

**Peak Tramway (Amendment) Bill 2015**  
**Debate and voting arrangements**

**Main object of the Bill :** To amend the Peak Tramway Ordinance (Cap. 265) to put in place a mechanism for the grant of the operating right of the Peak Tramway after December 2015.

<b>First debate</b> : Clauses with no amendment – Clauses 1 to 5, 7 to 12, 14 and 16 to 27			
<b>Voting</b> : To vote on the above clauses standing part of the Bill			
<b>Second debate</b> : Clauses with amendments proposed by the Secretary for Transport and Housing (“STH”) – Clauses 6, 13 and 15			
Joint debate on the original clauses and the above amendments.			
<b>Clause 6</b>			
- To add subsection (3) after the proposed section 2C(2) to specify that upon receipt of an application from the incumbent operator of the peak tramway service for an extension of its operating right, the Chief Executive (“CE”) in Council must make a decision within a reasonable period of time and without unreasonable delay.			
<b>Clause 13</b>			
- To make a textual amendment to the Chinese text of the proposed section 8A(a) to align the meanings of the relevant Chinese and English texts.			
<b>Clause 15</b>			
- The proposed sections 11B(1) and 11C(1) provide that CE in Council may order the person who owns any premises and equipment essential to the operation of the peak tramway service to lease the premises and sell the equipment to a party designated by CE in Council. The amendments seek to add subsection (1A) after the proposed sections 11B(1) and 11C(1) respectively to stipulate that CE in Council must not make the order unless it considers that the peak tramway service will likely be disrupted if no such order is made.			
<b>Mover</b>	<b>Voting</b>	<b>Remarks</b>	<b>Amendment(s)</b>
STH	STH’s amendments	Irrespective of whether STH’s amendments are passed or not, Hon Tony TSE <u>may move</u> his amendment	<b>LC Paper No. CB(3) 46/15-16</b>

**Third debate** : Clause with amendment proposed by Hon Tony TSE – Clause 15

Joint debate on the original clause and the above amendment.

**Clause 15**

- To delete the proposed subsection 11B(9), and substitute it with a new subsection to stipulate that the lessee of the premises essential to operating the peak tramway must pay to the lessor:
  - (i) rent for the essential premises of an amount equal to the open market rent which must comply with certain conditions;
  - (ii) an amount equal to any loss or damage suffered by the lessor as a result of the lessee failing to maintain the premises in a condition suitable for operating the tramway; and
  - (iii) an amount equal to any other loss or damage suffered by the lessor as a result of any power exercised by CE in Council under the proposed section 11B.

<b>Mover</b>	<b>Voting</b>	<b>Remarks</b>	<b>Amendment(s)</b>
Hon Tony TSE	Hon Tony TSE's amendment	Irrespective of whether STH's amendments are passed or not, Hon Tony TSE <u>may move</u> his amendment.	<b>LC Paper No. <u>CB(3) 69/15-16</u></b>

**The Secretary for Transport and Housing's amendments**

(printed in LC Paper No. CB(3) 46/15-16 issued on 15 October 2015)

**Hon Tony TSE's amendment**

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