

**立法會**  
**Legislative Council**

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LC Paper No. CB(2)2244/02-03

(These minutes have been  
seen by the Administration)

**Panel on Security and  
Panel on Transport**

**Minutes of joint meeting held on Tuesday, 6 May 2003  
at 2:30 pm in Conference Room A of the Legislative Council Building**

**Members present** : Members of the Panel on Security

- # Hon LAU Kong-wah (Chairman)  
Hon James TO Kun-sun (Deputy Chairman)
- # Hon Albert HO Chun-yan  
Hon CHEUNG Man-kwong
- # Hon Andrew WONG Wang-fat, JP  
Hon WONG Yung-kan  
Hon Howard YOUNG, JP  
Hon Ambrose LAU Hon-chuen, GBS, JP  
Hon Audrey EU Yuet-mee, SC, JP

Members of the Panel on Transport

Hon Miriam LAU Kin-yee, JP (Chairman)  
Hon Abraham SHEK Lai-him, JP (Deputy Chairman)  
Dr Hon David CHU Yu-lin, JP  
Ir Dr Hon Raymond HO Chung-tai, JP  
Hon CHAN Kwok-keung  
Hon Andrew CHENG Kar-foo  
Hon TAM Yiu-chung, GBS, JP  
Dr Hon TANG Siu-tong, JP  
Hon Tommy CHEUNG Yu-yan, JP  
Hon LEUNG Fu-wah, MH, JP  
Hon WONG Sing-chi  
Hon LAU Ping-cheung

**Members absent** : Members of the Panel on Security

Dr Hon LUI Ming-wah, JP

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Hon Margaret NG  
# Hon Mrs Selina CHOW LIANG Shuk-ye, GBS, JP  
Hon Michael MAK Kwok-fung  
Hon IP Kwok-him, JP

Members of the Panel on Transport

Hon LAU Chin-shek, JP  
Hon Albert CHAN Wai-yip

(# Also members of the Panel on Transport)

**Public Officers : Item II  
attending**

Security Bureau

Mr Michael WONG  
Deputy Secretary

Mr Alan CHU  
Principal Assistant Secretary

Environment, Transport and Works Bureau

Ms Ernestina WONG  
Principal Assistant Secretary

Architectural Services Department

Mrs Marigold LAU  
Project Director

Government Property Agency

Mr MOK Kam-kwan  
Deputy Government Property Administrator

Transport Department

Mr Tony SO  
Chief Engineer

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Customs and Excise Department

Mr CHAN Hon-kit  
Head of Control Points Command

Immigration Department

Mr WAI Chuen  
Commander, Border Division

Hong Kong Police Force

Mr NG Chee-kin  
Regional Commander, New Territories North (Temp)

**Clerk in attendance** : Ms Doris CHAN  
Chief Assistant Secretary (2) 4

**Staff in attendance** : Mr LEE Yu-sung  
Senior Assistant Legal Adviser 1  
  
Miss Mary SO  
Senior Assistant Secretary (2) 8

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**I. Election of Chairman**

Ms Miriam LAU was elected Chairman of the joint meeting.

**II. 3009GB - Construction of boundary-crossing facilities at Shenzhen Western Corridor under the "Co-location" arrangement**  
(LC Paper No. CB(2)1914/02-03(01))

2. At the invitation of the Chairman, Deputy Secretary for Security (DS for S) introduced the Administration's paper detailing its plan to construct a new boundary control point in Shekou, Shenzhen for the Shenzhen Western Corridor (SWC), where the Hong Kong Special Administrative Region (HKSAR) would implement the co-location of immigration and customs facilities of both the HKSAR and the Mainland (hereafter referred to as "co-location"). Project Director, Architectural Services Department (PD, ASD) then gave a brief description of the preliminary site plan of the proposed boundary crossing facilities.

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3. In response to the Chairman's enquiries on the proposed boundary crossing facilities, PD, ASD said that there would be 25 kiosks for private cars and two kiosks for coaches for passenger clearance for northbound and southbound traffic respectively. As regards cargo processing facilities, there would be 32 kiosks for clearance of goods and containers vehicles, 25 customs inspection platforms and one X-ray system for northbound and southbound traffic respectively, and an area for accommodating up to 500 goods and container vehicles waiting for clearance. DS for S supplemented that 47 and 44 immigration counters, with some of them built for automated passenger clearance, would be provided for clearance of northbound and southbound passengers respectively. DS for S added that the new Control Point at SWC would help to alleviate the existing problem of congestion at cross boundary crossing, having regard to the fact that the Lok Ma Chau (LMC) Control Point only had 12 kiosks in each direction for clearance of goods and container vehicles, and that the LMC, Man Kam To and Sha Tau Kok Control Points altogether had only 10-odd kiosks for clearance of private cars.

4. Mr James TO said that the implementation of "co-location" should not be an administrative arrangement. Mr TO asked whether the Mainland side would enact legislation to allow law enforcement officers of the HKSAR to carry out enforcement duties inside the designated area at SWC.

5. DS for S responded 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 in the latter half of the year to clearly define the Hong Kong Management Area to be managed by the HKSAR and to extend the laws of the HKSAR to the Hong Kong Management Area. As to what form the Mainland would take to implement the aforesaid principle, DS for S said that the Administration was presently in discussion with the Mainland over the matter.

6. Mr TO was adamant that the implementation of "co-location" should not be an administrative arrangement. He requested the Administration to secure an understanding with the Mainland that the Mainland would also enact legislation to allow law enforcement officers of the HKSAR to carry out enforcement duties inside the designated area at SWC prior to seeking funding support from the Public Works Subcommittee (PWSC) and approval from the Finance Committee (FC) of the Legislative Council for the proposed project in June and July 2003 respectively. In response, DS for S said that it was unlikely that Mr TO's request could be acceded to given the complexity of the matter.

7. Mr Howard YOUNG asked whether the "co-location" arrangement at Huanggang would be identical to that at SWC; and if so, whether the legislation mentioned in paragraph 5 above could be used at Huanggang with little amendments.

8. DS for S informed members that both Hong Kong and the Mainland had agreed to keep the plan to implement "co-location" arrangement at Huanggang under review

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until after the implementation of the "co-location" arrangement at SWC in the latter half of 2005 and the completion of the construction of a new bridge connecting the LMC Control Point and Huanggang for goods and container vehicles. The priority mutually agreed was to complete the building of the new bridge as soon as possible and to ensure that such works would not cause traffic congestion at Huanggang/LMC which operated round-the-clock since end January 2003. As to Mr YOUNG's second question, DS for S said that the legislation to allow law enforcement officers of the HKSAR to carry out enforcement duties inside the designated area at SWC should largely be applicable to other places in the Mainland for the implementation of "co-location" arrangement, save the situation where the Administration might use pre-existing facilities owed by a private enterprise.

9. Dr Raymond HO said that merely providing members with a preliminary site plan of the proposed boundary crossing facilities was far from adequate, having regard to the complexity of the project and the huge sum involved. In the light of this, Dr HO requested the Administration to provide more drawings and information on the project in its submission to PWSC and FC. Dr HO further said that he had no objection to the Administration entrusting the project design and construction works to the Mainland authorities. Dr HO, however, wondered how the Administration could ensure that the design and construction of the facilities would meet the operational, management and maintenance requirements of the HKSAR, having regard to the varied building standards between the HKSAR and the Mainland. Noting that the capital cost of the project excluding land development fees, and fees and charges for entrustment of project management, design and supervision was estimated to be \$2,081 million in money of the day price, Dr HO asked whether this sum was based on Hong Kong pricing.

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10. DS for S agreed to provide as much information on the project as far as possible in the Administration's funding proposal to PWSC and FC. On the question of ensuring that the proposed cross boundary facilities would meet the operational, management and maintenance requirements of the HKSAR, PD, ASD said that an understanding had been reached with the Mainland side that the higher building standards of either side would be adopted. Moreover, relevant departments of the HKSAR Government would render advice to the Mainland authorities at all stages to ensure that the design and construction of the facilities would meet the operational, management and maintenance requirements of the HKSAR. All the design and construction works would also have to be endorsed by the HKSAR Government. A mechanism would be put in place to allow both sides to jointly monitor and vet the design and monitor the construction works of the facilities. This was necessary in order to avoid interface problems that would arise from the two governments implementing their respective portions of the works on the same site.

11. As to the pricing of the proposed cross boundary facilities, DS for S said that the \$2,081 million price tag was made on the assumption that the project was built in Hong Kong. Nevertheless, in view of the fact that the tender for the proposed works would be open to qualified contractors from both the Mainland and the HKSAR, the actual

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cost of the project would depend on the price of the successful bidder.

12. 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. Mr HO then asked how similar was the "co-location" arrangement compared with the cross boundary crossing between Canada and the United States of America (US).

13. DS for S responded that there was no question that Mainland law enforcement officers would carry out enforcement duties on people after exiting the SWC Control Point for the HKSAR, as the whole of the 5 km long bridge linking Ngau Hom Shek in the north west part of the New Territories (NWNT) and Dongjiaotou in Shekou would be under the jurisdiction of the HKSAR. DS for S further said that it was not appropriate to compare the boundary crossings between US and Canada with the "co-location" arrangement in the Mainland. To his understanding, under the agreement between the US and Canada, the US or the Canada authorities, as the case might be, would merely perform pre-clearance of passengers and goods. Moreover, the legal systems between the US and Canada were similar. As for the "co-location" arrangements in some European countries, passenger and vehicular boundary traffic there could not be compared with that between any land control point in the HKSAR and the Mainland which was far more busy.

14. Dr TANG Siu-tong asked the following questions -

- (a) Whether a person who jumped from the bridge linking Ngau Hom Shek in NWNT and Dongjiaotou in Shekou and fell into the Mainland waters would be subject to the jurisdiction of the Mainland;
- (b) Whether a goods vehicle would need to undergo cargo clearance procedures required by the Mainland side after it had undergone cargo clearance required by the HKSAR side; and
- (c) Whether qualified contractors from outside both the HKSAR and the Mainland would also be allowed to tender for the proposed works, so as to comply with the requirements of the World Trade Organisation (WTO) of encouraging open competition.

15. In response, DS for S said that the first question raised by Dr TANG would be dealt with in the forthcoming legislative amendments to enable law enforcement officers of the HKSAR to carry out their duties inside the designated area. DS for S replied in the positive to Dr TANG's second question. He further said that the purpose of "co-location" was to enable the HKSAR and the Mainland to conduct clearance procedures for passengers on the same site, thereby obviating the need of travellers to board and alight their vehicles twice as before. As to Dr TANG's last question, PD, ASD said that the issue of whether qualified contractors from outside

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both the Mainland and the HKSAR should be allowed to tender for the proposed works was still under discussion with the Mainland. PD, ASD, however, pointed out that most Government capital works projects were open to qualified contractors from outside the HKSAR to tender in accordance with WTO's requirements. To her knowledge, it was mostly local contractors who had submitted tenders for Government capital works projects.

16. Mr TAM Yiu-chung asked whether the entrustment agreement between the HKSAR and the Mainland would include a provision requiring the successful tenderer to employ workers from the HKSAR in the event that the tender was awarded to a contractor from the HKSAR. Mr TAM hoped that this would be the case so as to create employment opportunities for local workers.

17. DS for S replied in the negative. DS for S, however, pointed out that regardless of whether the tender was awarded to a contractor from the HKSAR or the Mainland, the Mainland side was required to employ consultants from the HKSAR to oversee the design and construction works of the facilities relating to the Hong Kong Management Area. At the request of Mr Andrew CHENG, DS for S, undertook to mention in the funding proposal to PWSC and FC the estimated number of jobs which could be created for local workers by the project.

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18. Mr LAU Kong-wah asked the following questions -

- (a) What was the land development cost to be borne by the HKSAR;
- (b) What would be the estimated capital cost of the project if the tender was awarded to a contractor from the Mainland;
- (c) Which Mainland body was responsible for negotiations with the HKSAR on the proposed boundary crossing facilities; and
- (d) Whether the Mainland side would bear full responsibility in the event of failure to complete the project.

19. DS for S responded that he did not know the land development cost to be borne by the HKSAR at this stage because negotiations with the Mainland on this item were still on-going. However, both sides had preliminarily agreed to adopt the principle that each side would bear the actual costs incurred in developing the land to be used by that side. DS for S informed that the whole site where the boundary crossing facilities of the two sides would be co-located was being reclaimed at Shekou by the Mainland side. In reply to Mr LAU Kong-wah's request to include the land development cost in the funding proposal for the project to be submitted to PWSC and FC, DS for S said that he would strive to do so as far as practicable. If that was not possible, DS for S assured members that they would be informed of the land development cost in due course, as funding support from FC would need to be sought.

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20. DS for S further said that he did not have the answer to Mr LAU's second question, until after the result of the tendering exercise for the project was known. However, he surmised that the estimated capital cost of the project could be up to less than 30% or even 40% of \$2,081 million if the tender was awarded to a contractor from the Mainland. At the request of the Chairman, DS for S agreed to inform the relevant Panel(s) of the actual cost of the project when it became available.

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21. As regards Mr LAU's third question, DS for S said that negotiations over the proposed boundary crossing facilities were held with the Shenzhen Municipal People's Government and the Shenzhen Port Office. DS for S further said that although he did not know at this stage which Mainland body would be the signatory to the entrustment agreement, it would certainly be a governmental body.

22. As to Mr LAU's last question, DS for S said that it was not possible that the project would not be completed as the project was a government project constructed under the authorisation of the Central People's Government. PD, ASD supplemented that the terms and conditions of building contracts used in the HKSAR would be used as a blueprint for drawing up the entrustment agreement with the Mainland side. The Chairman asked whether any extra cost incurred, say, arising from problems such as short pile, would be borne by the Mainland side. PD ASD responded that the agreed principle with the Mainland side was that any additional cost incurred would be borne by the party who caused the cost increase. In response to Mr LAU's request for the protection provisions for the HKSAR to be included in the entrustment agreement in the Administration's funding proposal to PWSC and FC, DS for S undertook to advise on the entrustment framework in the funding proposal.

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23. Mr Andrew CHENG was of the view that the design and construction works of the project should best be led by the HKSAR, having regard to the huge sum of public money involved.

24. DS for S explained that the reasons for entrusting the design and construction works of the project to Mainland authorities were because construction works for the boundary crossing facilities would be carried out at Shekou before the inception of the Hong Kong Management Area, and the relevant design and construction works would need to comply with the procedures requirements of the Mainland side. Besides, it would also facilitate coordination and avoid interface problems that would arise by two governments implementing their respective portions of the works on the site.

25. Mr Andrew CHENG said that he was not convinced by the reasons given by the Administration in paragraph 24 above, having regard to the fact that it was likely that a contractor from the HKSAR would be awarded the tender for the design and construction works of the proposed boundary crossing facilities. Mr CHENG then requested the Administration to state clearly in its funding proposal to PWSC and FC the justifications for and the advantages, say, in terms of time and administrative cost saved, of entrusting the project design and construction works to Mainland authorities. DS for S agreed to consider Mr CHENG's request. DS for S, however, hoped that in

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considering the project, members would also take into account the substantial benefits which the new control points could bring to the HKSAR. To allay members' concern over the entrustment arrangement, DS for S said that the Administration intended to submit a progress report on the construction of the facilities to the relevant Panel(s) periodically.

26. The Chairman asked whether the installation of computer system of the HKSAR would be carried out by the Mainland side. She hoped that this would not be the case, as the computer system would contain personal data of HKSAR residents.

Admin 27. DS for S responded that the Hong Kong side would install its own computer system and cable network to process all data collected by the Hong Kong side. This point would be made clear in the Administration's funding proposal to PWSC and FC.

28. There being no other business, the meeting ended at 3:40 pm.

Council Business Division 2  
Legislative Council Secretariat  
29 May 2003