

立法會
Legislative Council

LC Paper No. LS8/15-16

**Paper for the House Committee Meeting
on 13 November 2015**

**Legal Service Division Report on
Subsidiary Legislation Gazetted on 6 November 2015**

Tabling in LegCo : Council meeting of 11 November 2015

Amendment to be made by : Council meeting of 9 December 2015 (or that of 6 January 2016 if extended by resolution)

Frontier Closed Area (Amendment) Order 2015 (L.N. 217)

**Frontier Closed Area (Permission to Enter) (Amendment)
Notice 2015** (L.N. 218)

L.N. 217

In January 2008, the Government announced its plan to substantially reduce the coverage of the Frontier Closed Area (FCA) from about 2 800 hectares to about 400 hectares. The FCA reduction is implemented in three phases in accordance with the progress of constructing a secondary boundary fence and new sections of primary boundary fence along the Police's boundary patrol road. The first and second phases of FCA reduction were implemented in 2011 and 2013 respectively by the Frontier Closed Area (Amendment) Order 2011 (L.N. 170 of 2011) and the Frontier Closed Area (Amendment) Order 2013 (L.N. 49 of 2013).

2. L.N. 217 is made by the Chief Executive after consultation with the Executive Council under section 36 of the Public Order Ordinance (Cap. 245) to implement the third phase of FCA reduction. It amends the Schedule to the Frontier Closed Area Order (Cap. 245A) to specify the new boundary of the FCA that is reduced after the completion of the construction work between the River Indus and Lin Ma Hang.

3. According to the LegCo Brief (with no reference number) issued by the Security Bureau in October 2015, the third phase of FCA reduction excises more than 900 hectares of land from the existing FCA and brings the whole reduction exercise to completion (paragraph 6). The Transport Department will arrange for a notice to be published in the Gazette under the Road Traffic (Traffic Control) Regulations (Cap. 374G) to lift the closed road restriction within the area to be excised from the FCA (paragraph 8).

L.N. 218

4. The Schedule to the Frontier Closed Area (Permission to Enter) Notice (Cap. 245H) provides for the classes of persons permitted to enter or leave the FCA without permits. L.N. 218 is made by the Commissioner of Police under section 38A(1) of Cap. 245 to amend the Schedule as a result of the amendments made by L.N. 217. It also adds a new class of persons permitted to enter the FCA without permit, namely, drivers of road vehicles, who enter or leave the FCA for the sole purpose of allowing road vehicles to be weighed in compliance with a requirement under section 65 of the Road Traffic Ordinance (Cap. 374)¹, and the passengers of those road vehicles.

Commencement

5. L.N. 217 and L.N. 218 come into operation on 4 January 2016.

Consultation with LegCo Panel

6. According to the clerk to the Panel on Security, the Panel has not been specifically consulted on L.N. 217 and L.N. 218. When the Panel was briefed on the Administration's financial proposals for the first stage construction of a secondary boundary fence and new sections of primary boundary fence and boundary patrol road arising from the reduced coverage of the FCA at its meeting on 5 May 2009 and the remaining stages of the construction on 3 May 2011, members were advised that the Administration would amend Cap. 245A to reduce the FCA boundaries in stages to tie in with the completion of the construction works.

¹ Under section 65 of the Road Traffic Ordinance (Cap. 374), any police officer in uniform may require the person in charge of any motor vehicle (a driver) to proceed with the vehicle to a weigh-bridge for the purpose of allowing the vehicle to be weighed.

Public consultation

7. According to paragraph 15 of the LegCo Brief, the Administration consulted the relevant parties including North and Yuen Long District Councils and the relevant Rural Committees (Ta Kwu Ling, Sha Tau Kok, Sheung Shui and San Tin) in 2006 on the FCA reduction and its implementation. The North District Council and the relevant Rural Committees were informed recently of the implementation time and related arrangements of the third stage of the FCA reduction and made no adverse comment.

Concluding observations

8. No difficulties have been identified in the legal and drafting aspects of the above items of subsidiary legislation.

Prepared by

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