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Panel on Security

**Background brief prepared by Legislative Council Secretariat
for the meeting on 7 March 2006**

Co-location of immigration and customs facilities at boundary control points

Purpose

This paper summarises the discussions so far held by Members on the co-location of immigration and customs facilities at boundary control points.

Background

2. At the Fifth Plenary of the Hong Kong/Guangdong Cooperation Joint Conference held on 15 March 2002, the two sides agreed to implement co-location of immigration and customs facilities at Huanggang and a new control point to be built at Shenzhen Western Corridor (SWC). Under the proposal, the relevant departments/authorities of the two sides would use the site of a control point on the Shenzhen side and carry out separate immigration and customs clearance in accordance with their own relevant laws and regulations.

Timetable and plans for the co-location of immigration and customs facilities at boundary control points

3. The co-location of immigration and customs facilities at boundary control points was discussed at the meeting of the Panel on Security on 10 July 2002.

4. At the meeting, members raised questions about the timetable for co-location of immigration and customs facilities, whether the Hong Kong side would procure its own computer system and networks and the timetable for introduction of legislative amendments to implement the co-location arrangement. Members were also concerned about how the clearance at the Hong Kong side and the Mainland side would be synchronised.

5. The Administration provided the following information in response to the questions raised by members -

- (a) there was not yet an implementation timetable for co-location of immigration and customs facilities at boundary control points;
- (b) the layout of facilities would be carefully designed to facilitate synchronised clearance at both sides;
- (c) the Hong Kong side would use its own computer system and cable network to process all data collected by the Hong Kong side. A notification mechanism would be established to ensure the smooth flow of passengers between the facilities of the two sides and that any mismatch in handling capacity was reduced to the minimum;
- (d) owing to insufficient space and the high cost involved, the co-location arrangement at Huanggang would be confined to clearance of passengers but not cargo clearance. The co-location arrangement at SWC would cover both passenger and cargo clearance;
- (e) the co-location of immigration and customs facilities at Huanggang would be implemented earlier than that at the new control point at SWC; and
- (f) while there was not yet a timetable for the introduction of legislative amendments, it was the Administration's intention to introduce the legislative amendments as soon as possible. The principle agreed with the Mainland was that there should not be any overlap in jurisdiction between the two sides.

Co-location of immigration and customs facilities at a new boundary control point in Shekou, Shenzhen for the Shenzhen Western Corridor

6. At the joint meeting on 6 May 2003, the Panel on Security and Panel on Transport were briefed on the Administration's plan to construct a new boundary control point in Shekou, Shenzhen for SWC, where co-location of immigration and customs facilities would be implemented.

7. Mr James TO considered that the implementation of co-location of immigration and customs facilities should not be an administrative arrangement. Mr Albert HO expressed concern that although the jurisdiction inside the designated area at SWC would be under the HKSAR, it was still possible for Mainland law enforcement officers to carry out enforcement duties on people after their exit from the SWC Control Point for the HKSAR.

8. The Administration advised that the principle agreed with the Mainland was that

there should not be any overlap in jurisdiction between the two sides. To this end, it was the Administration's intention to introduce legislation to clearly define the area to be managed by the HKSAR and to extend the laws of HKSAR to the area. As the whole of the bridge linking Ngau Hom Shek in the north western part of the New Territories and Dongjiaotou in Shekou would be under the jurisdiction of the HKSAR, there was no question of Mainland law enforcement officers carrying out law enforcement duties on people after their exit from the SWC Control Point for the HKSAR.

Approval of funding at the Finance Committee meeting on 18 July 2003 for the design and construction of boundary-crossing facilities for the Shenzhen Western Corridor under the co-location arrangement

9. At its meeting on 11 June 2003, the Public Works Subcommittee endorsed a funding proposal of \$2,501 million for the design and construction of boundary-crossing facilities for SWC under the co-location arrangement. The funding proposal was approved by the Finance Committee at its meeting on 18 July 2003.

Administration's plan not to pursue the co-location of immigration and customs facilities at Huanggang

10. At the meeting of the Panel on Security held on 16 January 2004 to receive a briefing on the Chief Executive's Policy Address 2004, the Administration informed members that the plan to co-locate immigration and customs facilities at Huanggang would not be pursued because of insufficient facilities and space at the area. If the co-location of immigration and customs facilities at SWC was found successful, the co-location arrangement might be extended to other new control points.

Related information

11. A number of questions relating to co-location arrangement were raised by Members at the Council meetings on 30 January 2002, 15 May 2002 and 22 January 2003. A list of these questions is in the **Appendix**.

Relevant papers

12. For details of the discussions, members may wish to refer to the following documents -

Minutes

- (a) minutes of the meeting of the Panel on Security on 10 July 2002 (LC Paper No. CB(2)2750/01-02) issued vide LC Paper No. CB(2)2751/01-02 on 5 September 2002;
- (b) minutes of the joint meeting of the Panel on Security and Panel on Transport on 6 May 2003 (LC Paper No. CB(2)2244/02-03) issued vide LC Paper No. CB(2)2243/02-03 on 29 May 2003;
- (c) minutes of the meeting of the Public Works Subcommittee on 11 June 2003 (LC Paper No. PWSC152/02-03) issued vide LC Paper No. PWSC153/02-03 on 10 July 2003;
- (d) minutes of the Finance Committee meeting on 18 July 2003 (LC Paper No. FC160/02-03) issued on 3 September 2003;
- (e) minutes of the meeting of the Panel on Security on 16 January 2004 (LC Paper No. CB(2)1620/03-04) issued vide LC Paper No. CB(2)1621/03-04 on 9 March 2004;

Papers

- (f) Administration's paper entitled "Co-location of Immigration and Customs Facilities" for the meeting of the Panel on Security on 10 July 2002 (LC Paper No. CB(2)2433/01-02(10)) issued vide LC Paper No. CB(2)2445/01-02 on 28 June 2002;
- (g) Administration's paper entitled "Construction of boundary-crossing facilities at Shenzhen Western Corridor under the "co-location" arrangement" for the Public Works Subcommittee meeting on 11 June 2003 (PWSC(2003-04)28) issued vide LC Paper No. PWSC131/02-03 on 6 June 2003; and
- (h) Administration' paper entitled "Recommendations of the Public Works Subcommittee on public works programme and capital subvention projects" for the Finance Committee meeting on 18 July 2003 (FCR(2003-04)37) issued vide LC Paper No. FC146/02-03 on 15 July 2003.

13. The above papers are available on the website of the Legislative Council (<http://www.legco.gov.hk>).

**Information provided by the Administration in response to
issues raised by Members at Council Meetings**

Council meeting on 30 January 2002

At the Council meeting on 30 January 2002, Hon LAU Kong-wah asked a question on whether the Administration had started discussions with the relevant Mainland authorities on the detailed implementation of the co-location of boundary crossing facilities, the latest progress of the study on the legal issues concerning the deployment of officers to work in the Mainland and the estimated time for implementing the co-location of boundary crossing facilities. The question and the reply are available at <http://www.legco.gov.hk/yr01-02/english/counmtg/hansard/cm0130ti-translate-e.pdf>.

Council meeting on 15 May 2002

2. At the Council meeting on 15 May 2002, Hon Miriam LAU asked a question on whether consideration would be given to examining the feasibility of implementing co-location of boundary crossing facilities for freight traffic, whether modifications would be made to the proposed improvement works at Lok Ma Chau Control Point in the light of the proposed co-location arrangement and whether consideration would be given to planning afresh the overall facilities at Lok Ma Chau Control Point. The question and the reply are available at <http://www.legco.gov.hk/yr01-02/english/counmtg/hansard/cm0515ti-translate-e.pdf>.

Council meeting on 22 January 2003

3. At the Council meeting on 22 January 2003, Hon Miriam LAU asked a question on whether the relevant authorities had completed the design and planning work in respect of the control points at Huanggang and Shenzhen Western Corridor and whether the Administration had discussed with the relevant Mainland authorities the possibility of providing public transport interchanges at the two control points. The question and the reply are available at <http://www.legco.gov.hk/yr02-03/English/counmtg/hansard/cm0122ti-translate-e.pdf>.