

**立法會**  
**Legislative Council**

LC Paper No. LS6/18-19

**Paper for the House Committee Meeting  
on 26 October 2018**

**Legal Service Division Report on  
Subsidiary Legislation Gazetted on 22 October 2018**

**Tabling in LegCo** : Council meeting of 24 October 2018

**Amendment to be made by** : Council meeting of 21 November 2018 (or that of 12 December 2018 if extended by resolution)

**Closed Area (Hong Kong-Zhuhai-Macao Bridge Hong Kong Port and Hong Kong Link Road) Order (Commencement) Notice** (L.N. 198)

**Cross-boundary Movement of Physical Currency and Bearer Negotiable Instruments Ordinance (Amendment of Schedule 1) (No. 3) Notice 2018** (L.N. 199)

**Hong Kong-Zhuhai-Macao Bridge Hong Kong Port and Hong Kong Link Road Closed Area (Permission to Enter) Notice (Commencement) Notice** (L.N. 200)

**Immigration (Places of Detention) (Amendment) Order 2017 (Commencement) Notice** (L.N. 201)

**Immigration Service (Designated Places) (Amendment) Order 2017 (Commencement) Notice** (L.N. 202)

**Import and Export (Electronic Cargo Information) (Amendment) Regulation 2017 (Commencement) Notice** (L.N. 203)

**Road Traffic (Registration and Licensing of Vehicles) (Amendment) Regulation 2017 (Commencement) Notice 2018** (L.N. 204)

L.N. 198 to L.N. 204 are subsidiary legislation relating to the commissioning of the Hong Kong-Zhuhai-Macao Bridge ("HZMB") on 24 October 2018.

L.N. 199

2. L.N. 199 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 the HZMB Hong Kong Port ("HKP") to Schedule 1 to Cap. 629 as a specified control point.

3. 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 came into operation on 16 July 2018.

4. The legal effect of L.N. 199 is that the declaration requirement provided in section 4 of Cap. 629 is applicable to travellers arriving at HZMB HKP.

5. L.N. 199 comes into operation on 24 October 2018.

6. Members may refer to the Legislative Council ("LegCo") Brief (File Ref.: NCR 3/1/16 S/F(U)G) issued by the Customs and Excise Department on 22 October 2018 for further details on L.N. 199.

L.N. 198 and L.N. 200 to L.N. 204

7. L.N. 198 and L.N. 200 to L.N. 204 respectively appoint 24 October 2018 as the day on which the following come into operation:

- (a) Closed Area (Hong Kong-Zhuhai-Macao Bridge Hong Kong Port and Hong Kong Link Road) Order (Cap. 245L) (gazetted as L.N. 162 of 2017), which declares certain areas located at or adjacent to HZMB HKP and the Hong Kong-Zhuhai-Macao Bridge Hong Kong Link Road ("HKLR") as closed areas under the Public Order Ordinance (Cap. 245) ("Closed Areas");
- (b) Hong Kong-Zhuhai-Macao Bridge Hong Kong Port and Hong Kong Link Road Closed Area (Permission to Enter) Notice (Cap. 245M) (gazetted as L.N. 163 of 2017), which grants general permission to five categories of persons, including the driver of and cross-boundary

passenger on a road vehicle to the Mainland of China or Macao (leaving Hong Kong via HZMB HKP and HKLR), to enter or leave the Closed Areas at any time subject to certain conditions as specified in Cap. 245M;

- (c) Immigration (Places of Detention) (Amendment) Order 2017 (L.N. 153 of 2017), which amends Schedule 3 to the Immigration (Places of Detention) Order (Cap. 115B) to specify the area within HZMB HKP as detention quarters for use by the Immigration Department ("ImmD");
- (d) Immigration Service (Designated Places) (Amendment) Order 2017 (L.N. 161 of 2017), which amends the Schedule to the Immigration Service (Designated Places) Order (Cap. 331B) to specify the area within HZMB HKP as detention quarters for use by ImmD;
- (e) Import and Export (Electronic Cargo Information) (Amendment) Regulation 2017 (L.N. 152 of 2017), which adds HZMB HKP to Schedule 2 to the principal Regulation so that the Commissioner of Customs and Excise etc. may designate an area within HZMB HKP as a customs clearance point for the purpose of the operation of the Road Cargo System; and
- (f) section 3(3) (in so far as it relates to the new paragraph 1(i)(xxvi) of Schedule 7 to the Road Traffic (Registration and Licensing of Vehicles) Regulations (Cap. 374E)) of the Road Traffic (Registration and Licensing of Vehicles) (Amendment) Regulation 2017 (L.N. 62 of 2017), the effect of which is that New Territories ("NT") taxis are permitted to operate on "Shun Long Road" (i.e. the Southern Connection of the Tuen Mun-Chek Lap Kok Link ("TM-CLKL")) commencing on 24 October 2018.

8. No LegCo Brief has been issued in respect of L.N. 198 and L.N. 200 to L.N. 203. As regards L.N. 204 (reported in paragraph 7(f) above), according to paragraphs 1 and 3 of the relevant LegCo Brief (File Ref.: THB(T)CR 5/2/5593/98) issued by the Transport and Housing Bureau on 22 October 2018, Shun Long Road is the Southern Connection of TM-CLKL, which provides a direct route between the north-western NT and HZMB, the Hong Kong International Airport and North Lantau, etc. As regards section 3(4) of L.N. 62 of 2017, it is stated in paragraph 5 of the LegCo Brief that the commencement date for the permitted operating area concerning the Northern Connection of TM-CLKL would be separately specified by the Secretary for Transport and Housing by notice published in the Gazette in future, having regard to the completion date of the works concerned and the commissioning arrangement.

## Consultation with LegCo Panels

9. According to the Clerks to the Panel on Security, Panel on Commerce and Industry and Panel on Transport, the Administration has not consulted the relevant Panels on the above items of subsidiary legislation. A subcommittee was formed to study L.N. 153 and L.N. 161 to L.N. 163 of 2017 ("Subcommittee"). Members of the Subcommittee noted that these four items of subsidiary legislation would come into operation on a day to be appointed by the Secretary for Security by notice published in the Gazette, which, according to the Administration, would be the day on which HZMB and HZMB HKP commence operation. Members may wish to refer to the report of the Subcommittee (LC Paper No. CB(2)202/17-18) for reference.

### **Concluding observations**

10. No difficulties have been identified in relation to the legal and drafting aspects of the above items of subsidiary legislation.

Prepared by

Cliff IP

Assistant Legal Adviser

Legislative Council Secretariat

24 October 2018