

**For discussion on
5 May 2009**

Legislative Council Panel on Security

**Construction of a Secondary Boundary Fence and new sections of
the Primary Boundary Fence and the Boundary Patrol Road**

PURPOSE

This paper seeks Members' support for the proposal to upgrade part of project **12GB** (the Project) to Category A for the construction of a secondary boundary fence (SBF) along the boundary patrol road (BPR) and new sections of the BPR and the primary boundary fence (PBF) at certain sections along the Hong Kong SAR's boundary with the Mainland in order to take forward the phased implementation of the reduced coverage of the Frontier Closed Area (FCA).

BACKGROUND

2. The FCA is an integral part of a package of measures for maintaining the integrity of the Hong Kong SAR's boundary with the Mainland and for combating illegal immigration and other cross-boundary criminal activities. Following a review of the coverage of the FCA in 2006, the Administration announced in January 2008 that the coverage of the FCA could be substantially reduced from about 2,800 hectares to about 400 hectares given that the problem of illegal immigration on land had been under control and that the interception rate of illegal immigrants along the land boundary had substantially improved with an enhanced boundary fence system, including the installation of the Fence Protection System, in 2002. The reduced FCA will comprise a narrow strip of land covering the re-aligned BPR and areas to its north, together with crossing points along the boundary (i.e. the Boundary Control Points and Sha Tau Kok town).

JUSTIFICATIONS

3. In order to implement the reduced coverage of the FCA while maintaining the integrity of the boundary, we need to construct a SBF along the BPR and new sections of the BPR and PBF at certain sections along the boundary, thereby enclosing the road and ensuring that the PBF and BPR would be protected from deliberate or inadvertent interference. The PBF and SBF will be erected along the northern and southern curbs of the re-aligned BPR respectively.

PROJECT SCOPE

4. The scope of project **12GB** is to construct an SBF along the southern edge of the BPR (approximately 21.7 kilometres) from Pak Hok Chau in the west to Sha Tau Kok in the east, and to construct three new sections of PBF and BPR (approximately 9.6 kilometres in total) along Shenzhen River near Lok Ma Chau Loop and Hoo Hok Wai, Pak Fu Shan and Lin Ma Hang.

5. The existing PBF is installed with the Fence Protection System. The Fence Protection System comprises thermal imagers, a sensor alarm system and CCTV cameras, which are connected to a Centralized Monitoring and Control System for monitoring round the clock at Man Kam To Police Operational Base. At present, the PBF runs along the entire length of the BPR and, depending on the topography, is situated on either the northern or southern side of the BPR.

6. The SBF will be constructed along the southern side of the BPR, to the same standard of the PBF but without the Fence Protection System, slanted portion and barb wires. Where the section of the existing PBF runs along the southern side of the BPR, we will transfer the existing Fence Protection System to a new section of PBF to be built on the northern side of the BPR. The section of the original PBF with the Fence Protection System removed will be modified to become the new SBF. In addition, three new sections of the BPR, the PBF installed with the Fence Protection System, and the SBF will be constructed along the Shenzhen River to the north of Lok Ma Chau Loop and Hoo Hok Wai, to the north of Pak Fu Shan and to the northwest of Lin Ma Hang respectively to implement the planned reduction of the Frontier Closed Area coverage.

7. To facilitate early implementation of the reduced FCA coverage, the Project is divided into four sections (see site plan at **Annex A**). The scope of the part of project **12GB** proposed to be upgraded to Category A covers construction works for the following three sections:

- (a) Mai Po to Lok Ma Chau Control Point Section (Map at **Annex B**)
 - (i) to erect a SBF along the existing BPR (approximately 4.1 kilometres); and
 - (ii) to replace the existing check point at Pak Hok Chau¹.
- (b) Lok Ma Chau Control Point to Ng Tung River Section (Map at **Annex C**)
 - (i) to convert the maintenance services road of Drainage Services Department along the Shenzhen River bank to the north of the Lok Ma Chau Loop and Hoo Hok Wai into a new section of the BPR (approximately 5.6 kilometres); and
 - (ii) to erect a new PBF (approximately 5.6 kilometres) with the Fence Protection System and a SBF (approximately 5.8 kilometres) along the northern and southern curbs respectively of the converted road in (b)(i) respectively.
- (c) Lin Ma Hang to Sha Tau Kok Section (Map at **Annex D**)
 - (i) to erect a SBF from the entrance of the Sha Tau Kok town (i.e. the location of “Gate One”) to the Sha Tau Kok Control Point (approximately 0.5 kilometre); and
 - (ii) to provide a new check point at “Gate One”.

¹ The check point at Pak Hok Chau is located at the western end of the PBF to protect the PBF from any deliberate or inadvertent interference.

8. The remaining section of project **12GB**, that is, the Ng Tung River to Lin Ma Hang Section, involves the construction of an SBF from Lo Wu to Lin Ma Hang and two new sections of the PBF and the BPR to the north of Pak Fu Shan and northwest of Lin Ma Hang respectively. This Section will involve the resumption of private lands under the Roads (Works, Use and Compensation) Ordinance. We will seek funding for the cost of construction of this Section after authorization of works under the Roads (Works, Use and Compensation) Ordinance. The construction programme for this section will need to dovetail with the Shenzhen River Improvement works related to the new boundary control point development at Liantang/Heung Yuen Wai, which is located within this Section. We are liaising closely with relevant Government departments on this.

CONSTRUCTION PROGRAMME

9. The construction programme for the works outlined in paragraph 7 above is set out below:

Section	Construction Period
(a) Mai Po to the Lok Ma Chau Control Point Section	1 st quarter 2010 – 3 rd quarter 2011
(b) Lok Ma Chau Control Point to Ng Tung River Section	1 st quarter 2010 – 4 th quarter 2012
(c) Lin Ma Hang to Sha Tau Kok Section	4 th quarter 2009 – 4 th quarter 2010

IMPLEMENTATION OF THE REDUCED COVERAGE OF THE FCA

10. The current coverage of the FCA is specified in the Frontier Closed Area Order pursuant to section 36(1) of the Public Order Ordinance (Cap. 245). We shall amend the Frontier Closed Area Order to stipulate the commencement of the new statutory FCA boundary in phases to tie in with the completion of the construction works for the four sections.

11. For the land to be excluded from the FCA, Planning Department has embarked on a study to examine the development potential and the constraints of the land to be released, and to formulate a planning framework for the preparation of the statutory town plans to guide the conservation and development of the land based on the principle of sustainable development before the new FCA boundary comes into effect. Following earlier public consultation on the Draft Concept Plan, Planning Department aims to consult the public on a Draft Development Plan in mid-2009.

FINANCIAL IMPLICATIONS

12. The estimated non-recurrent cost of the part of project **12GB** proposed to be upgraded to Category A is \$395.5 million in MOD prices. This includes the costs for the security fence, road works, site works, drainage, and furniture and equipment.

PUBLIC CONSULTATION

13. We consulted the LegCo Panel on Security and other relevant parties, including Heung Yee Kuk, the Town Planning Board, the Advisory Council on the Environment, North District Council, Yuen Long District Council, and Ta Kwu Ling, Sha Tau Kok, Sheung Shui, and San Tin Rural Committees, on the results of the FCA review in 2006. We briefed the Panel on the finalized coverage of the reduced FCA in February 2008. We further consulted Heung Yee Kuk and the relevant Rural Committees, including the Ta Kwu Ling, Sha Tau Kok, Sheung Shui and San Tin Rural Committees, in April 2009 on the construction works arising from the reduced coverage of the FCA.

14. The local communities generally have no objection to the construction Project. Some villagers in areas that will in future be excluded from the FCA have enquired whether they will continue to be eligible for CAPs which will allow them to use the BPR for access to fishponds nearby. We have reaffirmed that CAPs will continue to be issued to individuals who have actual needs to enter the FCA.

15. Under the reduced coverage of the FCA, Sha Tau Kok will remain within the closed area in view of unique security considerations for this area. This notwithstanding, we will continue to engage the local

community to explore feasible options for opening up Sha Tau Kok on a limited basis under a mutually agreeable arrangement.

ENVIRONMENTAL IMPLICATIONS

16. This is a designated project under Schedule 2 of the Environmental Impact Assessment (EI) Ordinance (Cap. 499) and an Environmental Permit (EP) is required for the construction and operation of the project. The EIA report has concluded that the environmental impact arising from the project can be controlled to within the criteria under the EIA Ordinance and the Technical Memorandum on EIA Process. Director of Environmental Protection has approved the EIA report with conditions upon the completion of the statutory public inspection process.

17. We will implement the mitigation measures and the environmental monitoring and audit programme during the construction and operation stages of the Project as set out in the approved EIA report. Specifically, we will control noise, dust and site runoff nuisances in accordance with the established standards and guidelines through the implementation of mitigation measures in the relevant contracts. These include the use of quiet plants and movable noise barriers for noisy construction activities as well as frequent cleaning and watering of the site. We will require the contractor to submit for approval a plan setting out the waste management measures, which will include appropriate mitigating means to avoid, reduce, reuse and recycle inert construction waste.

18. The EIA report has pointed out that the large aggregation of wintering waterbirds at the Mai Po Nature Reserve and the fishponds in the Wetland Conservation Area and nearby areas are sensitive to disturbance caused by the construction works under the Project, especially during winter when a large concentration of waterbirds is present. To minimize the potential disturbance to this area of high ecological value, the EIA report concludes that construction works using powered mechanical equipment during the wintering period (i.e. from mid-November to mid-March) should be avoided. Thus, we will avoid such construction works for the Mai Po to Lok Ma Chau Control Point Section and the Lok Ma Chau Control Point to Ng Tung River Section during the wintering periods throughout the construction programme.

ENERGY CONSERVATION MEASURES

19. The energy efficient features adopted for this Project include T5 energy efficient fluorescent tubes with electronic ballast and lighting control by occupancy sensors and daylight sensors at check points. For renewable energy technologies, we will adopt a small-scale photovoltaic system for one of the check points.

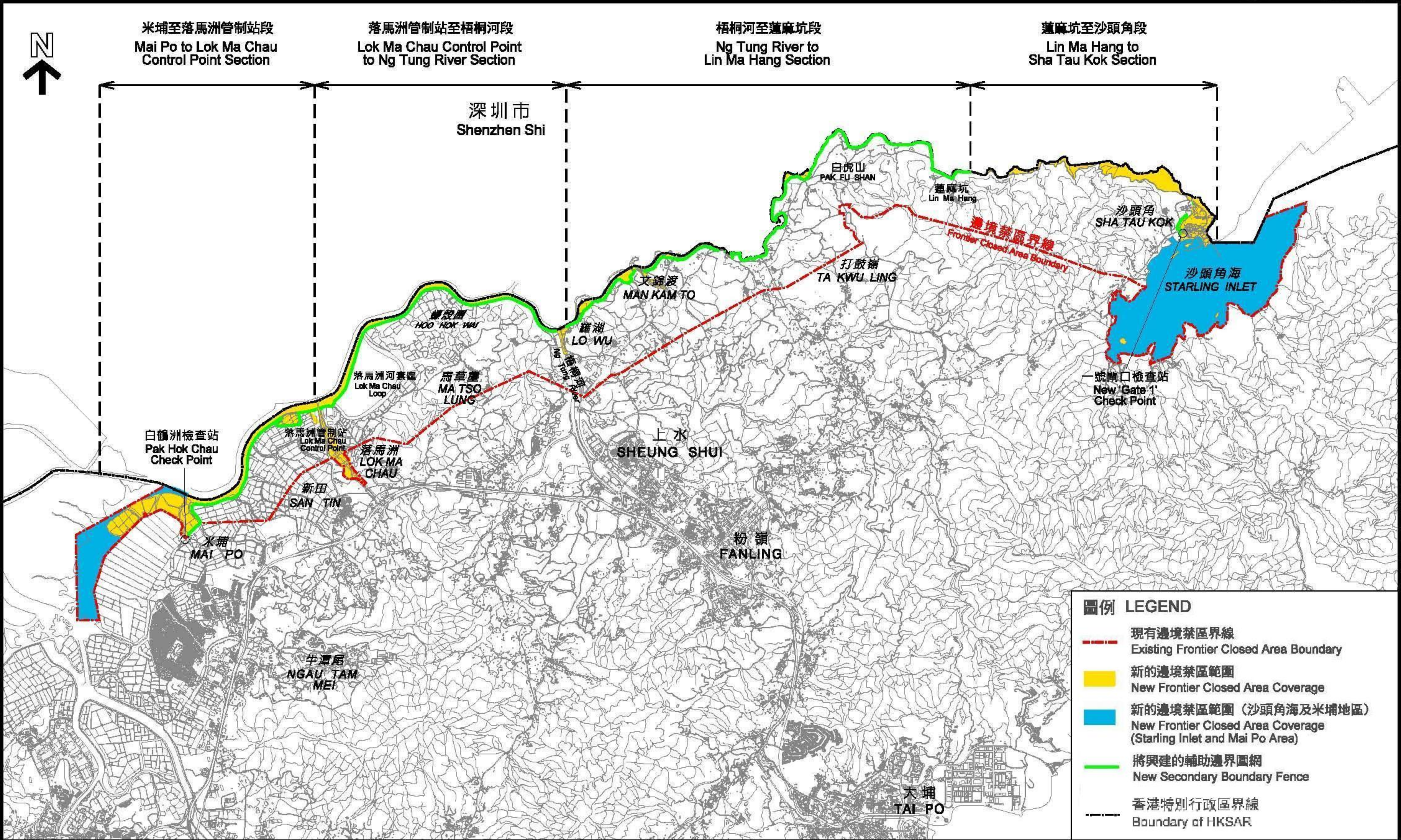
LAND REQUISITION

20. The part of project **12GB** proposed to be upgraded to Category A does not require any land acquisition.

IMPLEMENTATION PLAN

21. We plan to seek funding support from the Public Works Subcommittee and funding approval of the Finance Committee in May and June 2009 respectively. Subject to funding approval, we plan to start the construction works by phases from the fourth quarter of 2009.

Security Bureau
May 2009



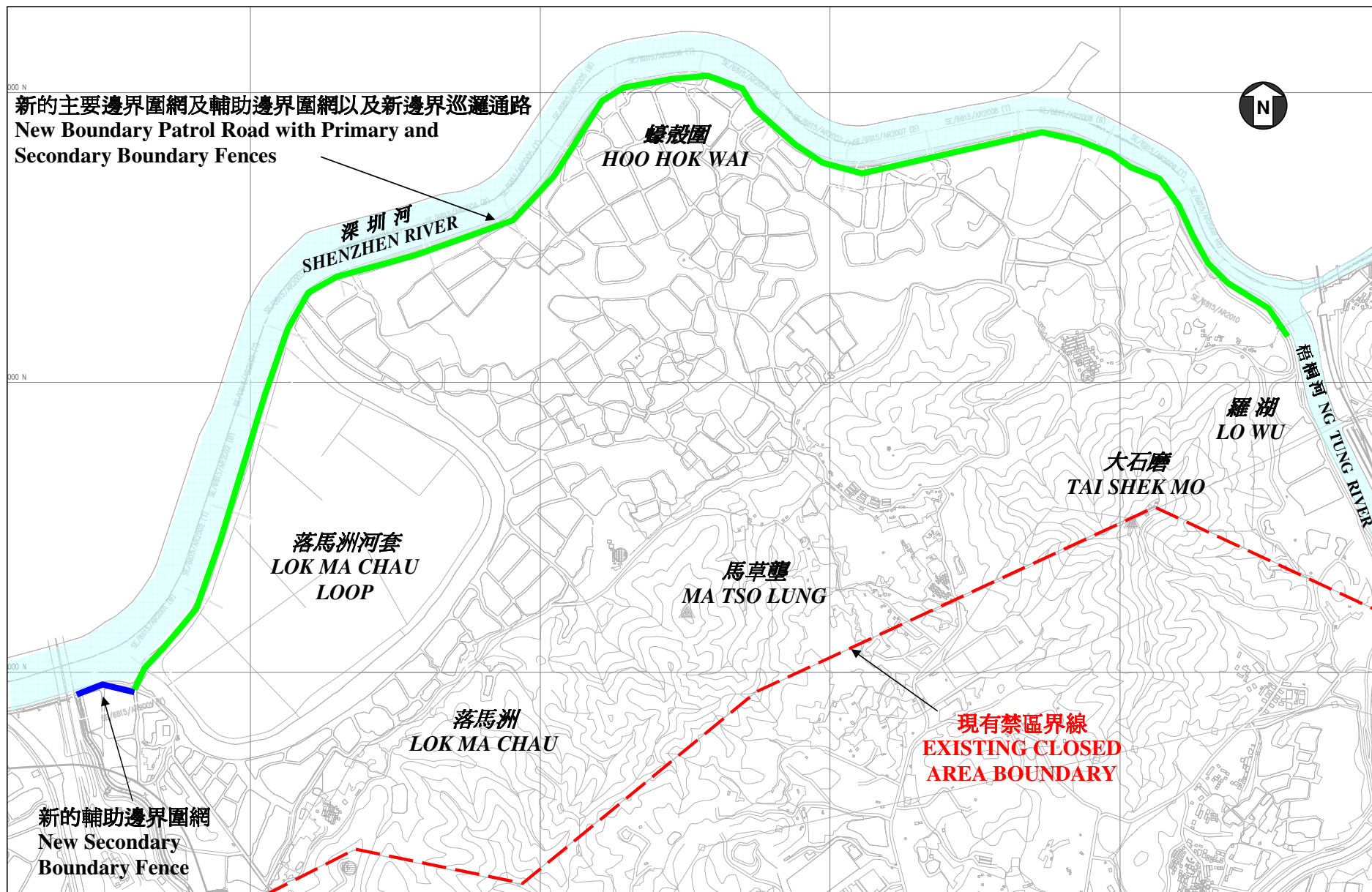
現有的邊境禁區界線及縮減後的邊境禁區範圍

Existing Frontier Closed Area Boundary and Reduced Frontier Closed Area Coverage

米埔至落馬洲管制站段概覽圖
PLAN FOR SECTION FROM MAI PO TO LOK MA CHAU CONTROL POINT



落馬洲管制站至梧桐河段概覽圖
PLAN FOR SECTION FROM LOK MA CHAU CONTROL POINT TO NG TUNG RIVER



蓮麻坑至沙頭角段概覽圖
PLAN FOR SECTION FROM LIN MA HANG TO SHA TAU KOK

