

立法會
Legislative Council

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(These minutes have been seen by
the Administration)

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

**Minutes of meeting
held on Thursday, 1 March 2007, at 8:30 am
in Conference Room A of the Legislative Council Building**

- Members present** : Hon LAU Kong-wah, JP (Chairman)
Hon KWONG Chi-kin (Deputy Chairman)
Hon Margaret NG
Hon James TO Kun-sun
Dr Hon Philip WONG Yu-hong, GBS
Hon WONG Yung-kan, JP
Hon Howard YOUNG, SBS, JP
Hon Miriam LAU Kin-yee, GBS, JP
Hon Emily LAU Wai-hing, JP
Hon Andrew CHENG Kar-foo
Hon TAM Yiu-chung, GBS, JP
Hon Abraham SHEK Lai-him, JP
Hon Andrew LEUNG Kwan-yuen, SBS, JP
Hon CHIM Pui-chung
- Members absent** : Hon Bernard CHAN, GBS, JP
Hon CHEUNG Hok-ming, SBS, JP
- Public Officers attending** : Ms Grace LUI
Deputy Secretary for Security
- Mr Alan CHU
Principal Assistant Secretary for Security
- Miss Ada CHAN
Assistant Secretary for Security
- Ms Fanny IP
Senior Assistant Law Draftsman

Ms Cindy YAU
Senior Government Counsel

Mr Paul TSANG
Senior Government Counsel

Clerk in attendance : Mrs Sharon TONG
Chief Council Secretary (2) 1

Staff in attendance : Mr LEE Yu-sung
Senior Assistant Legal Adviser 1

Mr Raymond LAM
Senior Council Secretary (2) 5

Miss Helen DIN
Legislative Assistant (2) 1

I. Election of Chairman

Mr LAU Kong-wah and Mr KWONG Chi-kin were elected Chairman and Deputy Chairman of the Bills Committee respectively.

2. The Bills Committee deliberated (index of proceedings attached at **Annex**).

II. Meeting with the Administration

3. The Bills Committee requested the Administration -

- (a) to explain the legal basis of enacting the Bill and provide relevant articles of the Constitution of the People's Republic of China as well as relevant documents issued by Mainland authorities;
- (b) to explain the constitutional or legal basis of the decision of the Standing Committee of the National People's Congress (NPCSC) on authorising the Hong Kong Special Administrative Region to exercise jurisdiction over the Hong Kong Port Area at the Shenzhen Bay Port referred to in Annex C to the Legislative Council (LegCo) Brief;
- (c) to explain the constitutional or legal status of the NPCSC's decision "The Hong Kong Special Administrative Region is to

administer the Hong Kong Port Area at the Shenzhen Bay Port as a closed area" in Annex C to the LegCo Brief;

- (d) to advise whether there were any Mainland laws that might prevail over NPCSC's decision;
- (e) to provide copies of the correspondences between the Administration and the Hong Kong Bar Association on the proposals in the Bill;
- (f) to explain the arrangements for repair and maintenance of the Shenzhen Section of Shenzhen Bay Bridge, including the bridge pier and relevant access roads, and advise how drivers would be made aware of the boundary of the Hong Kong Port Area;
- (g) to advise on the progress of discussions with the Shenzhen authorities on the land development and usage costs for the Hong Kong Port Area;
- (h) to provide information on similar arrangements, if any, in other jurisdictions on customs, immigration and quarantine clearance;
- (i) to advise on the process for announcement of the date of commencement of operation for the Shenzhen Bay Port by the State Council;
- (j) to confirm that Mainland laws would not apply in the Hong Kong Port Area;
- (k) to provide diagrams/plans indicating the boundary of the Hong Kong Port Area and to consider including such diagrams/plans in the Bill;
- (l) to explain the reasons and basis for determining the upper and lower vertical boundaries of various parts of the Hong Kong Port Area;
- (m) to consider setting out the upper and lower vertical boundaries of the Hong Kong Port Area in the lease to be signed between the Government of the Hong Kong Special Administrative Region and the People's Government of the Shenzhen Municipality of Guangdong Province; and
- (n) to arrange a visit for the Bills Committee to the proposed Hong Kong Port Area.

4. The Bills Committee requested the Secretariat to circulate the relevant papers and minutes of the Finance Committee meetings in connection with the co-location arrangement referred to in the first paragraph of Annex F to the LegCo Brief.

III. Dates of subsequent meetings

5. The Bills Committee agreed that the schedule of meetings in the following week would be as follows –

<u>Date</u>	<u>Time</u>
5 March 2007	10:45 am - 12:45 pm
7 March 2007	8:30 am - 10:30 am
9 March 2007	8:30 am - 10:30 am

6. The Bills Committee also agreed that members would be requested to indicate their availability for available timeslots for the period up to the first week of April 2007 so that the Bills Committee could decide on the schedule of subsequent meetings at the meeting on 5 March 2007. The Bills Committee agreed that a meeting to receive the view of deputations would be scheduled on a Saturday in March 2007.

7. The meeting ended at 10:35 am.

Council Business Division 2
Legislative Council Secretariat
26 March 2007

**Proceedings of meeting of the
Bills Committee on
Shenzhen Bay Port Hong Kong Port Area Bill
on Thursday, 1 March 2007, at 8:30 am
in Conference Room A of the Legislative Council Building**

Time marker	Speaker	Subject(s)	Action Required
000000 - 000051	Dr Hon Philip WONG Hon Howard YOUNG Hon TAM Yiu-chung Hon Abraham SHEK	Election of Chairman	
000052 - 000250	Chairman Hon TAM Yiu-chung Hon Abraham SHEK Hon Andrew LEUNG	Election of Deputy Chairman	
000251 - 002034	Admin	Briefing and presentation on the proposals in the Bill	
002035 - 002119	Chairman	Dates of subsequent meetings	
002120 - 002703	Hon Howard YOUNG Admin	Length of the roads separating the control points of both sides	
002704 - 004114	Hon Margaret NG Admin	Legal basis of enacting the Bill; relevant documents issued by Mainland authorities; Views of the Hong Kong Bar Association on the proposals in the Bill; diagrams/ plans indicating the boundary of the Hong Kong Port Area; inclusion of such diagrams/plans in the Bill	Admin to explain the legal basis of enacting the Bill and provide relevant documents issued by Mainland authorities; to provide copies of the correspondences between the Administration and the Hong Kong Bar Association on the proposals in the Bill; to provide diagrams/plans indicating the boundary of the Hong Kong Port Area and to consider including such diagrams/plans in

Time marker	Speaker	Subject(s)	Action Required
			the Bill
004115 - 004832	Hon Miriam LAU Admin	Arrangements for repair and maintenance of the Shenzhen Section of Shenzhen Bay Bridge, the bridge pier and relevant access roads; how drivers would be made aware of the boundary of the Hong Kong Port Area	Admin to explain the arrangements for repair and maintenance of the Shenzhen Section of Shenzhen Bay Bridge, including the bridge pier and relevant access roads, and advise how drivers would be made aware of the boundary of the Hong Kong Port Area
004833 - 010050	Hon Emily LAU Admin	Provision of relevant articles of the Constitution of the People's Republic of China in the Administration's paper on the legal basis of the Bill; arranging a visit of the Bills Committee to the proposed Hong Kong Port Area; progress of discussions with the Shenzhen authorities on the land development and usage costs for the Hong Kong Port Area; circulation of the relevant papers and minutes of the Finance Committee meetings in connection with the co-location arrangement referred to in the first paragraph of Annex F to the Legislative Council (LegCo) Brief.	Admin to provide relevant articles of the Constitution of the People's Republic of China in its paper on the legal basis of the Bill; to arrange a visit of the Bills Committee to the proposed Hong Kong Port Area; to advise on the progress of discussions with the Shenzhen authorities on the land development and usage costs for the Hong Kong Port Area
010051 - 010508	Chairman Hon Miriam LAU	Schedule of subsequent meetings; indication of availability by members	
010509 - 012144	Hon James TO Admin Chairman	Legal basis of the decision of the Standing Committee of the National People's Congress (NPCSC) referred to in Annex C to the LegCo Brief; whether	Admin to explain the constitutional or legal basis of the NPCSC's decision on authorising the

Time marker	Speaker	Subject(s)	Action Required
		<p>there were any Mainland laws that might prevail over NPCSC's decision; whether there was information on similar arrangements in other jurisdictions on customs, immigration and quarantine clearance</p>	<p>Hong Kong Special Administrative Region to exercise jurisdiction over the Hong Kong Port Area at the Shenzhen Bay Port referred to in Annex C to the LegCo Brief; to advise whether there were any Mainland laws that might prevail over NPCSC's decision; to provide information on similar arrangements, if any, in other jurisdictions on customs, immigration and quarantine clearance</p>
<p>012145 - 015005</p>	<p>Deputy Chairman Hon Emily LAU Admin Chairman</p>	<p>Whether the lease to be signed between the Government of the Hong Kong Special Administrative Region and the People's Government of the Shenzhen Municipality of Guangdong Province had to be signed before the Bill commenced operation; upper boundary of the Shenzhen Bay Bridge; process for announcement of the date of commencement of operation for the Shenzhen Bay Port by the State Council; invitation of public views on the Bill</p>	<p>Admin to advise on the process for announcement of the date of commencement of operation for the Shenzhen Bay Port by the State Council</p>
<p>015006 - 020154</p>	<p>Hon James TO Admin Chairman</p>	<p>Legal status of the NPCSC's decision "The Hong Kong Special Administrative Region is to administer the Hong Kong Port Area at the Shenzhen Bay Port as a closed area" in Annex C</p>	<p>Admin to explain the constitutional or legal status of the NPCSC's decision "The Hong Kong Special</p>

Time marker	Speaker	Subject(s)	Action Required
		to the LegCo Brief	Administrative Region is to administer the Hong Kong Port Area at the Shenzhen Bay Port as a closed area" in Annex C to the LegCo Brief; to confirm that Mainland laws would not apply in the Hong Kong Port Area
020155 - 020252	Deputy Chairman Hon James TO	Reasons and basis for determining the upper and lower vertical boundaries of various parts of the Hong Kong Port Area; setting out the upper and lower vertical boundaries of the Hong Kong Port Area in the lease to be signed between the Government of the Hong Kong Special Administrative Region and the People's Government of the Shenzhen Municipality of Guangdong Province	Admin to explain the reasons and basis for determining the upper and lower vertical boundaries of various parts of the Hong Kong Port Area; to consider setting out the upper and lower boundaries of the Hong Kong Port Area in the lease to be signed between the Government of the Hong Kong Special Administrative Region and the People's Government of the Shenzhen Municipality of Guangdong Province
020253 - 020338	Chairman	Dates of subsequent meetings	