

**立法會**  
**Legislative Council**

LC Paper No. CB(4)230/15-16  
(These minutes have been seen  
by the Administration)

Ref: CB4/BC/3/14

**Bills Committee on Kai Tak Cruise Terminal Bill**

**Minutes of the first meeting held on  
Tuesday, 20 October 2015, at 4:30 pm  
in Conference Room 2A of the Legislative Council Complex**

**Members present** : Hon CHAN Kam-lam, SBS, JP (Chairman)  
Hon James TO Kun-sun  
Hon Andrew LEUNG Kwan-yuen, GBS, JP  
Hon WONG Ting-kwong, SBS, JP  
Hon Cyd HO Sau-lan, JP  
Hon Paul TSE Wai-chun, JP  
Hon Alan LEONG Kah-kit, SC  
Hon Frankie YICK Chi-ming, JP  
Hon YIU Si-wing, BBS  
Hon SIN Chung-kai, SBS, JP  
Ir Dr Hon LO Wai-kwok, SBS, MH, JP  
Hon CHUNG Kwok-pan  
Hon Tony TSE Wai-chuen, BBS

**Member absent** : Hon WONG Kwok-kin, SBS

**Public Officers  
attending** : **Agenda item II**

Commerce and Economic Development Bureau

Miss Rosanna LAW, JP  
Deputy Commissioner for Tourism

Mr George TSOI  
Assistant Commissioner for Tourism 4

Ms Carrie LEE  
Senior Administrative Officer (Tourism)4

Department of Justice

Mr Henry CHAN  
Senior Government Counsel (Acting)

Miss Queenie WU  
Government Counsel

**Clerk in attendance** : Ms Debbie YAU  
Chief Council Secretary (4)5

**Staff in attendance** : Ms Clara TAM  
Assistant Legal Adviser 9

Ms Lauren LI  
Council Secretary (4)5

Ms Margie LI  
Senior Legislative Assistant (4)3

Ms Zoe TONG  
Legislative Assistant (4)5

Mr Griffin FUNG  
Legislative Assistant (4)8

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Action

**I. Election of Chairman**

Election of Chairman

Mr CHAN Kam-lam, the member with the highest precedence among those present at the meeting, presided over the election of the Chairman of the Bills Committee. He invited nominations for the chairmanship of the Bills Committee.

2. Mr CHAN Kam-lam was nominated by Ir Dr LO Wai-kwok and the nomination was seconded by Mr Andrew LEUNG. Mr CHAN Kam-Lam accepted the nomination. As Mr CHAN was being nominated, Mr James TO, the member present who had the highest precedence among the members not

Action

nominated for the office presided over the election, and called for other nominations. As there was no other nomination, Mr TO declared Mr CHAN Chairman of the Bills Committee.

3. Members agreed that there was no need to elect a Deputy Chairman.

**II. Meeting with the Administration**

- |                                |                                                                                                                                                              |
|--------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------|
| (LC Paper No. CB(3)828/14-15   | — The Bill                                                                                                                                                   |
| File Ref: TC CR/T4/22/9/2      | — Legislative Council Brief issued by the Commerce and Economic Development Bureau                                                                           |
| LC Paper No. LS85/14-15        | — Legal Service Division Report                                                                                                                              |
| LC Paper No. CB(4)41/15-16(01) | — Marked-up copy of related amendments to existing three items of subsidiary legislation prepared by the Legal Service Division (Restricted to members only) |
| LC Paper No. CB(4)41/15-16(02) | — Paper on Kai Tak Cruise Terminal Bill prepared by the Legislative Council Secretariat (background brief)                                                   |

Discussion

4. The Bills Committee deliberated (Index of proceedings attached at **Annex**).

Follow-up action to be taken by the Administration

- Admin 5. Members requested to provide written information to justify the need for enacting a new piece of primary legislation and provide the reasons why existing legislation for regulation of port facilities, such as the Shipping and Port Control Ordinance (Cap. 313) and the Hong Kong and Kowloon Wharf and Godown Company Limited By-laws (Cap. 1023A), could not be applied to the Kai Tak Cruise Terminal ("KTCT"), with reference to the homeport status and mode of operation of KTCT.

**III. Any other business**Invitation of views and visit

6. Members agreed that it was not necessary to invite views on the Bill or to conduct a visit to KTCT.

Date of next meeting

7. Members agreed to hold the next meeting of the Bills Committee in mid November 2015.

*(Post-meeting note: The next meeting of the Bills Committee would be held on 24 November 2015, and the notice of meeting was issued on 27 October 2015 vide LC Paper No. CB(4)122/15-16.)*

8. There being no other business, the meeting ended at 5:28 pm.

Council Business Division 4  
Legislative Council Secretariat  
17 November 2015

**Proceedings of the first meeting of  
the Bills Committee on Kai Tak Cruise Terminal Bill  
on Tuesday, 20 October 2015, at 4:30 pm  
in Conference Room 2A of the Legislative Council Complex**

Time marker	Speaker	Subject(s)	Action required
<b>Agenda item I – Election of Chairman</b>			
000149 – 000352	Mr CHAN Kam-lam Ir Dr LO Wai-kwok Mr Andrew LEUNG Mr James TO	Election of Chairman	
<b>Agenda item II – Meeting with the Administration</b>			
000353 – 001659	Chairman Administration	Briefing by the Administration on the Kai Tak Cruise Terminal Bill ("the Bill") (Legislative Council ("LegCo") Brief, File Ref.: TC CR/T4/22/9/2) with the aid of powerpoint presentation (LC Paper No. CB(4)96/15-16(01))	
001700 – 003010	Ir Dr LO Wai-kwok Administration Mr James TO	<p>Discussion on the need for enacting a new piece of primary legislation for the Kai Tak Cruise Terminal ("KTCT"), before the construction of which other designated port facilities such as the Ocean Terminal ("OT") had been in operation under the existing legal framework, and the reasons why the existing laws governing the use and operation of these port facilities, such as the Shipping and Port Control Ordinance (Cap. 313) ("SPCO") and the Hong Kong and Kowloon Wharf and Godown Company Limited By-laws (Cap. 1023A), could not be applied to KTCT.</p> <p>In response to members' questions, the Administration advised that –</p> <p>(a) OT, another cruise terminal in Hong Kong, was constructed, owned and commercially operated by the Hong Kong and Kowloon Wharf and Godown Company Limited. Unlike OT, KTCT was owned by the Government which had leased its management and operation to a private operator (i.e. Worldwide Cruise Terminals Consortium ("WCTC")) under a 10-year tenancy; and</p> <p>(b) having regard to the limitations of the regulation making powers under SPCO, it was necessary to enact new primary legislation with an express "fee-charging" provision to reflect the intention for the relevant fees and charges to be collected on a commercial basis and beyond cost-recovery level.</p>	The Administration to follow up as per paragraph 5 of the minutes

Time marker	Speaker	Subject(s)	Action required
		<p>Taking note of Mr James TO's concerns about KTCT's homeport status and the need to clearly delineate the restricted areas and otherwise to facilitate the use and enjoyment of the public space, the Administration undertook to provide further information to explain why existing legal framework governing similar port facilities was not applicable to KTCT.</p>	
003011 – 003541	Mr YIU Si-wing Administration	<p>Mr YIU Si-wing agreed that a new piece of primary legislation was required to provide legal backing for the regulation of KTCT which was much larger and accommodating more facilities than other berthing facilities in Hong Kong.</p> <p>In reply to his question on the division of work between the operator and the Government in the management of KTCT, the Administration explained that the operator was now managing about 70% of the area of KTCT, including the apron, baggage handling area, waiting hall and commercial floor area of some 5 600 square meters. The remaining 30% was the space for the public which was overseen by a building management contractor, and other Government facilities such as customs, immigration, quarantine, police and detention facilities which were managed by the respective government departments. The Administration further advised that the respective delineation of and division of work for the 70% and 30% areas had been clearly set out in the tenancy agreement signed with WCTC. The Bill did not have any implication on the division of work and manpower deployment for KTCT which however could be reviewed and adjusted according to needs and workload in the future.</p>	
003542 – 004248	Mr SIN Chung-kai Administration	<p>In response to Mr SIN Chung-kai's enquiry about the legal basis regarding the security arrangements of KTCT in the past two years, the Administration explained that –</p> <p>(a) as in the case of other designated port facilities, under the Merchant Shipping (Security of Ships and Port Facilities) Rules (Cap. 582A) and the International Ship and Port Facility Security Code, WCTC was required to comply with the security requirements as stipulated in the Port Facility Security Plan ("PFSP"), such as establishing the "restricted areas" at KTCT, identifying measures for prevention of</p>	

Time marker	Speaker	Subject(s)	Action required
		<p>unauthorized access to KTCT (such as issuing restricted area pass) and procedures for responding to security threats or breaches of security, etc. The Administration remarked that with PFSP in place, the operation of KTCT had been smooth and orderly so far; and</p> <p>(b) after the passage of the Bill, PFSP would remain in force alongside the provisions of the ordinance. Meanwhile, for enforcement by police and immigration etc, they were governed by respective laws, such as the Police Force Ordinance (Cap. 232) and the Immigration Ordinance (Cap. 115).</p>	
004249 – 004900	Mr Tony TSE Administration Chairman	Discussion on the mode of operation of and types of vessels involved in KTCT and other designated port facilities	
004901 – 005630	Mr Paul TSE Administration	<p>Discussion on the different modes of operation and security needs of KTCT and OT</p> <p>Mr Paul TSE considered it more straight-forward to amend SPCO to achieve the objectives of the Bill. In response, the Administration advised that according to legal advice, SPCO governed designated cross-boundary port facilities which were operated by the Government without any commercial elements. As such, revising SPCO might involve consequential amendments to SPCO and its subsidiary legislation which might even take longer time than enacting a new piece of primary legislation.</p> <p>As regard Mr TSE's concern of strengthening the legal framework for OT to enhance its security arrangements, the Administration said that it would not rule out such a need, as OT was undergoing expansion and might set up permanent immigration, customs and quarantine facilities.</p>	
<b>Agenda item III – Any other business</b>			
005631 – 005927	Chairman	<p>Invitation of views and visit</p> <p>Date of next meeting</p>	