

Kai Tak Cruise Terminal Bill:

Response to the Issues Arising from the Discussion at the Fifth Meeting of the Legislative Council Bills Committee held on 2 February 2016

PURPOSE

This paper provides the Administration's responses to the issues arising from the discussion at the fifth meeting of the Bills Committee of the Kai Tak Cruise Terminal Bill ("the Bill") held on 2 February 2016 as set out in the list attached to the Clerk to Bills Committee's letter dated 4 February 2016 ("the List").

THE ADMINISTRATION'S RESPONSES

2. The Administration's responses, following the numbering of the List, are as follows –

(a) Reasons for including clause 15(1)(a) to control the manner of embarkation and disembarkation under the Bill

3. Paragraph (a) of the List refers to the request for the Administration to explain why clause 15(1)(a) which prohibits the boarding and disembarkation from vessels in motion is included in the Bill given such prohibitions should have been covered by other marine-related legislation.

4. There is no *general* prohibition against the boarding and disembarkation from vessels in motion in existing marine-related legislation. However, there are such prohibitions in the legislation for some of the designated ferry terminals and the by-laws of certain public ferry operators.

5. Our policy objective is to bring the relevant legal framework for regulating the use of KTCT broadly on par with that for other cross-boundary ferry terminals in Hong Kong. In this regard, when drafting the KTCT Bill, we have made reference to the Shipping and Port Control (Ferry Terminals) Regulations (Cap. 313H) which regulates other cross-boundary ferry

terminals (such as China Ferry Terminal, Hong Kong-Macau Ferry Terminal and Tuen Mun Ferry Terminal) in Hong Kong.

6. Clause 15(1)(a) of the Bill was drafted with reference to the provision under regulation 10 of Cap. 313H which controls the way of embarkation on and disembarkation from vessels.

(b) Business activities and advertising controlled by clause 16 of the Bill

7. Paragraph (b) of the List requires the Administration to set out (i) the locations and the boundaries of the area in which business and advertising activities are regulated by clause 16 of the Bill; and (ii) the designated commercial areas where permissions will be given under the to-be-enacted Kai Tak Cruise Terminal Ordinance to carry out business and advertising activities, as well as the terms and conditions of such permissions.

8. Members may note that clause 16(1) of the Bill regulates the business activities and advertising within the Terminal Area. According to clause 3 of and Schedule 1 to the Bill, the boundary of the Terminal Area is delineated by the plan titled “Location Plan of the Terminal Area” numbered KM9344 signed by the Commissioner for Tourism on 11 June 2015. The plan is attached to the Legislative Council Brief (File Ref.: TC CR/T4/22/9/2) issued in July 2015.

9. As mentioned at previous Bills Committee meetings, there are 5,600 square metres of ancillary commercial areas at KTCT. Locations of the ancillary commercial areas are highlighted on the floor plan at **Annex I**. Currently, there are eateries, retail counters, wedding services company, money exchange shop, as well as visitor information counter operated by the Hong Kong Tourism Board in these areas. The Commissioner will give permissions, under clause 16 of the Bill, to carry out these business activities after its enactment. The Commissioner will consider imposing suitable conditions for the permissions if situation warrants.

(c) Prohibited acts under clauses 16, 17 and 20 of the Bill

10. Paragraph (c) of the List seeks the Administration’s advice and consideration on whether there is any potential overlap in the scope of

prohibited acts as set out under clauses 16, 17 and 20 of the Bill and whether there is a need to re-draft the relevant clauses.

11. The policy intention of the Bill, as clearly set out in its long title, is to provide for the designation of KTCT, for its use, operation, management and control, and for related matters. As explained at previous meetings and in paragraph 5 above, our objective is to bring the relevant legal framework for regulating the use of KTCT broadly on par with that for other cross-boundary ferry terminals in Hong Kong. We have therefore modeled on the relevant provisions in Cap. 313H, including its regulations 29, 30 and 32, in the drafting of clauses 16, 17 and 20 of the Bill.

12. We have considered carefully and come to the policy view that the prohibitions in clauses 16, 17 and 20 of the Bill are all essential in upholding the smooth operation, safety and security of KTCT. We recognize the possibility that more than one of these three clauses may apply to a specific case. For instance, the act of offering anything for sale, as prohibited under clause 16(1)(a), **may**, depending on the facts and circumstances of the case, also cause nuisance or annoyance to another person within the Terminal Area, as prohibited under clause 17 of the Bill. That said, none of the prohibited acts is entirely the same with another.

13. Given that all the prohibitions in clauses 16, 17 and 20 of the Bill are essential in upholding the smooth operation, safety and security of KTCT, we consider the current drafting, which models largely on regulations 29, 30 and 32 of Cap. 313H, is clear and appropriate.

(d) Drafting of clauses 17(2) and 17(3) of the Bill

14. Paragraph (d) of the List invites the Administration to consider whether or not to replace the terms “in his or her opinion” with “in his or her **reasonable** opinion” in clause 17(2) and (3) of the Bill.

15. We fully appreciate Members’ concern that the Commissioner and the authorized officers should act reasonably in exercising their power under clause 17(2) and (3). Although clause 17(2) and (3) does not expressly qualify the opinion of the Commissioner and the authorized officers by the word “**reasonable**”, they are required to exercise their discretion reasonably, in good faith and on proper grounds in accordance with the general

administrative law principles.

16. Moreover, clause 17(5) also provides that a person commits an offence if he/she fails to comply with a prohibition or an order without reasonable excuse. As such, we consider that clause 17 as a whole should have imported the element of “reasonableness” in the power vested in the Commissioner and the authorized officers.

(e) Factors to be considered to determine whether any prohibited act has been committed under clauses 17(2) and 17(3) of the Bill

17. Paragraph (e) of the List invites the Administration’s elaboration on the factors and/or circumstances that would be taken into account in assessing whether any prohibited act has been committed under clause 17(2) and (3) of the Bill.

18. Clause 17(2) provides that the Commissioner or an authorized officer may prohibit a person from entering, or order a person to leave, the Terminal Area, or any part of it, if, in his or her opinion, the person has caused, is causing or will probably cause disturbance to the operation of the Terminal. Clause 17(3) confers similar power on the Commissioner or an authorized officer if in his or her opinion, a person is under the influence of alcohol, medicine or drug; and is a probable danger or source of nuisance or annoyance to another person within the Terminal Area.

19. When assessing whether any prohibited act has been committed under clauses 17(2) and 17(3) of the Bill, the Commissioner and authorized officers will take into account the actual circumstances of individual cases (including the behavior and possessions of the relevant persons). The Commissioner and authorized officers will always exercise their judgment reasonably, in good faith and with proper grounds, on a case-by-case basis.

(f) Enforcement actions to be taken against prohibited acts under clause 17(2) and (3) of the Bill

20. Paragraph (f) of the List invites the Administration to set out the enforcement actions to be taken against the offence provided under clauses 17(2) and (3) of the Bill and the way in which such actions would be taken.

21. According to clause 17(2) and (3), the Commissioner or an authorized officer may prohibit a person from entering, or order a person to leave, the Terminal Area, or any part of it, if, in his or her opinion, (i) the person has caused / is causing / will probably cause disturbance to the operation of the Terminal, or (ii) is under the influence of alcohol, medicine or drug and is a probable danger or source of nuisance or annoyance to another person within the Terminal Area.

22. According to clause 17(5) of the Bill, a person who, without reasonable excuse, fails to comply with a prohibition or an order imposed under clause 17(2) or 17(3) commits an offence and is liable on conviction to a level 1 fine. Clause 17(2) or (3) does not limit clause 7(2) of the Bill which stipulates that a person must not remain in the Terminal Area, or any part of it, after being ordered to leave the Terminal Area, or that part of it, by the Commissioner or an authorized officer.

23. Clause 12(3) further stipulates that a person must not remain in a restricted area, or any part of it, after being ordered to leave the restricted area, or that part of it, by the Commissioner or an authorized officer.

24. Members may wish to note the enforcement powers of the Bill provided under clause 21. According to clause 21(1), if the Commissioner or an authorized officer has reasonable grounds for suspecting that a person has committed an offence under the Bill (including an offence under clause 17(2) or (3)), the Commissioner or officer may, without warrant and if necessary by using reasonable force, detain the person. That person must then be handed over to the police to be dealt with in accordance with the Police Force Ordinance (Cap. 232) under clause 21(2) as soon as practicable.

25. Apart from the enforcement powers stated in paragraphs 21 to 24 above, the Commissioner or an authorized officer may also remove the relevant person in accordance with clause 21(4) of the Bill.

26. Moreover, if an authorized officer who is also a law enforcement officer has reasonable grounds for suspecting that a person has contravened clause 12(3) (by remaining in the restricted area, or any part of it, after being ordered to leave), the officer may, without warrant, arrest the relevant person and/or seize, remove or detain anything that the officer reasonably suspects to be relevant to the suspected commission of the offence in accordance with

clause 21(5) of the Bill.

(g) Precedents of prosecution under Cap. 313H

27. Paragraph (g) of the List requests the Administration to provide examples of prosecution cases involving offences 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.

28. For the purpose of determining whether a person should be prosecuted under Cap. 313H and also under other piece(s) of legislation, factors that must be considered include (i) whether the available evidence is sufficient to substantiate the proceedings concerned; and (ii) if the general public interest requires that the prosecution be conducted. When choosing which charges to proceed, the Prosecution should attempt to reflect adequately the criminality of the conduct alleged, in a manner that is both efficient and that will enable the court to do justice between the community and the accused.

29. Based on available record, some cases involving persons who were prosecuted for offences under Cap. 313H as well as offences under other pieces of legislation are summarized at **Annex II**.

(h) Comparison of offences under the Bill and Cap. 313H

30. Paragraph (h) of the List requests the Administration to compare the criminal offences under the Bill and Cap. 313H. We have prepared a table summarizing the control and regulation under the Bill and Cap. 313H at **Annex III**.

31. While most of the offences under the KTCT Bill are comparable with those under Cap. 313H, there are some additional prohibitions to uphold the security of KTCT as an important tourism infrastructure and safeguard against potential security threat and terrorist attacks having regard to its unique operational circumstances. Details are as follows –

(i) *“interference with equipment” [clause 18 of the Bill]*

There are many important equipment and plant rooms at KTCT, such as radar system and computer system with confidential data for clearance of passengers to support its smooth operation and uphold its security. Clause 18 of the Bill prevents unlawful interference with the above equipment to forestall potential security threats and terrorist attacks.

(ii) *“loitering” [clause 20(1)(e) of the Bill]*

Unlike other cross-boundary ferry terminals in Hong Kong, the KTCT covers a very large area and is more exposed to potential security threats and terrorist attacks. Clause 20(1)(e) prohibits loitering within KTCT to ensure the security level of the KTCT.

(i) *Authorization and delegation of powers*

32. Paragraph (i) of the List requires the Administration to provide a list setting out the authorization / delegation under the Bill, as well as the functions and conditions involved in the authorization / delegation.

33. Our policy intention is that only those functions that are absolutely necessary for the terminal operator and the property manager to carry out their duties in ensuring the smooth and safe operation of KTCT would be delegated to them. Moreover, as mentioned at previous Bills Committee meetings, we have no intention to delegate the power to order a person to leave the Terminal Area or a restricted area, as well as other enforcement power to frontline staff (such as cleaner) of the terminal operator and the property manager. The Commissioner may only delegate such power to the employees of the terminal operator and property manager at supervisory or managerial level.

34. According to clause 6(3) and (4), the Commissioner may, in writing, delegate any of his or her functions (except those under clauses 6(1) and (3), 9(1) and 23(1)) under the Bill to a public officer or any member of a class of public officers; a terminal operator; or a property manager. We have set out in the table at **Annex IV** our intended delegation of certain functions to the

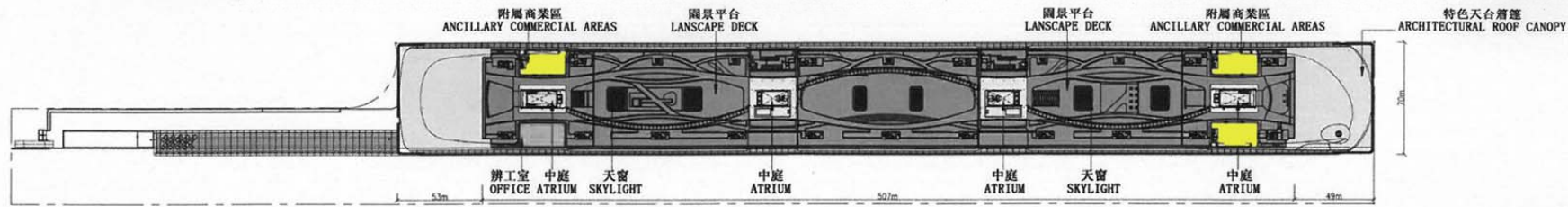
terminal operator and property manager under the Bill. As mentioned at previous Bills Committee meetings, the Commissioner will set out the conditions of delegation (for example, the requirements to ensure delegates clearly understand the relevant conditions and is familiar with the functions) clearly in the documentation.

ADVICE SOUGHT

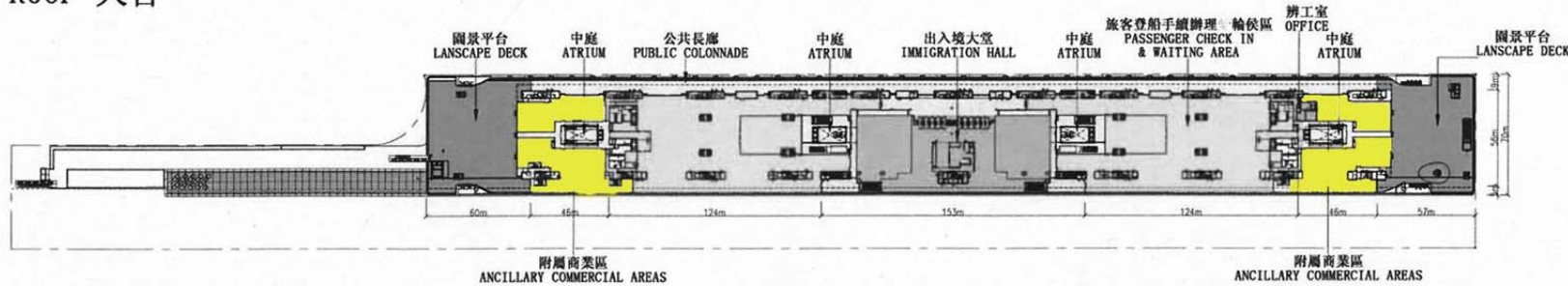
35. Members are invited to note the Administration's responses in this paper for information.

*Tourism Commission
Commerce and Economic Development Bureau
February 2016*

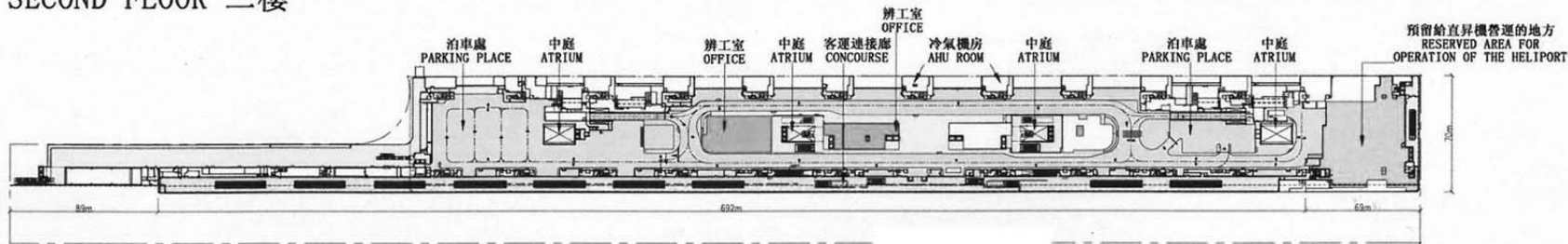
Locations of the Ancillary Commercial Areas within KTCT



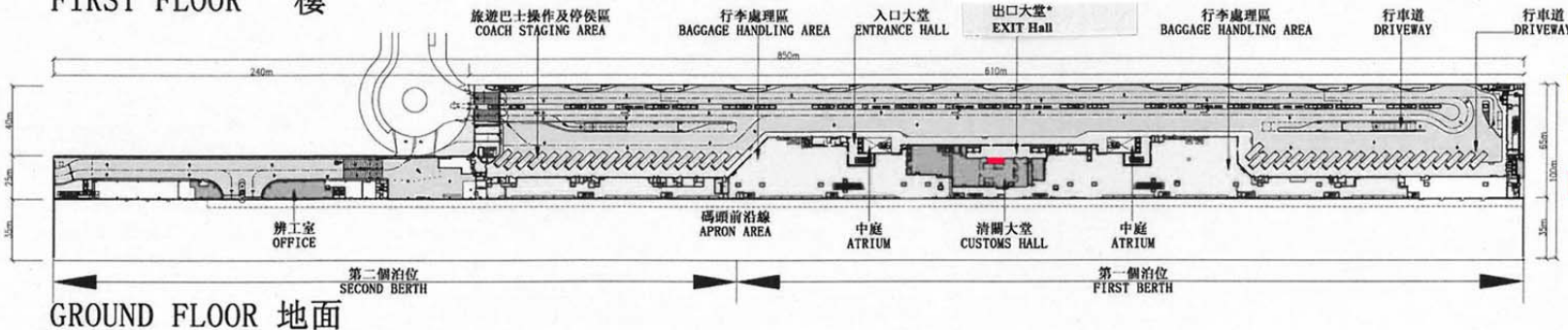
ROOF 天台



SECOND FLOOR 二樓



FIRST FLOOR 一樓



GROUND FLOOR 地面

Legend

- Ancillary Commercial Areas on Rooftop and Second Floor
- Ancillary Commercial Areas inside Exit Hall on Ground Floor (i.e. money exchange shop and counter by Hong Kong Tourism Board)

**Precedents of prosecution under Cap. 313H
and other pieces of legislation**

- Case No. :** **WSS 18179-80/1995 & MW 8504/1995**
[Police Ref.: WF CCR 95905-6]
- Charges :** 1 & 2 - Obtaining a pecuniary advantage by deception, contrary to S.18 of Theft Ordinance (Cap. 210)
- Summonses :** Misuse of a staff pass, contrary to Reg. 15 of Shipping and Port Control (Ferry Terminals) Regulations (Cap. 313H)
-
- Case No. :** **ESCC 4002/2015**
- Charges :** (1) Causing public nuisance, contrary to Common Law
(2) Entry to restricted area without valid pass, contrary to regulation 12 and 35 of Cap. 313H
-
- Case No. :** **Magistracy Appeal No. 7 of 1997**
[on appeal from WSC 14510/1996]
- Charge :** Entry into restricted areas without valid pass, contrary to Reg. 12 Cap. 313H

Apart from the above cases, record also shows the following cases in relation to Cap. 313H. All cases are on contrary to regulation 12 of Cap. 313H (concerning the entry, etc. to restricted area without valid pass) –

- (1) *ESS 47953/2011 - fine of \$500*
(2) *ESS 10158/2011 - fine of \$500*

- (3) *ESS 12085/2011 - fine of \$500*
- (4) *ESS 12704/2011 - fine of \$500*
- (5) *ESS 10943/2011 - fine of \$500*
- (6) *ESS 42307/2011 - fine of \$840*

Annex III

A Comparison of the Prohibitions under the Kai Tak Cruise Terminal Bill and the Shipping and Port Control (Ferry Terminals) Regulations (Cap. 313H)

CATEGORY	KTCT BILL	Cap. 313H
(A) Access Control		
Access by persons	<p><u>Entrances / exits to Terminal Area</u> [clause 7(1)] a person must not enter or leave the Terminal Area except (a) by an entrance or exit specified by the Commissioner for Tourism (CT) or an authorized officer; or (b) by vessels</p> <p><u>Access to Terminal Area</u> [clause 7(3)] CT or authorized officers may prohibit access by any person or class of persons by notice or sign exhibited in a conspicuous place within or near the Terminal Area.</p> <p>[clause 7(2)] a person must not remain in the Terminal Area (or any part) after being ordered to leave by CT or an authorized officer</p> <p><u>Access to Restricted Areas</u> [clauses 12 & 14] no person should enter or remain in a restricted area except for</p> <ul style="list-style-type: none">[12(a)(i)] pass holders, [12(a)(ii)] who present the passes for examination if required;[12(b)] being escorted by CT or authorized officers with valid passes[12(c)] law enforcement officers on duty within the Terminal Area[14] bona fide passengers/ crew	<p><u>Entrances / exits to terminal</u> [reg. 9(a)] no person shall enter or leave a terminal/ restricted area except by entrances/ exits specified by Director of Marine (DM)</p> <p>[reg. 4(3)] DM may close the whole or a part of a terminal for such period as he may specify</p> <p><u>Access to terminal</u> [reg. 4(4)] DM may prohibit access by persons/vessels/vehicles or class of persons/vessels/vehicles by notices/signs exhibited in a terminal</p> <p>[reg. 9(b)] no person shall remain in a terminal (or any part) after being ordered to leave by DM</p> <p><u>Access to Restricted Areas</u> [reg. 12] no person shall enter/ remain in a restricted area unless he has valid pass issued to him in respect of that restricted area / is being escorted by an authorized officer having the authority from DM; [reg. 23] or if he is a bona fide passenger of ferry vessels/helicopter; or is a transit/transfer passenger</p> <p>[reg. 15(3)] pass holder shall produce his pass for examination on entering or leaving the</p>

CATEGORY	KTCT BILL	Cap. 313H
	<p>members with valid documents.</p> <p><u>Access pass to restricted areas</u> <i>[Schedule 2, section 4(3)]</i> a pass holder, upon receiving a notice from CT, must surrender the pass to CT as soon as practicable</p> <p><i>[Schedule 2, section 4(4)]</i> a pass holder ceased to be employed must surrender the pass to CT immediately after the cessation of employment</p>	<p>terminal if required</p> <p><u>Access pass to restricted areas</u> <i>[reg. 15(2)]</i> a pass holder shall not transfer his pass to any other person</p> <p><i>[reg. 18(2)]</i> a pass holder shall surrender a pass cancelled under reg. 17 to DM/ authorized officer/ employer upon receipt of a notice</p> <p><i>[reg. 18(3)]</i> an employer receiving a cancelled pass from employee should surrender that to DM/ specified authorized officer</p> <p><i>[reg. 19]</i> an employer shall inform DM, take possession of the pass from the pass holder and surrender the pass to DM if the employee (a) no longer requires access to restricted area; (b) is no longer employed by him</p> <p><i>[reg. 20]</i> a pass holder who ceased to be employed should surrender the pass to the employer</p> <p><i>[reg. 21]</i> DM may demand a pass holder to surrender his pass and pass holder shall comply with such demand</p> <p><i>[reg. 22]</i> when entering, remaining in or departing from a restricted area, pass holder shall (a) wear the pass; (b) comply with conditions of the pass; (c) comply with all reasonable directions given by authorized officers; (d) (for the case of a pool pass) carry appropriate identification documents</p> <p><i>[reg. 24(1) & (2)]</i> lost passes should be reported to DM in writing</p>

CATEGORY	KTCT BILL	Cap. 313H
		<p><i>[reg. 24(3)]</i> found lost passes should be delivered to DM/ Police without delay</p> <p><i>[reg. 35(9)]</i> make use of invalid passes/ deface, alter or destroy passes/ make false statements for application of passes/ contravene conditions of passes</p>
<p>Access by vehicles/ vessels</p>	<p><i>[clause 8(1)]</i> a person must not drive a vehicle into or out of the Terminal Area except by an entrance or exit of the Terminal Area specified by CT or authorized officers.</p> <p><i>[clause 8(4)]</i> drivers of vehicles or owners / masters of vessels must comply with directions/orders and notices / signs by CT or authorized officers (including an order to leave)</p> <p><i>[clause 8(5)]</i> CT or authorized officers may exhibit notices / signs to prohibit access by vehicles/vessels or class of vehicle/ vessel to the Terminal Area</p> <p><i>[clause 8(2)&(3)]</i> navigation of vessels or causing objects to float into the Terminal Area is not allowed except –</p> <ul style="list-style-type: none"> i) with the permission from CT or authorized officers; ii) by public officers; iii) for life-saving; iv) for vessels scheduled to berth there. 	<p><i>[see reg.4(3) and 4(4) above]</i></p> <p><i>[reg. 26(1)]</i> no person shall drive a vehicle into, within or out of a terminal except with DM's permission</p> <p><i>[reg. 26(2)]</i> while within, entering or leaving the terminal, drivers of vehicles shall comply with directions given by DM and signs/ notices exhibited by the order of DM</p> <p><i>[reg. 4(2)]</i> no vessel shall enter a terminal except with DM's permission</p>
<p>Access by animals</p>	<p>no specific provision</p>	<p><i>[reg. 27(a)]</i> DM may, by oral / written order, (i) prohibit entry of any animal / article into a terminal; (ii) require any animal / article to be moved within a terminal in a specified way; (iii) require any animal / article to be removed from a terminal</p>

CATEGORY	KTCT BILL	Cap. 313H
		<p><i>[reg. 27(b) & (c)]</i> DM may move / remove animals / articles causing obstruction, nuisance or annoyance</p>
(B) General Prohibited Acts		
Operation/ General	<p><i>[clause 15]</i> a person must not board/ disembark from a vessel while the vessel is in motion or not by a gangway except with permission from CT or authorized officers</p>	<p><i>[reg. 10]</i> no person shall embark on/ disembark from a vessel (a) whilst the vessel is in motion; (b) not by a gangway; or (c) by means of any other vessel except with the permission of DM</p> <p><i>[reg. 5(2)]</i> no person shall embark on/disembark from or load/discharge cargo from a vessel within a terminal other than places allocated by DM</p> <p><i>[reg. 28]</i> no person shall board or load any vehicle/other cargo on a vessel except with permission of the master (this reg. also contains controls on loading of vehicle/cargo on vessels)</p> <p><i>[reg. 5(1)]</i> a ferry vessel shall berth at a terminal unless DM otherwise directs</p> <p><i>[reg. 7]</i> DM may control vessels' arrival / departure time at terminals by notice in writing, to be complied by owners / masters of ferry vessels</p> <p><i>[reg.8]</i> owners / masters of ferry vessels shall, at such times as the DM may require, make returns of vessels showing voyage / cargo carried / no. of passengers / no. of embarking & disembarking passengers / manning or operation</p>
	<p><i>[clause 8(4)]</i> drivers of vehicles or owners / masters of vessels must</p>	<p><i>[reg. 6(1) & (2)]</i> owners / masters of vessels in or entering / leaving a terminal shall comply</p>

CATEGORY	KTCT BILL	Cap. 313H
	<p>comply with directions/orders and notices / signs by CT or authorized officers (including an order to leave)</p>	<p>with DM's directions (including to anchor / secure; to move; to remove the vessels)</p> <p><i>[reg. 6(3)]</i> owners / masters of vessels when navigating within or entering / leaving terminals shall, as far as practicable, have regard to any information / advice conveyed by authorized officers</p> <p><i>[reg. 31]</i> no person shall remain on board a ferry vessel in a terminal except with DM's permission & subject to s.33 of Immigration Ordinance (Cap. 115)</p>
	<p><i>[clause 19(1)]</i> a person must comply with a reasonable direction or order given / notice / sign exhibited by CT or authorized officers;</p>	<p><i>reg. 6(1), 6(2), 22(c), 26(2) are relevant as they require owners/ masters of vessels, pass holders and drivers of vehicles to comply with directions etc.</i></p>
	<p><i>[clause 22(1)(a)]</i> willfully obstruct CT or authorized officers in performing functions;</p> <p><i>[clause 22(1)(b)]</i> falsely pretend to be a person acting under the authorization or delegation by CT</p>	<p>There is no specific provision under Cap. 313H. However, there is a provision under Cap. 313 of similar nature:</p> <p><i>[s.74, Cap. 313]</i> any person who obstructs MD, or any other person, performing or exercising any function, duty or power commits an offence</p>
<p>Danger, nuisance (and related acts)</p>	<p><i>[clause 17(1)]</i> a person must not cause any danger, nuisance or annoyance to another person</p> <p><i>[clause 17(2) & (3)]</i> CT or an authorized officer may prohibit a person from entering, or order a person to leave the Terminal Area / any part of it if the person –</p> <p><i>[17(2)]</i> has caused, is causing or will probably cause disturbance to the operation of the Terminal;</p>	<p><i>[reg. 30]</i> DM may prohibit from entering a terminal any person under influence of alcohol/drugs to an extent that render him a</p>

CATEGORY	KTCT BILL	Cap. 313H
	<p><i>[17(3)(a)]</i> is under the influence of alcohol, medicine or drug;</p> <p><i>[17(3)(b)]</i> is a probable danger or source of nuisance/annoyance to another person within the Terminal Area</p>	<p>probable danger or source of annoyance to other users of the terminal</p>
<p>Business activities and advertising</p>	<p><i>[clause 16(1)(a)]</i> a person must not sell anything</p> <p><i>[clause 16(1)(b)]</i> a person must not offer anything for sale; or offer any service</p>	<p><i>[reg. 29(a)]</i> no person shall sell / distribute anything; or offer for sale; or make any offer of service except with DM's written permission</p>
	<p><i>[clause 16(1)(c)]</i> a person must not display/exhibit any material for advertisement / publicity (except inside or on a vehicle)</p> <p><i>[clause 16(1)(d)]</i> a person must not distribute any material</p> <p><i>[clause 16(1)(e)]</i> a person must not make public announcement by radio/ TV; or by video/cinematographic film</p> <p>(acts on board a vessel; functions performed by public officers/HKTB employees are exempted)</p>	<p><i>[reg. 29(b)]</i> no person shall exhibit any notice or advertisement except DM's written permission</p>
<p>Other prohibited acts</p>	<p><i>[clause 20(1)(b)]</i> throw, deposit, leave or drop anything capable of causing injury to a person or damage to property</p> <p><i>[clause 20(1)(d)]</i> set out or leave anything which (may) obstructs, inconveniences or endangers another person/vehicle/ vessel</p>	<p><i>[reg. 32(1)(b)]</i> throw, deposit, leave or drop anything capable of causing injury to person or damage to property</p> <p><i>[reg. 32(1)(c)]</i> throw any life buoy or equipment from the terminal or vessel except for emergency</p>

CATEGORY	KTCT BILL	Cap. 313H
	<i>[clause 20(1)(c)]</i> open, remove or climb over any wall, fence, railing, barrier, gate or post	<i>[reg. 32(1)(d)]</i> open, remove or climb over any wall, fence, railing, barrier, gate or post
	<i>[clause 20(1)(e)]</i> loiter without reasonable cause	no specific provision
	<i>[clause 20(1)(g)]</i> fish	<i>[reg. 32(1)(f)]</i> fish
	<i>[clause 20(1)(a)]</i> littering	<i>[reg. 32(1)(a)]</i> littering
	<i>[clause 20(1)(f)]</i> begging	<i>[reg. 32(1)(e)]</i> begging
	<i>[clause 20(1)(h)]</i> smoke or carry a lighted cigarette, cigar or pipe	<i>[reg. 4(5) & 32(2)]</i> smoke in air-conditioned area communally used by passengers except in areas declared by DM by notice/sign that smoking is allowed

(C) Other Prohibited Acts

	<p><u>Interference with equipment</u></p> <p><i>[clause 18(1)]</i> interfere with, meddle with or move i) any equipment or machine owned by the Government, terminal operator or property manager; or (ii) any information/data stored therein, except with permission from CT/ authorized officers or with lawful authority</p> <p><i>[clause 18(2)]</i> activate any emergency/ safety device (except for the purposes of the device and in accordance with instructions) except with permission from CT/ authorized officers or with lawful authority</p>	no specific provision
--	--	------------------------------

Delegation under the Kai Tak Cruise Terminal Bill

<p style="text-align: center;"><u>Types of function</u></p>	<p style="text-align: center;"><u>Party intended to be delegated with the function</u></p>
<p>➤ Giving general directions and orders</p> <p><u>Examples include:</u></p> <ul style="list-style-type: none">✧ specifying the entrance(s) and exit(s) of the Terminal Area [clause 7(1)]✧ demarcating the boundaries or entrances to restricted areas [clause 11]✧ specifying the entrance(s) and exit(s) of restricted areas [clause 12(2)]✧ giving permission to drive a vehicle into a restricted area [clause 12(4)]✧ giving permission to conduct business activities and advertising within the Terminal Area [clause 16(1)]	<p>Terminal Operator Property Manager</p>
<p>➤ Giving directions and orders in relation to berthing arrangements</p> <p><u>Examples include:</u></p> <ul style="list-style-type: none">✧ giving permission for navigating a vessel into, within or out of the Terminal Area [clause 8(2)(a)]✧ giving permission to board or disembark from a vessel while the vessel is in motion or otherwise than by a gangway [clause 15(1)]	<p>Terminal Operator</p>
<p>➤ Giving order to leave the Terminal Area and restricted areas</p> <p><u>Examples include:</u></p> <ul style="list-style-type: none">✧ ordering a person to leave the Terminal Area [clause 7(2) and clause 17(2)&(3)]✧ ordering a person to leave a restricted area [clause 12(3)]	<p>Terminal Operator* Property Manager*</p>
<p>➤ Requiring a person to produce a pass for examination and escorting a person to get into a restricted area</p> <p><u>Examples include:</u></p> <ul style="list-style-type: none">✧ requiring a person to produce a pass for examination on entering the restricted area, and at any times while present	<p>Terminal Operator Property Manager</p>

<u>Types of function</u>	<u>Party intended to be delegated with the function</u>
<p>in a restricted area [<i>clause 12(1)(a)(ii)</i>]</p> <ul style="list-style-type: none"> ✧ escorting a person to enter or remain in a restricted area [<i>clause 12(1)(b)</i>] 	
<p>➤ Ceasing the restricted area status temporarily</p> <p><u>Examples include:</u></p> <ul style="list-style-type: none"> ✧ declaring by notice that a non-permanent restricted area, or any part of it, specified in the notice ceases to be a restricted area to cater for operational need; or for carrying out any activity that the Commissioner considers appropriate [<i>clause 10(1)</i>] 	Terminal Operator*
<p>➤ Issuing and cancelling a pass [<i>Schedule 2</i>]</p>	Terminal Operator*
<p>➤ Enforcement powers</p> <p><u>Examples include:</u></p> <ul style="list-style-type: none"> ✧ detaining a person suspected of having committed an offence under the Bill [<i>clause 21(1)</i>] ✧ removing a person suspected of having committed an offence under section 7, 12 or 22 [<i>clause 21(4)</i>] 	Terminal Operator* Property Manager*

* The Administration intends to delegate such power to the employees of the terminal operator and property manager at supervisory or managerial level only and would state this clearly in the delegation document.