

LEGISLATIVE COUNCIL BRIEF

IMMIGRATION (ANCHORAGES AND LANDING PLACES) (AMENDMENT) ORDER 2006

INTRODUCTION

The Secretary for Security has made the Immigration (Anchorage and Landing Places) (Amendment) Order 2006 (“the Amendment Order”) under section 60 of Immigration Ordinance (Cap. 115). The purpose of the Amendment Order is to allow northbound cross-boundary ferries departing from either the Hong Kong – Macau Ferry Terminal (MFT) or the China Ferry Terminal (CFT) to stopover at the SkyPier in the Hong Kong International Airport (“the airport”) to pick up specified air-to-sea transit passengers before they proceed with their journeys to destinations in other parts of the Mainland. A copy of the Amendment Order is at Annex.

BACKGROUND

2. To extend the catchment area of the airport, the Airport Authority (“AA”) provides a cross-boundary ferry service exclusively for transit passengers linking the airport’s SkyPier and five ports at the Pearl River Delta (“PRD”), i.e. Shenzhen Fuyong, Dongguan, Shekou, Macao and Zhongshan. The SkyPier is situated within the restricted area of the airport. Under the present arrangement, northbound ferries convey air-to-sea transit passengers from the SkyPier to a port in PRD, whereas southbound ferries convey sea-to-air transit passengers from a port in PRD to the SkyPier for their onward transit to flights at the airport. Passengers travel between the Passenger Terminal Building of the airport and the SkyPier through bonded buses on a route which has been dedicated as restricted areas and hence all transit passengers remain at all times within the restricted area. To cater for the existing arrangement, SkyPier is designated as an approved immigration anchorage (“AIA”) under paragraph 2(1)(b) of the Immigration (Anchorage and Landing Places) Order (Cap.115 sub. leg. C).

3. In 2005, passenger throughput at the SkyPier amounted to about 1.35 million.

4. To further enhance the connectivity between the airport and the PRD, it is necessary for the AA to expand the network and frequency of its cross boundary ferry service. To ensure viability of the additional ferry services, the AA proposes to allow northbound cross-boundary ferry services originating from other cross-boundary ferry terminals in Hong Kong, namely the MFT and CFT, both of which are terminals declared under regulation 3 of Cap. 313 sub. leg. H, to make a stop at the SkyPier to pick up air-to-sea transit passengers and then proceed with their journeys to the PRD destinations, i.e. to operate on a ‘co-termination’ mode. When northbound ferries under the co-termination mode berth at the SkyPier, no passenger already on such ferries would be allowed to disembark at the SkyPier. The co-termination arrangement will improve the ferry load for each northbound journey, thus encouraging ferry operators to operate more routes and frequencies. We aim to introduce the northbound co-termination arrangement by end 2006.

5. To cater for the implementation of the northbound co-termination, amendment to paragraph 2 of the Immigration (Anchorage and Landing Places) Order (Cap. 115 sub. leg. C) is necessary. At present, ferries departing from MFT or CFT carrying non-transit passengers are not eligible to use SkyPier.

THE AMENDMENT ORDER

6. **Clause 1** of the Amendment Order provides that the Order shall come into operation on 30 November 2006. **Clause 2** designates SkyPier as an AIA so that ships operating under the northbound co-termination mode may pick up specified air-to-sea transit passengers at SkyPier.

LEGISLATIVE TIMETABLE

7. The legislative timetable will be –

Publication in the Gazette	6 October 2006
Commencement of the Legal Notice	30 November 2006

IMPLICATIONS OF THE PROPOSAL

8. The Amendment Order is in conformity with the Basic Law, including the provisions concerning human rights.

9. The Amendment Order will not affect the current binding effect of the Immigration Ordinance (Cap. 115) and the subsidiary legislation made thereunder.

PUBLICITY

10. Spokesmen will be arranged to answer media and public enquiries. A press release will be issued upon the implementation of northbound co-termination arrangement.

ENQUIRY

11. For enquiry, please contact Mr Albert Tang, Principal Assistant Secretary for Economic Development and Labour on 2810 2674 or Mr Alan KM Chu, Principal Assistant Secretary for Security on 2810 2506.

Economic Development and Labour Bureau
Security Bureau
6 October 2006

Annex**IMMIGRATION (ANCHORAGES AND LANDING PLACES) (AMENDMENT) ORDER 2006**

(Made by the Secretary for Security under section 60 of the Immigration Ordinance (Cap. 115))

1. Commencement

This Order shall come into operation on 30 November 2006.

2. Designation of approved immigration anchorages

Paragraph 2 of the Immigration (Anchorage and Landing Places) Order (Cap. 115 sub. leg. C) is amended –

(a) in subparagraph (1), by adding –

“(ba) for a ship which –

(i) regularly conveys passengers from a terminal declared under regulation 3 of the Shipping and Port Control (Ferry Terminals) Regulations (Cap. 313 sub. leg. H) to other parts of China (outside Hong Kong); and

(ii) is approved by the Airport Authority of Hong Kong to berth and pick up passengers to whom this sub-sub-subparagraph applies at the airport,

any immigration anchorage specified in Schedule 1A;”;

(b) by adding –

“(3) Subparagraph (1)(ba)(ii) applies to passengers who –

(a) arrive at the airport by air for the purpose of onward travel to other

- parts of China (outside Hong Kong) only;
- (b) before their onward journey remain at all times within the Restricted Area of the airport specified pursuant to section 37 of the Airport Authority Ordinance (Cap. 483);
 - (c) hold or obtain tickets valid for onward travel by sea from the airport –
 - (i) on the day of arrival; or
 - (ii) if the time of arrival makes it impracticable to catch the last ship which departs for their destination on that day, within 24 hours of arrival;and
 - (d) hold the documents required by the immigration control authority of the part of China to which they are travelling for entering into that part .”.

Secretary for Security

2006

Explanatory Note

Under section 60 of the Immigration Ordinance (Cap. 115) (“the Ordinance”), the Secretary for Security may by order designate the places which shall be approved immigration anchorages for the purposes of the Ordinance. This Order adds a new designation to the Immigration (Anchorage and Landing Places) Order (Cap. 115 sub. leg. C) (“the principal Order”).

2. Section 2(*a*) designates the anchorage specified in Schedule 1A to the principal Order to be the approved immigration anchorage for ships which –

- (*a*) regularly convey passengers from specified terminals (i.e. Hong Kong-Macau Ferry Terminal and China Ferry Terminal as of now) to other parts of China; and
- (*b*) are approved by the Airport Authority of Hong Kong to berth and pick up air-to-sea transit passengers at the Hong Kong International Airport.

3. Section 2(*b*) defines air-to-sea transit passengers.