

Bills Committee on Kai Tak Cruise Terminal Bill

**List of follow-up actions arising from the discussion
at the meeting on 2 February 2016**

The Administration is requested to consider and provide information on the following –

- (a) reason(s) for including Clause 15(1)(a) in the Kai Tak Cruise Terminal Bill ("the Bill") given that the circumstances envisaged to be addressed by the said clause appeared to have been covered by other maritime legislation;
- (b) regarding Clause 16(1) of the Bill which sets out the general prohibitions against unauthorized business and advertising activities within the Terminal Area, the locations and the boundaries of such area as well as the designated commercial areas where permissions were given to carry out business and advertising activities and the terms and conditions of the permissions;
- (c) whether there is any overlap in the scope of prohibited acts set out in Clauses 16, 17 and 20 of the Bill and if so, whether the Administration would consider re-drafting the relevant Clauses;
- (d) regarding Clauses 17(2) and 17(3) of the Bill, whether the phrase "in his or her opinion" could be amended to "in his or her reasonable opinion" to bring in an objective standard, and if not, the reason(s);
- (e) factors/circumstances that would be taken into account in assessing whether any prohibited act has been committed under Clauses 17(2) and 17(3) of the Bill;
- (f) what and how enforcement actions would be taken against the prohibited acts set out in Clauses 17(2) and 17(3) of the Bill;
- (g) examples of prosecution cases involving prohibited acts which amounted to commission of criminal offences provided under the Shipping and Port Control (Ferry Terminals) Regulations (Cap. 313H) as well as under other legislation and the charges laid, the reason for the choice of charges laid, and the relevant penalties imposed;
- (h) a comparison of criminal offences which have been included in the Bill and those in Cap. 313H; and

- (i) a list setting out the classes of authorized officers and delegates and the enforcement powers proposed/intended to be delegated to each class of officers and delegates under each offence provision in the Bill and the relevant qualification and training requirements for exercising such enforcement powers.

Council Business Division 4
Legislative Council Secretariat
22 February 2016