

**Kai Tak Cruise Terminal Bill
Debate and voting arrangements**

Main object of the Bill : To provide for the designation of the Kai Tak Cruise Terminal (“the Terminal”) and for the use, operation, management and control of the Terminal.

First debate	: Clauses with no amendment	– Clauses 1, 3 to 6, 9 to 15 and 23 to 27
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Voting	: To vote on the above clauses standing part of the Bill
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Second debate	: Clauses with amendments proposed by the Secretary for Commerce and Economic Development (“SCED”)	– Clauses 2, 7, 8 and 16 to 22
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Joint debate on the original clauses and the amendments thereto.

Debate theme: Amendments to the above clauses of the Bill on various matters

Clause 2

- To amend the definition of “cruise ship” to include vessels approved as cruise ships under new clause 22A; and make textual amendments to the definition.

Clauses 7, 8 and 19

- To amend the heading of clause 7 and clauses 7(2) to (5), 8(4) and (6) and 19, and add clause 8(7) to specify that the Commissioner for Tourism (“the Commissioner”) or an authorized officer may order a person to leave or prohibit access by a person to the Terminal Area or any part of it, give a relevant direction or an order, or exhibit the relevant notice or sign, if the Commissioner or authorized officer considers it necessary for the operation, safety or security of the Terminal; and to introduce penalties for failure to comply with the relevant requirements.

Clause 16

- To amend clause 16(1) to specify that only when a person, without reasonable excuse, fails to comply with the order given or notice exhibited by the Commissioner or an authorized officer to prohibit the conduct of specified activities would the person be committed an offence; and to make consequential technical amendments to clause 16(2), (3) and (4).

Clause 17

- In clause 17(2) and (3), to add “reasonable” before “opinion” to the effect that the Commissioner and an authorized officer should exercise the power to order a person to leave or prohibit access by a person to the Terminal Area or any part of it reasonably, in good faith and on proper grounds in accordance with general administrative law principles.

Clause 18

- Given that the word “except” appears twice in the English text of clause 18(2), to substitute “Terminal Area except” with “Terminal Area unless the activation is” to avoid ambiguity and confusion.

Clause 20

- In clause 20(1)(a), to delete the word “paper”; and
- to amend clause 20(1)(e) to specify that “loitering” prohibited in the Terminal Area refers to loitering in that Area with intent to commit an arrestable offence.

Clause 21

- To amend clause 21(2) to specify that the Commissioner or an authorized officer must, to the extent practicable, forthwith (instead of as soon as practicable) after detaining the person, take the person to a police station or deliver him into the custody of a police officer; and
- to amend clause 21(4) to specify that when the Commissioner or an authorized officer exercise the power to remove a person, they may remove the person from the Terminal Area or a restricted area as the case may be.

Clause 22

- To make textual amendments to clause 22(1).

Voting : To vote on the above amendments together, and then vote on the original clauses or the clauses as amended standing part of the Bill

Third debate : **New clause proposed by SCED** – **Clause 22A**

Debate theme: Addition of the above new clause to the Bill**New clause 22A**

- New clause 22A stipulates that for the purposes of the definition of “cruise ship” as amended in clause 2, the Commissioner may approve a vessel not falling within paragraph (a) of the definition as a cruise ship.

Voting : To vote on the above added new clause

Fourth debate : **Schedules with no amendment** – **Schedules 1 and 3**

Voting : To vote on the above Schedules standing part of the Bill

Fifth debate : **Schedule with amendments proposed by SCED** – **Schedule 2**

Debate theme: Amendments to the above Schedule of the Bill

- To make textual amendments to the Chinese text of section 4(1)(e) in Schedule 2.

Voting : To vote on the above amendment, and then vote on the original Schedule or the Schedule as amended standing part of the Bill

Secretary for Commerce and Economic Development’s amendments

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