1,221
2004	880	1,202	1,321
2005	1,190	1,570	1,711
2006	1,455	1,881	2,039
2007	1,549	1,983	2,143
2008	1,623	2,061	2,223
2009	1,876	2,369	2,551
2010	2,028	2,562	2,760
2011	1,892	2,405	2,594
2012	1,821	2,326	2,513
2013	2,212	2,815	3,038
2014	2,573	3,267	3,524
2015	2,733	3,474	3,749
2016	2,891	3,682	3,974
2017	3,507	4,449	4,797
2018	4,018	5,090	5,486
2019	4,220	5,355	5,775
2020	4,422	5,621	6,064
2021	5,192	6,583	7,098
2022	5,747	7,285	7,855

SCHEDULE 5

[s. 42]

ESTIMATED NET REVENUE (\$000,000's)

Year Ending 31 July in	Minimum Estimated Net Revenue	Upper Estimated Net Revenue	Maximum Estimated Net Revenue
1998	154	336	403
1999	201	399	471
2000	253	461	538
2001	506	768	865
2002	713	1,016	1,128
2003	794	1,106	1,221
2004	880	1,202	1,321
2005	1,190	1,570	1,711
2006	1,455	1,881	2,039
2007	1,549	1,983	2,143
2008	1,623	2,061	2,223
2009	1,876	2,369	2,551
2010	2,028	2,562	2,760
2011	1,892	2,405	2,594
2012	1,821	2,326	2,513
2013	2,212	2,815	3,038
2014	2,573	3,267	3,524
2015	2,733	3,474	3,749
2016	2,891	3,682	3,974
2017	3,507	4,449	4,797
2018	4,018	5,090	5,486
2019	4,220	5,355	5,775
2020	4,422	5,621	6,064
2021	5,192	6,583	7,098
2022	5,747	7,285	7,855

在下列年份的 7 月 31 日終結的年度	最低估計 淨收入	較高估計 淨收入	最高估計 淨收入
2023	5,726	7,286	7,864

註：凡解釋本附表中的“年度”，須考慮到本條例第 42 條的“年度”定義。

Year Ending 31 July in	Minimum Estimated Net Revenue	Upper Estimated Net Revenue	Maximum Estimated Net Revenue
2023	5,726	7,286	7,864

Note: In this Schedule “year” shall be construed having regard to the definition of “year” in section 42 of this Ordinance.