

L.N. 57 of 2004**SHIPPING AND PORT CONTROL (FERRY TERMINALS)
(AMENDMENT) REGULATION 2004**

(Made by the Chief Executive in Council under section 80 of the Shipping and Port Control Ordinance (Cap. 313))

1. Commencement

This Regulation shall come into operation on a day to be appointed by the Secretary for the Environment, Transport and Works by notice published in the Gazette.

2. Interpretation

Regulation 2 of the Shipping and Port Control (Ferry Terminals) Regulations (Cap. 313 sub. leg. H) is amended—

- (a) in the definition of “pass holder”, in paragraph (a), by repealing everything after the comma and substituting “the authorized officer or the person to whom it is issued; and”;
- (b) by repealing the definition of “restricted area” and substituting—
““restricted area” (限制區域) means a restricted area declared under regulation 11;”;
- (c) by repealing the definition of “terminal” and substituting—
““terminal” (終點碼頭) means a terminal declared under regulation 3;”.

3. Regulation substituted

Regulation 3 is repealed and the following substituted—

“3. Declaration of terminals

(1) Each area the name and boundaries of which are respectively specified in columns 2 and 3 of Schedule 1 is hereby declared as a terminal.

(2) For the purpose of this regulation, “area” (範圍) includes the land and water, and any building, street, pier or pontoon, within the boundaries of the area.”.

4. Regulation substituted

Regulation 11 is repealed and the following substituted—

“11. Declaration of restricted areas

Each area the boundaries of which are specified in column 4 of Schedule 1 is hereby declared as the restricted area of the terminal specified opposite to those boundaries in column 2 of that Schedule.”.

5. Fees

Regulation 37 is amended by repealing “the Schedule” and substituting “Schedule 2”.

6. Regulation added

The following is added—

“38. Amendment of Schedule 1

For the purpose of varying the boundaries of a terminal or restricted area, the Director may, by notice published in the Gazette, amend column 3 or 4 of Schedule 1.”.

7. Schedule 1 added

The following is added immediately after regulation 38—

“SCHEDULE 1

[regs. 3, 11 & 38]

TERMINALS FOR USE BY FERRY VESSELS

Item	Name of terminal	Boundaries of terminal	Boundaries of restricted area
1.	China Ferry Terminal	The boundaries edged in red on the plans Serial Nos. DM23a and DM23a/1 to DM23a/6 dated 30 March 1992, signed by the Director and deposited in his office.	The boundaries that enclose an area coloured pink on the plans Serial Nos. DM24a/1 to DM24a/6 dated 5 March 2002, signed by the Director and deposited in his office.
2.	Hong Kong—Macau Ferry Terminal	The boundaries delineated in red on the plan Serial No. DM20 dated 2 February 1987, signed by the Director and deposited in his office.	The boundaries edged in red on the plan Serial No. DM17 dated 3 May 1985, signed by the Director and deposited in his office.

Item	Name of terminal	Boundaries of terminal	Boundaries of restricted area
3.	Tuen Mun Ferry Terminal	The boundaries that enclose an area coloured pink on the plans Serial Nos. DM25 and DM25/1 to DM25/3 dated 20 February 2004, signed by the Director and deposited in his office.	The boundaries that enclose an area coloured pink on the plans Serial Nos. DM26/1 to DM26/3 dated 20 February 2004, signed by the Director and deposited in his office.”.

8. Fees

The Schedule is renumbered as Schedule 2.

CHENG Mei-sze, Maisie
Clerk to the Executive Council

COUNCIL CHAMBER
20 April 2004

Explanatory Note

This Regulation amends the Shipping and Port Control (Ferry Terminals) Regulations (Cap. 313 sub. leg. H) (“principal Regulations”). The main purpose is to establish a new cross-boundary ferry terminal—the Tuen Mun Ferry Terminal. Further, the opportunity is taken to incorporate into the principal Regulations 4 pieces of subsidiary legislation (Cap. 313 sub. leg. L, M, P and W) that relate to the existing cross-boundary ferry terminals.

2. Section 2 amends the definitions of several expressions that are used in the principal Regulations.

3. Sections 3 and 4 respectively amend regulations 3 and 11 of the principal Regulations so that the boundaries of all such terminals and their restricted areas can be specified in a new Schedule 1.

4. Section 6 adds a new regulation 38 to the principal Regulations, which empowers the Director of Marine to vary the boundaries of such terminals and restricted areas.

5. Section 7 adds the new Schedule 1 to the principal Regulations.

6. Section 8 renumbers the Schedule to the principal Regulations as Schedule 2. Section 5 makes a consequential amendment to regulation 37 of the principal Regulations.