

For Discussion

On 4 July 2002

Panel on Security of the Legislative Council
“Co-location” of Immigration and Customs Facilities

Objective

This paper informs Members of the progress on the implementation of “co-location” of immigration and customs facilities on the Shenzhen side by the HKSAR Government.

Background

2. At the 5th Plenary of the Hong Kong/Guangdong Cooperation Joint Conference held on 15 March, the two sides agreed to implement “co-location” of immigration and customs facilities at Huanggang and a new control point to be built at the Shenzhen Western Corridor. With the support of the Central People’s Government and the relevant authorities, the two sides have achieved notable progress on how to proceed with “co-location” of immigration and customs facilities. The two sides have formed an expert group to bring the matter forward. The Mainland side is led by the Hong Kong and Macao Affairs Office of the State

Council while the Hong Kong side is led by Security Bureau. Following a number of meetings, the two sides have reached much understanding on both the major principles and the implementation plan, including the layout of facilities and the conversion work that need to be done. Nevertheless, further studies and negotiations are necessary before the two sides can reach consensus on the overall implementation plan.

Locations for Implementation

Huanggang

3. Currently, the consensus reached with the Mainland is to first implement “co-location” of immigration and customs facilities for passenger traffic at Huanggang. The plan being considered is to use the Shenzhen Carport, the Huanggang Inspection Terminal and the relevant annexes at Huanggang for passenger clearance. As for cargo clearance, there is insufficient space at Huanggang to accommodate our cargo inspection facilities such as the cargo examination platform, vehicle inspection lanes and the x-ray building etc. Moreover, the costs of relocating such facilities are very high. Thus, the “co-location” arrangement at Huanggang will not include clearance of cargo.

Shenzhen Western Corridor

4. Nevertheless, we have reached agreement with the Mainland that the “co-location” arrangement to be implemented at the new

control point at the Shenzhen Western Corridor, scheduled for completion in 2005/06, will cover both passenger and cargo clearance.

Workflow and Mode of Inspection

5. As regards the workflow of inspection and layout of the control point, the consensus reached with the Mainland is that both sides will carry out separate immigration and customs clearance in accordance with their own relevant laws and regulations at adjacent sites on the Shenzhen side with a buffer zone in between. The advantages of this arrangement are set out at Annex.

Jurisdictional Issue

6. On the issue of jurisdiction, the principle agreed with the Mainland is that the respective management area of the two sides should not overlap so as to avoid any confusion in jurisdiction. The overall direction is to set up a designated area at Huanggang to be managed by the HKSAR in accordance with Hong Kong laws. Only law enforcement officers of the HKSAR will carry out law enforcement duties inside the designated area. We have to introduce legislative amendments to enable our law enforcement officers to carry out their duties in the designated area outside Hong Kong. We are making preparatory work in consultation with the Department of Justice. We will report details of the

proposed legislative amendments to the Legislative Council once we have reached consensus with the relevant Mainland authorities on this issue.

Financial Arrangement

7. We need Members' support both in the introduction of necessary legislative amendments and the provision of resources. It is expected that we need to seek funding approval from the Legislative Council in order to implement "co-location". For instance, funding will be required for undertaking the necessary conversion and refurbishment works at Huanggang, including the provision of the immigration hall for the Hong Kong side, the installation of vehicle inspection kiosks and the building of ancillary transport facilities like the ramp connecting the Huanggang Bridge, pedestrian flyover and the fences for segregating the management areas of the two sides. Detailed layout on site is still subject to further discussion. At this stage, we are studying the scope of the conversion works required and assessing the cost implications of various implementation options. Furthermore, we have to consider carefully how to make suitable financial arrangements with the Shenzhen side for using the existing facilities and land inside the designated area for Hong Kong on the Shenzhen side. Experts from various departments are examining and ascertaining the costs required. We hope to be able to brief the Legislative Council on the funding proposal as soon as possible and look forward to Members' support on this matter.

8. As regards developments relating to the Shenzhen Western Corridor, we are working on the design and the layout on site with the Shenzhen side through separate working groups. Once a more detailed design is finalized, we will work out the estimates and submit the relevant information to the Legislative Council as soon as possible.

The Way Forward

9. We are pressing ahead with the innovative concept of “co-location” by conducting various discussions with relevant Mainland experts in a positive manner. We hope to be able to reach consensus with the Mainland authorities on the jurisdictional issue and the overall implementation plan at Huanggang within this year. We will then seek the approval of the Central People’s Government. On the other hand, we also hope to be able to submit the relevant amendment bill and the funding application to the Legislative Council as soon as possible. The most optimistic scenario is that both sides may start conversion works at Huanggang early next year, so as to ensure that the hardware is available for the implementation of “co-location” as soon as the relevant legislative amendments have been introduced.

Security Bureau

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**Advantages of Implementing “Co-location” of
Immigration and Customs Facilities**

1. Through the “co-location” arrangement, the problem of insufficient usable land on the Hong Kong side can be resolved by locating our inspection facilities on the Shenzhen side. In the case of Lok Ma Chau, for example, by diverting the majority of passenger vehicles to undergo clearance procedures required by the two sides at Huanggang, we may leave all inspection kiosks at the Lok Ma Chau Control Point free for clearance of goods vehicles. This will help alleviate the existing problem of congestion at the Lok Ma Chau Control Point during peak periods. In the case of the Shenzhen Western Corridor, the co-location arrangement will help resolve the difficulty of identifying a suitable site on our side for the setting up of a new control point. On the other hand, if the two sides are going to conduct clearance procedures at the same site, travellers will not have to board and alight the coaches as many times as before. Specifically, travellers have to get on and off the coaches only once for the clearance procedures required by the two sides. This arrangement will not only bring convenience to the travellers, and saves their time, but also enhances the efficiency of a border crossing. Besides, by conducting clearance procedures at adjacent sites, the two sides will be in a better position to understand the actual situation on the ground and exchange information on site, thus facilitating more responsive measures to cope with passenger and vehicular flows.

2. It should be stressed that according to our proposed inspection workflow and layout of the control point, officers from the two sides will conduct separate immigration and customs clearance in accordance with their own existing laws and regulations. There will be a buffer zone segregating the inspection facilities of the two sides on site. Under this arrangement, law enforcement officers from Hong Kong and Shenzhen will not sit side-by-side in order to carry out their duties nor will they exchange or share relevant goods/passenger data. Therefore, the implementation of the “co-location” arrangement will not undermine Hong Kong’s status as a separate customs territory. Our independent customs and immigration controls will not be affected.