

政府總部
香港下亞厘畢道



GOVERNMENT SECRETARIAT

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本函檔號 OUR REF: SBCR 3/2098/02 Pt.34

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9 February 2007

Clerk to Panel
Legislative Council Panel on Security
Legislative Council Building
8 Jackson Road
Central
Hong Kong
(Attn: Mr Raymond LAM)

Dear Mr LAM,

**Legislative Council Panel on Security
Shenzhen Bay Port Hong Kong Port Area Bill**

When briefing the Legislative Council Panel on Security on the legislative proposals of the Bill on 7 March 2006, we agreed to –

- (a) explain the issues considered by us in coming up with the proposal to provide that the Chief Executive in Council might by order modify or exclude any legislation in their application to the Hong Kong Port Area (HKPA); and
- (b) advise the Panel how the authorization of the Central Authorities to enable an area in China that was outside Hong Kong to be declared as HKPA would be given.

On paragraph (a) above, it is proposed that the Chief Executive in Council be empowered under clause 5(2) of the Bill to make subsidiary legislation to modify any enactment (other than the Bill as enacted or any of its provisions) in its application in the HKPA or to exclude any enactment (other than the Bill as enacted or any of its provisions) from the laws of Hong Kong that apply in the HKPA. The intention is to allow flexibility to deal with unforeseen circumstances. As we do not have any experience in implementing the co-location arrangement, we believe it prudent to include clause 5(2) in the Bill. Modifications or exclusions will only be made in respect of those laws whose application to the HKPA will cause grave difficulties in enforcement or implementation. Having considered Members' views, clause 5(3) now provides that the subsidiary legislation made under clause 5(2) is subject to the approval of the Legislative Council.

On paragraph (b) above, the Standing Committee of the National People's Congress decided on 31 October 2006 that HKSAR is authorized to exercise jurisdiction over the HKPA at the Shenzhen Bay Port (SBP) according to the laws of HKSAR from the day on which the SBP commences operation, and HKSAR is to administer the SBP HKPA as a closed area. On 30 December 2006, the State Council issued an Official Reply to stipulate the area and the land use period of the SBP HKPA. The area of the SBP HKPA includes the Hong Kong Clearance Area and the bridge surface of the Shenzhen section of the Shenzhen Bay Bridge. The land use period of the SBP HKPA shall commence on the day on which the SBP commences operation and shall expire on 30 June 2047. It may be terminated earlier or renewed after its expiry.

A Legislative Council Brief on the Bill was issued on 6 February 2007. The two matters discussed above have been addressed in paragraphs 3, 4 and 16 of the Brief.

Yours sincerely,



(Miss Ada CHAN)
for Secretary for Security