

Bills Committee on Shenzhen Bay Port Hong Kong Port Area Bill

Proposed Committee Stage Amendments

Purpose

This paper sets out Committee Stage Amendments proposed in response to Members' views.

Proposed Amendments

2. Taking into account Members' views, we propose to make the following amendments –

Clause 2(1) – Definition of “Particularized Description”

- (i) to delete the definition of “Particularized Description” from clause 2(1), and move the information contained therein to clause 3 (i.e. Declaration of Hong Kong Port Area);

Clause 2(1) – Definition of “public officer”

- (ii) to delete paragraph (b), which contains the reference to “the Chief Executive (including the Chief Executive in Council)”, of the definition of “public officer” in clause 2(1) and spell out such reference in the relevant provisions;

Clause 2(1) – Definition of “Relevant Date”

- (iii) to specify in the definition of “Relevant Date” that the date appointed for the coming into operation of sections 3¹ and 5² must

¹ Section 3 declares an area in the Shenzhen Bay Port in the Mainland as the Shenzhen Bay Port Hong Kong Port Area.

² Clause 5 provides for the application of the laws of Hong Kong.

be the day on which the Shenzhen Bay Port (as mentioned in paragraph (2)(a) of the preamble) commences operation;

Clause 3 – Declaration of Hong Kong Port Area

- (iv) to move the information contained in the deleted definition of “Particularized Description” to clause 3;
- (v) to include maps of setting out coordinates of the Hong Kong Port Area in a new Part 3 of Schedule 1, and make reference to the maps in clause 3;

Clause 5(2) and (3) – Modification or exclusion

- (vi) to delete clause 5(2), which empowers the Chief Executive in Council to make modification or exclusion in respect of application of the laws of Hong Kong in the Hong Kong Port Area;
- (vii) to delete clause 5(3), which provides that the subsidiary legislation made under clause 5(2) is subject to the approval of the Legislative Council;

Clause 5(6) – “laws of Hong Kong”

- (viii) to delete clause 5(6) which is an avoidance of doubt provision regarding the meaning of “laws of Hong Kong”;

Clause 6(1) – Land use right acquired by way of lease

- (ix) to add “Notwithstanding that the land use right of the Hong Kong Port Area is acquired by way of a lease as mentioned in paragraph (3)(b) of the preamble” at the beginning of clause 6(1);

Clause 9(3) and (4) – Amendment to Schedule 2

- (x) to delete clause 9(3), which empowers the Chief Executive in Council to amend Schedule 2;
- (xi) to delete clause 9(4), which sets out the condition which an amendment under clause 9(3) must satisfy;

Clause 10(3) – Amendment to Schedule 4

- (xii) to delete clause 10(3) which empowers the Chief Executive in Council to amend Schedule 4;

Clause 14 – Orders under clauses 5(2), 9(3) and 10(3)

- (xiii) to delete clause 14, consequent to the deletion of clauses 5(2), 9(3) and 10(3) (re paragraphs (vi), (x) and (xii) above);

Schedule 1 – Shenzhen Bay Port Hong Kong Port Area

- (xiv) to include maps of the Hong Kong Port Area (comprising Clearance Area and Shenzhen Section of Shenzhen Bay Bridge) in a new Part 3 of Schedule 1 and make reference to the maps in the appropriate places in Schedule 1; and

Paragraph 1(a) and (b) of Schedule 3 – “public officer”

- (xv) to add “the Chief Executive (including the Chief Executive in Council)” before “a public officer” in paragraph 1(a) and (b) of Schedule 3 where the latter term appears (re paragraph (ii) above).

Clause 2(1) – Definition of “court”

3. We have reviewed the definition of “法院” (i.e. “court” in the English text) in clause 2(1) in the Chinese text, which reads “指附表 4 第 1 部指明的屬香港司法機構的法院、法庭、審裁處或裁判法庭”。 We consider that “裁判法庭” can be sufficiently covered by “法庭”, and therefore propose to delete “裁判法庭” from the definition.

**Clause 8 – Pre-existing rights and obligations not affected unless section 9 or 10 applies; and
A clause to deal with the expiry of this Ordinance**

4. Taking into account Members’ views expressed at the meetings on 20 and 22 March 2007, we are considering whether to propose any amendments to clause 8, and how to deal with the expiry of this Ordinance, and will advise Members as soon as possible.

Security Bureau
23 March 2007