

立法會

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Subcommittee on Frontier Closed Area (Amendment) Order 2011

Background brief prepared by the Legislative Council Secretariat

Purpose

This paper summarizes past discussions by Members on issues relating to the reduction in the coverage of the Frontier Closed Area ("FCA").

Background

2. Following a review of the coverage of FCA in 2006, the Administration announced in January 2008 that the coverage of FCA would be substantially reduced from about 2 800 hectares to about 400 hectares. The reduced FCA will comprise a narrow strip of land covering the re-aligned boundary patrol road ("BPR") and areas to its north, together with crossing points along the boundary (i.e. the Boundary Control Points and Sha Tau Kok ("STK") town).

3. According to the Administration, in order to implement the reduced coverage of FCA while maintaining the integrity of the boundary, it needs to construct a secondary boundary fence ("SBF") along the existing BPR and new sections of BPR and the primary boundary fence ("PBF") at certain sections, thereby enclosing the road and ensuring that PBF and BPR would be protected from deliberate or inadvertent interference. PBF and SBF will be erected along the northern and southern curbs of the re-aligned BPR respectively.

4. The construction works of SBF and new sections of BPR and PBF have been divided into four sections. Phase 1 of the construction works involving the construction of an SBF and new sections of PBF and BPR covering three of the four sections, namely section 1 ("Mai Po to Lok Ma

Chau Control Point Section"), section 2 ("Lok Ma Chau Control Point to Ng Tung River Section") and section 4 ("Lin Ma Hang to Sha Tau Kok Section"). The required construction works started in the fourth quarter of 2009 and are expected to be completed in the first quarter of 2015. According to the Administration, the construction works for sections 1 and 4 have been completed.

5. Phase 2 of the construction works covers the remaining section, i.e. section 3 ("Ng Tung River to Lin Ma Hang Section"). According to the Administration, it plans to seek funding approval from the Public Works Subcommittee and the Finance Committee for the construction works by end 2011 and early 2012 respectively, and aims to complete the construction works by the first quarter of 2015.

The Frontier Closed Area (Amendment) Order 2011

6. Under section 36 of the Public Order Ordinance (Cap. 245) ("POO"), the Chief Executive may, where he reasonably believes that it is necessary for the protection of national security or public safety, or the protection of public order or public health, by order declare any area or place to be a closed area. Under section 38 of POO, any person who enters or leaves a closed area without a permit or contravenes any condition to which such permit is subject shall be guilty of an offence and shall be liable on summary conviction to a fine of \$5,000 and to imprisonment for two years.

7. Pursuant to section 36 of POO, the Frontier Closed Area Order (Cap. 245 sub. leg. A) ("the FCA Order") was made on 7 September 1984 and the current coverage of FCA is specified in the Schedule to the FCA Order.

8. The Frontier Closed Area (Amendment) Order 2011 ("the Amendment Order") is made by the Chief Executive under section 36 of POO to substitute a new Schedule to the FCA Order to specify the reduced boundaries of the FCA after completion of the construction works for sections 1 and 4 (i.e. the "Mai Po to Lok Ma Chau Boundary Control Point Section" and the "Lin Ma Hang to Sha Tau Kok Section"). As regards the construction works for the other two sections, the Administration plans to introduce further amendments to the FCA Order at a later stage after completion of the relevant works.

Deliberations of the Panel on Security

9. While the Panel on Security has not discussed specifically the Amendment Order, the Panel had discussed issues relating to the reduction of coverage of FCA, the construction of SBF arising from the reduced coverage of FCA and the relevant financial proposals for the construction works at its meetings on 19 February 2008, 5 May 2009 and 3 May 2011. The deliberations of the Panel are summarized in the following paragraphs.

Security of the reduced FCA

10. Concerns were raised about the security of the reduced FCA and the policing strategy for the reduced FCA. Some members enquired whether the Administration would adopt any strategy to combat cross-boundary crimes such as drugs trafficking, smuggling, human trafficking and trafficking of parallel goods in view of the reduction of FCA coverage.

11. According to the Administration, 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 deploy frontline police officers, including Quick Reaction Force, to deal with any incidents that occurred along the boundary.

12. Members were also advised that the Police manpower deployed at BPR would not be reduced after the reduction of the coverage of FCA. It would continue to adopt measures to prevent illegal immigrants from entering Hong Kong and combat cross-boundary criminal activities in FCA. The Police would also conduct risk assessment of the visitor and traffic flow of the areas concerned, and strengthen the crime prevention knowledge of local residents through the assistance of the rural committees.

Releasing of STK town

13. Some members were concerned about the decision to keep STK town within the reduced FCA. There was a view that it was unreasonable to isolate STK town and to require people to apply for Closed Area Permits for visits to the town. The Administration was required to provide the Panel with a timetable for releasing STK town from FCA.

14. In the light of increasing cross-boundary students crossing the boundary through Chung Ying Street in STK, some members enquired whether the Administration would consider establishing a proper boundary control point in Chung Ying Street. The Administration advised members 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 FCA restrictions at STK town. The Administration was aware of the local community's request for opening up STK town to tourists on a limited scale and would continue the discussion with the local community on the issue.

15. The Administration further advised members that it had studied the suggestion of local residents to open a side gate at the STK Boundary Control Point to cross-boundary students so that they could walk through a bridge above Shenzhen River to the Mainland side. As there was only a narrow path designed for maintenance purpose on the bridge above the Shenzhen River, the Administration considered it too dangerous for such students to use the path for crossing the boundary. Nevertheless, the Administration would continue its communication with local residents on the cross-boundary arrangements for such students.

Land acquisition

16. According to the Administration, the construction works for the "Ng Tung River to Lin Ma Hang Section" (section 3) required land acquisition. The proposed construction works was published in the Gazette in May 2010 by the Security Bureau, and no objection was received in respect of the construction works for SBF and the new section of BPR and PBF to the northwest of Lin Ma Hang.

17. Members noted that the construction works for the re-provisioning of BPR and PBF as well as the entrusted construction works for SBF between Ping Yuen River and Pak Fu Shan along the re-provisioned BPR would be undertaken by the Drainage Services Department ("DSD"). The proposed construction works were published in the Gazette in August 2010 by DSD, and a total of eight objections were received. Members were advised that two of the objections were related to access to the local residents' lots and the Administration had assured them that their access would be maintained. One was related to the reprovisioning of an existing boundary wall for the house of a resident and the Administration had agreed to the reprovisioning request. The remaining five were related to land compensation rate and the

Administration had conveyed their views to the Executive Council for decision.

Opening up of FCA

18. Some members were concerned whether the timetable for the reduction of FCA could be advanced and whether there was any plan for totally opening up FCA.

19. According to the Administration, as the construction works relating to the reduction of FCA was delayed due to environmental and land resumption requirements, the Administration would seek to expedite the works. It was too early to consider totally opening up FCA.

Relevant papers

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

Council Business Division 2
Legislative Council Secretariat
15 December 2011

**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
Legislative Council	19.1.2011	Official Record of Proceedings (Question 17)
Panel on Security	3.5.2011 (Item IV)	Agenda Minutes
Legislative Council	18.5.2011	Official Record of Proceedings (Question 18)
Legislative Council	1.6.2011	Official Record of Proceedings (Question 20)
Legislative Council	22.6.2011	Official Record of Proceedings (Question 3)

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