

立法會
Legislative Council

Ref : CB2/SS/4/06

LC Paper No. CB(2)2326/06-07
(These minutes have been seen by
the Administration)

**Subcommittee on Subsidiary Legislation Relating to
the Shenzhen Bay Port Hong Kong Port Area**

**Minutes of meeting
held on Tuesday, 22 May 2007, at 2:30 pm
in Conference Room B of the Legislative Council Building**

- Members present** : Hon LAU Kong-wah, JP (Chairman)
Hon Margaret NG
Hon James TO Kun-sun
Hon Bernard CHAN, GBS, JP
Hon Howard YOUNG, SBS, JP
Hon Miriam LAU Kin-yee, GBS, JP
Hon Andrew LEUNG Kwan-yuen, SBS, JP
Hon WONG Ting-kwong, BBS
Hon KWONG Chi-kin
- Member absent** : Hon WONG Yung-kan, JP
- Public Officers attending** : Ms Grace LUI
Deputy Secretary for Security
- Mr Alan CHU
Principal Assistant Secretary for Security D
- Mrs Apollonia LIU
Principal Assistant Secretary for Security E
- Miss Ada CHAN
Assistant Secretary for Security
- Mrs Millie NG
Principal Assistant Secretary for the Environment,
Transport and Works (Transport)

Mr Henrique KOO
Assistant Commissioner of Police (Operations)

Mr David CHIU
Assistant Director of Immigration (Control)

Mr Ken HUI
Chief Transport Officer /Planning/Taxi

Miss Angie LI
Government Counsel

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

Staff in attendance : Mr Timothy TSO
Assistant Legal Adviser 2

Mr Raymond LAM
Senior Council Secretary (2) 5

Miss Helen DIN
Legislative Assistant (2) 1

I. Election of Chairman

Mr LAU Kong-wah was elected Chairman of the Subcommittee.

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

II. Meeting with the Administration

3. The Subcommittee requested the Administration -

Shenzhen Bay Port Hong Kong Port Area (Permission to Enter) Notice

- (a) to explain, from a legal point of view, the meaning of the term "immediate vicinity" in the Schedule to the Notice and to provide the Police's guidelines given to officers on the handling of emergency situations such as a traffic accident in which a driver or passenger had to leave a vehicle within the closed area;
- (b) to consider adding a provision to the Schedule to the Notice to

cater for the situation where a person had a need to return to the Mainland immediately after entering Hong Kong via the Passenger Terminal Building;

Immigration (Places of Detention) (Amendment: Shenzhen Bay Port Hong Kong Port Area) Order 2007 and Immigration Service (Designated Places) (Amendment: Shenzhen Bay Port Hong Kong Port Area)) Order 2007

- (c) to advise whether persons arrested in other parts of Hong Kong would be detained in the area within the Clearance Area of the Shenzhen Bay Port Hong Kong Port Area that was set aside as detention quarters for use by the Immigration Department.
4. The Administration agreed to provide advance and clear signage and proper marks on the road surface to indicate clearly to the motorists the entry point of the closed area at the Deep Bay Link.

III. Date of next meeting

5. The Subcommittee agreed that the next meeting would be held on 5 June 2007 at 10:45 am to continue discussion with the Administration.
6. The Subcommittee agreed that the Chairman should move a motion at the Council meeting on 30 May 2007 to extend the scrutiny period of the five items of subsidiary legislation to 27 June 2007.
7. The meeting ended at 4:45 pm.

**Proceedings of meeting of the
Subcommittee on Subsidiary Legislation Relating to
the Shenzhen Bay Port Hong Kong Port Area
on Tuesday, 22 May 2007, at 2:30 pm
in Conference Room B of the Legislative Council Building**

Time marker	Speaker	Subject(s)	Action Required
000000 - 000302	Howard YOUNG Hon LAU Kong-wah Hon Miriam LAU Hon Andrew LEUNG Hon WONG Ting-kwong Hon KWONG Chi-kin	Election of Chairman	
000303 - 000829	Admin	Briefing on the Closed Area (Hong Kong Section of the Shenzhen Bay Bridge and Deep Bay Link Portion) Order, the Shenzhen Bay Port Hong Kong Port Area (Permission to Enter) Notice (the Notice), the Road Traffic (Amendment: Extension of Permitted Area for New Territories Taxis to Shenzhen Bay Port Hong Kong Port Area) Regulation 2007, the Immigration (Places of Detention) (Amendment: Shenzhen Bay Port Hong Kong Port Area) Order 2007 and the Immigration Service (Designated Places) (Amendment: Shenzhen Bay Port Hong Kong Port Area)) Order 2007	
000830 - 001330	Hon James TO ALA2 Admin	Letter dated 18 May 2007 from the Legal Service Division to the Administration regarding legal and drafting aspects of the Notice and the Administration's reply	
001331 - 001659	Hon WONG Ting-kwong Admin	Opening hours of the Shenzhen Bay Control Point	
001700 - 003729	Hon Howard YOUNG Hon James TO Hon Andrew LEUNG Admin Chairman	Scope of the term "sole purpose" in the Schedule to the Notice; categories of persons to be dealt with under items 1 to 5 of the Schedule to the Notice; whether passengers were allowed to alight at the Public Transport Interchange	

Time marker	Speaker	Subject(s)	Action Required
		from vehicles other than taxis, public light buses on a scheduled service or franchised buses on a specified route	
003730 - 004425	ALA2 Chairman Hon James TO Admin	Meanings of the phrases "for the purpose of" and "for the sole purpose of" in items 2, 3, 4 and 5 of the Schedule to the Notice	
004426 - 010408	Hon James TO Admin Chairman	Interpretation of the term "immediate vicinity" in the Schedule to the Notice; Police's guidelines given to officers on the handling of emergency situations such as a traffic accident in which a driver or passenger had to leave a vehicle within the closed area; whether there was a need to provide for exceptions to "leave the immediate vicinity of the vehicle" for good cause in the Schedule to the Notice	Admin to explain, from a legal point of view, the meaning of the term "immediate vicinity" in the Schedule to the Notice; to provide the Police's guidelines given to officers on the handling of emergency situations such as a traffic accident in which a driver or passenger had to leave a vehicle within the closed area
010409 - 010505	Chairman	Section-by-section examination of the Road Traffic (Amendment: Extension of Permitted Area for New Territories Taxis to Shenzhen Bay Port Hong Kong Port Area) Regulation 2007	
010506 - 012256	Chairman Hon Miriam LAU Hon WONG Ting-kwong Hon James TO Admin	Section-by-section examination of the Closed Area (Hong Kong Section of the Shenzhen Bay Bridge and Deep Bay Link Portion) Order; providing advance and clear signage and proper marks on the road surface to indicate clearly the entry point of the closed area at the Deep Bay Link	
012257 - 012413	Chairman Hon James TO	Section-by-section examination of the Immigration (Places of Detention) (Amendment: Shenzhen	

Time marker	Speaker	Subject(s)	Action Required
		Bay Port Hong Kong Port Area) Order 2007	
012414 - 013714	Chairman Hon James TO Hon Miriam LAU Hon WONG Ting-kwong Admin	Section-by-section examination of the Immigration Service (Designated Places) (Amendment: Shenzhen Bay Port Hong Kong Port Area)) Order 2007; whether there was any difference between "places of detention" and "designated places"; whether persons arrested in other parts of Hong Kong would be detained in the area within the Clearance Area of the Shenzhen Bay Port Hong Kong Port Area that was set aside as detention quarters for use by the Immigration Department	Admin to advise whether persons arrested in other parts of Hong Kong would be detained in the area within the Clearance Area of the Shenzhen Bay Port Hong Kong Port Area that was set aside as detention quarters for use by the Immigration Department
013715 - 020844	Chairman Hon WONG Ting-kwong Hon Miriam LAU Hon Howard YOUNG Hon Andrew LEUNG Hon James TO Admin	Section-by-section examination of the Shenzhen Bay Port Hong Kong Port Area (Permission to Enter) Notice; adding a provision to the Schedule to the Notice to cater for the situation where a person had a need to return to the Mainland immediately after entering Hong Kong via the Passenger Terminal Building	Admin to consider adding a provision to the Schedule to the Notice to cater for the situation where a person had a need to return to the Mainland immediately after entering Hong Kong via the Passenger Terminal Building
020845 - 021309	Chairman Hon James TO Clerk Admin	Way forward; date of next meeting; extending the scrutiny period of the five items of subsidiary legislation to 27 June 2007	