

立法會
Legislative Council

Ref : CB2/BC/5/06

LC Paper No. CB(2)1484/06-07
(These minutes have been seen by
the Administration)

**Bills Committee on
Shenzhen Bay Port Hong Kong Port Area Bill**

**Minutes of meeting
held on Monday, 5 March 2007, at 10:45 am
in Conference Room A of the Legislative Council Building**

- Members present** : Hon LAU Kong-wah, JP (Chairman)
Hon KWONG Chi-kin (Deputy Chairman)
Hon Margaret NG
Hon James TO Kun-sun
Hon Howard YOUNG, SBS, JP
Hon Miriam LAU Kin-ye, GBS, JP
Hon Emily LAU Wai-hing, JP
Hon Andrew CHENG Kar-foo
Hon Abraham SHEK Lai-him, JP
Hon CHIM Pui-chung
- Members absent** : Hon Bernard CHAN, GBS, JP
Dr Hon Philip WONG Yu-hong, GBS
Hon WONG Yung-kan, JP
Hon TAM Yiu-chung, GBS, JP
Hon Andrew LEUNG Kwan-yuen, SBS, JP
Hon CHEUNG Hok-ming, SBS, JP
- Public Officers attending** : Ms Grace LUI
Deputy Secretary for Security
- Mr Alan CHU
Principal Assistant Secretary for Security
- Miss Ada CHAN
Assistant Secretary for Security
- Ms Fanny IP
Senior Assistant Law Draftsman

Ms Cindy YAU
Senior Government Counsel

Mr Paul TSANG
Senior Government Counsel

Clerk in attendance : Mrs Sharon TONG
Chief Council Secretary (2) 1

Staff in attendance : Mr LEE Yu-sung
Senior Assistant Legal Adviser 1

Mr Raymond LAM
Senior Council Secretary (2) 5

Ms Camy YOONG
Clerical Assistant (2) 1

I. Meeting with the Administration

The Bills Committee deliberated (index of proceedings attached at **Annex**).

2. The Bills Committee requested the Administration -
 - (a) to provide information on cases, if any, involving jurisdictional issues at the boundary between the Hong Kong Special Administrative Region and the Mainland;
 - (b) to provide information on the co-location arrangements, if any, adopted within the territory of Malaysia;
 - (c) to advise on the progress of discussions with the Shenzhen authorities on rescue arrangements in the proposed Hong Kong Port Area;
 - (d) to provide information on the progress of discussions with the Hong Kong Federation of Insurers on issues relating to insurance policies in the proposed Hong Kong Port Area;
 - (e) to further explain whether the Decision of the Standing Committee of the National People's Congress on Authorising the Hong Kong Special Administrative Region to Exercise

Jurisdiction over the Hong Kong Port Area at the Shenzhen Bay Port (the NPCSC's Decision) should, in accordance with Article 18(3) of the Basic Law (BL18(3)), be included in Annex III to the Basic Law;

- (f) to explain the arrangements for repair of the bridge piers of the Shenzhen Bay Bridge;
- (g) to explain, from a legal point of view, the legal basis of enacting the Bill; and
- (h) to advise on the timetable for legislative and other preparatory work for the proposed co-location arrangement.

3. The Bills Committee requested the Legal Service Division to consider the legal issues relating to the NPCSC's Decision. The Bills Committee agreed that the views of the Hong Kong Bar Association and the public would be sought on the issue and the Bill.

II. Date of next meeting

4. The Bills Committee noted that the next meeting would be held on 7 March 2007 at 8:30 am to continue discussion with the Administration.

5. The Bills Committee agreed that the schedule of meetings between 12 March 2007 and 4 April 2007 would be as follows –

Meetings with the Administration

12 March 2007	4:30 pm - 6:30 pm
13 March 2007	2:30 pm - 4:30 pm
16 March 2007	10:45 am - 12:45 pm
20 March 2007	8:30 am - 10:30 am
22 March 2007	8:30 am - 10:30 am

23 March 2007	10 minutes after the Fire Drill to be held immediately after the House Committee meeting on the same day at 2:30 pm
29 March 2007	10:45 am - 12:45 pm
30 March 2007	8:30 am - 10:30 am
2 April 2007	4:30 pm - 6:30 pm
3 April 2007	4:30 pm - 6:30 pm
4 April 2007	10:45 am - 12:45 pm

Meeting with deputations and the Administration

17 March 2007 9:00 am - 1:00 pm

6. The meeting ended at 12: 45 pm.

Council Business Division 2
Legislative Council Secretariat
2 April 2007

**Proceedings of meeting of the
Bills Committee on
Shenzhen Bay Port Hong Kong Port Area Bill
on Thursday, 5 March 2007, at 10:45 am
in Conference Room A of the Legislative Council Building**

Time marker	Speaker	Subject(s)	Action Required
000000 - 001801	Chairman Hon Miriam LAU Hon Emily LAU Hon James TO Admin	Papers issued; schedule of subsequent meetings; visit to the proposed Hong Kong Port Area; invitation of members of the Panel on Security and Panel on Transport to join the visit	
001802 - 002552	Admin	Briefing on the Administration's paper entitled "Examples of Overseas Arrangements"	
002553 - 004025	Hon James TO Chairman Admin	Whether there were any other places where a co-location arrangement similar to that proposed in the Bill was adopted; provision of information on cases, if any, involving jurisdictional issues at the boundary between the Hong Kong Special Administrative Region (HKSAR) and the Mainland	Admin to provide information on cases, if any, involving jurisdictional issues at the boundary between the HKSAR and the Mainland
004026 - 010608	Hon Miriam LAU Chairman Deputy Chairman Hon Emily LAU Hon Margaret NG Admin	Insurance liability and rescue arrangements under the situation where a vehicle fell from the Shenzhen Bay Bridge into the waters; co-location arrangements adopted within the territory of Malaysia; progress of discussions with the Shenzhen authorities on the rescue arrangements in the proposed Hong Kong Port Area; progress of discussions with the Hong Kong Federation of Insurers on issues relating to insurance policies in the proposed Hong Kong Port Area	Admin to provide information on the co-location arrangements, if any, adopted within the territory of Malaysia; to advise on the progress of discussions with the Shenzhen authorities on the rescue arrangements in the proposed Hong Kong Port Area; to provide information on the progress of discussions with the Hong Kong Federation of Insurers on issues

Time marker	Speaker	Subject(s)	Action Required
			relating to insurance policies in the proposed Hong Kong Port Area
010609 - 011223	Hon Margaret NG Chairman Admin	Differences between the proposals in the Bill and the preclearance arrangements adopted by other jurisdictions	
011224 - 012109	Admin	Briefing on the Administration's paper entitled "Constitutional and Jurisdictional Issues"	
012110 - 015328	Hon Margaret NG Chairman Hon Abraham SHEK Hon Emily LAU Deputy Chairman Hon Howard YOUNG Admin	Legal basis of enacting the Bill; whether the Decision of the Standing Committee of the National People's Congress on Authorizing the Hong Kong Special Administrative Region to Exercise Jurisdiction over the Hong Kong Port Area at the Shenzhen Bay Port (the NPCSC's Decision) should, in accordance with Article 18(3) of the Basic Law (BL18(3)), be implemented through amendment of Annex III to the Basic Law; invitation of the Hong Kong Bar Association's views on the Bill; whether the NPCSC's Decision fell within the scope of BL18(3); whether a decision of NPCSC fell within the scope of national law; relationship between BL18 and BL20; seeking the views of the public on whether and how the NPCSC's Decision should, in accordance with Article 18(3) of the Basic Law, be included in Annex III to the Basic Law	Admin to further explain whether the NPCSC's Decision should, in accordance with BL18(3), be included in Annex III to the Basic Law
015329 - 015504	Hon Miriam LAU Chairman	Arrangements for repair of the bridge piers of the Shenzhen Bay Bridge	Admin to explain the arrangements for repair of the bridge piers of the Shenzhen Bay Bridge

Time marker	Speaker	Subject(s)	Action Required
015505 - 015900	Hon Margaret NG Chairman Admin	Legal basis of enacting the Bill	Admin to explain, from a legal point of view, the legal basis of enacting the Bill
015901 - 020003	Hon Emily LAU Chairman	Timetable for legislative and other preparatory work for the proposed co-location arrangement	Admin to advise on the timetable for legislative and other preparatory work for the proposed co-location arrangement

Council Business Division 2
Legislative Council Secretariat
2 April 2007