

**Subcommittee on Three Pieces of Subsidiary Legislation Relating to the
Commissioning of Heung Yuen Wai Boundary Control Point**

**The Administration's response to issues raised
at the meeting on 30 October 2020**

Purpose

This paper provides relevant information and sets out the Administration's response to the issues raised by Members at the Subcommittee meeting held on 30 October 2020.

**Enforcement Figures Related to the Cross-boundary Movement of
Physical Currency and Bearer Negotiable Instruments Ordinance**

2. Under the Cross-boundary Movement of Physical Currency and Bearer Negotiable Instruments Ordinance (Cap. 629) ("the Ordinance"), any traveller who breaches the declaration/ disclosure requirements for the first time may make a payment of \$2,000 to discharge the legal liability, provided that the traveller has not previously been convicted of any money laundering or terrorist financing offences and whose currency and bearer negotiable instruments ("CBNIs") are not reasonably suspected to be crime proceeds or terrorist property. All other cases (including first-time offenders related to cargo consignments) are subject to criminal proceedings, and the maximum penalty is a fine of \$ 500,000 and imprisonment for two years.

3. During the first three months since the commencement of the Ordinance on 16 July 2018, the Customs and Excise Department issued written warnings as far as appropriate to persons who were found in breach of the declaration/ disclosure requirements for the first time. A total of 23 warning letters (including 20 cases relating to travellers and 3 cases relating to cargo consignments) were issued during this three-month period. After that, 203 non-compliant cases were detected (191 and 12 cases relating to travellers and cargo consignments respectively) for the period from 16 October 2018 to 30 September 2020. About 80% of non-compliant traveller cases involved CBNIs with a value below \$500,000; for cargo

consignments, 80% of cases with a value below \$5 million. As regards penalty, travellers of 190 (out of 191) cases discharged their liability according to the Ordinance by making a payment of \$2,000. The remaining 13 cases (including 1 traveller case and 12 cargo cases) were dealt with through criminal prosecution. The penalties imposed for cases with court proceedings completed range from \$3,000 to \$16,000.

Vehicular Traffic at Heung Yuen Wai (“HYW”) Boundary Control Point (“BCP”)

4. The HYW Highway provides a direct vehicular access for HYW BCP to and from Sheung Shui, Fanling, Tai Po and the urban areas. As vehicles no longer have to pass through local road network in the North District, no additional traffic loading will be induced to local roads. Since the commissioning of the HYW Highway, around 20% to 30% traffic previously using Sha Tau Kok Road have shifted to make use of the HYW Highway for access to the Fanling Highway.

5. Upon commissioning of cargo clearance facilities of HYW BCP in August this year, the average daily cross-boundary goods vehicles using HYW BCP is about 450 (two directions). This number is comparable to the increase in average daily traffic flow at the relevant section of HYW Highway from about 3,300 (both directions) to 3,750 (both directions). This reflects that most cross-boundary vehicles have made use of the HYW Highway to commute to and from HYW BCP. It is observed that the traffic in Ping Che and Ta Kwu Ling areas is generally smooth before and after commissioning of the HYW BCP.

6. The section of Lin Ma Hang Road between Ping Che Road and HYW Highway near the HYW BCP has been realigned to cope with the development of the new control point and widened to a single two-lane carriageway in 2016. Besides, in order to cope with the anticipated traffic growth due to the opening of the Frontier Closed Area and its associated development, the section of Lin Ma Hang Road between Ping Yuen River and Ping Che Road will be widened from a single-lane to a single two-lane carriageway. Construction work has commenced in February this year and is scheduled for completion in 2023 Q4.

Public Car Parks at HYW BCP

7. The operation of the public car parks in HYW BCP has been outsourced to an operator to be run on commercial principles. Under the tenancy requirements, the parking fees are to be proposed by the operator by reference to the fees in the market and have to be approved by Government Property Agency.

8. The public car parks of HYW BCP will have parking spaces for private car, motorcycle and van-type light goods vehicle. A pre-booking system would be available to facilitate users of the car parks. There would also be various types of parking arrangements, including hourly, daily and night parking to meet the different needs of users. Details of the currently approved parking fees of the various types of vehicles in the public car parks of HYW BCP and those in the vicinity are in Tables I and II of the Annex respectively.

9. The HYW BCP, designed and constructed according to the idea of “direct access by passengers and vehicles”, provides public car parks mainly for use by people to HYWBCP.

10. To encourage motorists to get familiarised with and make use of the car parks of HYW BCP and the pre-booking arrangement, concession rates will be available for pre-booked parking space as well as in the first three months of commissioning of the car parks. Besides, as the parking fees are set by making reference to the fees in the market and the car parks are to be operated on commercial principles, the operator should have every incentive to attract motorists to use the car parks.

Transport Facilities and Infrastructures Required in the Mainland to Tie in with the Planning Principle of “East-in-East-out, West-in-West-out” Strategy

11. Under the strategy of “East-in-East-out, West-in-West-out”, cross-boundary goods vehicles (save for fresh food trucks) will only use the Liantang/ HYW Control Point in the east and the Shenzhen Bay (“SZB”) Port in the west. To cater for the operational needs of cross-boundary goods

vehicle industry, the Shenzhen Municipal Government has agreed to improve the supporting facilities at SZB by providing back-end and ancillary facilities in support of cross-boundary goods vehicles' operations, and a cross-boundary goods vehicle holding area with a size of 10,000 square metres in the close vicinity of SZB. On the request of the cross-boundary goods vehicle industry, the Shenzhen Municipal Government will also provide a workplace adjacent to the Liantang Port for use by cross-boundary goods vehicle drivers and customs declarers.

12. Besides, to cope with the implementation of “East-in-East-out, West-in-West-out” strategy, the Hong Kong and Shenzhen governments planned to extend the operating hours of the Shenzhen Bay Port to 24-hour by phases in 2020. However, relevant arrangement was postponed due to the COVID-19 epidemic. Subject to the development of the COVID-19 epidemic in the two places, Hong Kong and Shenzhen will implement the 24-hour operation of the Shenzhen Bay Port as early as practicable. For Liantang/ HYW Control Point, the two governments will closely monitor the usage and demand of the control point after full commissioning, and consider the timetable for implementing 24-hour operation.

Site Visit to HYW BCP

13. The HYW BCP is the first control point with “direct access by passengers and vehicles”. The Security Bureau is planning to invite members of Panel on Security for a site-visit, and invite members of the Subcommittee and other members of the Legislative Council to join. Exact timing is to be confirmed.

Security Bureau
Customs and Excise Department
Transport Department
November 2020

Table I - Parking fees of public car parks in HYW BCP

		Non-pre-booked parking fee		Pre-booked parking fee	
		1 st – 3 rd month	from 4 th month onwards	1 st – 3 rd month	from 4 th month onwards
(i) Private car	Hourly rate	\$10	\$13	\$9	\$12
	Daily rate (24 hours)	\$80	\$100	\$70	\$95
	Night park (18:00 – 08:00)	\$60		\$55	
(ii) Motorcycle	Hourly rate	\$6		\$5	
	Daily rate (24 hours)	\$45		\$35	
	Night park (18:00 – 08:00)	\$30		\$25	
(iii) Van-type Light Goods Vehicle	Hourly rate	\$10	\$13	\$9	\$12

Source: the Government Property Agency

Table II - Parking fees of public car parks in the vicinity of HYW BCP

(i) Private car

Location	Hourly rate	Daily rate	Night park
Sheung Shui	\$12 – \$23	N.A.	\$50 – \$80
Lok Ma Chau	\$8 – \$15	\$80 – \$150	N.A.

(ii) Motorcycle

Location	Hourly rate	Daily rate	Night park
Pak Shek Kok	\$13	N.A.	N.A.

(iii) Van-type Light Goods Vehicle

Location	Hourly rate	Daily rate	Night park
Sheung Shui	\$10 – \$22	N.A.	N.A.
Lok Ma Chau	\$8 – \$11	N.A.	N.A.

Source: the Government Property Agency