



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) 4/4651/85
本函檔號 OUR REF : LS/B/11/15-16
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URGENT

By Fax (3904 1774)

15 January 2016

Ms Cordelia LAM
Principal Assistant Secretary for Transport and
Housing (Transport)2
Transport and Housing Bureau
21/F, East Wing
Central Government Offices
2 Tim Mei Avenue
Tamar, Hong Kong

Dear Ms LAM,

Eastern Harbour Crossing Legislation (Amendment) Bill 2015

At the House Committee meeting on 15 January 2016, a Member raised the concern on the possible legal implications if the Bill could not be passed before the prorogation of the Fifth Legislative Council.

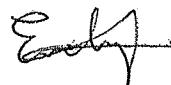
It is noted from paragraph 2 of the relevant Legislative Council Brief (File Ref: THB(T) 4/4651/85 issued by the Transport and Housing Bureau dated 9 December 2015) that the 30-year franchise of the Eastern Harbour Crossing granted to the New Hong Kong Tunnel Company Limited (the franchisee) will expire on 7 August 2016. Under section 70(4) of the Eastern Harbour Crossing Ordinance (Cap. 215), the asset of the franchisee shall vest in the Government upon the determination of the rights and obligations of the franchisee under section 70 of Cap. 215. In the circumstances, in the event that the Bill is not passed before the expiry of the franchise, please let us

know —

- (a) how the Eastern Harbour Crossing will be managed and operated (including the tolls to be charged and payment of tolls) upon the expiry of the franchise; and
- (b) whether the provisions under Cap. 215 (and other related provisions in various Ordinances which are proposed to be repealed under the Bill) will continue to operate upon the expiry of the franchise, and if so, why and how.

Please let us have your reply in both Chinese and English languages on or before 20 January 2016.

Yours sincerely,



(Evelyn LEE)
Assistant Legal Adviser

c.c. Department of Justice (Miss Emma WONG (Fax: 3918 4613))
Legal Adviser
Senior Assistant Legal Adviser 1
Clerk to the Bills Committee