

立法會
Legislative Council

LC Paper No. CB(2)401/18-19
(These minutes have been seen
by the Administration)

Ref : CB2/SS/2/18

**Subcommittee on Four Commencement Notices Relating to
the Commissioning of the Hong Kong-Zhuhai-Macao Bridge
Gazetted on 22 October 2018 and Cross-boundary Movement of
Physical Currency and Bearer Negotiable Instruments Ordinance
(Amendment of Schedule 1) (No. 3) Notice 2018**

**Minutes of meeting
held on Monday, 12 November 2018, at 4:30 pm
in Conference Room 3 of the Legislative Council Complex**

Members present : Hon Frankie YICK Chi-ming, SBS, JP (Chairman)
Hon YIU Si-wing, BBS
Hon CHAN Han-pan, BBS, JP
Hon LAM Cheuk-ting
Hon Holden CHOW Ho-ding
Hon YUNG Hoi-yan

Members absent : Hon LEUNG Che-cheung, SBS, MH, JP
Hon CHU Hoi-dick

Public Officers attending : Item II

Mr Parson LAM Chun-wah
Principal Assistant Secretary for Security D

Miss Shirley LAU Sze-mun
Principal Assistant Secretary for Transport and
Housing (Transport) 6

Mr Eric Wan Pak-yan
Principal Transport Officer/New Territories 2
Transport Department

Ms Louise HO Pui-shan
Assistant Commissioner (Boundary and Ports)
Customs and Excise Department

Mr TAI Chi-yuen
Assistant Director (Control)
Immigration Department

Mr Patrick LAIDLER
Regional Commander (New Territories South)
Hong Kong Police Force

Mr CHUI Man-leung
Deputy Chief Fire Officer (New Territories South)
Fire Services Department

Mr CHAN Wai-kuen
Assistant Chief Ambulance Officer (New Territories South)
Fire Services Department

Mr Vincent WAI Yun-lam
Government Counsel
Department of Justice

Miss LAI Chau-mei
Government Counsel
Department of Justice

Clerk in attendance : Miss Josephine SO
Chief Council Secretary (2) 2

Staff in attendance : Mr Cliff IP
Assistant Legal Adviser 8

Mr Raymond LAM
Senior Council Secretary (2) 7

Mr Clement HAU
Council Secretary (2) 2

Miss Cally LAI
Legislative Assistant (2) 2

I. Election of Chairman

Election of Chairman

Mr Frankie YICK, the member who had the highest precedence in Council among members of the Subcommittee present, presided over the election of the Chairman. Mr YICK invited nominations for the chairmanship of the Subcommittee.

2. Mr Frankie YICK was nominated by Mr YIU Si-wing and the nomination was seconded by Mr CHAN Han-pan. Mr YICK accepted the nomination. Mr YIU Si-wing, the member who had the highest precedence in Council among members present other than Mr YICK, then presided over the election of the Chairman. As there was no other nomination, Mr YIU declared Mr Frankie YICK elected as the Chairman of the Subcommittee. Mr YICK then took the chair.

3. Members agreed that the election of Deputy Chairman was not necessary.

II. Meeting with the Administration

(L.N. 198 of 2018, L.N. 199 of 2018, L.N. 200 of 2018, L.N. 201 of 2018, L.N. 202 of 2018, File Ref: NCR 3/1/16 S/F(U)G, LC Paper Nos. LS6/18-19, CB(2)213/18-19(02) and CB(2)213/18-19(03))

4. The Subcommittee deliberated (index of proceedings attached at **Annex**) and examined the following five items of subsidiary legislation:

- (a) Closed Area (Hong Kong-Zhuhai-Macao Bridge Hong Kong Port and Hong Kong Link Road) Order (Commencement) Notice;
- (b) Cross-boundary Movement of Physical Currency and Bearer Negotiable Instruments Ordinance (Amendment of Schedule 1) (No. 3) Notice 2018;
- (c) Hong Kong-Zhuhai-Macao Bridge Hong Kong Port and Hong Kong Link Road Closed Area (Permission to Enter) Notice (Commencement) Notice;
- (d) Immigration (Places of Detention) (Amendment) Order 2017 (Commencement) Notice; and

Action

- (e) Immigration Service (Designated Places) (Amendment) Order 2017 (Commencement) Notice.

III. Any other business

5. The Chairman concluded that the Subcommittee had completed its scrutiny work. Members agreed that the Chairman would move a motion at the Council meeting of 21 November 2018 to extend the scrutiny period of the five items of subsidiary legislation to the Council meeting of 12 December 2018.

6. Members noted that if the scrutiny period was extended, the deadline for giving notice of amendments, if any, to the five items of subsidiary legislation would be 5 December 2018. The Chairman would report the deliberations of the Subcommittee to the House Committee on 30 November 2018.

7. There being no other business, the meeting ended at 5:01 pm.

Council Business Division 2
Legislative Council Secretariat
6 December 2018

Proceedings of the meeting of the Subcommittee on Four Commencement Notices Relating to the Commissioning of the Hong Kong-Zhuhai-Macao Bridge Gazetted on 22 October 2018 and Cross-boundary Movement of Physical Currency and Bearer Negotiable Instruments Ordinance (Amendment of Schedule 1) (No. 3) Notice 2018 on Monday, 12 November 2018, at 4:30 pm in Conference Room 3 of the Legislative Council Complex

Time marker	Speaker	Subject(s)/Discussion	Action Required
000516 - 000657	Mr Frankie YICK Mr YIU Si-wing Mr CHAN Han-pan	Election of Chairman	
000658 - 001334	Chairman Admin	<p>Briefing by the Administration on the following five items of subsidiary legislation:</p> <p>(a) Closed Area (Hong Kong-Zhuhai-Macao Bridge Hong Kong Port and Hong Kong Link Road) Order (Commencement) Notice (L.N. 198 of 2018);</p> <p>(b) Cross-boundary Movement of Physical Currency and Bearer Negotiable Instruments Ordinance (Amendment of Schedule 1) (No. 3) Notice 2018 (L.N. 199 of 2018);</p> <p>(c) Hong Kong-Zhuhai-Macao Bridge Hong Kong Port and Hong Kong Link Road Closed Area (Permission to Enter) Notice (Commencement) Notice (L.N. 200 of 2018);</p> <p>(d) Immigration (Places of Detention) (Amendment) Order 2017 (Commencement) Notice (L.N. 201 of 2018); and</p> <p>(e) Immigration Service (Designated Places) (Amendment) Order 2017 (Commencement) Notice (L.N. 202 of 2018).</p>	
001335 - 002140	Chairman Mr LAM Cheuk-ting Admin	<p>Mr LAM Cheuk-ting's questions regarding:</p> <p>(a) how the Customs and Excise Department ("C&ED") enforced the declaration/disclosure requirements under the Cross-boundary Movement of Physical Currency and Bearer Negotiable Instruments Ordinance (Cap. 629) on persons arriving in Hong Kong via the Hong Kong-Zhuhai-Macao Bridge ("HZMB") Hong Kong Port ("HKP");</p> <p>(b) the penalty for failure to comply with the declaration/disclosure requirements under Cap. 629; and</p>	

Time marker	Speaker	Subject(s)/Discussion	Action Required
		<p>(c) whether persons arriving in Hong Kong were made aware of the declaration/disclosure requirements.</p> <p>Administration's response that:</p> <p>(a) under Cap. 629, a person who arrived in Hong Kong via a specified control point listed in its Schedule 1 (i.e. HZMB HKP in the present case) and was in possession of a large quantity of currency and bearer negotiable instruments ("CBNIs") (i.e. the total value of which was more than HK\$120,000) must use the Red Channel under the Red and Green Channel System to make a written declaration. A person who was about to leave Hong Kong had to disclose, upon the request of a Customs officer, whether he/she was in possession of a large quantity of CBNIs and, if so, make a written declaration;</p> <p>(b) to assist members of the public, visitors and relevant trades to comply with the new statutory requirements, large-scale publicity had been conducted, such as broadcasting Announcements in the Public Interest on television and radio, as well as displaying posters and banners at control points;</p> <p>(c) a grace period of three months had been implemented since the commencement of Cap. 629 on 16 July 2018. During the grace period, C&ED issued written warnings as far as possible to persons who did not comply with the declaration or disclosure requirements for the first time;</p> <p>(d) after the expiry of the grace period, rigorous enforcement actions against contraventions of Cap. 629 had been taken without warnings issued. Any traveller who breached the requirement for the first time and had not been convicted of money laundering or terrorist financing offences and whose CBNIs were not reasonably suspected to be crime proceeds or terrorist property might be given a notice requiring him/her to make a payment of HK\$2,000 to discharge his/her liability. Other cases would be subject to criminal proceedings, and the maximum</p>	

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		<p>penalty was a fine of HK\$500,000 and imprisonment for two years; and</p> <p>(e) Customs officers inspected travellers at control points in line with C&ED's enforcement strategy to detect contraventions of the declaration and disclosure requirements. To facilitate enforcement actions in this regard, C&ED also deployed detector dogs at control points and made use of advanced equipment such as X-ray machines/scanners for screening belongings of travellers.</p> <p>Mr LAM's remark that the Administration should strengthen its exchange of intelligence with relevant Mainland authorities to combat money laundering and smuggling of physical currency.</p>	
002141 - 002222	Chairman Admin	The Chairman's enquiry and the Administration's response on the number of warning letters issued during the three-month grace period.	
002223 - 002620	Chairman Mr YIU Si-wing Admin	<p>Mr YIU Si-wing's questions regarding:</p> <p>(a) situations under which the 10 detention rooms of the Immigration Department ("ImmD") at HZMB HKP would be used;</p> <p>(b) the mechanism in place to cater for situations where ImmD's detention rooms at HZMB HKP were fully occupied; and</p> <p>(c) whether those persons issued with warning letters due to non-compliance with the declaration/disclosure requirements during the grace period would have any criminal liability.</p> <p>Administration's response that:</p> <p>(a) persons being refused permission to enter Hong Kong would be repatriated as soon as possible. A need to use the detention room might arise when, for example, there was a need to detain a person being refused entry for further investigation;</p> <p>(b) 10 detention rooms at HZMB HKP should be adequate. In the event that the detention rooms were fully occupied, arrangements</p>	

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		<p>would be made for additional persons to be transferred to other control points with detention facilities; and</p> <p>(c) a person to whom a warning letter was issued during the three-month grace period since the commencement of Cap. 629 would not incur any criminal liability as such.</p>	
002621 - 003009	Chairman Mr LAM Cheuk-ting Admin	<p>Mr LAM Cheuk-ting's question whether the Administration would investigate cases where cross-boundary movement of a large quantity of CBNIs was detected and suspected of having connection with money laundering or terrorist activities.</p> <p>Administration's response that Cap. 629 enhanced the legal framework on anti-money laundering and counter-financing of terrorism. Under Cap. 629, the relevant law enforcement agencies would keep records of cross-boundary movement of large quantities of CBNIs. Appropriate follow-up actions would be taken, if considered necessary, having regard to the legislation against money laundering and terrorist financing activities.</p>	
003010 - 003026	Chairman ALA8	The Chairman's question and ALA8's reply on whether any difficulties had been identified in relation to the legal and drafting aspects of L.N. 198 to L.N. 202.	
003027 - 003325	Chairman Admin	Examination of the provisions of L.N. 198 to L.N. 202.	
003326 - 003516	Chairman	<p>Completion of scrutiny, the date of reporting the Subcommittee's deliberations to the House Committee and deadline for giving notice of amendments, if any, to L.N. 198 to L.N. 202.</p> <p>The Subcommittee's agreement that the Chairman should move a motion at the Council meeting of 21 November 2018 to extend the scrutiny period of L.N. 198 to L.N. 202 to the Council meeting of 12 December 2018.</p>	