

LEGISLATIVE COUNCIL BRIEF

Immigration Ordinance
(Chapter 115)
Immigration Service Ordinance
(Chapter 331)

IMMIGRATION (PLACES OF DETENTION) (AMENDMENT: SHENZHEN BAY PORT HONG KONG PORT AREA) ORDER 2007

IMMIGRATION SERVICE (DESIGNATED PLACES) (AMENDMENT: SHENZHEN BAY PORT HONG KONG PORT AREA) ORDER 2007

INTRODUCTION

The Secretary for Security has made the Immigration(Places of Detention)(Amendment: Shenzhen Bay Port Hong Kong Port Area) Order 2007 (at **Annex A**) and the Immigration Service (Designated Places)(Amendment: Shenzhen Bay Port Hong Kong Port Area) Order 2007 (at **Annex B**) (the "Amendment Orders") to designate detention quarters for use by the Immigration Department within the new Shenzhen Bay Control Point (SBCP) at the Shenzhen Bay Port (SBP) Hong Kong Port Area (HKPA).

BACKGROUND

2. The SBP will be the fourth vehicular boundary crossing between Hong Kong and Shenzhen. It includes the HKPA, which will be declared under the SBP HKPA Ordinance. Hong Kong will exercise jurisdiction over the HKPA according to the laws of Hong Kong.

3. The detention quarters within the SBCP will be used by the Immigration Department for detention of persons under the Immigration Ordinance (Cap 115) or the Immigration Service Ordinance (Cap 331).

THE NEW ORDERS

4. **Section 1** of the Amendment Orders provides for the commencement date. **Section 2** of the Immigration(Places of Detention)(Amendment: Shenzhen Bay Port Hong Kong Port Area) Order 2007 amends Schedule 3 to the Immigration (Places of Detention) Order (Cap 115B) by adding the new detention quarters within the SBCP. Likewise Section 2 of the Immigration Service (Designated Places)(Amendment: Shenzhen Bay Port Hong Kong Port Area) Order 2007 so amends the Schedule to the Immigration Service (Designated Places) Order (Cap 331B).

LEGISLATIVE TIMETABLE

5. The legislative timetable is as follows-

Publication in Gazette	4 May 2007
Tabling in the Legislative Council	9 May 2007

The Amendment Orders will come into effect on the day on which sections 3 and 5 of the SBP HKPA Ordinance come into operations.

PUBLIC CONSULTATION

6. As the amendments are technical and will not affect the general public, public consultation has not been arranged.

IMPLICATIONS OF THE PROPOSAL

7. The Amendment Orders are in conformity with the Basic Law including the provisions concerning human rights. They will not affect the current binding effect of the Immigration Ordinance and Immigration Service Ordinance.

PUBLICITY

8. A spokesman of the Immigration Department will be available to answer media and public enquiries.

ENQUIRIES

9. Please direct enquiries to Mr Alan Lo, Principal Assistant Secretary for Security at 2810 2330.

Security Bureau
May 2007

**IMMIGRATION (PLACES OF DETENTION)
(AMENDMENT: SHENZHEN BAY PORT HONG
KONG PORT AREA) ORDER 2007**

(Made by the Secretary for Security under section 35(1) of the Immigration Ordinance (Cap. 115))

1. Commencement

This Order shall come into operation on the day on which sections 3 and 5 of the Shenzhen Bay Port Hong Kong Port Area Ordinance (4 of 2007) come into operation.

2. Schedule 3 amended

Schedule 3 to the Immigration (Places of Detention) Order (Cap. 115 sub. leg. B) is amended by adding –

“27. The area within the Clearance Area of the Shenzhen Bay Port Hong Kong Port Area that is set aside as detention quarters for use by the Immigration Department.”.

Secretary for Security

2007

Explanatory Note

An area within the Clearance Area of the Shenzhen Bay Port Hong Kong Port Area is to be set aside as detention quarters for use by the Immigration Department. This Order amends the Immigration (Places of Detention) Order (Cap. 115 sub. leg. B) so that the area can be used as a place of detention under the Immigration Ordinance (Cap. 115).

**IMMIGRATION SERVICE (DESIGNATED PLACES)
(AMENDMENT: SHENZHEN BAY PORT HONG
KONG PORT AREA) ORDER 2007**

(Made by the Secretary for Security under section 13A(9) of the
Immigration Service Ordinance (Cap. 331))

1. Commencement

This Order shall come into operation on the day on which sections 3 and 5 of the Shenzhen Bay Port Hong Kong Port Area Ordinance (4 of 2007) come into operation.

2. Schedule amended

The Schedule to the Immigration Service (Designated Places) Order (Cap. 331 sub. leg. B) is amended by adding –

- “14. The area within the Clearance Area of the Shenzhen Bay Port Hong Kong Port Area that is set aside as detention quarters for use by the Immigration Department.”.

Secretary for Security

2007

Explanatory Note

An area within the Clearance Area of the Shenzhen Bay Port Hong Kong Port Area is to be set aside as detention quarters for use by the Immigration Department. This Order amends the Immigration Service (Designated Places) Order (Cap. 331 sub. leg. B) so that the area becomes a designated place within the meaning of section 2(1) of the Immigration Service Ordinance (Cap. 331).