



立法會秘書處 法律事務部
LEGAL SERVICE DIVISION
LEGISLATIVE COUNCIL SECRETARIAT

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By Fax (2524 3762)

5 December 2011

Mr David LAU
Principal Assistant Secretary for Security
Security Bureau
10/F, East Wing
Central Government Offices
2 Tim Mei Avenue
Tamar
Hong Kong

Dear Mr LAU,

**Frontier Closed Area (Amendment) Order 2011
(L.N. 170 of 2011)**

I am scrutinizing the legal and drafting aspects of the Frontier Closed Area (Amendment) Order 2011 (the Order) and should be grateful for your clarifications on the following issues:

- (a) The proposed new Schedule to the Frontier Closed Area Order (Cap. 245 sub. leg. A) (the proposed new Schedule) contains certain "Notes" comprising five paragraphs. Paragraph 5 of those Notes states that the plans annexed to the Schedule are provided for information only. If it is intended that those plans have no legislative effect, is it necessary to say so specifically in the Order along the lines of section 18 of the Interpretation and General Clauses Ordinance (Cap. 1) or clause 2(6) of the Companies Bill? It is also not clear whether the Notes themselves (i.e. paragraphs 1 to 5) are intended to have legislative effect or are provided for information only, bearing in mind that paragraphs 2 to 4 refer to the plans. Is it necessary to clarify the legal status of the Notes in the Order?

- (b) It is noted that in describing the area declared as the Shenzhen Bay Port Hong Kong Port Area, section 3 of the Shenzhen Bay Port Hong Kong Port Area Ordinance (Cap. 591) includes the relevant maps as an integral part of the description. Please explain why a different approach is adopted in delineating the new boundaries of the Frontier Closed Area in respect of which the relevant plans are provided for information only.
- (c) I have the following comments in relation to the Chinese text of the proposed new Schedule:
- (i) Item 1 renders "area" as "地方", whereas the same term is rendered as "地區" in section 36(1) of the Public Order Ordinance (Cap. 245) and section 2 of the Frontier Closed Area Order (Cap. 245 sub. leg. A).
 - (ii) The description of Point 41 renders "summit" as "山嶺", whereas Point 42 renders "Sandy Ridge" as "沙嶺". Is "山峯" or "山頂" a more appropriate rendition for "summit", since "嶺" means "range" or "ridge"?
 - (iii) The description of Point 59 renders "Lok Ma Chau Spur Line Boundary Control Point" as "落馬洲支線管制站". Should the words "邊境" be added before "管制站" to correspond to "Boundary"?

As the House Committee will discuss the Order at its forthcoming meeting on 9 December 2011, I look forward to receiving your reply in both languages as soon as possible. Please also send an electronic copy of your reply to ftse@legco.gov.hk.

Yours sincerely,



(Bonny LOO)
Assistant Legal Adviser

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