

For discussion
on 28 February 2000

Legislative Council Panel on Economic Services

Prohibited Anchorage in the waters south of the Hong Kong Disneyland

INTRODCUTION

The purpose of this paper is to seek Members' support for the Administration's proposal to amend the Shipping and Port Control Regulations (Chapter 313 sub. leg.) to establish a Prohibited Anchorage Area (PAA) south of the Hong Kong Disneyland (HKD) to be developed at Penny's Bay.

BACKGROUND

2. The Government has entered into a Master Project Agreement (MPA) with The Walt Disney Company (WD) on 10 December 1999 to proceed with the development of a Disney-branded theme park and associated facilities, to be known as HKD at Penny's Bay. The number of visitors to HKD each year is estimated to be some 5 million on opening, rising to some 10 million after 15 years. The project will bring considerable economic benefits to Hong Kong in terms of tourism receipts and job creation.

3. The HKD will be developed in two phases with Phase 1 coming into operation in early 2005. A public pier will be located on the HKD Phase I development to provide visitors with direct sea access to and from the theme park and the surrounding area. There will be a fireworks display in the HKD most nights and a large number of vessels, particularly pleasure vessels and chartered boats, will wish to approach and watch the fireworks display.

4. To ensure safety and for effective control of marine traffic, it is necessary to establish a PAA to prohibit anchoring in the area. The PAA is proposed to be established seaward of the Penny's Bay Reclamation. A map showing the location of the PAA is at the Annex for Members' reference. While only authorized vessels will be allowed to anchor within the PAA, all other vessels will have the right to transit or pass through the PAA and in particular, to embark or disembark passengers at the public pier located on the HKD Phase I development. The proposed PAA will not encroach the existing anchorage areas.

5. Having regard to the specific request of WD, the prohibition within the proposed PAA will cover all vessels other than the following:

- (a) Government vessels and warships in connection with their official duties;
- (b) privately owned vessels under contract with a government department agency to perform and support official duties in connection with those duties; and
- (c) other vessels with a bona fide purpose and authorized by the

Government.

6. Fishing vessels are not affected and will be allowed to fish within the PAA.

PROPOSAL

7. It is proposed to amend Regulation 41 of the Shipping and Port Control Regulations (SAPCR) Cap. 313, by adding a new regulation to restrict anchoring in the proposed PAA as set out in paragraph 5, and to establish the PAA by introducing a new schedule in the SAPCR. The proposed amendment also will give the Director of Marine the power to take necessary enforcement actions within the PAA.

AUTHORITY

8. The amendment regulation will be made by the Chief Executive in Council under Section 80 of the Shipping and Port Control Ordinance Cap. 313.

IMPLEMENTATION

9. As agreed with WD under the MPA, the Government will take all reasonable steps such that on or before 31 December 2000, subsidiary legislation to effect the PAA shall have been enacted with lawful effect from a date to be appointed at a later stage. Our plan is to submit the proposed amendment regulation before the Legislative Council by the end of April this year. Upon Members' approval, the amendment

regulation will come into effect on a date to be appointed by the Secretary for Economic Services, having regard to the progress of the HKD project.

PUBLIC CONSULTATION

10. Our proposal has the support of the Port Operations Committee, the Pilotage Advisory Committee and the Provisional Local Vessels Advisory Committee as no existing anchorage areas will be encroached. Relevant fishermen's associations have indicated support to the proposed legislation, as fishing will be allowed within the PAA.

Economic Services Bureau

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