

# Five pieces of subsidiary legislation related to legal protection of Central Military Dock gazetted

The Government published five pieces of subsidiary legislation in the Gazette today (May 3) to provide suitable legal protection for the Central Military Dock and to ensure navigation safety and safety of vessels at sea. The five pieces of subsidiary legislation are:

1. the Protected Places (Amendment) Order 2019;
2. the Protected Places (Safety) (Authorized Guards) (Amendment) Order 2019;
3. the Military Installations Closed Areas (Amendment) Order 2019;
4. the Shipping and Port Control (Amendment) Regulation 2019; and
5. the Merchant Shipping (Local Vessels) (General) (Amendment) Regulation 2019.

Among the above, the Merchant Shipping (Local Vessels) (General) (Amendment) Regulation 2019 was made by the Secretary for Transport and Housing, while the remaining four were made by the Chief Executive after consultation with the Executive Council.

A spokesman for the Security Bureau said, "According to the Exchange of Notes between the Government of the People's Republic of China and the Government of the United Kingdom on the arrangements for the future use of military sites in Hong Kong entered into force in 1994 (the Exchange of Notes), the Hong Kong Special Administrative Region (HKSAR) Government shall leave free 150 metres of the eventual permanent waterfront at a place close to the Central Barracks for the re-provisioning of a military dock for the Hong Kong Garrison of the Chinese People's Liberation Army (the Garrison) upon completion of the Central reclamation works. To fulfil this responsibility, the HKSAR Government has re-provisioned the military dock as part of the relevant reclamation works.

"The Central Military Dock is a military facility to be used for defence purposes. According to Article 12 of the Law of the People's Republic of China on the Garrisoning of the HKSAR (the Garrison Law), the HKSAR Government and the Garrison shall jointly 'protect the military facilities within the HKSAR' and the HKSAR Government shall 'assist the Hong Kong Garrison in maintaining the security of the military restricted zones'. The HKSAR Government has the responsibility to legislate for the Central Military Dock locally in order to provide it with suitable legal protection. Currently, the Garrison's remaining 18 military sites in Hong Kong are protected by local laws.

"The five pieces of subsidiary legislation published in the Gazette today are to provide suitable legal protection for the Central Military Dock and to ensure navigation safety as well as the safety of vessels at sea."

Among them, the Protected Places (Amendment) Order 2019 designates the land area of the dock as a "protected place", while the Protected Places (Safety) (Authorized Guards) (Amendment) Order 2019 authorizes persons who are qualified guards employed by a company engaged by the Garrison to act as "authorized guards" to undertake the duties of "authorized guards" under the Protected Places (Safety) Ordinance (Cap 260), including guarding the dock facilities and preventing any person from entering or attempting to enter the land area of the dock without proper authority.

In addition, there are four one-storey buildings in the land area of the Central Military Dock. The Military Installations Closed Areas (Amendment) Order 2019 designates the four buildings as "closed areas" under the Military Installations Closed Areas Order (Cap 245B). No person shall enter the four buildings without an individual permit issued by the Garrison. The same arrangement applies to all other military sites.

As regards the Shipping and Port Control (Amendment) Regulation 2019 and the Merchant Shipping (Local Vessels) (General) (Amendment) Regulation 2019, they seek to designate two respective marine restrict areas at the waters off the dock, including:

1. an inner restricted area (230 metres along the harbourfront and 100 meters off the CMD), in respect of which any vessels without the permission of the Director of Marine shall not enter, stay, anchor, moor or berth; and
2. an outer restricted area (300 metres along the harbourfront and 200 meters off the CMD, but excluding the aforementioned inner restricted area), in respect of which vessels not exceeding 60 metres long may pass through, but not stay, anchor, moor or berth unless with the permission of the Director of Marine. Vessels with a length of 60 meters or longer may enter, stay, anchor, moor or berth only with the permission of the Director of Marine.

The five pieces of subsidiary legislation will be submitted to the Legislative Council for negative vetting procedures on May 8, 2019. Subject to the vetting result, they will take effect on June 29, 2019.