

**For information on
27 May 2015**

Legislative Council Panel on Economic Development

**Updates on the Legislative Exercise
to Regulate the Uses of the Kai Tak Cruise Terminal**

PURPOSE

This paper updates Members on the latest development of the legislative exercise to regulate the uses of the Kai Tak Cruise Terminal (KTCT).

BACKGROUND

2. The KTCT is an important infrastructure which supports the development of cruise tourism in Hong Kong. Since its commissioning in June 2013, the KTCT has enriched the tourism offerings and helped provide a more diversified tourism portfolio in Hong Kong. We have seen growth in ship deployment by international cruise lines and many of which are with homeporting itineraries; we have also recorded a significant growth of cruise passenger throughput.

3. In its first full year of operation in 2014, the KTCT received 28 ship calls (involving 50 days of berthing). The number of ship calls in 2015 will increase by 100% to 56 (involving 75 days of berthing) and we expect a steady growth of ship calls will continue in 2016 and beyond. The ancillary commercial areas with restaurants and retail space have been in operation since the summer of 2014. The KTCT is also a popular venue for different types of non-cruise events during the days with no ship calls.

NEED FOR LEGISLATION

4. At present, the security arrangements (including the designation of restricted areas) at KTCT are governed by the Port Facility Security Plan (PFSP) prepared by the terminal operator and approved by the Government under the *Merchant Shipping (Security of Ships and Port Facilities) Rules* (Cap. 582A) and the *International Ship and Port Facility Security Code*. With the PFSP in place, the operation of the KTCT has been smooth and orderly so far. Nevertheless, since the KTCT has permanent Customs, Immigration, Quarantine and Police facilities with computer and communication systems containing confidential data, as well as detention facilities for law enforcement purposes, we consider it necessary to provide legal backing for regulating the uses, operation and management of and enforcing the restrictions and prohibitions of certain conduct at the KTCT to ensure its smooth operation. Our objective is to bring the relevant legislative framework for regulating the uses of KTCT broadly on par with that for other cross-boundary ferry piers in Hong Kong.

5. We last reported to the Panel on Economic Development on our plan to introduce a new piece of primary legislation (the proposed Bill) to regulate the uses of the KTCT at its meeting in October 2014. The valuable experience gained since the commissioning of the KTCT in June 2013 has enabled us to develop a more solid framework for the legislative exercise.

ELEMENTS TO BE INCLUDED IN THE PROPOSED BILL

6. The proposed Bill will include the following main elements –

(i) Designating the Terminal Area and the Restricted Areas

We will designate a Terminal Area, and within which, restricted areas to control the access thereto and regulate the uses of the relevant facilities therein. The Terminal Area and restricted areas will include the waters around the KTCT to ensure smooth operation of its two berths. The Kai Tak Cruise Terminal Park at the rooftop of the terminal building will not form part of the Terminal Area as it is a public pleasure ground subject to the Pleasure Grounds Regulations (Cap. 132BC).

For better utilisation of the KTCT for functions beyond cruise operation and berthing (e.g. as an event venue), we will allow some parts of the restricted areas (e.g. the security check areas at the waiting halls, the baggage halls and the apron) to be temporarily lifted to cater for the needs of different events during non-cruise days.

The plans indicating the tentative boundaries of the Terminal Area and the restricted areas in waters around the terminal building as well as on the land side are at **Annex**.

(ii) Controlling the Operation and Management of the Terminal Area

At present, part of the Terminal Area is run by a terminal operator on commercial basis. The proposed Bill will expressly confer on the Government and the terminal operator a fee-charging power for the purposes of operating and managing the Terminal Area on a commercial basis and provide that the level of fees charged may exceed the level for cost recovery.

(iii) General prohibitions

In order to ensure the smooth operation of the KTCT and to ensure that cruise passengers can use the terminal building and boundary crossing facilities smoothly and without disturbance, we will set out in the proposed Bill some general prohibitions within the Terminal Area. These general prohibitions include the control of unauthorised business activities and advertising; acts that cause danger, nuisance and annoyance to others; acts that interfere with the equipment at the KTCT (e.g. the radar and plant rooms); non-compliance with notices without reasonable excuse; and other prohibitions such as fishing, begging, littering and smoking, etc.

(iv) Enforcement Power and Penalty

We will also provide law enforcement officers (i.e. Police, Immigration and Customs and Excise officers) and the Commissioner for Tourism with the power to enforce the provisions in relation to the prohibited acts mentioned above. We will also set out the corresponding penalty for

contravening certain provisions in the proposed Bill. Depending on the severity of the offences, law enforcement officers may also exercise the power to remove, detain or arrest the offenders, and to seize, remove or detain anything that the law enforcement officers believe to be relevant to the contravention. We will also make some related consequential amendments to existing legislation (e.g. for designating detention quarters within the Terminal Area) to facilitate the work of law enforcement officers.

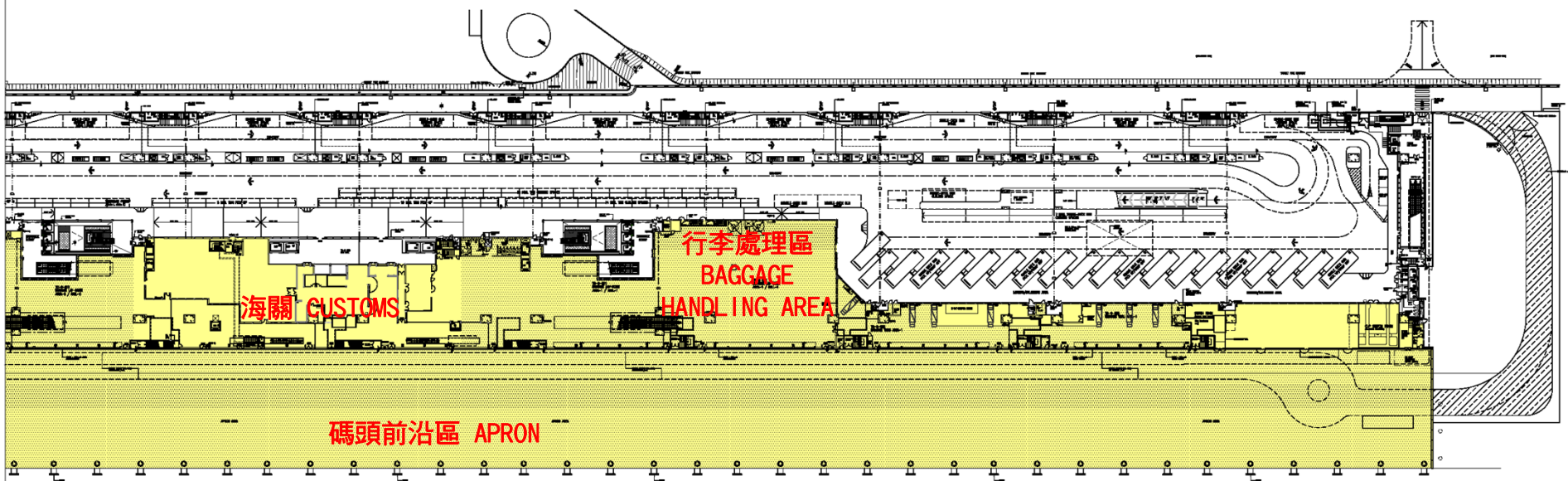
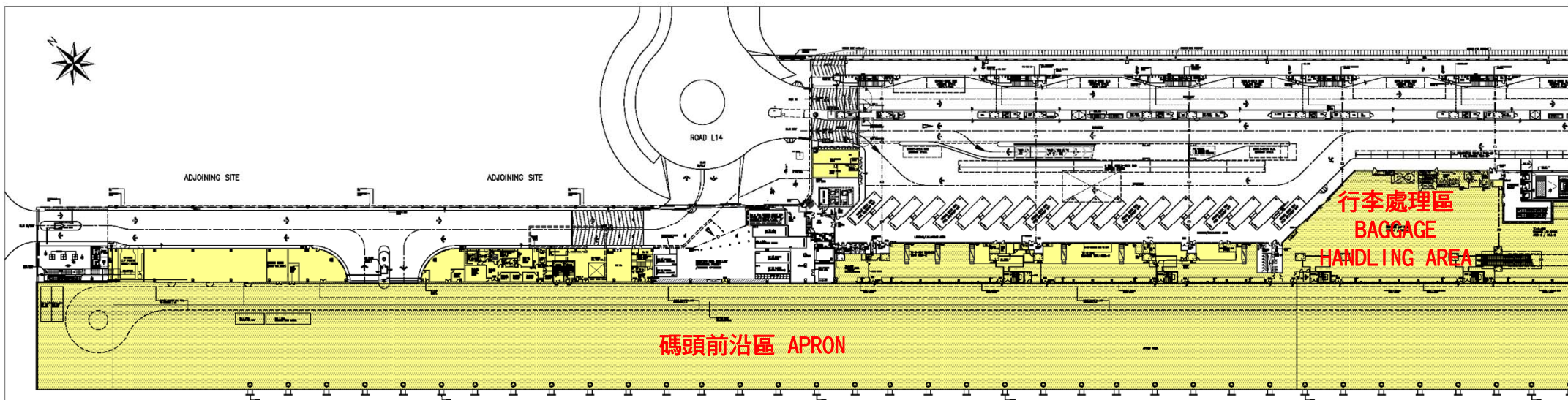
LEGISLATIVE TIMETABLE

7. The operation of the KTCT in the past two years has provided us with very valuable experience and useful guidance for preparing a framework for this legislative exercise. With the anticipated increase in the number of ship calls in the coming years, we aim at completing the legislative exercise as soon as possible. Our tentative plan is to introduce the proposed Bill into the Legislative Council in July 2015. Without prejudice to the time taken for the Legislative Council to scrutinise the proposed Bill, we aim at completing the legislative procedures within the current term of the Legislative Council.

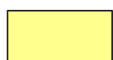
ADVICE SOUGHT

8. Members are invited to note the latest development on the legislative exercise for controlling the uses of the Kai Tak Cruise Terminal and our tentative legislative timetable.

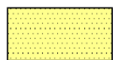
Tourism Commission
Commerce and Economic Development Bureau
May 2015



LEGEND 圖例



PERMANENT RESTRICTED AREA
永久限制區

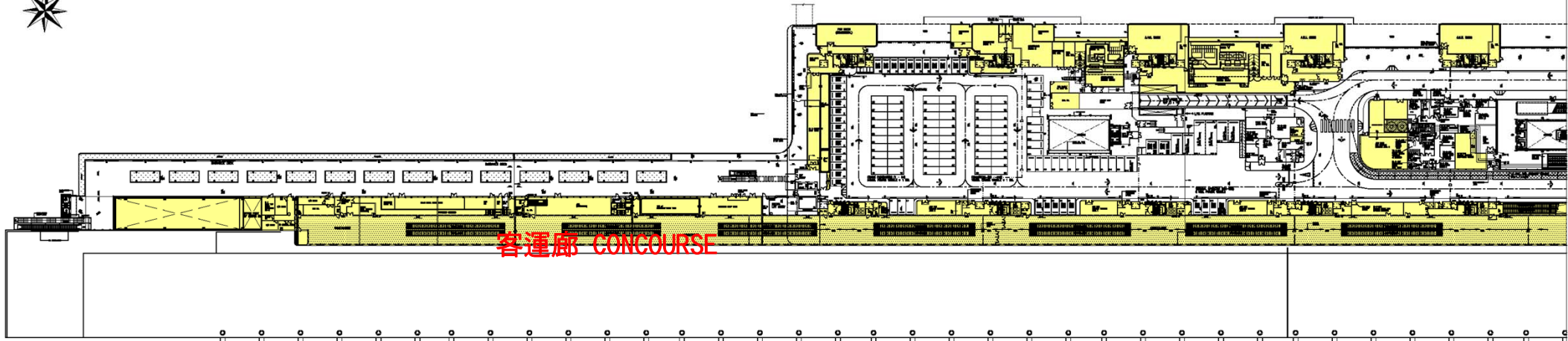


NON-PERMANENT RESTRICTED AREA
非永久限制區

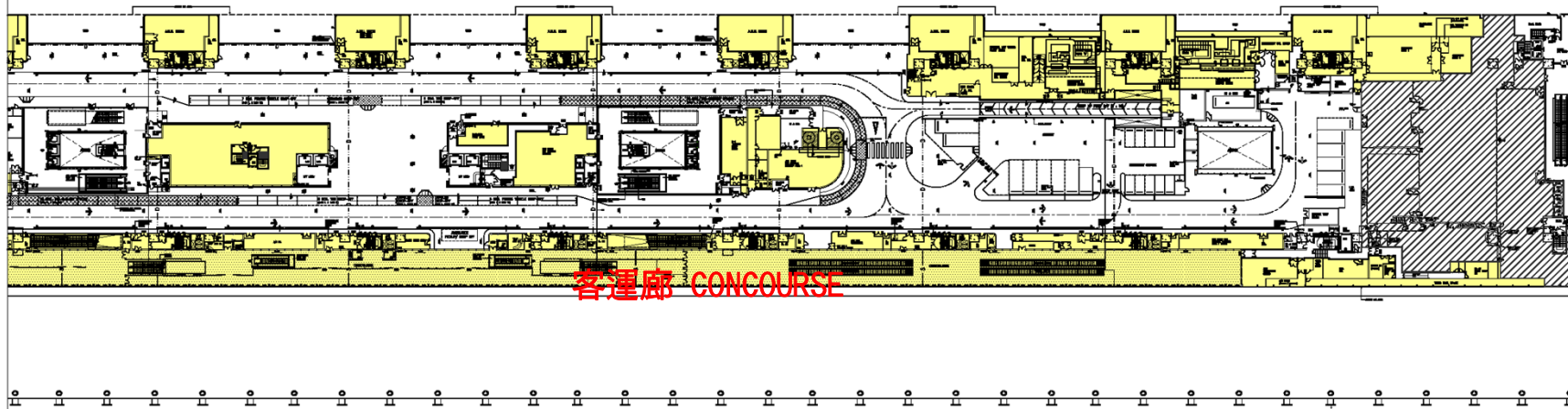
啓德郵輪碼頭及附屬設施 – 地下平面圖

Kai Tak Cruise Terminal Building and Ancillary Facilities – Ground Floor Plan

[草稿 DRAFT]

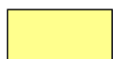


客運廊 CONCOURSE

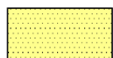


客運廊 CONCOURSE

LEGEND 圖例



PERMANENT RESTRICTED AREA
永久限制區

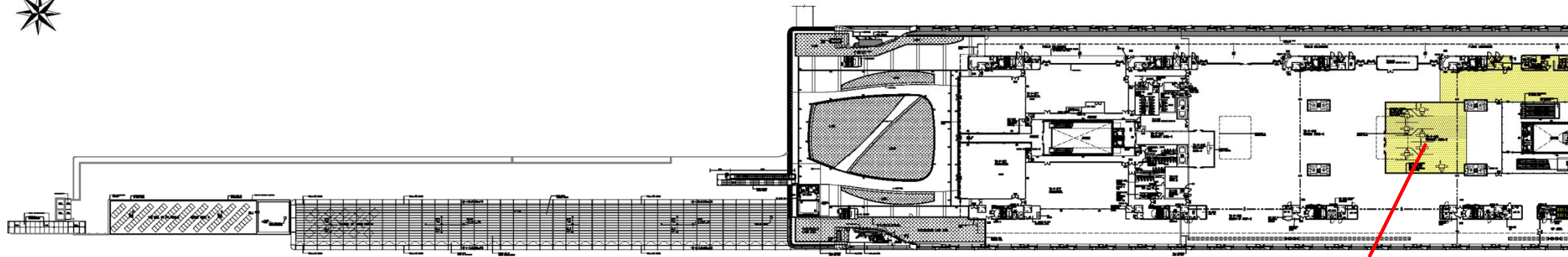


NON-PERMANENT RESTRICTED AREA
非永久限制區

啓德郵輪碼頭及附屬設施 – 一樓平面圖

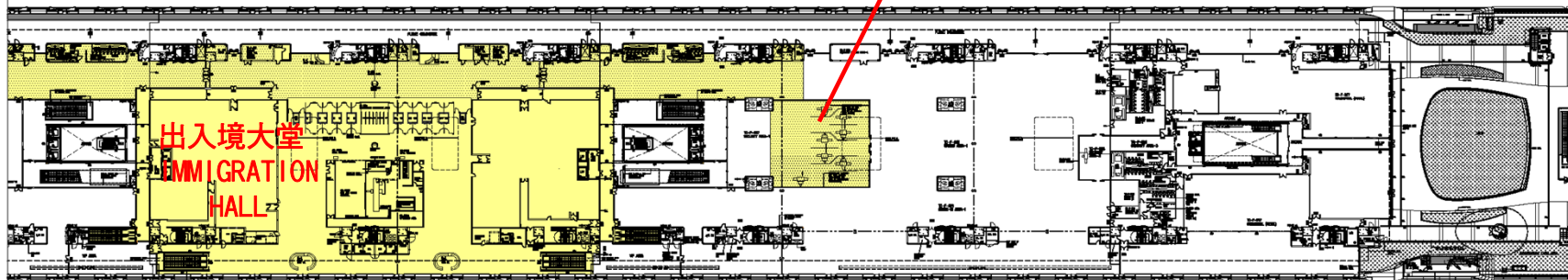
Kai Tak Cruise Terminal Building and Ancillary Facilities – First Floor Plan

[草稿 DRAFT]



保安檢查區
SECURITY CHECK AREA

保安檢查區
SECURITY CHECK AREA



LEGEND 圖例

-  PERMANENT RESTRICTED AREA
永久限制區
-  NON-PERMANENT RESTRICTED AREA
非永久限制區

啓德郵輪碼頭及附屬設施 – 二樓平面圖
Kai Tak Cruise Terminal Building and Ancillary Facilities – Second Floor Plan
[草稿 DRAFT]