

## **LEGISLATIVE COUNCIL BRIEF**

### **SHIPPING AND PORT CONTROL ORDINANCE (CHAPTER 313)**

#### **SHIPPING AND PORT CONTROL (AMENDMENT) REGULATION 2008**

### **INTRODUCTION**

At the meeting of the Executive Council on 20 May 2008, the Council ADVISED and the Chief Executive ORDERED that, under section 80 of the Shipping and Port Control Ordinance (Cap. 313) (the “Ordinance”), the Shipping and Port Control (Amendment) Regulation 2008 (the “Regulation”), at **Annex A**, should be made. The Regulation seeks to establish a vessel height restricted area near the new Stonecutters Bridge (the “Bridge”) for preventing potential damage to the Bridge and ensuring safe navigation of vessels in its vicinity.

### **JUSTIFICATIONS**

2. The Bridge, a major section of the Route 8, is scheduled to commission in mid-2009. It is necessary to ensure that no vessel exceeding 68.5 m will pass or attempt to pass under the Bridge. For this purpose, a vessel height restricted area of 41.9 hectare in the vicinity of the Bridge, as illustrated in **Annex B**, will have to be established.

3. The opportunity is taken to include minor amendments to tidy up the Shipping and Port Control Regulations (Cap. 313 sub. leg. A) (the “principal Regulations”).

## **THE REGULATION**

4. The main provisions of the Regulation are –

- (a) **Section 1** provides that the Secretary for Transport and Housing may by notice in the Gazette appoint the commencement date of the Regulation;
- (b) **Section 2** adds a provision to the principal Regulations, so that except with the permission of the Director of Marine, no vessel exceeding a certain height shall enter the waters adjacent to the Bridge;
- (c) **Section 4** amends the Fifth Schedule to the principal Regulations by specifying the vessel height limit (68.5 m) and the delineation of the boundaries of the height restricted area;
- (d) To remove duplicate provisions, **section 3** repeals the provision on the amendment of two schedules to the principal Regulations by the Chief Executive in Council by notice in the Gazette. The Chief Executive in Council may amend those schedules by making a regulation under section 80 of the Ordinance.

## **LEGISLATIVE TIMETABLE**

5. The Regulation will be published in the Gazette on 30 May 2008 and tabled at the Legislative Council on 4 June 2008.

## **IMPLICATIONS OF THE PROPOSAL**

6. Marine Department will deploy its existing resources to control the access of vessels to the restricted area in the vicinity of the Bridge. Hence, the proposal has no additional financial and civil service implications.

7. The proposal is in conformity with the Basic Law, including the provisions concerning human rights. It will not affect the current binding effect of the Ordinance. It has no economic, productivity, environmental or sustainability implications.

## **PUBLIC CONSULTATION**

8. We have consulted the Port Operations Committee, the Local Vessels Advisory Committee and the Modern Terminals Ltd, the operator of the berth located within the proposed vessel height restricted area, and have their support for the proposal.

9. The Economic Development Panel of the Legislative Council was consulted in April 2008 and members were supportive of the proposal.

## **PUBLICITY**

10. A press release will be issued on 30 May 2008. A spokesman will be available for answering media enquiries.

## **ENQUIRY**

11. Any enquiry on this brief can be addressed to Mr K.L. Wong, Senior Marine Officer (Tel: 2852 4453) or Miss Sian LI, Assistant Secretary for Transport and Housing (Tel: 2537 2842).

**Transport and Housing Bureau**

**28 May 2008**

## **SHIPPING AND PORT CONTROL (AMENDMENT) REGULATION 2008**

(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 Transport and Housing by notice published in the Gazette.

### **2. Additional supplementary provisions on entry into restricted areas, etc.**

(1) Regulation 23B of the Shipping and Port Control Regulations (Cap. 313 sub. leg. A) is amended by adding –

“(3A) Except with the permission of the Director, no vessel which has a height exceeding that specified in paragraph 21(a) of the Fifth Schedule shall enter or pass through the Stonecutters Bridge Area specified in paragraph 21(b) of that Schedule.”.

(2) Regulation 23B(5) is amended by repealing “or (3)” where it twice appears and substituting “, (3) or (3A)”.

### **3. Amendment of Schedules**

Regulation 72(2) is repealed.

### **4. Restricted areas, etc.**

The Fifth Schedule is amended by repealing the Note at the end and substituting –

“21. STONECUTTERS BRIDGE AREA

(a) 68.5 metres above sea level;

(b) the area of the waters of Hong Kong bounded by the shore and straight lines joining the following positions (i) to (ii), and (iii) to (iv) –

(i) latitude	22°19.860'	north,
longitude	114°07.061'	east;
(ii) latitude	22°19.418'	north,
longitude	114°07.362'	east;
(iii) latitude	22°19.291'	north,
longitude	114°07.298'	east;
(iv) latitude	22°19.647'	north,
longitude	114°06.761'	east.

Note: The geographical co-ordinates of paragraphs 16 to 21 are represented by the WGS 84.”.

## 5. Sections amended

(1) The following provisions are amended, in the Chinese text, by repealing “海拔” –

- (a) regulation 23(6B);
- (b) regulation 23(6C);
- (c) paragraph 3(a) of the Fifth Schedule;
- (d) paragraph 4(a) of the Fifth Schedule;
- (e) paragraph 13(a) of the Fifth Schedule;
- (f) paragraph 14(a) of the Fifth Schedule;
- (g) paragraph 15(a) of the Fifth Schedule.

(2) The following provisions are amended, in the Chinese text, by adding “(自海面起計)” after “米” –

- (a) regulation 23(6B);
- (b) regulation 23(6C);
- (c) paragraph 3(a) of the Fifth Schedule;
- (d) paragraph 4(a) of the Fifth Schedule;

- (e) paragraph 13(a) of the Fifth Schedule;
- (f) paragraph 14(a) of the Fifth Schedule;
- (g) paragraph 15(a) of the Fifth Schedule.

(3) Regulation 57(1)(a) is amended, in the Chinese text, by repealing “海拔不少於 2 米” and substituting “不少於 2 米 (自海面起計)”.

Clerk to the Executive Council

COUNCIL CHAMBER

2008

### **Explanatory Note**

This Regulation amends the Shipping and Port Control Regulations (Cap. 313 sub. leg. A) (“Regulations”) –

- (a) to provide that except with the permission of the Director of Marine, no vessel exceeding 68.5 metres in height shall enter any area in the waters adjacent to the Stonecutters Bridge;
- (b) to repeal the provision on the amendment of the Twelfth and Thirteenth Schedules by the Chief Executive in Council by notice in the Gazette; and
- (c) to repeal the term “海拔” and adopt the phrase “(自海面起計)” in the Chinese text of the Regulations, so as to achieve consistency with other statutory provisions.

# 建議昂船洲大橋船隻高度限制區 Proposed Vessel Height Restricted Area - Stonecutters Bridge

