

LEGISLATIVE COUNCIL BRIEF

Frontier Closed Area Order

(Chapter 245A)

Frontier Closed Area (Amendment) Order 2011

INTRODUCTION

At the meeting of the Executive Council on 22 November 2011, the Council ADVISED and the Chief Executive ORDERED that the Frontier Closed Area (Amendment) Order 2011 (“the Amendment Order”) at **Annex A** should be made under section 36 of the Public Order Ordinance (Cap. 245) (“the Ordinance”) to specify the reduced Frontier Closed Area (FCA) of the “Mai Po to the Lok Ma Chau Control Point Section” and “Lin Ma Hang to Sha Tau Kok Section”.

JUSTIFICATIONS

2. The current coverage of the FCA is specified in the Frontier Closed Area Order pursuant to section 36 of the Ordinance.

3. Following a review of the coverage of the FCA in 2006, the Government announced in January 2008 that the coverage of the FCA would be substantially reduced from about 2,800 hectares to about 400 hectares. The reduction seeks to ensure that the coverage of the FCA is reduced to the minimum necessary for the protection of public order whilst allowing more land to be released for public access and potential development. In order to implement the reduced coverage of the FCA

while maintaining the integrity of the boundary, we need to construct a secondary boundary fence (SBF) along the boundary patrol road (BPR), and new sections of the BPR and primary boundary fence (PBF) for certain areas along the Hong Kong SAR's boundary with the Mainland.

4. The construction works of the SBF and new sections of the BPR and PBF have been divided into four sections. To facilitate early implementation of the reduced FCA coverage, we will implement the reduction of the FCA in phases to tie in with the completion of the construction works for the four sections, as follows –

<u>Section</u>	<u>Construction Period</u>
(1) Mai Po to the Lok Ma Chau Control Point Section	1 st quarter 2010 – 3 rd quarter 2011
(2) Lok Ma Chau Control Point to Ng Tung River Section	1 st quarter 2010 – 4 th quarter 2012
(3) Ng Tung River to Lin Ma Hang Section	1 st quarter 2012 – 1 st quarter 2015
(4) Lin Ma Hang to Sha Tau Kok Section	4 th quarter 2009 – 3 rd quarter 2011

5. The construction works for sections 1 and 4 (i.e. the “Mai Po to the Lok Ma Chau Control Point Section” and “Lin Ma Hang to Sha Tau Kok Section”) have been completed. We need to specify the reduced FCA by the proposed Amendment Order at Annex A, which will take effect on 15 February 2012. This will, in effect, excise more than 740 hectares of land from the FCA for public access.

6. As regards the remaining two sections, the construction works for section 2 (“Lok Ma Chau Control Point to Ng Tung River Section”) is expected to complete by the 4th quarter of 2012. We aim to further reduce the FCA by introducing another amendment to the Frontier Closed Area Order in early 2013. As for section 3 (“Ng Tung River to Lin Ma Hang Section”), we plan to seek funding approval for the construction works

from LegCo Public Works Subcommittee and the Finance Committee by end 2011 and early 2012 respectively, and aim to complete the construction works by the 1st quarter of 2015.

THE ORDER

7. The Amendment Order seeks to specify the reduced FCA in accordance with the coordinates and plans as set out in the Schedule to the Amendment Order.

8. The existing provisions being amended are at **Annex B**.

LEGISLATIVE TIMETABLE

9. The legislative timetable is as follows –

Publication in the Gazette	2 December 2011
Tabling at the Legislative Council	7 December 2011
Commencement	15 February 2012

IMPLICATIONS OF THE PROPOSAL

10. The proposal has economic and environmental implications as set out at **Annex C**. The proposal is in conformity with the Basic Law, including the provisions concerning human rights. It has no financial, sustainability, productivity and civil service implications. It will not affect the binding effect of the Ordinance.

PUBLIC CONSULTATION

11. We consulted the LegCo Panel on Security and other relevant parties, including Heung Yee Kuk, the Town Planning Board, the

Advisory Council on the Environment, North District Council, Yuen Long District Council, Ta Kwu Ling, Sha Tau Kok, Sheung Shui and San Tin Rural Committees, on the results of the FCA review in 2006. In February 2008, we consulted the Panel on the finalized coverage of the reduced FCA. We further consulted Heung Yee Kuk and the relevant Rural Committees, including the Ta Kwu Ling, Sha Tau Kok, Sheung Shui and San Tin Rural Committees, in April 2009 and the Panel on Security in May 2009 on the construction works and the phased implementation of the commencement of the reduction of the FCA. The Rural Committees and the District Councils are in general supportive of the reduction of the FCA. We last consulted the Panel on Security on the construction works for the “Ng Tung River to Lin Ma Hang Section” and the overall FCA reduction timetable in May 2011.

PUBLICITY

12. A LegCo Brief and a press release have been issued. A spokesman will be available to answer media enquiries.

BACKGROUND

13. Section 36 of the Ordinance provides that 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. The FCA, designated under this provision, is an integral part of the security measures for maintaining the integrity of the boundary between Hong Kong and the Mainland, and for combating illegal immigration and other cross-boundary criminal activities. The Police control access to the FCA through the issue of closed area permits based on the actual needs of people to enter the FCA.

14. We conducted a review of the FCA coverage in 2003 and concluded that, save for Sha Tau Kok Town and specified security

facilities, with the construction of a SBF along the BPR, the land south of the BPR could be excised from the FCA.

15. Following the completion of a public consultation exercise on the FCA coverage in 2006, we proposed to further exclude the Lok Ma Chau Loop and Hoo Hok Wai area, in addition to the land south of the BPR, from the FCA. Sha Tau Kok Town would be retained within the FCA due to the security risks of Sha Tau Kok Town, where there are no proper control point facilities or physical barrier delineating the boundary between Hong Kong and the Mainland at Chung Ying Street, and where the problems of illegal immigration and smuggling of illegal drugs remain a concern. In January 2008, we announced that the coverage of the FCA would be substantially reduced from about 2 800 hectares to about 400 hectares. The reduced FCA would comprise a narrow strip of land covering the re-aligned BPR and areas to its north, together with crossing points along the boundary (i.e. the Boundary Control Points and Sha Tau Kok Town).

ENQUIRIES

16. Enquiries on this brief should be directed to Mr David Lau, Principal Assistant Secretary for Security at 2810 2329.

Security Bureau
November 2011

Frontier Closed Area (Amendment) Order 2011

(Made by the Chief Executive under section 36 of the Public Order Ordinance (Cap. 245) after consultation with the Executive Council)

1. Commencement

This Order comes into operation on 15 February 2012.

2. Frontier Closed Area Order amended

The Frontier Closed Area Order (Cap. 245 sub. leg. A) is amended as set out in section 3.

3. Schedule substituted

The Schedule—

Repeal the Schedule

Substitute

“Schedule [para. 2]

1. The area enclosed by joining the positions from Point 1 to Point 65 and from Point 65 back to Point 1.

2. In this Schedule—

Point (點) means a point that has—

- (a) a point number set out in column 1 of the following Table; and
- (b) Northing and Easting coordinates set out respectively in columns 2 and 3 of the following Table opposite the point number.

Table

Column 1 Point number	Column 2 Northing (m)	Column 3 Easting (m)	Column 4 Remarks
1	839637	821002	From there NORTHEAST following a line of bearing 61° until it stops at the centre line of the Shenzhen River, then EAST following the centre line of the Shenzhen River and the boundary of the administrative division of the Hong Kong Special Administrative Region of the People's Republic of China to Point 2.
2	844880	842107	From there NORTHEAST following the mouth of Sha Tau Kok Hoi (Starling Inlet) to Point 3.

Column 1 Point number	Column 2 Northing (m)	Column 3 Easting (m)	Column 4 Remarks
3	845333	842310	From there NORTHEAST across Sha Tau Kok Hoi (Starling Inlet) to Point 4.
4	845602	843042	From there SOUTH following the coast line of Sha Tau Kok Hoi (Starling Inlet) along the high water mark to Point 5, which is the western edge of the pier.
5	844898	840799	From there NORTH following the western edge of the pier to Point 6, which is located at the junction of the pier edge and the fence.
6	844913	840799	From there EAST across a road following the fence to Point 7, which is located at the northern end of the fence.

Column 1 Point number	Column 2 Northing (m)	Column 3 Easting (m)	Column 4 Remarks
7	845056	840788	From there NORTHWEST across Sha Tau Kok Road — Shek Chung Au to Point 8.
8	845071	840786	From there NORTHWEST following the fence to Point 9, which is located at the junction of the fences.
9	845125	840785	From there NORTHWEST following the fence to Point 10, which is located at the junction of the fences.
10	845342	840925	From there NORTHEAST following the fence to Point 11, which is located at the junction of the fences.

Column 1 Point number	Column 2 Northing (m)	Column 3 Easting (m)	Column 4 Remarks
11	845626	840988	From there NORTHWEST following Shan Tsui Village Road to Point 12.
12	845637	840949	From there NORTHWEST following the fence to Point 13.
13	846082	837261	From there SOUTH following a straight line of bearing 180° to Point 14.
14	845046	837261	From there NORTHWEST to Point 15, which is located at the ridge of Wong Mau Hang Shan.
15	845380	836000	From there NORTHEAST to Point 16.
16	845390	836010	From there NORTHWEST to Point 17.

Column 1 Point number	Column 2 Northing (m)	Column 3 Easting (m)	Column 4 Remarks
17	845510	835920	From there NORTHWEST to Point 18.
18	845530	835870	From there NORTHWEST to Point 19.
19	845550	835690	From there SOUTHWEST to Point 20.
20	845410	835480	From there SOUTHWEST to Point 21.
21	845330	835270	From there NORTHWEST to Point 22.
22	845340	835080	From there NORTHWEST to Point 23.
23	845470	834940	From there NORTHWEST to Point 24.

Column 1 Point number	Column 2 Northing (m)	Column 3 Easting (m)	Column 4 Remarks
24	845520	834840	From there NORTHEAST to Point 25.
25	845560	834870	From there SOUTHWEST to Point 26.
26	845550	834690	From there SOUTH to Point 27.
27	845403	834689	From there EAST to Point 28.
28	845403	834752	From there SOUTHEAST to Point 29.
29	845350	834770	From there SOUTH to Point 30.
30	845270	834770	From there SOUTHEAST to Point 31.
31	845230	834780	From there SOUTH to Point 32.

Column 1 Point number	Column 2 Northing (m)	Column 3 Easting (m)	Column 4 Remarks
32	845200	834780	From there SOUTHEAST to Point 33.
33	845150	834800	From there SOUTHEAST to Point 34.
34	845139	834850	From there SOUTHEAST following an anti- clockwise curve with R = 45 m to Point 35.
35	845100	834900	From there EAST to Point 36.
36	845100	834940	From there SOUTHEAST following an anti- clockwise curve with R = 225 m to Point 37.
37	844870	835090	From there SOUTHWEST to Point 38.

Column 1 Point number	Column 2 Northing (m)	Column 3 Easting (m)	Column 4 Remarks
38	844600	834629	From there SOUTHWEST to Point 39, which is located at the southern end of Tong Fong.
39	844067	833712	From there SOUTHWEST to Point 40.
40	844020	833316	From there SOUTHWEST to Point 41, which is located at the southern end of Chow Tin Tsuen.
41	843862	833016	From there SOUTHWEST to Point 42, which is located at the summit of Kong Nga Po.
42	843260	831930	From there SOUTHWEST to Point 43, which is located at Sandy Ridge.
43	842510	830720	From there WEST to Point 44.

Column 1 Point number	Column 2 Northing (m)	Column 3 Easting (m)	Column 4 Remarks
44	842510	830600	From there SOUTHWEST to Point 45, which is located at the Police Post on Man Kam To Road.
45	842500	830590	From there SOUTHWEST to Point 46.
46	842110	830110	From there NORTHWEST to Point 47, which is located at Tai Shek Mo.
47	842573	829121	From there SOUTHWEST to Point 48.
48	841928	827740	From there SOUTHWEST to Point 49.
49	841268	826933	From there NORTHWEST to Point 50.

Column 1 Point number	Column 2 Northing (m)	Column 3 Easting (m)	Column 4 Remarks
50	841385	826357	From there SOUTHWEST to Point 51, which is located at the fence of Lok Ma Chau Boundary Control Point.
51	841130	825824	From there SOUTHEAST following the fence to Point 52, which is located at the end of the fence.
52	840763	826011	From there SOUTHEAST following the wall to Point 53.
53	840564	826191	From there SOUTHWEST across San Sham Road to Point 54.
54	840530	826159	From there NORTHWEST following the wall to Point 55, which is located at the start of the fence.

Column 1 Point number	Column 2 Northing (m)	Column 3 Easting (m)	Column 4 Remarks
55	840600	826098	From there NORTHWEST following the fence to Point 56 where it meets the edge of the flyover.
56	841705	825385	From there NORTHWEST following the edge of the flyover and across the nullah to Point 57.
57	841719	825381	From there NORTHWEST following the fence to Point 58.
58	841885	825345	From there SOUTHWEST following the fence to Point 59, which is located at the junction of the fences.

Column 1 Point number	Column 2 Northing (m)	Column 3 Easting (m)	Column 4 Remarks
59	841813	824993	From there SOUTH following the fence of the Lok Ma Chau Spur Line Boundary Control Point (columns supporting the viaduct are excluded) to Point 60, which is located at the end of the fence.
60	841619	824650	From there WEST following the building edge of the Sewage Plant to Point 61, which is located at the start of the fence.
61	841652	824632	From there EAST following the fence to Point 62, which is located at the junction of the fences.
62	841743	824681	From there SOUTHWEST following the fence to Point 63, which is located at the junction of the fences.

Column 1 Point number	Column 2 Northing (m)	Column 3 Easting (m)	Column 4 Remarks
63	839649	823018	From there SOUTHWEST following the fence to Point 64, which is located at the end of the fence.
64	838112	821425	From there WEST to Point 65.
65	838108	821030	Finally NORTH returning to Point 1.

Notes:

1. The coordinates are based on Hong Kong 1980 Grid System.
2. Point 1, Point 48 to Point 65 are shown on the plan titled "PLAN 1 OF FRONTIER CLOSED AREA" annexed to this Schedule.
3. Point 20 to Point 47 are shown on the plan titled "PLAN 2 OF FRONTIER CLOSED AREA" annexed to this Schedule.
4. Point 2 to Point 19 are shown on the plan titled "PLAN 3 OF FRONTIER CLOSED AREA" annexed to this Schedule.
5. The plans annexed to this Schedule are provided for information only.

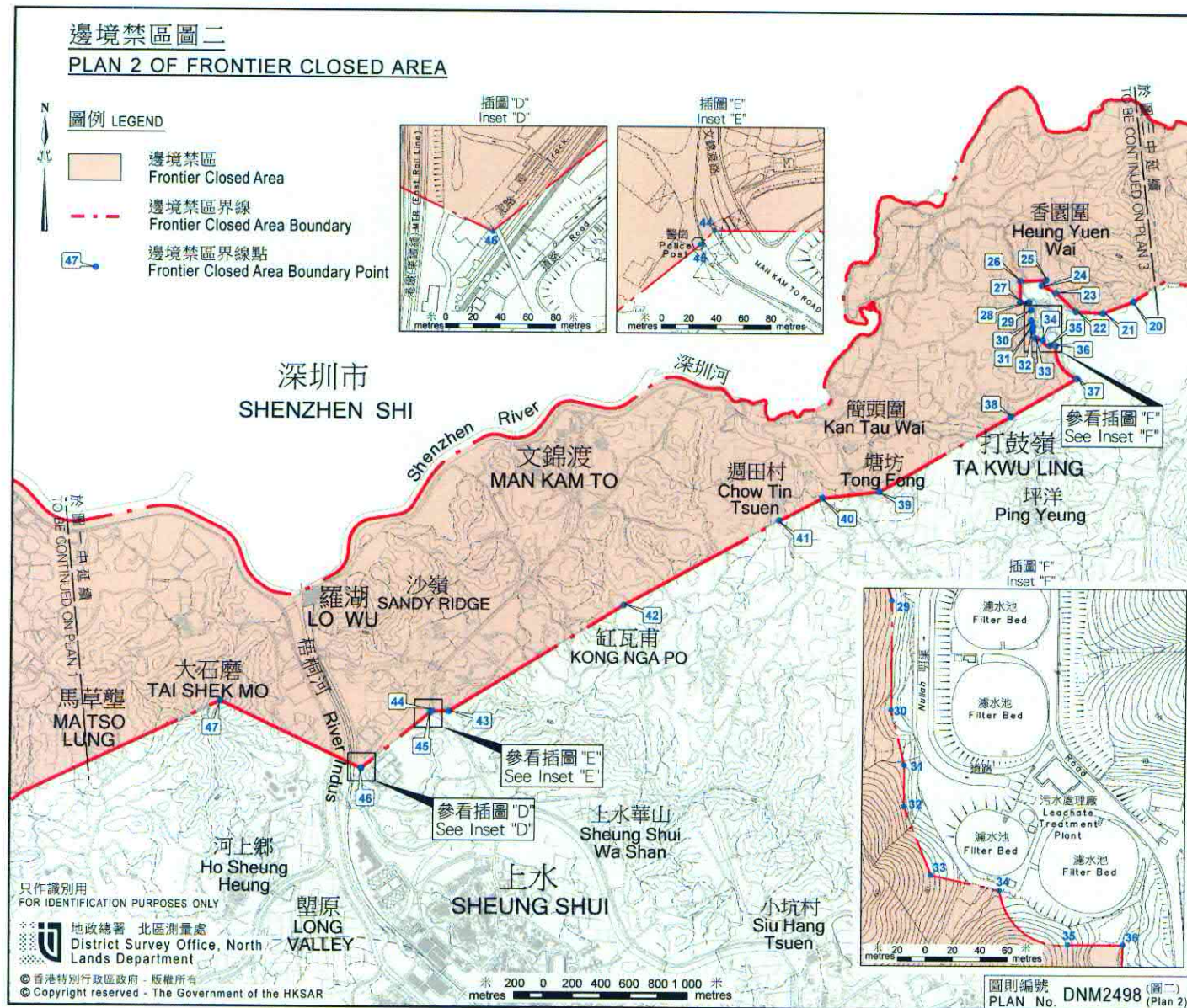
圖則編號 PLAN No. DNM2498 (圖一)
(Plan 1)

TO BE CONTINUED ON PLAN 2

馬草壟
MAITSO
LUNG

落馬洲
LOK MA
CHAU

插圖 "C
Inset "C





Chief Executive

2011

Explanatory Note

The boundary of the frontier closed area is specified in the Schedule to the Frontier Closed Area Order (Cap. 245 sub. leg. A). This Order amends the Schedule to set out the reduced frontier closed area after completion of the construction work for (a) the Mai Po to Lok Ma Chau Boundary Control Point section and (b) the Lin Ma Hang to Sha Tau Kok section.

Chapter 245A	FRONTIER CLOSED AREA ORDER	Gazette Number	Version Date
Schedule	SCHEDULE		30/06/1997

[paragraph 2]

(Map reference: Series HM 20C Sheets 2 and 3
Scale 1:20000.

Grid reference: Universal Transverse Mercator
(U.T.M.) Coordinate System.)

All the area situate in the New Territories within the following boundaries-

Northern and Eastern Boundaries

From the North bank of the SHAM CHUN RIVER at grid reference J V 9570.9190 along the whole length of the SINO BRITISH Frontier to K V 1443 9595.(Boundary Stone No. 1 at SHA TAU KOK), thence NORTH EAST across the mouth.of SHA TAU KOK HOI (STARLING INLET) to K V 1616 9655, thence SOUTH.following the coast line of SHA TAU KOK HOI (STARLING INLET) along the.high water mark to grid reference K V 1327 9510.

Southern and Western Boundaries

From K V 1327 9510 to K V 1320 9510 (TIN HAU TEMPLE being excluded from the Closed Area), thence WESTERLY to K V 1291 9527 (the SHA TAU KOK Government Primary School and the SHA TAU KOK Police Station being excluded from the Closed Area), thence to K V 1248 9535 (On summit of hill), thence to K V 1181 9561 (On spur), thence to K V 1117 9586 (HUNG FA CHAI), thence to K V 1053 9606, thence to K V 0911 9646 (On ridge), thence to K V 0912 9647, thence to K V 0904 9659, thence to K V 0899 9662, thence to K V 0881 9664, thence to K V 0859 9650, thence to K V 0838 9643, thence to K V 0819 9644, thence to K V 0806 9657, thence to K V 0796 9662, thence to K V 0799 9666, thence to K V 0781 9666, thence to K V 0780 9652, thence to K V 0786 9652, thence to K V 0788 9646, thence to K V 0788 9638, thence to K V 0789 9634, thence to K V 0789 9631, thence to K V 0791 9626, thence to K V 0796 9624, thence to K V 0801 9620 with radius R = 45.0 m, thence to K V 0805 9620, thence to K V 0819 9597 with radius R = 225 m, thence to K V 0773 9571 (NGA YIU HA Village being excluded from the Closed Area), thence to K V 0680 9519 (SOUTH end of TONG FONG Village), thence to K V 0640 9515 (LEI UK Village being excluded from the Closed Area), thence to SOUTH end of CHOW TIN TSUEN at K V 0610 9500, thence to K V 0500 9442 (On summit of hill KONG NGA PO), thence to K V 0378 9369 SANDY RIDGE, thence to K V 0366 9369, thence to K V 0365 9368 (Police Road Block at SHA LING, MAN KAM TO ROAD) but excluding the BORDER DIVISIONAL HEADQUARTERS building and compound as well as the southern unnamed slip road leading thereto, thence to K V 0316 9330 (Bend in Kowloon-Canton Railway boundary), thence to K V 0218 9378 (TAI SHEK MO (Crest Hill)), thence to J V 9885 9240 (LOK MA CHAU Border Crossing Point), thence SOUTH EAST following the line of the perimeter fence to J V 9922 9184 (LOK MA CHAU Border Crossing Point Access Road), thence SOUTH WEST across the road to J V 9918 9180, thence NORTH WEST following the line of the perimeter fence to J V 9862 9229 (LOK MA CHAU Border Crossing Point), thence to K V 0078 9317, thence to J V 9997 9252 (Summit of hill), thence to J V 9939 9265 (LOK MA CHAU Police Station being excluded from the Closed Area), thence to J V 9807 9204 (SAM PO SHUE), thence to J V 9786 9178 (Track Junction), thence to J V 9746 9120 (Track Junction), thence WESTERLY to J V 9624 9117 (Bend in fence), thence SOUTH WESTERLY following the line of fence to J V 9597 9091 (PAK HOK CHAU Police Post and TAM KON CHAU Village being excluded from the Closed Area but the fence being included), thence NORTH WESTERLY following the line of the fence to J V 9588 9100 (Bend in fence), thence NORTHERLY

following the line of the fence to J V 9591 9111 (Bend in fence), thence NORTH WESTERLY following the line of the fence to J V 9525 9136 (Bend in fence, SHEK SHAN being excluded from the Closed Area), thence further SOUTH WESTERLY following the line of the fence to J V 9450 9059 (Bend in fence), thence SOUTHERLY following the line of the fence to J V 9431 8998 (Bend in fence), thence further SOUTHERLY following the line of the fence to J V 9439 8947 (Termination of fence), thence due WEST to J V 9400 8947 (The helicopter landing pad being excluded from the Closed Area), thence due NORTH to J V 9400 9100 (generally following the seaward edge of the mangrove) and finally NORTH EASTERLY returning to the first point J V 9570 9190 (NORTH bank of the SHAM CHUN RIVER). (L.N. 424 of 1987; L.N. 405 of 1989; L.N. 259 of 1991)

Economic, Environmental and Other Implications of the Recommendation

Economic Implications

The reduction of the FCA coverage would release more land for the further development of Hong Kong. According to the Planning Department, the land so released would be deployed for a wide range of socio-economic uses, including commercial and residential developments, tourist activities, cross-boundary trade/logistics, hi-tech industries and creative industries, which are estimated to generate a total of 4 000 job opportunities.

2. Also, the two proposed development corridors could bring about opportunities with strategic value. Specifically, the Lok Ma Chau Development Corridor, which could be used for commercial and other supportive services, would create synergy with the proposed development in the Lok Ma Chau Loop. The Man Kam To Development Corridor could also be developed for cross-boundary supporting and logistic uses, conducive to closer economic co-operation and integration between the Mainland and Hong Kong.

Environmental Implications

3. In line with the objective to achieve a proper balance between development and conservation, the Recommended Development Plan prepared by the Planning Department under the “Study on Land Use Planning for the Closed Area” proposes a sustainable planning framework respecting the existing rural settings, local traditions and ways of life without compromising the ecologically and environmentally sensitive areas. The vision is to maintain the Study Area as a belt of conservation, cultural heritage and sustainable uses. Nature conservation, passive recreation and tourism uses are proposed in the eastern and western portions, whereas low-density residential and cultural tourism developments are proposed in the central portion to optimize the use of available land resources. Village settlements and agricultural land are scattered in the central portion, in which it can also be used for promoting leisure farming, agri-tourism and various outdoor recreational activities to provide opportunities for regenerating the local economy.

Other Implications

4. The reduced FCA in itself should not have direct sustainability implications. As regards the Recommended Development Plan prepared by the Planning Department under the “Study on Land Use Planning for the Closed Area”, it proposes a sustainable planning framework respecting the existing rural settings, local traditions and ways of life without compromising the ecologically and environmentally sensitive areas. On the basis of the Recommended Development Plan, the Planning Department has prepared five DPA Plans to provide guidance for planning and to facilitate development control on the land to be released from the FCA.