

Bills Committee on Peak Tramway (Amendment) Bill 2015

**List of follow-up actions arising from the discussion
at the meeting on 2 June 2015**

The Administration is requested to provide the following information –

- (a) in respect of the proposed mandatory lease arrangement under exit mechanism, the Administration points out that similar arrangement can be found under the Public Bus Services Ordinance (Cap. 230), Ferry Services Ordinance (Cap. 104) and Mass Transit Railway Ordinance (Cap. 556). In view of it, the Administration undertakes to provide information on the similarities and differences in the arrangements between these Ordinances and the Bill, in particular, the Administration may wish to provide –
 - i. details on the ownership of the pieces of land concerned (such as whether a piece of land is owned by the relevant franchisee) and the nature of the properties (such as whether the properties are real properties) that the respective examples are applicable to; and
 - ii. information regarding the application of the said examples on the properties concerned to illustrate the similarities and differences that are mentioned in the paragraph.
- (b) by having Peak Tramway Company, Limited agreeing to surrender its present grant and by the Government making a re-grant to stipulate the mandatory lease arrangement in the land leases, the proposed mandatory lease arrangement can be implemented by non-legislative means. The Administration undertakes to explain why it was considered not feasible and the legal reasoning as to why the said non-legislative means cannot bind the successor, i.e. the new operator/lessee, by ways of stipulating the terms (including the term which is provided in the proposed section 11B(9)) of the arrangement in the relevant land leases and rendering any grantee of the operating right of the peak tramway to be bound by the terms ; and
- (c) the handling of China Motor Bus Company's assets and premises after its franchise being revoked.