

LEGISLATIVE COUNCIL BRIEF

IMMIGRATION (ANCHORAGES AND LANDING PLACES) (AMENDMENT) (NO. 2) ORDER 2003

INTRODUCTION

The Immigration (Anchorage and Landing Places) (Amendment) (No.2) Order 2003 has been introduced so as to designate an additional approved immigration anchorage at the Hong Kong International Airport (“HKIA”).

BACKGROUND

2. In November 2002, the Economic Development and Labour Bureau briefed the Legislative Council Panel on Economic Services on Airport Authority (AA)’s proposal to develop cross boundary ferry services for transit passengers between the HKIA and selected ports in the Pearl River Delta (PRD). The aim of AA’s proposal is to improve the inter-modal connectivity of the HKIA to extend its passenger catchment area. These transit passengers will be treated the same way as airside transit passengers and are required to stay within the Restricted Area of the HKIA when they are transferred between the Passenger Terminal Building (PTB) and the ferry terminal to continue their onward journey by air or by ferry to their final destinations overseas or in the PRD. To achieve this purpose, the Director-General of Civil Aviation (“DGCA”) has, by virtue of the Airport Authority Ordinance (Map of Restricted Area) Order (Cap.483G), included both the ferry terminal and the proposed road connecting the ferry terminal with the current Restricted Area of the PTB as the Restricted Area of the HKIA.

3. Since the passengers are using the ferry terminal for transit purpose, they, like air-side transit passengers, are not subject to normal customs and immigration checks under normal circumstances.

4. To pave the way for the introduction of the cross boundary ferry services¹ and to meet the requirement under section 3(1) of the Immigration Ordinance (Cap.115) (the “Ordinance”)², the Secretary for Security has introduced the Immigration (Anchorage and Landing Places) (Amendment) (No.2) Order 2003 (at Annex) to designate the ferry terminal at the HKIA as an additional approved immigration anchorage³. Subject to the passage of negative vetting, the Amendment Order will come into operation on 29 May 2003.

THE AMENDMENT ORDER

5. **Clause 1** of the Amendment Order provides that the Order shall come into operation on 29 May 2003. **Clause 2** provides for the designation of the approved immigration anchorage at the HKIA and makes minor technical amendments. The approved immigration anchorage will be used by ships conveying those transit passengers that are specified in Clause 2. **Clause 3** adds a new Schedule 1A to delineate the boundary of the Hong Kong International Airport Immigration Anchorage.

LEGISLATIVE TIMETABLE

6. The legislative timetable will be -

Publication in the Gazette	4 April 2003
Commencement of the Legal Notice	29 May 2003

¹ The actual use of the ferry terminal as an approved immigration anchorage is subject to the commencement of the Airport Authority Ordinance (Map of Restricted Area) Order (Cap.483G) to be appointed by the DGCA.

² Section 3(1) of the Immigration Ordinance (Cap.115) requires, among other things, that the captain of a ship shall, on arrival of the ship in Hong Kong, anchor or moor the ship at an approved immigration anchorage.

³ Section 60 of the Immigration Ordinance (Cap.115) provides that the Secretary for Security may by order designate the places which shall be approved immigration anchorages and approved landing places for the purposes of the Ordinance.

IMPLICATIONS OF THE PROPOSAL

7. The Department of Justice has advised that the Amendment Order is in conformity with the Basic Law, including the provisions concerning human rights.

BINDING EFFECT OF THE LEGISLATION

8. The Amendment Order will not affect the current binding effect of the Immigration Ordinance (Cap.115).

PUBLICITY

9. A spokesman will be made available to answer media and public enquiries.

ENQUIRIES

10. For any enquiries on the brief, please contact Mr Alan KM Chu, Principal Assistant Secretary for Security, at 2810 2506.

4 April 2003
Security Bureau

**IMMIGRATION (ANCHORAGES AND LANDING PLACES)
(AMENDMENT)(NO. 2) ORDER 2003**

(Made under section 60 of the Immigration Ordinance
(Cap. 115))

1. Commencement

This Order shall come into operation on 29 May 2003.

2. Paragraph substituted

Paragraph 2 of the Immigration (Anchorage and Landing Places) Order (Cap. 115 sub. leg. C) is repealed and the following substituted -

**"2. Designation of approved
immigration anchorages**

(1) The following places are designated as approved immigration anchorages -

- (a) for a vessel which regularly conveys passengers between Hong Kong and other parts of China, other than a ship referred to in sub-subparagraph (b), any terminal declared under regulation 3 of the Shipping and Port Control (Ferry Terminals) Regulations (Cap. 313 sub. leg. H);
- (b) for a ship which regularly conveys passengers to whom this sub-subparagraph applies between the Hong Kong International Airport ("the airport") and other parts of China (outside

Hong Kong) and which is approved by the Airport Authority of Hong Kong to berth at the airport, any immigration anchorage specified in Schedule 1A;

(c) for any other ship, any immigration anchorage specified in Schedule 1.

(2) Subparagraph (1)(b) applies to passengers who -

(a) arrive at the airport by air or sea for the purpose of onward travel only;

(b) before their onward journey remain at all times within the Restricted Area of the airport specified pursuant to section 37 of the Airport Authority Ordinance (Cap. 483);
and

(c) (i) if arriving by sea, hold tickets valid for onward travel by air from the airport within 24 hours of arrival;

(ii) if arriving by air, hold or obtain tickets valid for onward travel by sea from the airport on the day of arrival, or, if the time of arrival makes it impracticable to catch the last ship which departs for their destination on that day, within 24 hours of arrival;

(iii) in either case, hold the documents required by the immigration control

authority of the country or territory of their destination for entering into that country or territory."

3. Schedule 1A added

The following is added before Schedule 1 -

"SCHEDULE 1A [para. 2]

Name of Anchorage	Description
I. Hong Kong International Airport Immigration Anchorage	<p>The area bounded by straight lines joining the following positions -</p> <p style="text-align: center;">WGS84 DATUM</p> <p>(a) latitude 22°19'11.2" north, longitude 113°56'39.2" east;</p> <p>(b) latitude 22°19'10.8" north, longitude 113°56'41.0" east;</p> <p>(c) latitude 22°19'10.6" north, longitude 113°56'40.8" east;</p> <p>(d) latitude 22°19'10.0" north, longitude 113°56'39.9" east;</p> <p>(e) latitude 22°19'07.2" north, longitude 113°56'39.3" east;</p> <p>(f) latitude 22°19'06.7" north, longitude 113°56'42.0" east;</p>

- (g) latitude 22°19'06.3" north,
longitude 113°56'41.9" east;
- (h) latitude 22°19'06.9" north,
longitude 113°56'39.2" east;
- (i) latitude 22°19'04.6" north,
longitude 113°56'38.7" east;
- (j) latitude 22°19'04.7" north,
longitude 113°56'38.4" east;
- (k) latitude 22°19'04.4" north,
longitude 113°56'38.3" east;
- (l) latitude 22°19'04.5" north,
longitude 113°56'37.8" east;
- (m) latitude 22°19'05.9" north,
longitude 113°56'38.1" east;
- (n) latitude 22°19'06.0" north,
longitude 113°56'37.8" east;
- (o) latitude 22°19'06.0" north,
longitude 113°56'37.7" east;
- (p) latitude 22°19'05.9" north,
longitude 113°56'37.6" east;
- (q) latitude 22°19'06.3" north,
longitude 113°56'37.5" east;

- (r) latitude 22°19'06.5" north,
longitude 113°56'37.8" east;
- (s) latitude 22°19'06.6" north,
longitude 113°56'37.8" east;
- (t) latitude 22°19'08.1" north,
longitude 113°56'38.1" east;
- (u) latitude 22°19'08.2" north,
longitude 113°56'38.5" east."

Secretary for Security

2003

Explanatory Note

This Order amends the Immigration (Anchorage and Landing Places) Order (Cap. 115 sub. leg. C) to designate an approved immigration anchorage at the Hong Kong International Airport ("the airport"). This approved immigration anchorage caters for ships which convey passengers between the airport and other parts of China (outside Hong Kong) and which are approved by the Airport Authority of Hong Kong to berth at the airport. Such passengers will pass through the airport for transit purposes only.

2. This Order also makes minor technical amendments to the existing Order.