

# **Kai Tak Cruise Terminal Bill**

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# A BILL

## To

Provide for the designation of the Kai Tak Cruise Terminal, for its use, operation, management and control, and for related matters.

Enacted by the Legislative Council.

### Part 1

#### Preliminary

**1. Short title**

This Ordinance may be cited as the Kai Tak Cruise Terminal Ordinance.

**2. Interpretation**

In this Ordinance—

*authorized officer* (獲授權人員), in relation to a provision of this Ordinance, means—

- (a) a public officer, or a member of a class of public officers, authorized under section 6(1) in relation to that provision;

(b) a public officer, or a member of a class of public officers, authorized under section 6(1) in relation to this Ordinance generally; or

(c) a police officer on duty within the Terminal Area;

**Commissioner** (專員) means the Commissioner for Tourism;

**cruise ship** (郵輪) means any vessel—

(a) carrying or intended to be used to carry passengers exclusively for sightseeing or pleasure purposes; and

(b) plying, along a predetermined route, on any voyage—

(i) from a port outside Hong Kong to the same or another port outside Hong Kong, during the course of which Hong Kong is an intermediate port of call; or

(ii) which begins, ends or begins and ends within the waters of Hong Kong, whether or not the vessel calls at any port outside Hong Kong during its course,

and includes any other vessel approved by the Commissioner for the purposes of this Ordinance;

**functions** (職能) includes powers, duties and activities;

**law enforcement officer** (執法人員) means—

(a) a police officer;

(b) a member of the Immigration Service established by section 3 of the Immigration Service Ordinance (Cap. 331); or

(c) a person holding an office specified in Schedule 1 to the Customs and Excise Service Ordinance (Cap. 342);

**non-permanent restricted area** (非永久限制區) means an area designated as such under section 9(1)(a)(ii);

**owner** (擁有人) means a person within the meaning of paragraph (a) of the definition of **owner** in section 2 of the Shipping and Port Control Ordinance (Cap. 313);

**pass** (通行證) means a pass issued under Schedule 2;

**permanent restricted area** (永久限制區) means an area designated as such under section 9(1)(a)(i);

**property manager** (管理者) means a person who enters into a contract with the Government for providing property management services in relation to any part of the Terminal Area specified in the contract;

**restricted area** (限制區) means an area comprising one or more of the following—

- (a) a permanent restricted area;
- (b) a non-permanent restricted area (except any non-permanent restricted area, or part of it, declared under section 10(1) to cease to be a restricted area for the time being);

**tenancy agreement** (租賃協議) means an agreement—

- (a) between—
  - (i) the Government as the landlord; and
  - (ii) any person as the tenant; and
- (b) for the operation and management of the Terminal in relation to any part of the Terminal Area specified in the agreement;

**Terminal** (郵輪碼頭) means the Kai Tak Cruise Terminal designated under section 3;

**Terminal Area** (郵輪碼頭區) means the area described in Schedule 1;

**terminal operator** (碼頭營運者) means a person who enters into a tenancy agreement as the tenant with the Government;

***vehicle*** (車輛) means any vehicle whether or not mechanically propelled;

***vessel*** (船隻) has the meaning given by section 2 of the Shipping and Port Control Ordinance (Cap. 313).

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## **Part 2**

### **The Terminal**

#### **3. Designation of Terminal**

The Terminal Area is designated as a terminal, to be known as the “Kai Tak Cruise Terminal”.

#### **4. Use of Terminal**

The Terminal is to be used—

- (a) for the berthing or anchorage of cruise ships;
- (b) for facilitating the embarkation and disembarkation of passengers of cruise ships;
- (c) for carrying out any activity that the Commissioner considers appropriate; and
- (d) for ancillary purposes.

#### **5. Operation and management of Terminal**

- (1) The Commissioner may operate and manage the Terminal on a commercial basis.
- (2) Subject to the tenancy agreement between the Government and a terminal operator, the operator may operate and manage the Terminal in relation to any part of the Terminal Area specified in the agreement on a commercial basis.
- (3) Without limiting subsection (1) or (2), for the purposes of operating and managing the Terminal on a commercial basis under that subsection, the Commissioner or a terminal operator may determine, demand and collect any or all of the following fees and rents—



- (a) fees for the berthing or anchorage of cruise ships or other vessels;
  - (b) rents for the lease or sublease of any premises;
  - (c) fees for licences for the entry, use or occupation of any premises;
  - (d) fees for the use of vehicle parking facilities;
  - (e) any other fees.
- (4) The fees and rents referred to in subsection (3) are not limited by reference to—
- (a) the administrative or other costs incurred or likely to be incurred in operating and managing the Terminal; or
  - (b) the recovery of expenditure in operating and managing the Terminal.
- (5) To avoid doubt, subject to the tenancy agreement between the Government and a terminal operator, any moneys received by the operator in the course of operating and managing the Terminal in accordance with the agreement—
- (a) are not moneys raised or received for the purposes of the Government under section 3 of the Public Finance Ordinance (Cap. 2); and
  - (b) may be retained by the operator.

**6. Authorization and delegation by Commissioner**

- (1) The Commissioner may authorize a public officer, or any member of a class of public officers, to be an authorized officer for the purposes of this Ordinance.
- (2) An authorization under subsection (1)—
  - (a) must be in writing; and

- 
- (b) may be given in relation to specified provisions of this Ordinance or in relation to this Ordinance generally.
- (3) Subject to subsection (4), the Commissioner may, in writing, delegate any of his or her functions under this Ordinance to—
- (a) a public officer or any member of a class of public officers;
  - (b) a terminal operator; or
  - (c) a property manager.
- (4) The Commissioner may not delegate under subsection (3) his or her function under—
- (a) subsection (1) or (3);
  - (b) section 9(1); or
  - (c) section 23(1).
- (5) If a function is delegated to a terminal operator or property manager (*delegate*) under subsection (3), the delegate may sub-delegate that function to the delegate's employee.
- (6) If a function under this Ordinance is performed by a person who is—
- (a) a public officer;
  - (b) a terminal operator or an employee of a terminal operator; or
  - (c) a property manager or an employee of a property manager,
- then, until the contrary is proved, the person is taken to have performed the function in accordance with an authorization or delegation under this section.

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- (7) In this Ordinance (other than in subsections (1) and (3) and sections 9(1) and 23(1)), a reference to the Commissioner in relation to a function includes—
- (a) a person to whom the function is delegated by the Commissioner under subsection (3); and
  - (b) if the person sub-delegates that function to the person's employee under subsection (5), that employee.
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## **Part 3**

### **Access to Terminal Area**

- 7. Access to and from and remaining in Terminal Area by persons**
- (1) A person must not enter or leave the Terminal Area except—
    - (a) by an entrance or exit of the Terminal Area specified by the Commissioner or an authorized officer; or
    - (b) by means of a vessel.
  - (2) 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.
  - (3) The Commissioner or an authorized officer may, by notice or sign exhibited in a conspicuous place within or near the Terminal Area, prohibit access by any person or class of persons to the Terminal Area, or any part of it.
  - (4) A person who, without reasonable excuse, contravenes subsection (1) or (2) commits an offence and is liable on conviction to a fine at level 1.
  - (5) A person who, without reasonable excuse, fails to comply with a notice or sign exhibited under subsection (3) commits an offence and is liable on conviction to a fine at level 1.
- 8. Vehicles and vessels within, entering, leaving Terminal Area etc.**
- (1) 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 the Commissioner or an authorized officer.

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- (2) Except with the permission of the Commissioner or an authorized officer, a person must not—
    - (a) navigate a vessel into, within or out of the Terminal Area; or
    - (b) cause an object to float on, or be in, the sea within the Terminal Area.
  - (3) Subsection (2) does not apply in relation to—
    - (a) the navigation of a vessel that is used by a person acting in his or her capacity as a public officer;
    - (b) the navigation of a vessel that is scheduled to be berthed or anchored within the Terminal Area; or
    - (c) the use of a life-saving appliance in an emergency.
  - (4) While a vehicle or vessel is within, entering or leaving the Terminal Area, the driver of the vehicle or the owner or master of the vessel must comply with—
    - (a) a direction or an order given by the Commissioner or an authorized officer (including an order directing the vehicle or vessel to leave the Terminal Area, or any part of it); and
    - (b) a notice or sign exhibited in a conspicuous place within or near the Terminal Area by the Commissioner or an authorized officer.
  - (5) Without limiting subsection (4)(b), the Commissioner or an authorized officer may exhibit a notice or sign under that subsection to prohibit access by—
    - (a) any vehicle or class of vehicles; or
    - (b) any vessel or class of vessels,  
to the Terminal Area, or any part of it.

- (6) A person who, without reasonable excuse, contravenes subsection (1), (2) or (4) commits an offence and is liable on conviction to a fine at level 1.
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## Part 4

### Restricted Areas

#### 9. Permanent and non-permanent restricted areas

- (1) The Commissioner may, by notice published in the Gazette—
  - (a) designate an area of land or water within the Terminal Area as—
    - (i) a permanent restricted area; or
    - (ii) a non-permanent restricted area; or
  - (b) vary or revoke the designation of a permanent restricted area or non-permanent restricted area.
- (2) A notice published under subsection (1) for the purposes of designating, or varying the boundaries of, a permanent restricted area or non-permanent restricted area must describe and delineate the area by reference to a plan.
- (3) A plan under subsection (2) must be—
  - (a) numbered, dated and signed by the Commissioner; and
  - (b) deposited in the Commissioner's office.
- (4) A designation, variation or revocation under subsection (1) becomes effective on the date the notice is published in the Gazette or a later date specified in the notice.
- (5) A notice under subsection (1) is not subsidiary legislation.

**10. Temporary cessation of restricted areas**

- (1) The Commissioner may declare by notice that a non-permanent restricted area, or any part of it, specified in the notice ceases to be a restricted area during the period specified in the notice—
  - (a) to cater for operational needs; or
  - (b) to facilitate the use of the non-permanent restricted area, or that part of it, for carrying out any activity that the Commissioner considers appropriate.
- (2) The notice under subsection (1), or its copy, must be exhibited in a conspicuous place within or near the non-permanent restricted area, or the part of it, concerned during the period of cessation.
- (3) A notice under subsection (1) is not subsidiary legislation.

**11. Demarcation of restricted areas**

The Commissioner must cause the boundaries of, or entrances to, a restricted area to be demarcated by signs, or in any other manner, that will reasonably indicate the restricted area to members of the public who might enter it.

**12. Prohibition of entry etc. to restricted areas**

- (1) Subject to section 14(1), a person must not enter or remain in a restricted area unless—
  - (a) the person—
    - (i) is in possession of a valid pass issued for the restricted area; and
    - (ii) produces the pass for examination on entering the restricted area, and at any time while present in the restricted area if so required by the Commissioner or an authorized officer;



- (b) the person is being escorted by the Commissioner, or an authorized officer, who is in possession of a valid pass issued for the restricted area; or
  - (c) the person is a law enforcement officer on duty within the Terminal Area.
- (2) A person must not enter or leave a restricted area except—
- (a) by an entrance or exit of the restricted area specified by the Commissioner or an authorized officer; or
  - (b) by means of a vessel.
- (3) 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.
- (4) Except with the permission of the Commissioner or an authorized officer, a person (other than a law enforcement officer on duty within the Terminal Area) must not drive a vehicle into a restricted area.
- (5) A person who, without reasonable excuse, contravenes subsection (1), (2), (3) or (4) commits an offence and is liable on conviction to a fine at level 4 and to imprisonment for 6 months.

### 13. Passes

Schedule 2 has effect with respect to a pass.

### 14. Exemption for bona fide passengers and crew members

- (1) Subject to subsections (2) and (3), a bona fide passenger or a bona fide crew member of a vessel scheduled to be berthed or anchored within the Terminal Area is exempted from section 12(1) if the passenger or crew member—

- (a) is passing through any restricted area—
    - (i) after having disembarked from the vessel; or
    - (ii) for boarding the vessel; or
  - (b) is on board the vessel.
- (2) A passenger or crew member of a vessel is not exempted under subsection (1) unless the passenger or crew member is in possession of—
- (a) a valid travel document; or
  - (b) a valid document issued by the owner or master of the vessel for identifying the passengers or crew members of the vessel.
- (3) The exemption under subsection (1) does not apply in relation to a restricted area, or any part of it, if the Commissioner or an authorized officer has, by notice or sign exhibited in a conspicuous place within or near the restricted area, prohibited access by passengers and crew members of vessels to the restricted area, or that part of it.
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## Part 5

### General Prohibitions

#### 15. Embarkation and disembarkation

- (1) Except with the permission of the Commissioner or an authorized officer, a person must not board, or disembark from, a vessel within the Terminal Area—
  - (a) while the vessel is in motion; or
  - (b) otherwise than by a gangway.
- (2) A person who, without reasonable excuse, contravenes subsection (1) commits an offence and is liable on conviction to a fine at level 1.

#### 16. Business activities and advertising

- (1) Except with the permission of the Commissioner or an authorized officer, a person must not, within the Terminal Area—
  - (a) sell anything;
  - (b) offer anything for sale, or offer any service;
  - (c) display or exhibit any material for the purpose of advertisement or publicity (except where it is displayed or exhibited inside, or on the body of, a vehicle);
  - (d) distribute any material; or
  - (e) make any public announcement—
    - (i) by radio or television; or
    - (ii) by video or cinematographic film.
- (2) Subsection (1) does not affect the performance of a function—

- (a) by a person acting in his or her capacity as a public officer; or
  - (b) by a person who is an employee of the Hong Kong Tourism Board acting in the course of that employment.
- (3) Subsection (1) does not apply in relation to anything done on board a vessel.
  - (4) A person who, without reasonable excuse, contravenes subsection (1) commits an offence and is liable on conviction to a fine at level 1.
  - (5) In this section—

***Hong Kong Tourism Board*** (香港旅遊發展局) means the body of that name established by section 3(1) of the Hong Kong Tourism Board Ordinance (Cap. 302);

***material*** (資料) means any printed, electronic, written or pictorial matter or any article, including any book, leaflet, banner and sample.

## 17. **Danger, nuisance, etc.**

- (1) A person must not cause any danger, nuisance or annoyance to another person within the Terminal Area.
- (2) 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.
- (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, the person—

- (a) is under the influence of alcohol, medicine or drug;  
and
  - (b) is a probable danger or source of nuisance or annoyance to another person within the Terminal Area.
- (4) A person who, without reasonable excuse, contravenes subsection (1) commits an offence and is liable on conviction to a fine at level 1.
- (5) A person who, without reasonable excuse, fails to comply with a prohibition or an order imposed on the person under subsection (2) or (3) commits an offence and is liable on conviction to a fine at level 1.
- (6) To avoid doubt, subsection (2) or (3) does not limit section 7(2) or (3).

## **18. Interference with equipment**

- (1) Except with the permission of the Commissioner or an authorized officer or with lawful authority, a person must not interfere with, meddle with or move in any way—
- (a) any equipment or machine owned by the Government, a terminal operator or a property manager within the Terminal Area; or
  - (b) any information or data stored in such equipment or machine.
- (2) Except with the permission of the Commissioner or an authorized officer or with lawful authority, a person must not activate any emergency or safety device within the Terminal Area except—
- (a) for the purpose for which the device is provided; and
  - (b) in accordance with any instructions shown on the device.

- (3) A person who, without reasonable excuse, contravenes subsection (1) or (2) commits an offence and is liable on conviction to a fine at level 1.

**19. Compliance with direction, notice, etc.**

- (1) A person, while within the Terminal Area, must comply with—
- (a) a reasonable direction or order given by the Commissioner or an authorized officer; or
  - (b) a notice or sign exhibited by the Commissioner or an authorized officer.
- (2) A person who, without reasonable excuse, contravenes subsection (1) commits an offence and is liable on conviction to a fine at level 1.

**20. Other prohibited acts**

- (1) A person must not, while within the Terminal Area—
- (a) throw, deposit, leave or drop litter, paper or rubbish (other than in a bin or container provided for the purpose);
  - (b) throw, deposit, leave or drop anything capable of causing injury to a person or damage to property;
  - (c) open, remove or climb over any wall, fence, railing, barrier, gate or post constructed or erected within the Terminal Area;
  - (d) without reasonable excuse, set out or leave anything which obstructs, inconveniences or endangers, or may obstruct, inconvenience or endanger, another person or any vehicle or vessel;
  - (e) loiter in the Terminal Area without reasonable cause;
  - (f) beg;

- (g) fish; or
  - (h) smoke or carry a lighted cigarette, cigar or pipe.
- (2) Subsection (1) does not apply in relation to anything done on board a vessel.
- (3) A person who contravenes subsection (1) commits an offence and is liable on conviction to a fine at level 1.
-

## Part 6

### Miscellaneous

#### 21. Enforcement powers

- (1) If the Commissioner or an authorized officer has reasonable grounds for suspecting that a person has committed an offence under this Ordinance, the Commissioner or officer may, without warrant and if necessary by using reasonable force, detain the person.
- (2) If a person is detained under subsection (1) by the Commissioner or by an authorized officer who is not a law enforcement officer, then the Commissioner or officer must, as soon as practicable after detaining the person—
  - (a) take the person to a police station to be dealt with in accordance with the Police Force Ordinance (Cap. 232); or
  - (b) deliver the person into the custody of a police officer to be dealt with in accordance with that Ordinance.
- (3) If a person is detained under subsection (1) by an authorized officer who is a law enforcement officer, the officer may detain the person for a reasonable period while the officer inquires about the suspected commission of the offence.
- (4) If the Commissioner or an authorized officer has reasonable grounds for suspecting that a person has committed an offence under section 7, 12 or 22, the Commissioner or officer may, without warrant and if necessary by using reasonable force, remove the person from the Terminal Area.



- (5) If an authorized officer who is a law enforcement officer has reasonable grounds for suspecting that a person has committed an offence under section 12 or 22, the officer may exercise any or all of the following powers, without warrant and if necessary by using reasonable force—
- (a) arrest the person;
  - (b) seize, remove or detain anything that the officer reasonably suspects to be relevant to the suspected commission of the offence.

**22. Offences relating to performance of functions under this Ordinance**

- (1) Without limiting any other law, a person commits an offence if the person—
- (a) wilfully obstructs the Commissioner or an authorized officer in the performance of a function under this Ordinance; or
  - (b) falsely pretends to be a person acting under the authorization or delegation by the Commissioner under this Ordinance.
- (2) A person who commits an offence under subsection (1) is liable on conviction to a fine at level 3 and to imprisonment for 6 months.

**23. Commissioner may amend Schedules 1 and 2**

- (1) The Commissioner may, by notice published in the Gazette, amend Schedule 1 or 2.
- (2) A notice under subsection (1) may contain incidental, consequential, supplemental, transitional or savings provisions that are necessary or expedient in consequence of an amendment made by the notice.

**24. Public inspection of plans**

The Commissioner must keep available at the Commissioner's office, for public inspection free of charge during normal office hours, a copy of any plan deposited in that office under this Ordinance.

**25. Evidence by documents**

- (1) In any legal proceedings, a document purporting to be certified by the Commissioner as the Terminal Area plan or a plan of a permanent restricted area or non-permanent restricted area, or as a copy of such a plan—
  - (a) is admissible in evidence on production without further proof; and
  - (b) until the contrary is proved—
    - (i) is presumed to be certified by the Commissioner; and
    - (ii) is evidence of the extent of the Terminal Area, permanent restricted area or non-permanent restricted area, as the case may be.
- (2) In any legal proceedings, a document purporting to be certified by the Commissioner as a notice under section 10(1), or as a copy of such a notice—
  - (a) is admissible in evidence on production without further proof; and
  - (b) until the contrary is proved—
    - (i) is presumed to be certified by the Commissioner; and
    - (ii) is evidence of the declaration made by that notice.

(3) In this section—

*Terminal Area plan* (郵輪碼頭區圖則) has the meaning given by section 3 of Schedule 1.

**26. Saving**

This Ordinance does not restrict, derogate from or otherwise interfere with—

- (a) a function under any law of a person in the service of the Government; or
- (b) the person's performance of the function.

**27. Related amendments**

The enactments specified in Schedule 3 are amended as set out in that Schedule.

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## Schedule 1

[ss. 2, 23 &  
25]

### Terminal Area

1. Subject to section 2 of this Schedule, the Terminal Area comprises—
    - (a) the area of land within the boundaries delineated and shown edged red in the Terminal Area plan, including—
      - (i) the terminal building;
      - (ii) the apron; and
      - (iii) any structure or erection below, or annexed or attached to, the apron; and
    - (b) the area of water within the boundaries delineated and shown hatched black in the Terminal Area plan.
  2. The Terminal Area does not include the Kai Tak Cruise Terminal Park (set aside under section 106 of the Public Health and Municipal Services Ordinance (Cap. 132) for use as a public pleasure ground) on the roof top of the terminal building.
  3. In this Schedule—

**Terminal Area plan** (郵輪碼頭區圖則) means a plan—

    - (a) titled “Location Plan of the Terminal Area” numbered KM9344;
    - (b) signed by the Commissioner on 11 June 2015; and
    - (c) deposited in the Commissioner’s office.
-

**Schedule 2**[ss. 2, 13 &  
23]**Passes****1. Interpretation**

In this Schedule—

*pass holder* (通行證持有人), in relation to a pass, means the person to whom the pass is issued.

**2. Issue of passes**

- (1) The Commissioner may issue a pass for a restricted area to a person if satisfied that—
  - (a) because of the nature of the person's occupation or employment—
    - (i) the person requires immediate access to the restricted area; or
    - (ii) the person requires frequent and regular access to the restricted area; and
  - (b) the person is not, for any reason relating to the operation or security of the Terminal, unfit to have access to the restricted area.
- (2) A pass may be issued subject to any conditions specified by the Commissioner.
- (3) A pass—
  - (a) must be in the form specified by the Commissioner; and
  - (b) must indicate—
    - (i) the name of the pass holder;
    - (ii) its period of validity;

- (iii) the restricted area for which it is issued; and
- (iv) any conditions subject to which it is issued.

### 3. **Validity of passes**

A pass ceases to be valid—

- (a) on the expiry of the period of validity indicated on it;
- (b) on its cancellation under section 4(1) of this Schedule; or
- (c) when the pass holder ceases to be employed by the person who was his or her employer when the pass was issued.

### 4. **Cancellation and surrender of passes**

- (1) The Commissioner may cancel a pass if it appears to the Commissioner that—
  - (a) the pass holder no longer requires immediate access, or frequent and regular access, to the restricted area concerned;
  - (b) the pass holder is, for any reason relating to the operation or security of the Terminal, unfit to have access to the restricted area concerned;
  - (c) a condition subject to which the pass was issued has been contravened;
  - (d) the pass holder, or his or her employer, has contravened this Ordinance; or
  - (e) the pass has been lost, destroyed or defaced.
- (2) If a pass is cancelled, the Commissioner—
  - (a) must notify the pass holder; and

- 
- (b) may, if considered necessary, notify the employer of the pass holder.
- (3) Unless the pass is lost or destroyed, a pass holder, on receiving a notice under subsection (2), must surrender, as soon as practicable, the pass to the Commissioner.
- (4) A pass holder who ceases to be employed by the person who was his or her employer when the pass was issued must surrender, immediately after the cessation of the employment, the pass to the Commissioner.
- (5) A person who, without reasonable excuse, contravenes subsection (3) or (4) commits an offence and is liable on conviction to a fine at level 2.
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## Schedule 3

[s. 27]

### Related Amendments

#### Part 1

### Amendment to Immigration (Places of Detention) Order (Cap. 115 sub. leg. B)

1. **Schedule 3 amended**

Schedule 3—

**Add**

“29. The area within the Kai Tak Cruise Terminal that is set aside as detention quarters for use by the Immigration Department.”.

#### Part 2

### Amendments to Immigration (Anchorage and Landing Places) Order (Cap. 115 sub. leg. C)

2. **Paragraph 2 amended (designation of approved immigration anchorages)**

(1) After paragraph 2(1)(ba)—

**Add**

“(bb) for a cruise ship as defined by section 2 of the Kai Tak Cruise Terminal Ordinance ( of 2015), the Kai Tak Cruise Terminal designated under section 3 of that Ordinance;”.



(2) Paragraph 2(1)(c)—

**Repeal**

“any other ship”

**Substitute**

“a ship not falling within sub-subparagraph (a), (b) or (ba)”.

### **Part 3**

## **Amendment to Immigration Service (Designated Places) Order (Cap. 331 sub. leg. B)**

### **3. Schedule amended**

The Schedule—

**Add**

“15. The area within the Kai Tak Cruise Terminal that is set aside as detention quarters for use by the Immigration Department.”.

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## Explanatory Memorandum

The main purpose of this Bill is to provide for the designation of the Kai Tak Cruise Terminal (*Terminal*) and for the use, operation, management and control of the Terminal.

### Part 1—Preliminary

2. Clause 1 sets out the short title.
3. Clause 2 contains the definitions for the interpretation of the Bill. In particular—
  - (a) *Terminal Area*—defined as the area described in Schedule 1;
  - (b) *restricted area*—defined as an area comprising one or more of the permanent restricted areas and non-permanent restricted areas (except any non-permanent restricted area, or part of it, which temporarily ceases to be a restricted area) designated by the Commissioner for Tourism (*Commissioner*).

### Part 2—The Terminal

4. Clause 3 provides for the designation of the Terminal.
5. Clause 4 sets out the use of the Terminal.
6. Clause 5 empowers the Commissioner and an operator of the Terminal to operate and manage the Terminal on a commercial basis, including by charging fees and rents.

7. Clause 6 empowers the Commissioner to authorize a public officer, or any member of a class of public officers, to be an *authorized officer* for the purposes of the Bill and to delegate any of his or her functions under the Bill.

### **Part 3—Access to Terminal Area**

8. Clauses 7 and 8 regulate the access to and from the Terminal Area by any person and by any vehicle or vessel respectively. The clauses also empower the Commissioner and authorized officers to order any person, vehicle or vessel to leave the Terminal Area.

### **Part 4—Restricted Areas**

9. Clause 9 enables the Commissioner to designate an area within the Terminal Area as a permanent restricted area or non-permanent restricted area, and clause 10 empowers the Commissioner to declare that a non-permanent restricted area (or any part of it) temporarily ceases to be a restricted area.
10. Clause 11 requires the Commissioner to demarcate a restricted area.
11. Clause 12 prohibits entry to a restricted area, but the prohibition does not apply to, among others, a person in possession of a valid pass.
12. Clause 13 and Schedule 2 deal with the issue of a pass.
13. Clause 14 exempts a bona fide passenger or crew member of a vessel from the prohibition under clause 12 in certain circumstances.

### **Part 5—General Prohibitions**

14. Clause 15 deals with embarkation and disembarkation within the Terminal Area.
15. Clause 16 prohibits certain business and advertising activities within the Terminal Area.
16. Clause 17 creates offences relating to acts causing danger, nuisance, annoyance or disturbance.
17. Clause 18 creates an offence relating to interference with equipment or machines and an offence relating to the misuse of emergency or safety devices.
18. Clause 19 requires a person within the Terminal Area to comply with directions, orders, notices and signs.
19. Clause 20 regulates conduct within the Terminal Area.

### **Part 6—Miscellaneous**

20. Clause 21 sets out the enforcement powers of the Commissioner and authorized officers.
21. Clause 22 creates offences relating to the performance of functions under the Bill.
22. Clause 23 empowers the Commissioner to amend Schedules 1 and 2.
23. Clause 24 requires the Commissioner to keep available a copy of any plan deposited in the Commissioner's office under the Bill for public inspection.

24. Clause 25 provides that certain documents are admissible in evidence in legal proceedings.
25. Clause 26 provides that the Bill does not interfere with the functions under any law of persons in the service of the Government or with the performance of such functions.
26. Clause 27 and Schedule 3 deal with related amendments.

### **Schedules**

27. The Bill contains 3 Schedules. For further details, see paragraphs 3(a), 12 and 26.