

**立法會**  
**Legislative Council**

LC Paper No. CB(2)924/11-12  
(These minutes have been  
seen by the Administration)

Ref : CB2/SS/1/11

**Subcommittee on Frontier Closed Area (Amendment) Order 2011**

**Minutes of the first meeting  
held on Friday, 16 December 2011, at 8:30 am  
in Conference Room 2B of the Legislative Council Complex**

**Members present** : Hon LAU Kong-wah, JP (Chairman)  
Hon CHAN Kam-lam, SBS, JP  
Hon WONG Yung-kan, SBS, JP  
Hon Audrey EU Yuet-mee, SC, JP  
Hon WONG Kwok-kin, BBS

**Members absent** : Hon James TO Kun-sun  
Hon Emily LAU Wai-hing, JP  
Hon CHEUNG Hok-ming, GBS, JP  
Hon Cyd HO Sau-lan

**Public Officers attending** : Item II  
  
Mr David LAU Kam-kuen  
Principal Assistant Secretary (Security) A  
Security Bureau  
  
Ms Veronica WONG Hoi-yee  
Assistant Secretary for Security A2  
Security Bureau  
  
Mr Tony WONG Chi-hung  
Assistant Commissioner of Police (OPS)  
Hong Kong Police Force

Ms Francoise LAM See-man  
Senior Assistant Law Draftsman (Acting)  
Department of Justice

**Clerk in Attendance** : Miss Betty MA  
Chief Council Secretary (2) 4

**Staff in Attendance** : Mr Bonny LOO  
Assistant Legal Adviser 3

Ms Candice LAM  
Senior Council Secretary (2) 4

Miss Maggie CHIU  
Legislative Assistant (2) 4

Action

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**I. Election of Chairman**

Mr CHAN Kam-lam, the Member who had the highest precedence in the Council among members of the Subcommittee present at the meeting presided over the election of Chairman of the Subcommittee. He invited nominations for chairmanship.

2. Mr LAU Kong-wah was nominated by Mr WONG Yung-kan and the nomination was seconded by Mr WONG Kwok-kin. Mr LAU accepted the nomination.

3. There being no other nomination, Mr CHAN Kam-lam declared Mr LAU Kong-wah elected as Chairman of the Subcommittee.

**II. Meeting with the Administration**

[Legislative Council Brief, L.N. 170 of 2011, LC Paper Nos. LS13/11-12 and CB(2)594/11-12(02) to (05)]

4. The Subcommittee deliberated (index of proceedings attached at **Annex**).

Action

Admin

5. The Administration was requested to -
  - (a) provide supplementary information on the arrangements for Closed Area Permit applications from local fishermen for carrying out ad hoc fishing activities in the Starling Inlet; and
  - (b) consider placing Note 1 to the new Schedule to the Frontier Closed Area Order (Cap. 245 sub. leg. A) ("the FCA Order") at a location where the coordinates first appeared in the Schedule so that readers could easily understand the meaning of the coordinates.

Members agreed that no further meeting would be held unless any member had further queries on the Administration's responses to the above.

*(Post-meeting note: The Administration's response was issued to members vide LC Paper No. CB(2)665/11-12 on 23 December 2011.)*

6. The Chairman said that the Subcommittee had completed the scrutiny of the Frontier Closed Area (Amendment) Order 2011 ("the Amendment Order"). He would report the deliberations of the Subcommittee to the House Committee on 13 January 2012. The Chairman added that should individual members wish to propose amendments to the Amendment Order, the deadline for giving notice of amendments would be 21 January 2012.

### **III. Any other business**

7. There being no other business, the meeting ended at 9:15 am.

Council Business Division 2  
Legislative Council Secretariat  
1 February 2012

**Proceedings of the first meeting of the  
Subcommittee on Frontier Closed Area (Amendment) Order 2011  
on Friday, 16 December 2011, at 8:30 am  
in Conference Room 2B of the Legislative Council Complex**

Time marker	Speaker(s)	Subject(s)	Action required
<i>Agenda item I – Election of Chairman</i>			
000100 - 000201	Mr CHAN Kam-lam Mr WONG Yung-kan Mr WONG Kwok-kin Mr LAU Kong-wah	Election of Chairman	
<i>Agenda item II – Meeting with the Administration</i>			
000202 - 000326	Chairman	Opening remarks.	
000327 - 000558	Administration	Briefing by the Administration on the background and objects of the Frontier Closed Area (Amendment) Order 2011 ("the Amendment Order").	
000559 - 000841	ALA3 Chairman	Views of ALA3 -  (a) Note 1 of the new Schedule contained important information as to the system of coordinates used in the Schedule. To enhance comprehension, it was advisable to place Note 1 in the main text of the Schedule where the coordinates first appeared rather than at the end of the Table; and  (b) Notes 2 to 5 of the new Schedule were provided for information only and hence had no legislative effect.	
000842 - 001556	Mr CHAN Kam-lam Chairman Administration	Mr CHAN Kam-lam's concern about the fencing of the reduced boundaries of the frontier closed area ("FCA").  The Administration's advice that a secondary boundary fence and primary boundary fence would be erected along the re-aligned boundary patrol road, except in some parts of Sha Tau Kok which were fenced off topographically.  The Chairman's enquiry on whether the released area would be fenced. The	

Time marker	Speaker(s)	Subject(s)	Action required
		Administration's clarification that since the released area was no longer part of FCA, there was no need for fencing.	
001557 - 002836	Mr WONG Yung-kan Chairman Administration	<p>The Administration's advice that the Starling Inlet remained within the FCA coverage. Any person who entered or left the closed area, including those on board vessel, was required to possess a valid Closed Area Permit ("CAP") which should be applied in advance at the Sheung Shui Police Station.</p> <p>Mr WONG Yung-kan's concern about the feasibility for local fishermen to apply for CAPs when they had boarded the fishing vessels to carry out ad hoc activities in the closed area.</p> <p>The Administration was requested to provide further information on the arrangements for CAP applications from local fishermen for carrying out ad hoc fishing activities in the Starling Inlet.</p>	<b>Admin</b>
002837 - 004655	Ms Audrey EU Chairman Administration	<p>The Administration's elaboration on the use of "notes" in the Amendment Order. Note 1, which specified the grid system on which the coordinates were based, had legislative effect, whereas Notes 2 to 5 were provided for information only and hence had no legislative effect. Ms Audrey EU expressed agreement with ALA's suggested approach to place Note 1 in the main text of the Schedule. The Administration would consider the suggested approach and revert to the Subcommittee.</p> <p>Ms Audrey EU's enquiry about -</p> <ul style="list-style-type: none"> <li>(a) the expected completion date for the entire construction works;</li> <li>(b) the need for using three plans to illustrate the reduced boundaries of FCA; and</li> <li>(c) whether public consultation had been conducted in respect of the Amendment Order.</li> </ul> <p>The Administration's response -</p>	<b>Admin</b>

Time marker	Speaker(s)	Subject(s)	Action required
		<p>(a) it aimed to complete the entire construction works by the first quarter of 2015, and would introduce further amendments to the FCA Order at a later stage after completion of the relevant construction works;</p> <p>(b) owing to the size constraints of the Gazette, three plans were used to illustrate the reduced FCA coverage given that 65 coordinates were shown on the plans; and</p> <p>(c) Heung Yee Kuk, relevant District Councils and Rural Committees had been consulted, and they were supportive of the reduction of FCA. The construction works for sections 1 and 4 did not involve land acquisition.</p>	
<i>Agenda item III – Any other business</i>			
004430 - 004539	Chairman Administration	<p>Completion of the scrutiny of the Amendment Order.</p> <p>Pending further information from the Administration, the Subcommittee would report its deliberations to the House Committee. No further meeting would be held unless any member had further queries on the supplementary information to be provided by the Administration.</p>	