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Legislative Council Panel on Development

**Proposed amendments to Administrative Instructions for
Regulating Admittance and Conduct of Persons (Cap. 382 sub. leg. A)
for the Legislative Council Complex at Tamar**

PURPOSE

This paper consults members on the technical amendments proposed by The Legislative Council Commission ("the Commission") to the Administrative Instructions for Regulating Admittance and Conduct of Persons (Cap. 382 sub. leg. A) ("AIs") for application to the Legislative Council ("LegCo") Complex at Tamar.

BACKGROUND

2. The Tamar Development Project, which was kick-started in January 2008, comprises the design and construction of the LegCo Complex, the Central Government Complex, an open space, two covered pedestrian footbridges and other ancillary facilities. The completion date is 17 May 2011.

3. The LegCo Complex comprises the Council Block, the Office Block, and adjacent open space areas, namely the LegCo Square and the LegCo Garden. The Office Block of the LegCo Complex mainly houses offices for Members and staff of the LegCo Secretariat. All conference facilities (including the Chamber and major conference rooms) communal facilities (such as Souvenir Shop, Library and Cafeteria) and education facilities (including Video Corner, Exhibition Area, Children's Corner, Viewing Gallery, Education Activities Rooms and Education Galleries) are located in the Council Block. A plan showing the location of the LegCo Complex is in **Appendix I**.

4. All provisions for regulating admittance to and conduct of persons within the precincts of the Chamber of LegCo are provided under the AIs issued by the President of LegCo under section 8 of the Legislative Council (Powers and Privileges) Ordinance (Cap. 382). The LegCo Secretariat conducted a review on the need to amend AIs for the relocation of LegCo to the new Complex at Tamar and recommended that minor and technical amendments are necessary. The proposed amendments set out below were considered and endorsed by the Commission in December 2010.

PROPOSED AMENDMENTS

Definition of "Building" (大樓)

5. The definition of "Building" under section 1 of AIs in the context of other provisions of AIs could be interpreted to refer to the LegCo Building on 8 Jackson Road. This view is supported in the context of section 8 and section 14 of AIs which have made reference to "Jackson Road" and "mezzanine floor of the Building" respectively. Amendment to this definition is therefore necessary for the relocation of LegCo to the new Complex at Tamar. In order to allow flexibility in defining the boundary of LegCo, it is proposed to use the concept of a "plan", which is defined under section 1, to define the location of the "Building" in the revised AIs. The proposed definition of "Building" is as follows –

"Building means the building or premises in which the Chamber is situated marked as such on the plan".

Definition of "plan" (圖則)

6. Under section 1 of the existing AIs, "plan" (圖則) means the plan of the Building marked and signed by the Clerk and deposited in the office of the Clerk. According to the definition of "precincts of the Chamber" in Cap. 382¹ and AIs², the "plan" should, subject to any

¹ Under section 2(1) of Cap. 382, "precincts of the Chamber" (會議廳範圍) means the Chamber and offices of the Council and any adjacent galleries and places provided for the use or accommodation of members of the public and representatives of the press, television and radio, and subject to any exceptions made by the President under subsection (2) includes, during the whole of any day the Council or a committee is sitting, the entire building in which the Chamber is situated and any forecourt, yard, garden, enclosure or open space adjoining or appertaining to such building and used or provided for the purposes of the Council.

² Under section 1 of AIs, "precincts of the Chamber" (會議廳範圍) means the Chamber and offices of the Council and any adjacent galleries, and places provided for the use or accommodation of members of the public and representatives of the press, radio and television, and subject to any exceptions made by the President includes, during the whole of any day the Council or a committee is sitting, the area marked as such on the plan.

exceptions made by the President, cover the entire building in which the Chamber is situated and any forecourt, yard, garden, enclosure or open space adjoining or appertaining to such building and used or provided for the purposes of the Council during the whole of any day the Council or a committee is sitting. To bring the definition of "precincts of the Chamber" in Cap. 382 in line with that in AIs, the definition of the "plan" in AIs is revised as follows –

"Plan means –

(a) a plan of the Building; or

(b) a plan of the precincts of the Chamber,

marked and signed by the Clerk and deposited in the office of the Clerk".

Use of general term for new facilities in LegCo Complex

7. To obviate the need for amending the AIs in case of changes in usage of facilities in future, the use of general terms, i.e. "areas reserved for Members" and "areas reserved for representatives of the press, radio and television" are proposed to replace the specific facilities reserved for Members and representatives of the press, radio and television under section 4 and section 14 of AIs respectively.

8. To reflect technological advance, technical amendments are also proposed to section 9 and section 15 of AIs. For section 9, the term "audio or video recording devices or cameras" is proposed to replace "tape recorders and cameras". Section 15 is proposed to be amended to the effect that, in addition to taking of photographs, video making during a sitting of the Council or a committee is not permitted except under authorization. The use of video lighting is also prohibited under the proposed section 15.

Management of open space (LegCo Square and LegCo Garden)

9. Similar to the management of the existing LegCo Carpark, the LegCo Square and LegCo Garden will be included in the plan signed by the Clerk to LegCo under section 1 of AIs. These areas will be covered by the term "precincts of the Chamber" during meeting days. As for non-meeting days, the Commission will issue administrative guidelines to regulate public's access to these areas (e.g. crowd control or management of the use of open space).

Drafting style of the proposed amendments

10. The Department of Justice has been consulted and some stylistic and format changes to the draft amendments were made to align with the current form of legislation.

11. The proposed amendments and marked-up copy of AIs showing these amendments are in **Appendices II and III** respectively.

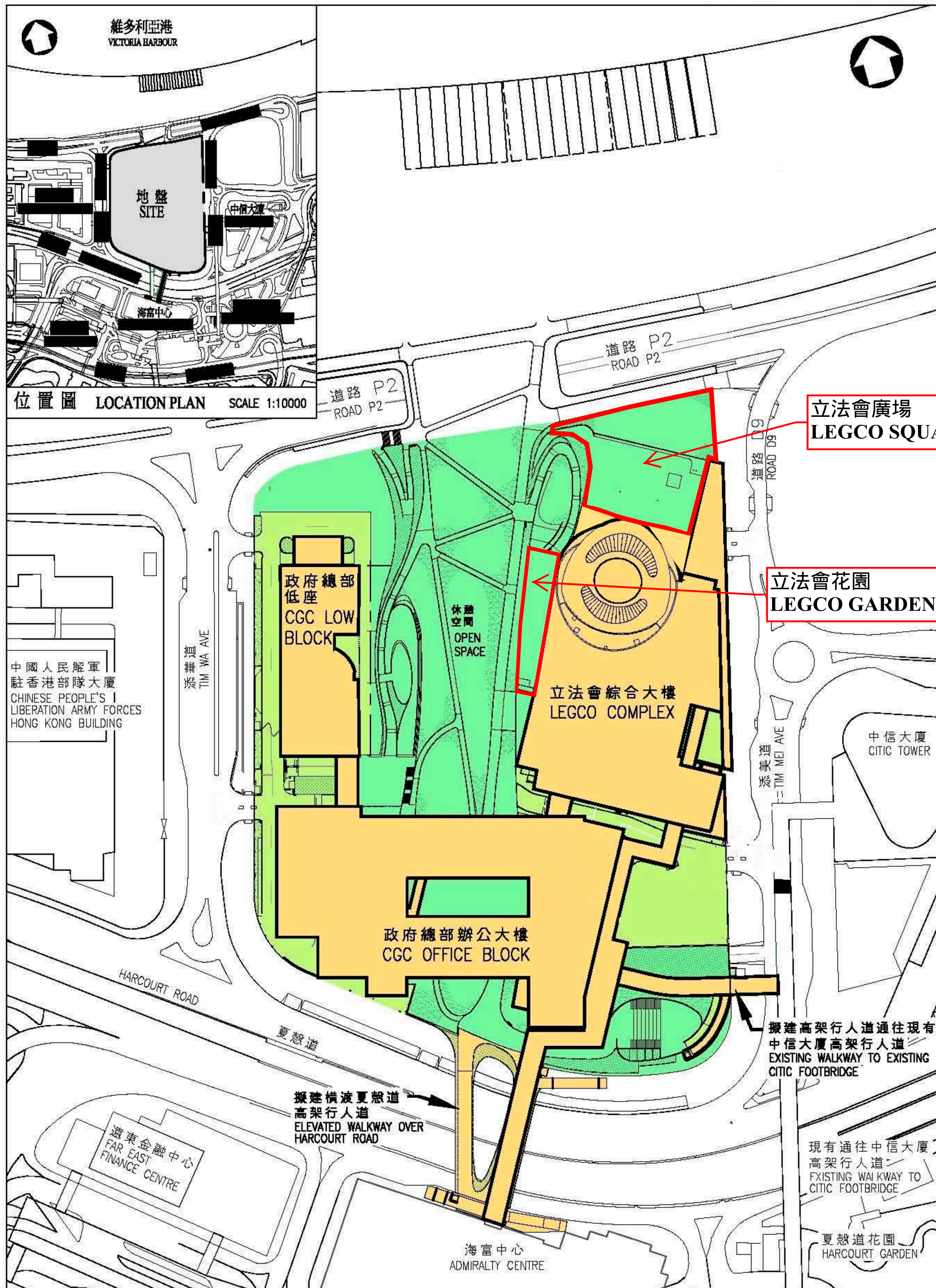
LEGISLATIVE TIMETABLE

12. The AIs are made by the President. Our plan is to have the proposed amendments to AIs made and tabled in LegCo in the second quarter of 2011 to enable the AIs as proposed to be amended to come into operation before the commissioning of the LegCo Complex scheduled for September 2011.

ADVICE SOUGHT

13. Members are invited to comment on the proposed amendments to AIs set out in this paper.

Legislative Council Secretariat
March 2011



**The Legislative Council of the Hong Kong Special
Administrative Region**

**Administrative Instructions for Regulating Admittance
and Conduct of Persons (Amendment) Instructions
2010**

(Issued under section 8 of the Legislative Council (Powers and Privileges)
Ordinance (Cap. 382))

1. Commencement

These Instructions come into operation on a day to be appointed by the President of the Legislative Council by notice published in the Gazette.

2. Administrative Instructions for Regulating Admittance and Conduct of Persons amended

The Administrative Instructions for Regulating Admittance and Conduct of Persons (Cap. 382 sub. leg. A) are amended as set out in sections 3 to 8.

3. Section 1 amended (Interpretation)

(1) Section 1—

Repeal the definition of *Building*

Substitute

“***Building*** (大樓) means the building or premises in which the Chamber is situated marked as such on the plan;”.

(2) Section 1, definition of *committee room*—

Repeal

“on the first or second floor”.

- (3) Section 1—

Repeal the definition of *plan*

Substitute

“*plan* (圖則) means—

- (a) a plan of the Building; or
- (b) a plan of the precincts of the Chamber,
marked and signed by the Clerk and deposited in the
office of the Clerk;”.

4. Section 4 amended (Restriction on access to areas reserved for Members)

Section 4(2)—

Repeal

“Members’ rooms, or the Members’ social and dining area,”

Substitute

“areas reserved for Members;”.

5. Section 8 amended (Restriction on use of Members’ entrance)

- (1) Section 8—

Repeal

“Members’ entrance on Jackson Road”

Substitute

“Members’ entrances marked as such on the plan”.

- (2) Section 8—

Repeal

“lift”

Substitute

“lifts or escalators”.

6. **Section 9 amended (Restriction on carrying baggage into precincts)**

Section 9(1)—

Repeal

“tape recorders and cameras”

Substitute

“audio or video recording devices or cameras”.

7. **Section 14 amended (Restriction on use of radio and television rooms)**

(1) Section 14, heading—

Repeal

“radio and television rooms”

Substitute

“areas reserved for representatives of the press, radio and television”.

(2) Section 14—

Repeal

everything after “make use of”

Substitute

“the areas reserved for representatives of the press, radio and television, marked as such on the plan.”.

8. **Section 15 amended (Restriction on taking of photographs)**

(1) Section 15, English text, heading, after “**photographs**”—

Add

“, etc.”.

(2) Section 15(a), English text, after “photograph”—

Add

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Section 8

4

“or make any video”.

(3) Section 15(b), English text, after “photography”—

Add

“or video lighting”.

Jasper TSANG Yok-sing
President
Legislative Council

(Date)

Administrative Instructions for Regulating Admittance and Conduct of Persons
(Amendment) Instructions 2010

Explanatory Note
Paragraph 1

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Explanatory Note

The purpose of these Instructions is to amend the Administrative Instructions for Regulating Admittance and Conduct of Persons (Cap. 382 sub. leg. A) to facilitate the relocation of the Legislative Council to the new Legislative Council Complex at Tamar (sections 3 (except subsection (3)), 4, 5 and 7).

2. The opportunity is also taken to amend certain sections to reflect technological advance (sections 6 and 8) and clarify the meaning of *plan* (section 3(3)).

CAP. 382 sub. leg. A

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Administrative Instructions for Regulating Admittance and
Conduct of Persons (Amendment) Instructions 2010 as at

Conduct of Persons

17.12.2010

ADMINISTRATIVE INSTRUCTIONS FOR REGULATING
ADMITTANCE AND CONDUCT OF PERSONS

(Cap. 382, section 8)

These administrative instructions are issued by the President of the Legislative Council. Failure to comply with these instructions or any requirement made thereunder may render the offender liable to prosecution.

[10 July 1992]

PART I

PRELIMINARY

1. Interpretation

In these instructions—

~~“Building” (大樓) means the Legislative Council Building;~~

“Chamber” (會議廳) means the Chamber in which the proceedings of the Council are conducted, and any galleries and places therein provided for members of the public and representatives of the press, radio and television, and includes any lobbies, offices or precincts used exclusively in connection with the proceedings of the Council;

“Clerk” (秘書) means the Clerk to the Legislative Council or any person acting as his deputy; (L.N. 174 of 1994)

“committee” (委員會) means—

(a) a standing or select committee or any other committee of the Council;

(b) a subcommittee of any committee referred to in paragraph (a);
(L.N. 174 of 1994)

“committee room” (委員會會議室) means any of the conference rooms ~~on the first or second floor~~ of the Building marked as such on the plan; (23 of 2002 s. 126)

“Council” means the Legislative Council;

“Member” (議員) means a Member of the Legislative Council; (L.N. 134 of 1993)

“office of the Council” (立法會辦事處) means the office of the Clerk or of any other officers of the Council; (71 of 2000 s. 3)

“officer of the Council” (立法會人員) means the Clerk or any other officer or person acting within the precincts of the Chamber under the orders of the President, and includes any police officer on duty within the precincts of the Chamber; (71 of 2000 s. 3)

~~“plan” (圖則) means the plan of the Building marked and signed by the Clerk and deposited in the office of the Clerk;~~

“precincts of the Chamber” (會議廳範圍) means the Chamber and offices of the Council and any adjacent galleries, and places provided for the use or accommodation of members of the public and representatives of the press, radio and television, and subject to any exceptions made by the President includes, during the whole of any day the Council or a committee is sitting, the area marked as such on the plan; (L.N. 174 of 1994)

“President” (主席) means the President of the Council or President’s deputy, and includes any other Member of the Council when presiding at a sitting of the Council; (L.N. 134 of 1993)

“press gallery” (記者席) means a press gallery marked as such on the plan;

“public gallery” (公眾席) means a public gallery marked as such on the plan.

“Building” (大樓) means the building or premises in which the Chamber is situated marked as such on the plan;

“plan” (圖則) means—

(a) a plan of the Building; or

(b) a plan of the precincts of the Chamber,

marked and signed by the Clerk and deposited in the office of the Clerk;

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PART II

ACCESS

2. Members of the public to be admitted
to public galleries

Members of the public may be admitted to a public gallery whenever the Council or a committee is sitting in public in the Chamber or in a committee room.

3. Visitors to obtain and display pass

Visitors to the precincts of the Chamber, other than those attending public sittings of the Council or a committee, shall apply to an officer of the Council for a pass, and shall display the pass at all times when within the precincts of the Chamber.

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4. Restriction on access to areas reserved for Members

(1) No person other than a Member or an officer of the Council shall enter the antechamber marked as such on the plan or any committee room without the permission of the President.

(2) No person other than a Member or an officer of the Council shall enter any of the ~~Members' rooms, or the Members' social and dining areas~~ marked as such on the plan, without the permission of a Member or the Clerk.
(L.N. 132 of 1995)

↑ areas reserved for Members,

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5. Restriction on access to the President's suite

No person shall enter the President's suite without the permission of the President or the Clerk.

6. Restriction on access to offices of the Council

No person other than a Member or an officer of the Council shall enter any office of the Council without the permission of an officer of the Council or a Member or the President.

7. Restriction on access to general offices

No person other than a Member or an officer of the Council shall enter any general office marked as such on the plan without the permission of a Member or an authorized member of the staff of such office.

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8. Restriction on use of Members' entrance

When the Council or a committee is sitting no person shall enter or leave the Building by the Members' entrance on Jackson Road or use the adjacent lift except the President, a Member, the Clerk, the Counsel to the Legislature or any person authorized by one of those persons.

9. Restriction on carrying baggage into precincts

(1) No person other than a Member or an officer of the Council or a person authorized by a Member or an officer of the Council shall carry any item of baggage other than a handbag or similar item into the precincts of the Chamber, but representatives of the press, radio and television may carry tape recorders and cameras.

(2) Any person to whom subsection (1) applies who is carrying a handbag or similar item into or within the precincts of the Chamber shall, if so requested by an officer of the Council, permit such officer to search such handbag or similar item.

↑ Members' entrances marked as such on the plan

↑ lifts or escalators

↑ audio or video recording devices or cameras

PART III

CONDUCT

10. Restriction on smoking and eating

- (1) No person shall smoke in the Building. (*L.N. 91 of 1999*)
- (2) (*Repealed L.N. 91 of 1999*)
- (3) No person shall eat—
 - (a) inside the Chamber while the Council or a committee is sitting;
or
 - (b) in a committee room while a committee or subcommittee is in session, unless the chairman permits eating to take place.
(*L.N. 448 of 1993*)

11. Requirement for orderly behaviour .

Persons entering or within the precincts of the Chamber shall behave in an orderly manner and comply with any direction given by any officer of the Council for the purpose of keeping order.

12. Conduct in galleries

- (1) No person shall, in a press or public gallery, display any sign, message or banner.
- (2) No person shall, in a press or public gallery, display any sign or message on any item of clothing.
- (3) An officer of the Council may refuse admission to a press or public gallery to any person displaying any sign, message or banner, or to any person displaying any sign or message on any item of clothing, or to any person who, in the opinion of an officer of the Council, may so display any sign, message or banner, may so display any sign or message on any item of clothing or may otherwise behave in a disorderly manner.
- (4) An officer of the Council may take into his temporary custody any item surrendered by any person admitted to a press or public gallery.

PART IV

FACILITIES FOR THE PRESS, RADIO AND TELEVISION

13. Restriction on use of press gallery

(1) No person other than a representative of the press, radio or television, an officer of the Council or a person authorized by the Clerk, shall enter or make use of a press gallery.

(2) Representatives of the press, radio or television may enter or make use of a press gallery only when the Council or a committee is sitting in the Chamber or in a committee room where that gallery is situated.

CAP. 382 sub. leg. A
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14. Restriction on use of ~~radio and television rooms~~

No person other than a Member or an officer of the Council or a person authorized by the Clerk, shall enter or make use of

- ~~(a) any radio room in the Chamber, or on the second floor of the Building, marked as such on the plan; or~~
- ~~(b) any television room on the mezzanine floor of the Building, or any television or camera point in the Chamber or on the mezzanine floor of the Building, marked as such on the plan.~~

15. Restriction on taking of photographs

During a sitting of the Council or a committee—

- (a) no person shall take any photograph of the proceedings except if authorized by and from a position designated by the Clerk;
- (b) flash photography is not permitted in the Chamber or in a committee room.

↑ areas reserved for representatives of the press, radio and television

↑ the areas reserved for representatives of the press, radio and television, marked as such on the plan.

↑, etc.

↓ or make any video

↓ or video lighting

PART V.

EMERGENCIES

16. Evacuation of Building

If the order is given to evacuate the Building all persons except persons whose duties require them to remain shall leave the Building immediately, but lifts shall not be used in such circumstances.