

政府總部
香港下亞厘畢道



GOVERNMENT SECRETARIAT
LOWER ALBERT ROAD
HONG KONG

本函檔號 OUR REF: SBCR 3/2098/02 Pt.35

來函檔號 YOUR REF:

Telephone No. : (852) 2810 2506

Fax No. : (852) 2868 1552

24 March 2007

Clerk to Bills Committee
on Shenzhen Bay Port Hong Kong Port Area Bill
Legislative Council Building
8 Jackson Road
Central
Hong Kong
(Attn: Mr Raymond LAM)

Dear Mr LAM,

Bills Committee on Shenzhen Bay Port Hong Kong Port Area Bill

Pursuant to the discussion at the meeting on 20 March 2007, we set out below the discussion with the Judiciary on the Bill.

We had circulated the draft Bill to all bureaux, interested departments and the Judiciary. During circulation, we had specifically invited the Judiciary to note the following aspects of the draft Bill –

- (a) a provision to provide that Hong Kong courts will have jurisdiction to hear and determine any cause or matter, civil or criminal, arising in the Hong Kong Port Area (HKPA); and
- (b) the approach to extend specific types of pre-existing documents to the HKPA, particularly its application to pre-existing court orders.

Having consulted within the Judiciary, the Judiciary Administrator provided some comments, noting that if the Administration were to proceed with the above, which were primarily policy matters, consideration should be given to the following matters related to the Court's operation –

- (a) the court's power to make orders extending to the HKPA should be *clearly* and *expressly* spelt out; and
- (b) specific provisions should be included to deal with court orders.

Having considered the comments from the Judiciary Administrator, we made the following refinements to the relevant provisions in the Bill –

- (a) the jurisdiction and power of the courts to make orders extending to the HKPA are clearly and expressly spelt out in clause 7 of the Bill; and
- (b) pre-existing and future court orders are dealt with in specific provisions (i.e. clauses 10 and 13) of the Bill.

Yours sincerely,



(Alan K. M. CHU)
for Secretary for Security