

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

### **Legislative and Other Preparatory Work**

#### **Purpose**

Pursuant to the discussion at the meeting of the Bills Committee on 5 March 2007, this paper sets out the timetable for relevant legislative and other preparatory work.

#### **Background**

2. To tie in with the commissioning of the Shenzhen Bay Bridge, we will set up a new control point at the Shenzhen Bay Port (“SBP”) in Shekou, Shenzhen to alleviate the pressure on immigration and customs clearance between the Mainland and Hong Kong and promote economic and trade activities between the two places.

3. Having considered the progress of the works, the actual need for transport and facilitation of immigration and customs clearance between the Mainland and Hong Kong, the Guangdong and Hong Kong sides agreed at the ninth meeting of the Hong Kong Guangdong Cooperation Joint Conference in August 2006 to work towards commissioning the SBP before 1 July 2007, in order to meet the aspiration of the community for the early commissioning of the new port to facilitate the flow of people and vehicles between the two sides. Both the Shenzhen and Hong Kong sides are making their best efforts to achieve this objective as scheduled.

4. The Hong Kong section of the Shenzhen Bay Bridge has been completed and the Shenzhen section substantially completed. Both sides are making best endeavours to press ahead with the works related to the SBP and it is expected that such works will be completed in mid 2007.

## **Legislative exercise**

5. The object of the Shenzhen Bay Port Hong Kong Port Area Bill currently under the scrutiny of the Bills Committee is to declare an area in the SBP in the Mainland as the SBP Hong Kong Port Area (HKPA) and to apply the laws of Hong Kong in the declared area as provided in the Bill.

6. To set up the HKPA, we have to, apart from ensuring the passage of the Bill, make some legislative preparation, such as making subsidiary legislation to provide detention places in the HKPA.

7. An enactment that is applied in the HKPA by virtue of clause 5 takes effect in relation to the HKPA on the day on which clause 5 comes into operation (i.e. the day on which the HKPA comes into being). Under clause 15, a power to do anything under the enactment may be exercised in relation to the HKPA before the aforesaid effective day but such an exercise of power is not effective before the HKPA comes into being.

8. In preparation for the commissioning of the HKPA, we plan to exercise certain statutory powers in accordance with clause 15 after the Bill is enacted but before the HKPA comes into being.

9. Subsidiary legislation which we plan to make before the commissioning of the HKPA includes:

- (a) designation of roads in the HKPA as permitted operating areas for New Territories taxis under the Road Traffic (Registration and Licensing of Vehicles) Regulations (Cap.374E);
- (b) designation of certain places in the HKPA as detention places under the Immigration Ordinance (Cap. 115) and the Immigration Service Ordinance (Cap. 331);
- (c) granting general permission under the Public Order Ordinance (Cap.245) to allow persons of certain categories to enter or leave the HKPA which would be a closed area; and

- (d) making an exemption order under the Environmental Impact Assessment Ordinance (Cap.499). According to the Ordinance, an environmental permit is required for the operation of the Shenzhen section of the Shenzhen Bay Bridge. The exemption order will temporarily exempt the project from this requirement so that we could carry out the necessary statutory procedure to apply for such a permit during the exemption period.

10. We also plan to exercise other statutory powers before the commissioning of the HKPA, including designation of speed limits of roads in the HKPA and designation of the Shenzhen Bay Bridge and its connecting roads as expressways under the Road Traffic Ordinance (Cap. 374); and designation of roads in the HKPA as closed roads and certain roads in the HKPA as prohibited zones and restricted zones, as well as granting of certain exemptions and issuing of certain permits under the Road Traffic (Registration and Licensing of Vehicles) Regulations (Cap. 374E) and the Road Traffic (Traffic Control) Regulations (Cap. 374G). The relevant subsidiary legislation or documents can only come into effect on or after the day on which the HKPA comes into being.

11. Separately, we will also seek to designate the Hong Kong section of the Shenzhen Bay Bridge and the related local road in the vicinity as a closed area from the day on which the HKPA comes into being, and grant general permission for persons of certain categories to enter or leave the closed area under the Public Order Ordinance (Cap. 245).

12. To tie in with legislative timetable for the Bill, we will proceed with the subsequent legislative work as soon as possible.

### **Other Preparatory Work**

13. We are also pushing ahead with other preparatory work which include discussing with the Shenzhen side operational arrangements for the SBP (including the establishment of an emergency response mechanism, preparatory work before commissioning and rehearsals), maintenance arrangements for the Shenzhen section of the Shenzhen Bay Bridge and arrangements for the use of

land within the SBP HKPA by the Hong Kong side. The above preparatory work is expected to be completed before the commissioning of the SBP.

Security Bureau

6 March 2007