

Bills Committee on Kai Tak Cruise Terminal Bill

**List of follow-up actions arising from the discussion
at the meeting on 23 February 2016**

The Administration is requested to –

- (a) for avoidance of doubt, consider moving an amendment to clarify whether the Commissioner for Tourism's ("the Commissioner") power under Clause 4(c) of the Kai Tak Cruise Terminal Bill ("the Bill") is subject to limits or restrictions under other legislation such as Section 13 of the Town Planning Ordinance (Cap. 131);
- (b) explain why the prohibition of certain business and advertising activities under Clause 16 would need to be applied to the whole Terminal Area ("TA"), but not simply the restricted areas;
- (c) explain why persons engaging in business and advertising activities under Clause 16(1) would commit a criminal offence under the Bill while similar conducts in the properties of LINK will not constitute a criminal offence;
- (d) consider re-drafting the term "sell anything" under Clause 16(1)(a) of the Bill to narrow down the scope of the prohibition so as to reflect the policy intent that transfer of goods between individuals will not be caught under the Clause;
- (e) consider amending Clause 17 to the effect that the handling of persons causing "danger" will be different from those causing "nuisance", "annoyance" or "disturbance" so as to reflect the variation in the seriousness of offences;
- (f) reconsider replacing the terms "in his or her opinion" with "in his or her reasonable opinion" in Clauses 17(2) and 17(3) of the Bill to expressly provide that the Commissioner and the authorized officer should act reasonably in exercising their powers;
- (g) consider amending Clause 18(1) of the Bill to the effect that the offence in relation to interference with, meddling with or moving the equipment, machine, information or data mentioned would only be confined to those conducts affecting operation of the Kai Tak Cruise Terminal;
- (h) consider revising the English text of Clause 18(2) in which the word "except" has appeared twice to improve the clarity of the provision;

- (i) regarding Clause 19(1)(a) which requires a person within TA to comply with reasonable directions or orders given by the Commissioner and the relevant authorized officer, consider setting out certain requirements or conditions in the Clause so as to facilitate the test of reasonableness and to restrict the scope or purpose of the prohibition; and
- (j) reconsider whether the term "as soon as practicable" in Clause 21(2) of the Bill may be amended as "immediately" with particular reference to similar provision in the Shipping and Port Control (Ferry Terminals) Regulations (Cap. 313H).

Council Business Division 4
Legislative Council Secretariat
26 February 2016