

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 Monday, 12 March 2007, at 4:30 pm
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 Bernard CHAN, GBS, JP
Hon WONG Yung-kan, JP
Hon Howard YOUNG, SBS, JP
Hon Miriam LAU Kin-ye, GBS, JP
Hon Emily LAU Wai-hing, JP
Hon Abraham SHEK Lai-him, JP
- Members absent** : Hon James TO Kun-sun
Dr Hon Philip WONG Yu-hong, GBS
Hon Andrew CHENG Kar-foo
Hon TAM Yiu-chung, GBS, JP
Hon Andrew LEUNG Kwan-yuen, SBS, JP
Hon CHEUNG Hok-ming, SBS, JP
Hon CHIM Pui-chung
- 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-sing
Senior Assistant Legal Adviser 1

Mr Timothy TSO
Assistant Legal Adviser 2

Mr Raymond LAM
Senior Council Secretary (2) 5

Mr Arthur KAN
Legislative Assistant (2) 7

I. Meeting with the Administration

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

2. The Bills Committee requested the Administration -
 - (a) to explain whether the Legislative Council had legislative competence to enact the Bill;
 - (b) to explain the relationship between Article 18(3) of the Basic Law (BL18(3)) and BL20;
 - (c) to confirm whether BL20 could be used to restrict the rights enjoyed by Hong Kong residents;
 - (d) to advise whether the Decision of the Standing Committee of the National People's Congress on Authorizing the Hong Kong Special Administrative Region to Exercise Jurisdiction over the Hong Kong Port Area (HKPA) at the Shenzhen Bay Port fell within the scope of BL18(3);

- (e) to provide examples where the statutory powers under section 32 of the Interpretation and General Clauses Ordinance (Cap. 1) were exercised;
- (f) to consider providing expressly that the date appointed for the commencement of clauses 3 and 5 would be the same as the date announced by the State Council for the Shenzhen Bay Port to commence operation;
- (g) to consider excluding the Chief Executive from the definition of "public officer" in clause 2;
- (h) to advise on the laws, besides the Basic Law and the national laws applicable in the Hong Kong Special Administrative Region specified in BL18, included under "laws of Hong Kong" in clause 5(6); and
- (i) to consider amending clause 3 along the lines that the area delineated in Schedule 1 was declared as HKPA.

3. The Administration advised that the diagrams/plans indicating the boundary of HKPA and reference to such diagrams/plans would be included in the Bill.

II. Date of next meeting

4. The Bills Committee noted that the next meeting would be held on 13 March 2007 at 2:30 pm to continue discussion with the Administration.

5. The meeting ended at 6:25 pm.

Council Business Division 2
Legislative Council Secretariat
18 April 2007

**Proceedings of meeting of the
Bills Committee on
Shenzhen Bay Port Hong Kong Port Area Bill
on Monday, 12 March 2007, at 4:30 pm
in Conference Room A of the Legislative Council Building**

Time marker	Speaker	Subject(s)	Action Required
000000 - 000544	Chairman Hon Margaret NG	Rescheduling of meeting on 17 March 2007 to 24 March 2007; visit of the Bills Committee to the proposed Hong Kong Port Area in Shenzhen Bay Port on 17 March 2007	
Clause-by-clause examination			
000545 - 000958	Admin	Briefing on the long title of the Bill	
000959 - 001705	Hon Margaret NG Admin	Whether the Legislative Council had legislative competence to enact the Bill; whether the Secretary for Justice was fully aware of the jurisdictional issues relating to the Bill; whether the Bill had any effect on the boundary of the Hong Kong Special Administrative Region	Admin to explain whether the Legislative Council had legislative competence to enact the Bill
001706 - 001953	Admin	Briefing on the preamble of the Bill	
001954 - 003314	Hon Margaret NG Admin Chairman	Whether the Decision of the Standing Committee of the National People's Congress on Authorizing the Hong Kong Special Administrative Region to Exercise Jurisdiction over the Hong Kong Port Area at the Shenzhen Bay Port (the NPCSC's Decision) should, in accordance with BL18(3), be implemented through amendment of Annex III to BL; relationship between Article 18(3) of the Basic Law (BL18(3)) and BL20; how the NPCSC's Decision was to be implemented in Hong Kong	Admin to explain the relationship between BL18(3) and BL20

Time marker	Speaker	Subject(s)	Action Required
003315 - 004435	Hon Emily LAU Admin Chairman Hon Margaret NG	Arrangements for the visit of the Bills Committee to the proposed Hong Kong Port Area in the Shenzhen Bay Port on 17 March 2007; whether BL20 could be used to restrict the rights of Hong Kong residents; whether the NPCSC's Decision fell within the scope of BL18(3); provision of the Administration's further paper on jurisdictional issues before the meeting on 24 March 2007	Admin to confirm whether BL20 could be used to restrict the rights enjoyed by Hong Kong residents; to advise whether the Decision of the Standing Committee of the National People's Congress on Authorizing the Hong Kong Special Administrative Region to Exercise Jurisdiction over the Hong Kong Port Area at the Shenzhen Bay Port fell within the scope of BL18(3)
004436 - 004704	Admin	Briefing on clause 1 of the Bill	
004705 - 005305	Hon Emily LAU Chairman Admin	Effect of clause 1(1) and clause 1(2); examples where the statutory powers under section 32 of the Interpretation and General Clauses Ordinance (Cap. 1) were exercised; timing for scrutiny of subsidiary legislation to be made after the Bill was passed	Admin to provide examples where the statutory powers under section 32 of the Interpretation and General Clauses Ordinance (Cap. 1) were exercised
005306 - 010918	Hon Margaret NG Admin Chairman Hon Miriam LAU	Relationship among the date on which the Shenzhen Bay Port commence operation, relevant date and the date of commencement of the Bill	Admin to consider providing expressly that the date appointed for the commencement of clauses 3 and 5 would be the same as the date announced by the State Council for the Shenzhen Bay Port to commence operation

Time marker	Speaker	Subject(s)	Action Required
010919 - 012554	Hon Margaret NG Chairman Hon Miriam LAU SALA1 Admin	Examination of clause 2 of the Bill; whether there was any conflict between the definition of "laws of Hong Kong" in clause 2 and clause 5(6); whether there was a need for clause 5(6) and the definition of "laws of Hong Kong" in clause 2	Admin to advise on the laws, besides the Basic Law and the national laws applicable in the Hong Kong Special Administrative Region specified in BL18, included under "laws of Hong Kong" in clause 5(6)
012555 - 014501	Chairman Admin Hon Emily LAU Hon Miriam LAU Hon Margaret NG Hon Abraham SHEK	Definition of "public officer" in clause 2; excluding the Chief Executive from the definition of "public officer"	Admin to consider excluding the Chief Executive from the definition of "public officer" in clause 2
014502 - 014519	Admin	Briefing on clause 3 of the Bill	
014520 - 015621	Hon Margaret NG Hon Emily LAU Hon Miriam LAU Chairman Admin	Drafting of clause 3; proposed location in the Bill of diagrams/plans indicating the boundary of the Hong Kong Port Area	Admin to consider amending clause 3 along the lines that the area delineated in Schedule 1 was declared as the Hong Kong Port Area