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Panel on Security

**Background brief prepared by the Legislative Council Secretariat
for the meeting on 3 May 2011**

**Construction of a Secondary Boundary Fence arising
from the reduced coverage of the Frontier Closed Area**

Purpose

This paper summarizes past discussions by Members on the Frontier Closed Area ("FCA").

Background

2. In view of the considerable border activities and the increasing number of illegal immigrants from the Mainland after the Second World War, the Government introduced the FCA policy in 1951. Under the FCA policy, certain areas between the populated territory of Hong Kong and the then Sino-British border was declared to be FCA to provide a buffer zone to help the security forces to maintain the integrity of the boundary between Hong Kong and the Mainland and to combat illegal immigration and other cross boundary criminal activities.

3. FCA was first defined statutorily in June 1951 by way of a Government Gazette Notice and extended to its present boundary in May 1962, with a total area of about 2 800 hectares of land which covers North District and the northeast part of Yuen Long. The northern boundary of FCA runs along the 35km-long land boundary between Hong Kong and the Mainland, and is demarcated by a perimeter fence and a boundary road. The southern boundary of FCA runs roughly parallel to the land boundary and includes all the waters of Starling Inlet. The current delineation of the southern boundary of FCA has been determined to a large extent by reference to the topography, road and infrastructure network and access to Police support facilities. The FCA

boundary cuts across major public roads at strategic positions which enable the Police to exercise effective control at the most vulnerable points which could be exploited by illegal immigrants and criminals. Access to FCA is controlled by the Police through the issuance of Closed Area Permits based on actual needs to enter FCA.

Review of FCA

Review on the coverage of FCA

4. In his 2005-2006 Policy Address, the Chief Executive stated that as the illegal cross-border activities were in check because of co-operation between Hong Kong and Shenzhen, the Administration would review the boundary of the closed area and examine the possibility of reducing the FCA coverage to release the land for better use and development.

5. On 7 September 2006, the Administration announced the results of the FCA review, the recommendations arising from the review and the plan to implement those recommendations. The review concluded that with appropriate security enhancement measures, the objective of maintaining boundary security might still be achieved with the FCA coverage substantially reduced. The Administration proposed to construct a secondary boundary fence along the southern edge of the existing boundary patrol road ("BPR") to ensure that BPR and the existing primary boundary fence were protected from deliberate or inadvertent interference. Having secured BPR, all the land south of the existing BPR could be excised from FCA. This meant that the FCA coverage could be reduced to a narrow strip of road, with only BPR and areas to its north (including the Lok Ma Chau Loop and Hoo Hok Wai area), the Starling Inlet plus the areas with points of crossing the boundary (i.e. the boundary control points and the Sha Tau Kok ("STK") town) remaining within FCA. If the proposal was implemented, the FCA land coverage would be reduced from about 2 800 hectares to about 800 hectares.

Public consultation on the review results

6. Between September and November 2006, the Administration consulted the relevant parties, including Heung Yee Kuk, Town Planning Board, Advisory Council on the Environment, North District Council, Yuen Long District Council, and Ta Kwu Ling, Sha Tau Kok, Sheung Shui, and San Tin Rural Committees on the results of the FCA review. It also consulted green groups and the Planning Sub-Committee of the Land and Building Advisory Committee on the future development of the land to be released.

7. According to the Administration, while the local community generally welcomed the proposed reduction of the FCA coverage, there were suggestions that -

- (a) STK town should be excised from FCA to facilitate the development of the town;
- (b) the STK public pier should be used for access to the outer islands and the east coasts of the Northern New Territories to facilitate development of eco-tourism in the area;
- (c) individual villages and private land should be wholly excised from FCA, and the proposed secondary boundary fence should be located as far away from the nearby residences as possible;
- (d) the construction of the proposed secondary boundary fence should be dispensed with in certain areas; and
- (e) FCA should be reduced in phases before the completion of the entire secondary boundary fence.

8. As regards the future development of the area to be released from FCA, the Administration informed the Panel that some people considered that the rural environment and the natural setting of the area, in particular the areas of high ecological value, should be preserved. On the other hand, suggestions were made for developing the area for such uses as boundary shopping centre, special industrial uses, residential development and eco-tourism.

Finalized plan for reducing the coverage of FCA

9. Taking into account the comments and views received during the consultation exercise conducted in late 2006, the Administration announced on 11 January 2008 its decision to further reduce the FCA coverage to about 400 hectares.

10. In essence, the Administration decided to excise the Lok Ma Chau Loop (with a land area of about 100 hectares) and the adjacent Hoo Hok Wai (with a land area of about 300 hectares) from FCA. With the exclusion of these two areas from FCA, the entire villages of Tak Yuet Lau and Ha Wan Tsuen would be released from the closed area, thus meeting the aspirations of the local community. In addition, two patches of land northwest of Lin Ma Hang Village and north of Pak Fu Shan respectively would be excised from FCA in response

to suggestions from the rural community. With regard to the request for the exclusion of STK town from FCA, given the security risks associated with the lack of proper boundary control point facilities and a physical barrier to delineate the boundary between Hong Kong and the Mainland at Chung Ying Street, as well as continued smuggling activities and illegal immigration at STK, the Administration considered it necessary to maintain the FCA restrictions in the town. However, the FCA boundary at STK would be pushed northwards up to the entrance to STK town.

11. According to the Administration, the new FCA would be implemented in phases. Taking into account the local topography and the works programme involved, the construction of the new secondary boundary fence would be split into four sections. Subject to funding approval by the Finance Committee, the Administration anticipated that the construction of sections 1 and 4 (covering the areas from Mai Po to the Lok Ma Chau Control Point and from Lin Ma Hang to STK respectively) would be completed around the end of 2010, section 2 (from the Lok Ma Chau Control Point to Ng Tung River) in the third quarter of 2011, and section 3 (from Ng Tung River to Lin Ma Hang) around the end of 2012.

Deliberations of the Panel on Security

12. The Panel on Security discussed the reduction of coverage of FCA and the relevant funding request at its meetings on 19 February 2008 and 5 May 2009 respectively. The deliberations are summarized in the following paragraphs.

Phased implementation of the construction works

13. Members noted that the construction works would proceed in two phases to facilitate the early release of the land which was to be excluded from FCA. Phase 1 of the construction works covered the following three sections -

- (a) Mai Po to Lok Ma Chau Control Point Section;
- (b) Lok Ma Chau Control Point to Ng Tung River Section; and
- (c) Lin Ma Hang to Sha Tau Kok Section.

14. Members were informed that Phase 2 of the construction works covered the remaining section, i.e. the Ng Tung River to Lin Ma Hang Section, involved the construction of a secondary boundary fence from Lo Wu to Lin Ma Hang and two new sections of the primary boundary fence and BPR to the north of Pak Fu Shan and northwest of Lin Ma Hang respectively.

Security of the reduced FCA

15. Members were concerned about the security of the reduced FCA, and enquired whether there would be any buffer zone to the south of BPR. They also enquired about the policing strategy for the reduced FCA.

16. The Administration advised that the proposed FCA coverage under the revised alignment would cover only BPR and the land to its north, the Starling Inlet plus the areas with boundary-crossing. The Police would continue to deploy its resources and manpower flexibly to ensure boundary security and integrity, having regard to its topography and the changing needs of the policing environment in the boundary area. The Police would continue to make use of the effective boundary fence protection system, coupled with the advanced detection devices and a centralized boundary command centre, and deploy frontline police officers, including Quick Reaction Force, to deal with any incidents that occurred along the boundary.

Whether STK town should be released from FCA

17. Some members were concerned about the decision to keep STK town within the reduced FCA. They took the view that it was unreasonable to isolate STK town and to require people to apply for Closed Area Permits for visits to the town. These members requested the Administration to provide the Panel with a timetable for releasing STK town from FCA before submitting the funding proposal for construction of the proposed secondary boundary fence and associated works.

Timing for opening up the part of FCA near Lo Wu Station

18. Members were concerned that as the proposed reduction of the coverage of FCA would be implemented in phases, the opening up of the part of FCA near Lo Wu Station would fall under the last phase. There were suggestions that the part of FCA near Lo Wu Station should be opened up in the first phase so that different modes of transport, including school coaches, could access Lo Wu Station. The proposed reduction of FCA should be implemented in one go instead of by phases.

19. The Administration advised that given the security risks associated with the lack of proper boundary control point facilities and a physical barrier to delineate the boundary between Hong Kong and the Mainland at Chung Ying Street, it was necessary to maintain the FCA restrictions at STK town. The Administration was aware of the local community's request for opening up the

STK town to tourists on a limited scale and would continue the discussion with the local community on the issue. To take forward the construction of the proposed secondary boundary fence and associated works, the Administration would need to complete the necessary steps required under the relevant legislation, such as conducting an environmental impact assessment in accordance with the Environmental Impact Assessment Ordinance (Cap. 499). The section of the works covering Lo Wu would necessitate land resumption. Thus, a phased approach was recommended to expedite the process of reducing the FCA coverage.

Funding support for Phase 1 of the works arising from the reduction of the FCA coverage

20. The Public Works Subcommittee and the Finance Committee approved a funding proposal in the amount of \$395.5 million at their meetings on 3 June and 19 June 2009 respectively for Phase 1 of the works covering the construction of the secondary boundary fence and new sections of the primary boundary fence and BPR arising from the reduction of the FCA coverage.

Relevant papers

21. A list of the relevant papers on the Legislative Council website is in the **Appendix**.

**Relevant papers on
construction of a Secondary Boundary Fence arising
from the reduced coverage of the Frontier Closed Area**

Committee	Date of meeting	Paper
Legislative Council	3.12.1997	Official Record of Proceedings (Question 5)
Legislative Council	14.2.2001	Official Record of Proceedings (Question 3)
Legislative Council	12.12.2001	Official Record of Proceedings (Question 17)
Legislative Council	6.2.2002	Official Record of Proceedings (Question 5)
Legislative Council	12.2.2003	Official Record of Proceedings (Question 8)
Legislative Council	15.10.2003	Official Record of Proceedings (Question 8)
Legislative Council	16.6.2004	Official Record of Proceedings (Question 1)
Legislative Council	22.6.2005	Official Record of Proceedings (Question 2)
Legislative Council	2.11.2005	Official Record of Proceedings Pages 282 - 343 (Motion on comprehensively developing the border area)
Legislative Council	7.6.2006	Official Record of Proceedings (Question 8)
Legislative Council	15.11.2006	Official Record of Proceedings (Question 8)

Committee	Date of meeting	Paper
Legislative Council	20.6.2007	Official Record of Proceedings (Question 4)
Panel on Security	19.2.2008 (Item IV)	Agenda Minutes
Legislative Council	14.5.2008	Official Record of Proceedings (Question 2)
Panel on Security	5.5.2009 (Item V)	Agenda Minutes
Public Works Subcommittee	3.6.2009	Minutes PWSC(2009-10)31
Finance Committee	19.6.2009	Minutes FCR(2009-10)25

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