



立法會秘書處 法律事務部  
LEGAL SERVICE DIVISION  
LEGISLATIVE COUNCIL SECRETARIAT

來函檔號 YOUR REF : THB(T)CR 2/5591/75

本函檔號 OUR REF : LS/B/13/14-15

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By Fax (2104 7274)

19 May 2015

Miss Carrie CHANG  
Principal Assistant Secretary for Transport and Housing  
(Transport) 1  
Transport and Housing Bureau  
21/F, East Wing  
Central Government Offices  
2 Tim Mei Avenue  
Tamar  
Hong Kong

Dear Miss CHANG,

### **Peak Tramway (Amendment) Bill 2015**

Thank you for your letter of reply dated 7 May 2015. Further to the letter and the meeting of the relevant Bills Committee on 18 May 2015, please provide the following information –

- (a) in respect of the mandatory lease arrangement—
  - (i) whether there is any precedent in local or overseas legislation which provides for a similar arrangement;
  - (ii) whether there is any local or overseas judicial authority that is in support of the proposed mandatory lease arrangement;
  - (iii) the matters that were taken into account when proposing the said arrangement and, given that, if the Bill is passed, the said arrangement may become a precedent in local legislation, the matters that the Administration will take into

account in deciding whether to employ such arrangement in the future in relation to commercial properties in light of Articles 6,7 and 105 and section 2 of Chapter V of the Basic Law;

- (iv) the circumstances which may trigger the operation of the proposed sections 11B(7) and 11C(6);
- (b) in respect of and in accordance with the relevant land lease(s) which concern the sites that are owned by the Peak Tramways Company Limited (PTC), whether —
  - (i) an owner of the essential premises must put the premises in use for the operation of the peak tramway or the owner has a discretion to leave the essential premises unused;
  - (ii) the sites which are owned by PTC that are referred in footnote 1 of the Annex to the letter are restricted to the sole use for the operation of the Peak Tramway or the sites may be used for other purposes (such as commercial use) in addition to the operation of the Peak Tramway; and
- (c) in respect of Articles 6 and 105 of the Basic Law, the judicial and legal authorities (if any) which the Administration relies on in stating that "the mandatory lease and arrangements are in compliance with Articles 6 and 105 of the Basic Law" in paragraph 2 of the Annex to the letter.

As the Bills Committee will consider the Bill at its next meeting scheduled on 2 June 2015, we would be grateful for your reply in both Chinese and English language to reach us as soon as practicable.

Yours sincerely,



(Miss Evelyn LEE)  
Assistant Legal Adviser

c.c. DoJ

(Attn.: Mr Gilbert MO,  
Deputy Law Draftsman (Bilingual Drafting and Administration)  
Ms Angie LI, Senior Government Counsel)

(Fax: 2869 1302)

Clerk to Bills Committee

LA