

# LEGISLATIVE COUNCIL BRIEF

## Administrative Instructions for Regulating Admittance and Conduct of Persons (Amendment) Instructions 2011

### INTRODUCTION

By virtue of section 8(3) of the Legislative Council (Powers and Privileges) Ordinance (Cap. 382), the President of the Legislative Council ("LegCo") may from time to time, for the purpose of maintaining the security of the precincts of the Chamber, ensuring the proper behaviour and decorum of persons therein and for other administrative purposes, issue such administrative instructions as he may deem necessary or expedient for regulating the admittance of persons (other than members or officers of the Council) to, and the conduct of such persons within, the Chamber and the precincts of the Chamber.

2. The President has made Administrative Instructions for Regulating Admittance and Conduct of Persons (Amendment) Instructions 2011, at Annex, to make technical amendments to the Administrative Instructions for Regulating Admittance and Conduct of Persons (Cap. 382 sub. leg. A) ("AIs") for application to the LegCo Complex at Tamar.

### BACKGROUND

3. 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.

4. 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.

5. 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(3) of 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 LegCo Commission in December 2010.

## **PROPOSED AMENDMENTS**

### ***Definition of "Building" (大樓)***

6. 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)***

7. 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. 382<sup>1</sup> and AIs<sup>2</sup>, the "plan" should, subject to any exceptions made by the President, cover the entire building in which the

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<sup>1</sup> 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.

<sup>2</sup> 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.

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***

8. 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.

9. 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)***

10. 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*

11. 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.

### **LEGISLATIVE TIMETABLE**

12. The legislative timetable is as follows –

Publication in the Gazette	8 April 2011
Tabling at LegCo	13 April 2011

The plan is to enable the Amendment Instructions to come into operation before the commissioning of the LegCo Complex scheduled for September 2011.

### **IMPLICATIONS OF THE PROPOSAL**

13. The Amendment Instructions are in conformity with the Basic Law, including the provisions concerning human rights. They do not affect the current binding effect of Cap. 382 and AIs. There is no economic, productivity, environmental or sustainability implication.

### **PUBLIC CONSULTATION**

14. The LegCo Panel on Development was consulted in March 2011 and supported the proposed amendments.

### **ENQUIRIES**

15. Enquiries on this Brief should be directed to –

	<u>Telephone No</u>
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Administrative Instructions for Regulating Admittance and Conduct of Persons  
(Amendment) Instructions 2011

Section 1

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

### Administrative Instructions for Regulating Admittance and Conduct of Persons (Amendment) Instructions 2011

(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.”.

Administrative Instructions for Regulating Admittance and Conduct of Persons  
(Amendment) Instructions 2011

Section 8

4

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

**Add**

“or make any video”.

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

**Add**

“or video lighting”.

Jasper TSANG Yok-sing  
President  
Legislative Council

1 April 2011

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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)).