

香港特別行政區政府

The Government of the Hong Kong Special Administrative Region

政府總部  
運輸及房屋局

運輸科

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本局檔號 OUR REF.: THB(T) CR 1/4651/00  
來函檔號 YOUR REF.:



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4 March 2016

Ms Shirley CHAN  
Clerk to Bills Committee  
Legislative Council Secretariat  
Legislative Council Complex  
1 Legislative Council Road  
Central  
Hong Kong

Dear Ms CHAN,

**Bills Committee on Eastern Harbour  
Crossing Legislation (Amendment) Bill 2015**

Thank you for your letter dated 29 February 2016. Having consulted the Department of Justice, our response to the draft Committee Stage amendments (“CSAs”) to the Eastern Harbour Crossing Legislation (Amendment) Bill 2015 (“the Bill”) proposed by Hon WONG Yuk-man and Hon TANG Ka-piu and attached to your letter are set out below.

The draft CSAs proposed by Hon WONG Yuk-man seek to amend the tolls of the Eastern Harbour Crossing (“EHC”) prescribed in the Bill by aligning them with the existing toll levels of the Cross Harbour Tunnel (“CHT”). The draft CSA proposed by Hon TANG Ka-piu seeks to amend the toll of EHC on public and private double-decked buses prescribed in the Bill by aligning it with the respective toll level of CHT.

Rule 57(4)(a) of the Rules of Procedure of the Legislative Council (“RoP”) provides that “[a]n amendment must be relevant to the subject matter of the bill and to the subject matter of the clause to which it relates”.

The subject matter of the Bill is clearly stated in the long title which states that it is a bill to, inter alia, “[a]mend the Road Tunnel (Government) Ordinance and its subsidiary legislation to extend their application to the Eastern Harbour Crossing and **incorporate the existing tolls chargeable under the Eastern Harbour Crossing Ordinance**” (emphasis added). The substantive provisions and the Explanatory Memorandum of the Bill also clearly reflect this object of the Bill. Paragraph 3 of the Legislative Council (“LegCo”) Brief expressly states that the Government’s takeover of EHC will bring no change to the actual tunnel operation and “[i]n particular, the prevailing toll levels will not be affected”.

As the effect of the draft CSAs is to prescribe tolls that are different from the existing tolls chargeable under the Eastern Harbour Crossing Ordinance (Cap. 215), we take the view that they are not relevant to the subject matter, and hence outside the scope of the Bill within the meaning of Rule 57(4)(a) of the RoP.

Yours sincerely,



( Ms Cordelia LAM )

for Secretary for Transport and Housing

c.c. Hon CHAN Kam-lam, SBS, JP  
Department of Justice  
Transport Department  
Hong Kong Police Force

(Chairman of Bills Committee)  
(Attn: Miss Emma WONG)  
(Attn: Ms Macella LEE)  
(Attn: Mr Matthew LINDSAY)