

立法會

Legislative Council

LC Paper No. CB(4)1004/18-19

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Paper for the House Committee meeting on 21 June 2019

Report of Subcommittee on Subsidiary Legislation Relating to the Central Military Dock

Purpose

This paper reports on the deliberations of the Subcommittee on Subsidiary Legislation Relating to the Central Military Dock ("CMD").

Background

2. The Exchange of Notes between the Government of the People's Republic of China ("PRC Government") and the Government of the United Kingdom ("UK Government") on the arrangements for the future use of military sites in Hong Kong ("Exchange of Notes") entered into force on 11 November 1994. CMD is one of the five military buildings/fixed facilities affected before 1 July 1997¹ which should be re-provisioned for the Hong Kong Garrison of the Chinese People's Liberation Army ("the Garrison") by the Hong Kong Special Administrative Region ("HKSAR") Government according to the Exchange of Notes, which sets out that "The Hong Kong Government will leave 150 metres of the eventual permanent waterfront in the plans for the Central and Wanchai Reclamation at a place close to the Prince of Wales Barracks² for the construction of a military dock after 1997". According to the Administration, to fulfill the responsibility sets out in the Exchange of Notes, the HKSAR Government has re-provisioned the military dock as part of the relevant

¹ The re-provisioning of military buildings and fixed facilities for the Garrison since they were affected by the disposal of military sites include the re-provisioning of (a) the original Central Tamar naval base on the south shore of Stonecutters Island; (b) the original King's Park military hospital at the Gun Club Hill Barracks; (c) the original Blackdown Barracks military storage facilities at the Shek Kong Barracks; (d) the original Kai Tak Airport Military Joint Movements Unit at the Chek Lap Kok Airport; and (e) a military dock at a place at the eventual permanent waterfront in the plans for the Central and Wanchai Reclamation close to the Central Barracks.

² The Prince of Wales Barracks was later renamed as the Central Barracks.

reclamation works. CMD occupies an area of about 0.3 hectares or 3% of the total area of the waterfront open space in the New Central harbourfront (which has an area of about 9.8 hectares). The site plan of CMD is in **Appendix I**.

3. CMD is the only outstanding military facility in the Exchange of Notes which has yet to be handed over to the Garrison. The remaining 18 military sites have been used and managed by the Garrison for defence purposes since 1997. According to the Administration, the HKSAR Government has the duty to complete the handover work of CMD in order to fulfill the outstanding undertaking as stated in the Exchange of Notes.

The subsidiary legislation

Protected Places (Amendment) Order 2019 (L.N. 66 of 2019) and Protected Places (Safety) (Authorized Guards) (Amendment) Order 2019 (L.N. 67 of 2019)

4. Under section 2 of the Protected Places (Safety) Ordinance (Cap. 260), the Chief Executive ("CE") may by an order declare any premises to be a protected place. The Schedule to the Protected Places Order (Cap. 260A) sets out the locations of the protected places. Under section 3 of Cap. 260, CE may by order authorize any person to act as an authorized guard in, at or over a protected place. The duties of such authorized guards are set out in section 4 of Cap. 260. These include arresting person and handing over to the police any person whom that authorized guard finds in, or in the immediate vicinity of, a protected place and reasonably suspects of having committed an offence under Cap. 260.

5. The Protected Places (Safety) (Authorized Guards) Order (Cap. 260C) sets out the authorized guards in respect of different protected places. Section 8 of Cap. 260 provides, among other things, that any person who is unauthorized to enter a protected place fails to leave the immediate vicinity thereof when requested to do so by an authorized guard or the police shall be guilty of an offence and liable on summary conviction to a fine at level 1 (i.e. \$2,000) and to imprisonment for six months.

6. L.N. 66, which is made by CE under section 2 of Cap. 260 after consultation with the Executive Council, adds CMD to the Schedule to Cap. 260A to declare CMD to be a protected place.

7. L.N. 67 is made by CE under section 3 of Cap. 260 after consultation with the Executive Council to amend Cap. 260C. It provides for the persons

who are authorized to act as authorized guards in respect of CMD. These persons are: (a) holders of permits under the Security and Guarding Services Ordinance (Cap. 460) that are valid for guarding any property at CMD or preventing or detecting the occurrence of any offence at CMD, or both; (b) employed by a company engaged by the Garrison; and (c) assigned by the Garrison, or the company, to guard CMD.

Military Installations Closed Areas (Amendment) Order 2019 (L.N. 68 of 2019)

8. L.N. 68 is made by CE under section 36(1) of the Public Order Ordinance (Cap. 245) after consultation with the Executive Council. It amends the Military Installations Closed Areas Order (Cap. 245B) by adding the "CMD building areas" to the First Schedule to Cap. 245B to declare the areas of four buildings in the CMD land area, which will not be open to the public due to defence operational needs, to be closed areas.

9. The effect of L.N. 68 is that no person shall enter or leave the areas of the four buildings in the CMD land area without a permit issued under section 37 of Cap. 245 or permission granted under section 38A of Cap. 245.

Shipping and Port Control (Amendment) Regulation 2019 (L.N. 69 of 2019)

10. L.N. 69 is made by CE in Council under section 80 of the Shipping and Port Control Ordinance (Cap. 313). It amends the Shipping and Port Control Regulations (Cap. 313A) to prohibit non-local vessels from entering the CMD Inner Area and the CMD Outer Area without the permission of the Director of Marine. Even if a non-local vessel is permitted to enter the CMD Inner Area or Outer Area, it must not stay, anchor, moor or berth in the Area, unless otherwise specified in the permission. The prohibition does not apply to a non-local vessel that has an overall length not exceeding 60 metres if it only enters the CMD Outer Area for the purpose of passing through the CMD Outer Area directly without staying, anchoring, mooring or berthing in the CMD Outer Area. Contravention of the prohibition without reasonable excuse is an offence punishable by a fine at level 3 (i.e. \$10,000) and imprisonment for six months.

Merchant Shipping (Local Vessels) (General) (Amendment) Regulation 2019 (L.N. 70 of 2019)

11. L.N. 70 is made by the Secretary for Transport and Housing under section 89 of the Merchant Shipping (Local Vessels) Ordinance (Cap. 548). It amends the Merchant Shipping (Local Vessels) (General) Regulation (Cap. 548F) to prohibit local vessels from entering the CMD Inner Area and the CMD Outer Area without the permission of the Director of Marine. Even if a

local vessel is permitted to enter the CMD Inner Area or Outer Area, it must not stay, anchor, moor or berth in the Area, unless otherwise specified in the permission. The prohibition does not apply to a local vessel that has an overall length not exceeding 60 metres if it only enters the CMD Outer Area for the purpose of passing through the CMD Outer Area directly without staying, anchoring, mooring or berthing in the CMD Outer Area. Contravention of the prohibition without reasonable excuse is an offence punishable by a fine at level 3 (i.e. \$10,000) and imprisonment for six months.

The Subcommittee

12. At the House Committee meeting on 10 May 2019, Members agreed that a subcommittee should be formed to examine the five items of subsidiary legislation relating to CMD. Under the chairmanship of Hon WONG Ting-kwong, the Subcommittee has held three meetings with the Administration. The membership list of the Subcommittee is in **Appendix II**.

13. To allow more time for scrutinizing the subsidiary legislation, the Subcommittee Chairman moved a motion at the Council meeting of 29 May 2019 to extend the scrutiny period of the five items of subsidiary legislation to the Council meeting of 26 June 2019.

Deliberations of the Subcommittee

Judicial review by a member of the public

14. The Subcommittee notes that a member of the public has in April 2019 filed an application for leave to apply for judicial review against the CE in Council's decision made on 22 January 2019 to approve the Amended Draft Outline Zoning Plan of the Central District and the decision of the Town Planning Board made on 14 February 2014 not to amend the said Amended Draft Outline Zoning Plan. The Applicant is also seeking, among other reliefs, an interim injunction to restrain the Government from transferring or otherwise disposing of CMD (or taking any step to cause or result in the said transfer or disposal of CMD) pending the determination of the judicial review. Some members have expressed concern that the work of the Subcommittee will affect the Court's judgement on the judicial review. The Subcommittee also received two letters from the Solicitors acting for the Applicant in the judicial review expressing similar concern.³

³ LC Paper Nos. CB(4)926/18-19(01) and CB(4)989/18-19(02)

15. According to the Administration, as at 28 May 2019, no hearing date has been fixed in respect of the Applicant's leave application and/or interim injunction application. Moreover, no leave for the Applicant to apply for judicial review has been granted, nor any interim injunction has been ordered that may affect the current legislative exercise concerning CMD.⁴

16. Members have taken note that no interim injunction order has been made by the Court, and that the five items of subsidiary legislation subject to negative vetting will come into operation on 29 June 2019. The Subcommittee proceeded to scrutinize the relevant subsidiary legislation.

The Exchange of Notes on the future use of military sites in Hong Kong

17. The Subcommittee notes that the Exchange of Notes on the future use of military sites in Hong Kong was signed between the PRC Government and the UK Government in 1994. A member has queried whether the HKSAR Government has the obligation to hand over CMD to the Garrison as it is not a party to the Exchange of Notes.

18. The Administration has explained that the headquarters of the British Garrison before the reunification used to have a naval basin and dock facilities at the Victoria harbourfront area. These facilities were affected by the Central reclamation works. A naval base and a military dock were hence required to be re-provisioned on the south shore of Stonecutters Island and near the Central Barracks respectively. It is legitimate for the HKSAR Government to re-provision CMD and hand it over to the Garrison to fulfill the responsibility as sets out in the Exchange of Notes.

19. Some members have taken the view that the Exchange of Notes only sets out the construction of a berth of 150 metres for military vessels. No associated facilities shall therefore be provided in CMD. However, the existing CMD site is 150 metres long and 20 metres wide with other facilities provided in CMD. They have questioned about the basis for providing an additional width of 20 metres for and other facilities in CMD.

20. The Administration has responded that the Exchange of Notes is a historical document between two states entered into force before 1 July 1997 when the details of the Central reclamation works and the exact location of CMD were not available yet. It is natural that the Exchange of Notes would not include details about the berthing facilities to be included in CMD. As regards the dimension of CMD, it was reflected on the Draft Outline Zoning Plan of the Central District when it was approved by the CE in Council, and also previous

⁴ LC Paper No. CB(4)948/18-19(02)

Town Planning Board papers.

Location of the Central Military Dock

21. Some members have queried about the defence functions and military value of CMD as there has already been the Ngong Shuen Chau Naval Basin. In their view, CMD is more of a symbolic form of national sovereignty. Also, the handover has given the public an impression of ceding territory. They asked whether arrangements can be made so that CMD will be managed by the HKSAR Government and closed for the Garrison's military use when necessary. Given that the Central harbourfront where CMD located is a place for public enjoyment, some members have expressed worries that fears will be aroused among members of the public if members of the Garrison who station at CMD are armed with long guns.

22. Some members, however, have expressed support for the handover of CMD to the Garrison and pointed out that all countries attached utmost importance to national defence. In their view, CMD as one of Garrison's defence purposes should not be overlooked given its strategic position at the central business district and close proximity to the Chief Executive's Office, Government headquarters and the Legislative Council Complex. At the same time, the Garrison has been performing defence functions for Hong Kong in strict accordance with the Basic Law, the Law of the People's Republic of China on the Garrisoning of the HKSAR ("the Garrison Law") and other relevant laws ever since the reunification. The Garrison has gained trust and recognition from Hong Kong people. Moreover, military sites are generally not open to the public. The Garrison's agreement to open CMD to the public as part of the promenade when it is not in military use is an expression of goodwill to Hong Kong people.

Opening arrangement of the Central Military Dock

23. The Subcommittee notes that CMD should have been delimited as a "closed area" under Cap. 245B as in the case of the other 18 military sites currently being used by the Garrison. However, taking into account that the Garrison will in future consider, under the condition that the defence functions will not be affected, opening the movable gates enclosing CMD to allow members of the public to enter the part of CMD outside the four buildings, the Administration will designate the land area of CMD as "protected place" rather than "closed area". The four buildings in the land area of CMD will be designated as "closed areas" on top of being a "protected place".

24. According to the Administration, four of the 18 military sites which are "closed areas", namely Central Barracks, Headquarters House, Ching Yi To Barracks and Shek Kong Village, are also designated as "protected places" under Cap. 260A. The current arrangement has ensured that the military sites are provided with suitable legal protection according to their needs.

25. Given CMD is located at the Central harbourfront, some members have expressed concern that the public may not know when CMD is closed for military use and may enter it by mistake. They sought information on the coverage and arrangements of opening CMD, including opening dates and time, rules and regulations, activities that are permitted and prohibited in the protected area, procedures for handling an accident occurred in the area, management of the area, etc.

26. The Administration has responded that CMD is a military facility to be used for defence purposes at all times. According to the Garrison Law, military facilities within HKSAR shall be managed by the Garrison; and the Garrison and the HKSAR Government shall jointly protect such military facilities. The Administration has been liaising with the Garrison on the arrangements for opening CMD for public access without affecting its defence functions. The Garrison is considering the opening details and will inform the public in due course. The Administration has advised that it will respect the decision of the Garrison as management of military facilities is a defence function of the Garrison. The Administration has also pointed out that CMD will be clearly enclosed by gates, fences and walls of buildings when it is closed, so the chance of unauthorized entry by mistake is slim, and that the Garrison will put up sufficient notices at CMD to inform the public about the boundary of CMD.

27. Certain members urged the Administration to clarify the opening details of CMD with the Garrison and make such details known to the public through proper channels. They also consider it more desirable to inform the public in advance, for example, via broadcast media if CMD is closed for military use. A member has requested the Administration to provide the records of meetings between the Administration and the Garrison on the opening arrangement or to invite the Garrison to attend the Subcommittee meeting to address members' concerns. The Administration has explained that it has no relevant information to provide as the future opening arrangement of CMD is a matter of management of military facilities within the scope of the Garrison's defence functions. Nevertheless, the Administration has taken note of members' views and will relay the views to the Garrison.

28. Some members sought information on the facilities in the four buildings in CMD and have expressed concern that a member of the public may

enter the four buildings by mistake when CMD is open for public access and may consequently be prosecuted. The Administration has advised that it has no detailed information as these are defence facilities. However, it understands that the four buildings should include office facilities, fire services pumphouse, electricity supply facilities, etc. There will be clear signage and proper marks to indicate clearly to members of the public the entry point of the closed areas.

Authorized guards of and law enforcement at the Central Military Dock

29. The Subcommittee notes that under L.N. 67, persons who are qualified guards employed by a company engaged by the Garrison will be authorized to act as authorized guards of CMD. The duties of such authorized guards include protecting and preventing the theft of or damage to any property in or upon CMD; arresting people whom that authorized guard reasonably suspects of entering, or attempting, or intending to enter CMD without proper authority, of having acted illegally or otherwise without proper authority within CMD, or of having committed an offence under Cap. 260. Authorized guards may use reasonable force, if necessary, in carrying out their duties.

30. There are concerns that authorized guards who are not police officers or members of the Garrison may not be able to take proper enforcement actions, and that conflict between authorized guards and arrested persons will arise if the power of authorized guards to use reasonable force is not clearly defined. A member has enquired about the reasons for not authorizing members of the Garrison to act as authorized guards of CMD, and the circumstances under which persons entering CMD (e.g. inadvertent entry) will be arrested by authorized guards.

31. According to the Administration, the Garrison has the authority to appoint its members to act as authorized guards in respect of any protected place under its control in accordance with the Garrison Law. L.N. 67 is made to provide flexibility for the Garrison in authorizing authorized guards of CMD. The Garrison has the discretion to decide whether its members or qualified guards employed by security companies it engaged will be authorized to be the authorized guards of CMD.

32. The Administration has further explained that members of the public are allowed to enter CMD when the movable gates enclosing CMD are opened and the Garrison's signage so signifies. However, the opening of CMD will not affect its nature of a military site and its status as a protected place at all times. According to Article 12 of the Garrison Law, "guards of the military restricted zones shall have the right to stop according to law any unauthorized entry into any military restricted zone or any act which damages or endangers any military

facilities". Article 8 of the Garrison Law provides that "members of the Hong Kong Garrison may, in accordance with the provisions of the laws in force in the HKSAR, take measures to stop any act which obstructs their performance of official duties". Members of the public are required to observe the laws of Hong Kong when they are in CMD. If members of the public inadvertently enters CMD when it is closed, authorized guards will give advice and ask them to leave. Authorized guards will arrest any person who fails to halt when challenged by the guards, or resists or obstructs the guards in the discharge of duties, or damages or endangers any military facilities. Arrested persons will be handed over to the Police as soon as possible for further follow-up. Moreover, the Administration believes that the Garrison will give authorized guards guidelines and suitable training to ensure that they understand the arrest procedures and how to discharge their duties properly.

33. Questions have also been raised on the list of companies to be engaged by the Garrison for employing qualified guards to be authorized guards of CMD and the number of persons convicted under Cap. 260 since the reunification in 1997.

34. The Administration has responded that the authorization of authorized guards for CMD is one of the Garrison's duties of defence, which is outside the remit of the HKSAR Government. The Administration does not have information on the security companies to be engaged by the Garrison. However, the Garrison has to comply with the laws of Hong Kong and engage companies issued with a valid Security Company Licence under the Security and Guarding Services Ordinance (Cap. 460). The guards employed by these companies have to be holders of the Security Personnel Permits under Cap. 460. The Administration has advised that it does not keep information on the number of persons convicted under Cap. 260 so far.

Marine restricted areas at the waters off the Central Military Dock

35. The Subcommittee notes that an inner restricted area (230 metres along the harbourfront and 100 metres off CMD) and an outer restricted area (300 metres along the harbourfront and 200 metres off CMD, but excluding the inner restricted area) will be delimited at the waters off CMD. A diagram showing the location of the inner and outer restricted areas is in **Appendix III**.

36. Members have expressed concerns as to whether the setting up of the restricted areas will affect the safety and operation of local vessels, in particular those fishing vessels navigating in the vicinity and pleasure boats at public Piers No. 9 and No. 10; whether there is a safe distance between the restricted areas and nearby fairways; whether the restricted areas will be clearly demarcated for

marine users; and whether the shipping sector and yacht clubs have been fully consulted on the establishment of the restricted areas.

37. The Administration has responded that having considered the safety of the vessels navigating in the vicinity and examined the results of computer simulation conducted by the Marine Department ("MD"), the outer restricted area is located at a safe distance of 290 metres from the Central Fairway and 80 metres from Pier No. 10. In fact, the distance between Pier No. 9 and No. 10 is only about 70 metres. For navigation safety considerations, two buoys will be placed at the east and west corners of the inner restricted area on the sea surface, and the location of the restricted areas will be clearly demarcated on nautical charts. Marine users can also download the chart information via the "eSeaGo" app.

38. On public consultation, the Administration has advised that it has attended the Local Vessels Advisory Committee meeting and briefed representatives of cargo vessels operators, launch and excursion vessels operators, ferry vessels operators, pleasure boat operators, seafarers' training service providers, seafarers' associations and the marine insurance industry, etc. on the considerations behind the proposed marine area restriction and the background of establishing CMD, the responsibility of the Administration in supporting the Garrison to perform its defence functions, the legislative exercise to be conducted by the Administration prior to the handover of CMD to the Garrison.⁵

39. In response, a member considers it necessary for the Administration to increase the number of buoys on the sea surface and provide nautical charts related to the restricted areas for distribution to vessel users. At the suggestion of the member, the Administration has agreed to convey the suggestion to MD to consider according to actual needs and circumstances. The part of the nautical chart showing the marine restricted areas of CMD is in **Appendix IV**.

40. Question has been raised as to whether the Garrison will take enforcement actions against small vessels staying in the outer restricted area by mistake and small vessels displaying banners in the outer restricted area. The Administration has explained that a vessel under 60 metres long is permitted to pass through the outer restricted area, regardless whether it displays banners or not. In fact, the two marine restricted areas are delimited to ensure safe distance between civil vessels and military vessels as well as the relevant berthing facilities. MD, which is responsible for the navigational safety matters within Hong Kong waters, will patrol in the vicinity to ensure compliance with the new requirements and take enforcement actions if a vessel poses threat on marine

⁵ The major views raised by trade representatives are in LC Paper No. CB(4)937/18-19(01).

safety. Where MD considers it necessary, the Marine Police will be asked to render assistance in law enforcement.

41. In view of the fact that CMD is close to Piers No. 9 and No. 10, some members have expressed concern about the security of CMD. There is a suggestion that the Garrison should, in consultation with relevant stakeholders and the public, consider extending the defence functions of CMD to Piers No. 9 and No. 10 under the condition that the operation of the piers will not be affected.

42. Given that International Dragon Boat Races attract thousands of local and overseas spectators to enjoy every year, there is a suggestion that the Garrison should consider allowing the use of part of CMD and opening up the marine restricted areas for conducting these events. The Administration has undertaken to relay members' suggestion to the Garrison and advised that the Garrison is exploring the feasibility of facilitating the use of the marine restricted areas at the waters off CMD for water-based activities, such as boat races and fireworks, where defence needs are not compromised.

Commencement date of the subsidiary legislation

43. A member has enquired why the five items of subsidiary legislation are to commence on 29 June 2019 and whether this is to dovetail with the Garrison's planned celebratory activities at CMD on 1 July or 1 October 2019; and what arrangements will be made for the handover of CMD, including whether land grant documents are required or whether a handover ceremony will be held.

44. The Administration has responded that the HKSAR Government has not yet discussed with the Garrison the handover date and arrangement of CMD. As the construction of CMD has been substantially completed in 2013, the Government considers it necessary to commence the subsidiary legislation shortly to make preparation for the handover, such as conducting tests on the facilities at CMD, performing berthing trials, installing security devices, etc. so as to fulfill the outstanding undertaking as stated in the Exchange of Notes. The Government will discuss the handover arrangement with the Garrison in due course.

45. On land grant document, the Administration has explained that according to Article 7 of the Basic Law, "The land and natural resources within the Hong Kong Special Administrative Region shall be State property. The Government of the Hong Kong Special Administrative Region shall be responsible for their management, use and development and for their lease or grant to individuals, legal persons or organizations for use or development".

According to the Exchange of Notes, a number of military sites and military facilities including CMD are to be handed over to or re-provisioned for the Garrison. According to the Garrison Law, controlling military facilities is one of the defence functions and responsibilities of the Garrison. Against this background and having sought legal advice, the Administration has advised that no land grant document is required between the HKSAR Government and the Garrison for CMD which is by its nature a military site. The same arrangement applies to all other 18 military sites.

Drafting issues of Protected Places (Safety) (Authorized Guards) (Amendment) Order 2019

46. Referring to the new paragraph 7 added to Cap. 260C under L.N. 67, a member has sought clarification of paragraph 7(b) and (c) which provides that persons who are employed by a company engaged by the Garrison and assigned by the Garrison, or the company, to guard CMD are authorized to act as authorized guards. In his view, a person assigned by a company engaged by the Garrison must be employed by the company.

47. The Administration has explained that a person employed by a company engaged by the Garrison may not be assigned to guard CMD. Hence, persons who are authorized to act as authorized guards should be employed and assigned by a company engaged by the Garrison, and paragraph 7(b) and (c) is necessary to reflect the above.

48. Clarification has also been sought on whether "而其許可證有效範圍為在該碼頭護衛任何財產，或在該碼頭防止或偵測任何罪行的發生，或包括上述兩者" in paragraph 7(a) under L.N. 67 refers to a specific type of permit under Cap. 460 for guarding CMD.

49. The Administration has explained that the English text of paragraph 7(a) provides that persons who are authorized to act as authorized guards should be holders of permits under Cap. 460 that are valid for guarding any property at CMD or preventing or detecting the occurrence of any offence at CMD, or both. "其許可證有效範圍" refers to categories of security work rather than geographical scope. This is in line with the wording adopted in paragraph 6 of Cap. 260C.

50. The legal adviser to the Subcommittee has pointed out in her letter to the Administration⁶ that the English text of the new paragraph 7 under L.N. 67 does not entirely correspond with the Chinese text. The Chinese text provides

⁶ LC Paper No. CB(4)911/18-19(01)

that "就《受保護地方令》(第 260 章, 附屬法例 A)附表第 22 項所指明的中區軍用碼頭而言, 符合以下所有說明的人, 現獲授權作為特派守衛——(a)根據《保安及護衛服務條例》(第 460 章)發給的許可證的持證人, 而其許可證有效範圍為在該碼頭護衛任何財產, 或在該碼頭防止或偵測任何罪行的發生, 或包括上述兩者; (b)由香港駐軍聘用的公司所僱用; 及(c)由香港駐軍或上述公司指派往該碼頭守衛者。" However, there is no corresponding rendition of "符合以下所有說明" in the English text which provides that "In respect of the Central Military Dock, as specified in item 22 of the Schedule to the Protected Places Order (Cap. 260 sub. leg. A), persons who are (a) holders of permits under the Security and Guarding Services Ordinance (Cap. 460) that are valid for guarding any property at the Dock or preventing or detecting the occurrence of any offence at the Dock, or both; (b) employed by a company engaged by the Hong Kong Garrison; and (c) assigned by the Hong Kong Garrison, or the company, to guard the Dock, are authorized to act as authorized guards".

51. According to the Administration, the English and Chinese texts of the provisions stated are drafted according to their respective language rules with the aim to achieve the most natural flow. The two texts of the concerned provisions have exactly the same meaning though their syntactic elements and structures are slightly different. It has no plan to amend the English text.⁷

Recommendation

52. The Subcommittee raises no objection to the five items of subsidiary legislation relating to CMD and will not propose any amendment to them.

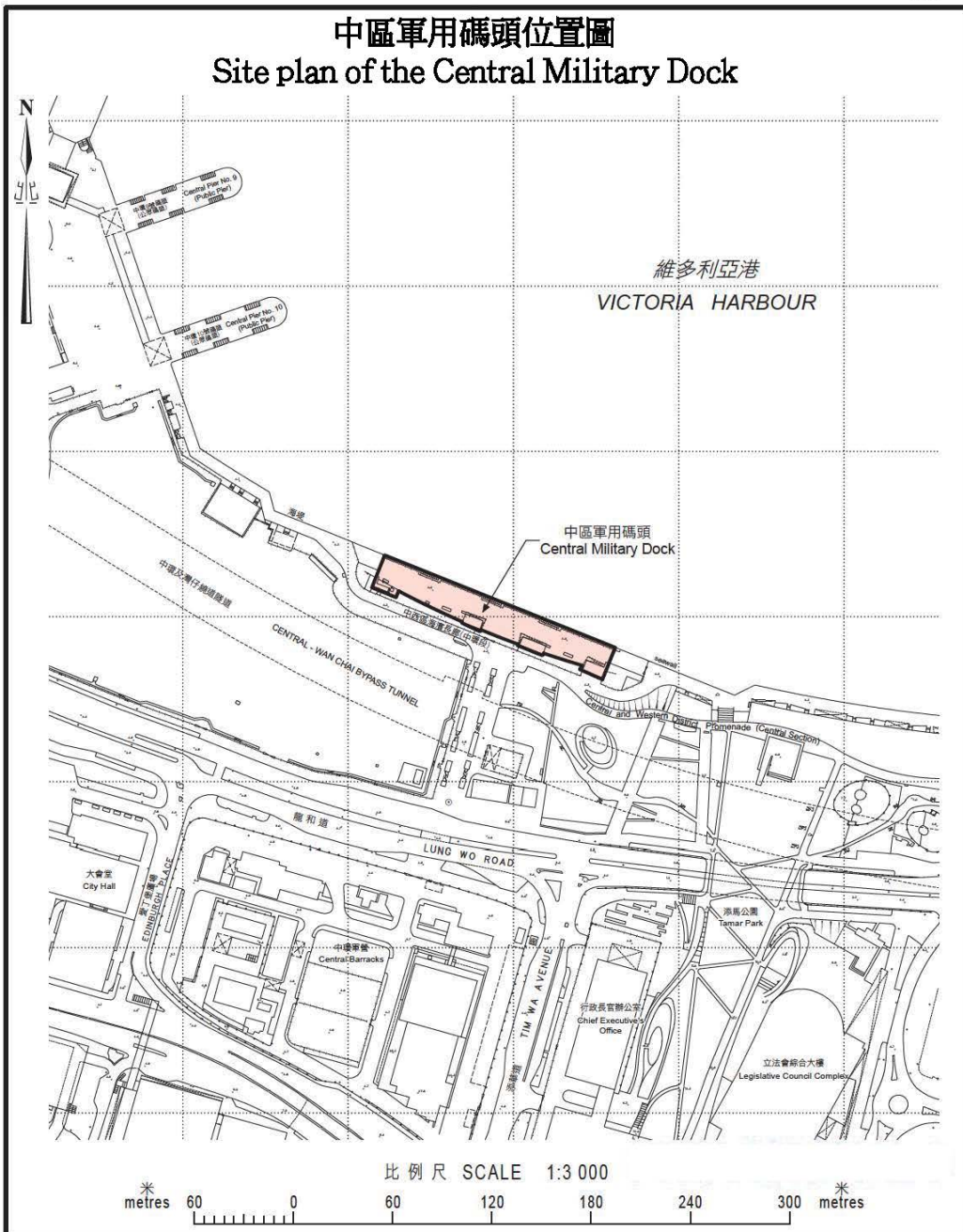
Advice sought

53. Members are invited to note the deliberations of the Subcommittee.

Council Business Division 4
Legislative Council Secretariat
19 June 2019

⁷ LC Paper No. CB(4)948/18-19(01)

中區軍用碼頭位置圖
Site plan of the Central Military Dock



只作識別用 FOR IDENTIFICATION PURPOSES ONLY

地政總署 港島測量處
District Survey Office, Hong Kong
Lands Department

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檔案編號 File No. DSO/HK 13/89 (C) Pt.2

測量圖編號 Survey Sheet No. 11-SW-9C

發展藍圖編號 Layout Plan No. S/H24/9

參考圖編號 Reference Plan No. --

圖則編號 PLAN No. HKM10359

日期 Date: 13/03/2019

**Subcommittee on
Subsidiary Legislation Relating to the Central Military Dock**

Membership list*

Chairman	Hon WONG Ting-kwong, GBS, JP
Members	Hon Starry LEE Wai-king, SBS, JP Hon CHAN Hak-kan, BBS, JP Hon CHAN Kin-por, GBS, JP Hon Mrs Regina IP LAU Suk-ye, GBS, JP Hon Paul TSE Wai-chun, JP Hon Claudia MO Hon Steven HO Chun-yin, BBS Hon Frankie YICK Chi-ming, SBS, JP Hon YIU Si-wing, BBS Hon MA Fung-kwok, SBS, JP Hon CHAN Han-pan, BBS, JP Dr Hon KWOK Ka-ki Hon KWOK Wai-keung, JP Hon Christopher CHEUNG Wah-fung, SBS, JP Dr Hon Elizabeth QUAT, BBS, JP Hon CHU Hoi-dick Dr Hon Junius HO Kwan-yiu, JP Hon HO Kai-ming Hon Holden CHOW Ho-ding Hon SHIU Ka-fai Hon CHAN Chun-ying, JP Hon CHEUNG Kwok-kwan, JP Hon HUI Chi-fung Hon AU Nok-hin Hon Tony TSE Wai-chuen, BBS Hon CHAN Hoi-yan

(Total : 27 Members)

Clerk Ms Angel WONG

Legal Adviser Miss Rachel DAI

Date 24 May 2019

* Changes in membership are shown in Annex to Appendix II.

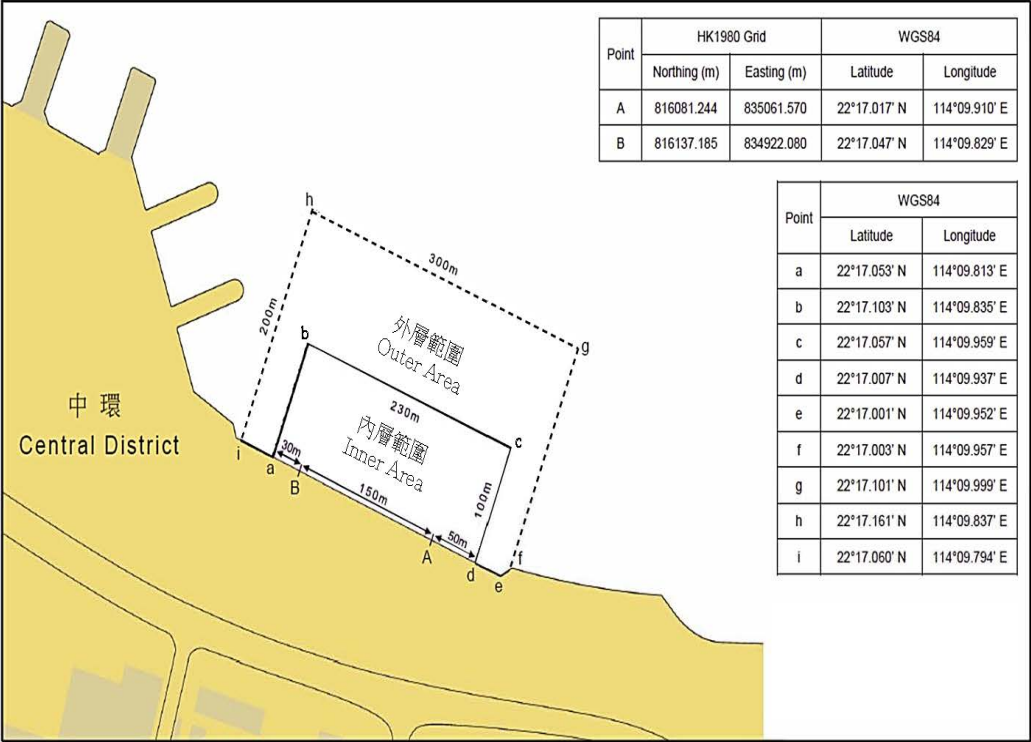
Annex to Appendix II

Subcommittee on Subsidiary Legislation Relating to the Central Military Dock

Changes in membership

Member	Relevant date
Hon Jimmy NG Wing-ka, JP	Up to 21 May 2019
Hon WONG Kwok-kin, SBS, JP	Up to 22 May 2019
Hon Alice MAK Mei-kuen, BBS, JP	Up to 22 May 2019

海上限制區域位置
Location of the marine "restricted areas"



The part of the nautical chart showing the marine restricted areas

