

立法會
Legislative Council

LC Paper No. LS67/17-18

**Paper for the House Committee Meeting
on 8 June 2018**

**Legal Service Division Report on
Subsidiary Legislation Gazetted on 1 June 2018**

Tabling in LegCo : Council meeting of 6 June 2018

Amendment to be made by : Council meeting of 4 July 2018 (or the first meeting of the next session if extended by resolution)

PART I ALTERATION OF TRAM FARES

**Tramway Ordinance (Alteration of Fares) (Amendment)
Notice 2018**

(L.N. 108)

L.N. 108, which is made by the Hong Kong Tramways Limited ("HKT") under section 51 of the Tramway Ordinance (Cap. 107) with the consent of the Chief Executive in Council, amends the Schedule to the Tramway Ordinance (Alteration of Fares) Notice (Cap. 107D) to increase the fares payable for travelling on the tramway:

- (a) from HK\$1.2 to HK\$1.3 for children aged 3 to under 12;
- (b) from HK\$2.3 to HK\$2.6 for persons aged 12 or above; and
- (c) from HK\$200 to HK\$220 for a monthly ticket.¹

2. The above fares were last revised in 2011. According to paragraph 23 of the Legislative Council ("LegCo") Brief (File Ref: THB(T)L 2/5/6) issued by the Transport and Housing Bureau on 29 May 2018, the Transport Advisory

¹ The fare for a tourist ticket (valid for unlimited travel for four consecutive days) remains at HK\$34.

Committee ("TAC") was consulted on 27 March 2018. TAC members generally considered it justified for HKT to increase its fares and agreed to the Administration's recommendation to accept HKT's proposed rate of fare increase.

3. As advised by the Clerk to the Panel on Transport ("Panel"), on 16 March 2018, the Administration consulted the Panel on the fare increase application from HKT. Members did not raise any objection to the application. Some members suggested offering more fare concessions to the public, such as allowing free ride for elderly people and eligible persons with disabilities and providing discounts to full-time students. They also considered that the tourist tickets should be reviewed and enhanced to attract more users and to increase tramways' attractiveness. With a view to improving the operating environment of HKT, some members considered that the Administration should provide more assistance to HKT to maintain its sustainability.

4. Pursuant to section 51(2) of Cap. 107, L.N. 108 comes into operation one month after its publication in the Gazette, i.e. on 2 July 2018.

PART II SUBSIDIARY LEGISLATION RELATING TO THE COMMISSIONING OF THE WEST KOWLOON STATION OF THE GUANGZHOU-SHENZHEN-HONG KONG EXPRESS RAIL LINK

Immigration (Places of Detention) (Amendment) Order 2018 (L.N. 109)

Immigration Service (Designated Places) (Amendment) Order 2018 (L.N. 110)

Cross-boundary Movement of Physical Currency and Bearer Negotiable Instruments Ordinance (Amendment of Schedule 1) (No. 2) Notice 2018 (L.N. 111)

5. L.N. 109 to L.N. 111 are subsidiary legislation relating to the anticipated commissioning of the West Kowloon Station ("WKS") of the Guangzhou-Shenzhen-Hong Kong Express Rail Link ("XRL") in September 2018.

L.N. 109

6. L.N. 109 is made by the Secretary for Security ("S for S") under section 35(1) of the Immigration Ordinance (Cap. 115). It amends Schedule 3 to the Immigration (Places of Detention) Order (Cap. 115B) to specify the area within WKS of XRL (other than the WKS Mainland Port Area) as detention

quarters for use by the Immigration Department ("ImmD"). The legal effect of L.N. 109 is that the newly added area becomes a place at which a person required or authorized to be detained by or under Cap. 115 may be so detained.

L.N. 110

7. L.N. 110 is made by S for S under section 13A(9) of the Immigration Service Ordinance (Cap. 331). It amends the Schedule to the Immigration Service (Designated Places) Order (Cap. 331B) to specify the area within WKS of XRL (other than the WKS Mainland Port Area) as detention quarters for use by ImmD. The legal effect of L.N. 110 is that the newly added area becomes a designated place for the purposes of section 13A of Cap. 331 (in relation to detention of persons arrested by members of the Immigration Service).

8. Members may refer to the LegCo Brief (File Ref.: SBCR 1/606/10) issued by the Security Bureau in May 2018 for further details on L.N. 109 and L.N. 110.

L.N. 111

9. L.N. 111 is made by the Commissioner of Customs and Excise under section 33(1) of the Cross-boundary Movement of Physical Currency and Bearer Negotiable Instruments Ordinance (Cap. 629) to add WKS of XRL (other than the WKS Mainland Port Area) to Schedule 1 to Cap. 629 as a specified control point.

10. Section 4 of Cap. 629 requires a declaration to be made for currency and bearer negotiable instruments ("CBNIs") in the possession of a person arriving at any specified control points (i.e. places specified in Schedule 1 to Cap. 629) from a place outside Hong Kong ("traveller"), if the total value of CBNIs is more than the amount specified in Schedule 4 to Cap. 629 (i.e. HK\$120,000). Any traveller who fails to make the declaration or makes a false declaration commits an offence and pursuant to section 4(8) of Cap. 629, is liable on conviction to a fine of HK\$500,000 and to imprisonment for two years. Division 3 of Part 2 of Cap. 629 provides for a procedure for dealing with such offence by paying an amount specified in Schedule 5 (i.e. HK\$2,000) provided that the person is a first-time offender and the CBNIs concerned are not suspected to be crime proceeds or terrorist property. Cap. 629 will come into operation on 16 July 2018 (L.N. 54 of 2018).

11. The legal effect of L.N. 111 is that the declaration requirement provided in section 4 of Cap. 629 is applicable to travellers arriving at WKS of XRL (other than the WKS Mainland Port Area).

12. Members may refer to the LegCo Brief (File Ref.: NCR 3/1/16 S/F(U)G) issued by the Customs and Excise Department on 30 May 2018 for further details.

Consultation with LegCo Panel

13. As advised by the Clerks to the Panel on Transport and the Panel on Security, the Administration has not consulted the two Panels on L.N. 109 to L.N. 111.

Commencement

14. L.N. 109 to L.N. 111 come into operation on the commencement date of the Ordinance enacted by LegCo through the passage, with or without amendment, of the Guangzhou-Shenzhen-Hong Kong Express Rail Link (Co-location) Bill published in the Gazette on 26 January 2018.

Concluding Observations

15. The Legal Service Division is making enquiries with the Administration on certain legal and drafting aspects of L.N. 109 to L.N. 111. A further report will be made, if necessary. No difficulties have been identified in the legal and drafting aspects of L.N. 108.

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