

立法會
Legislative Council

LC Paper No. LS8/06-07

**Paper for the House Committee Meeting
on 10 November 2006**

**Legal Service Division Report on
Subsidiary Legislation Gazetted on 3 November 2006**

Date of tabling in LegCo : 8 November 2006

Amendment to be made by : 6 December 2006 (or 10 January 2007 if extended by resolution)

**Prisons Ordinance (Cap. 234)
Prisons (Amendment) (No. 2) Order 2006 (L.N. 243)**

The Prisons (Amendment) (No. 2) Order 2006 (the Order) is made by the Secretary for Security under section 4 of the Prisons Ordinance (Cap. 234) to discontinue the use of the Lo Wu Correctional Institution (the place and buildings situated near Ho Sheung Heung, Sheung Shui, New Territories until now known as “Lo Wu Camp”) as a prison under the Ordinance. The Schedule to the Prisons Order (Cap. 234 sub. leg. B) is amended by repealing the reference to Lo Wu Correctional Institution accordingly.

Shipping and Port Control (Ferry Terminals) (Amendment) Regulation 2004 (L.N. 57 of 2004)

Shipping and Port Control (Ferry Terminals) (Amendment) Regulation 2004 (Commencement) Notice (L.N. 244)

2. The Shipping and Port Control (Ferry Terminals) (Amendment) Regulation 2004 (L.N. 57 of 2004) (the Amendment Regulation) amends the Shipping and Port Control (Ferry Terminals) Regulations (Cap. 313 sub. leg. H) (the Principal Regulations) to add a new Schedule 1 to the Principal Regulations. The names, the boundaries of the ferry terminals and the boundaries of their restricted areas are set out in the Schedule. The new Tuen Mun Ferry Terminal is set out in item 3 of the Schedule. The existing two ferry terminals, namely, the China Ferry Terminal and the Hong Kong-Macau Ferry Terminal are respectively set out in items 1 and 2 of the Schedule. The boundaries of these two existing terminals and their restricted areas as declared by earlier orders and notices contained in subsidiary legislation L, M, P

and W of the Shipping and Port Control Ordinance (Cap. 313) are repealed by the Boundaries of Ferry Terminals (Repeal) Order (L.N. 58 of 2004) and the Boundaries of Restricted Areas of Ferry Terminals (Repeal) Notice (L.N. 59 of 2004).

3. The Secretary for Security has also made the Immigration (Places of Detention) (Amendment) Order 2004 (L.N. 60 of 2004) and the Immigration Service (Designated Places) (Amendment) Order 2004 (L.N. 61 of 2004) to amend the Immigration (Places of Detention) Order (Cap. 115 sub. leg. B) and the Immigration Service (Designated Places) Order (Cap. 331 sub. leg. B) to designate a place of detention within the Tuen Mun Ferry Terminal.

4. In order to tie in with the commissioning of the new Tuen Mun Ferry Terminal, the Secretary for the Environment, Transport and Works has appointed by the Commencement Notice 3 November 2006 as the day on which the Amendment Regulation came into operation. As the other 4 pieces of subsidiary legislation, i.e. L.N. 58 to L.N. 61 of 2004, provide that they shall come into operation on the date appointed for the commencement of the Amendment Regulation, they also came into operation on 3 November 2006.

5. Members may refer to the LegCo Brief (File Ref: ETWB(T)CR 1/5481/98) issued by the Environment, Transport and Works Bureau dated 23 April 2004 and the Legal Service Division report on the Amendment Regulation (Ref: LS71/03-04) for background information.

6. The Administration informed the Panel on Transport (the Panel) in December 2003 that following an open tender exercise, the Government signed a tenancy agreement with a company in late December 2003 concerning the occupation, modification and use of part of the Tuen Mun Ferry Pier for the operation of cross-boundary passenger ferry services to Macau and Mainland ports.

7. The Panel was briefed on 30 January 2004 and 29 October 2004 on the latest development of the project, and the legislative amendments required for the operation of cross-boundary ferry services from the Tuen Mun Ferry Terminal.

8. At the meeting on 29 October 2004, members expressed concern about the slippage of the project. They urged the Administration to speed up the vetting of building plans and take a more proactive approach to facilitate the project implementation.

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