

立法會

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

Background brief prepared by the Legislative Council Secretariat

Purpose

This paper summarises the discussions by the Bills Committee on Shenzhen Bay Port Hong Kong Port Area (HKPA) Bill and Panel on Transport on subsidiary legislation to be made before the commissioning of HKPA.

Background

2. The Shenzhen Bay Port located at Shekou in Shenzhen will be the new vehicular boundary crossing between Hong Kong and the Mainland. It will be linked to the north-western part of the New Territories by the Shenzhen Bay Bridge (SBB). Persons entering or leaving Hong Kong will go through the new control point at HKPA. Cross-boundary vehicles will enter or leave the area consisting of HKPA, the Hong Kong section of SBB and the Deep Bay Link portion of the local road in the vicinity (the relevant closed areas).

3. HKPA has been declared a closed area under section 4 of the Shenzhen Bay Port Hong Kong Port Area Ordinance (HKPAO) for the purposes of the Public Order Ordinance (POO) (Cap. 245) and any other enactment that applies to a closed area. For the effective management of the new control point, the Hong Kong section of SBB and the Deep Bay Link portion of the local road in the vicinity are also required to be designated as a closed area under section 36(1) of POO. Subsidiary legislation is required to effect the designation and to grant permission to vehicles and persons to go through the relevant closed areas for the purposes of cross-boundary traffic and to provide for other matters under the Immigration Ordinance (IO) (Cap. 115), Immigration Service Ordinance (ISO) (Cap. 331) and the Road Traffic Ordinance (RTO) (Cap. 374).

The subsidiary legislation

Closed Area (Hong Kong Section of the Shenzhen Bay Bridge and Deep Bay Link Portion) Order

4. The Order, made under section 36 of POO, seeks to designate the Hong Kong section of SBB leading to HKPA and the related local road in the vicinity (the Deep Bay Link portion) as a closed area. The Order will come into operation on a date to be appointed by the Secretary for Security by notice published in the Gazette, which will be the date on which HKPA commences operation.

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

5. The Notice, made under section 38A of POO, seeks to grant permission to persons entering or leaving Hong Kong through the Clearance Area of HKPA and drivers of road vehicles, taxis, public light buses on a scheduled service and franchised buses on a specified route carrying those persons to enter or leave the relevant closed area subject to the conditions and restrictions specified in the Notice. The Notice is to come into operation on the day on which sections 3 and 5 of HKPAO come into operation, i.e. when HKPA commences operation.

Road Traffic (Amendment: Extension of Permitted Area for New Territories Taxis to Shenzhen Bay Port Hong Kong Port Area) Regulation 2007

6. The Regulation, made under section 6 of RTO, seeks to extend the permitted area for taxis licensed to be available for hire or to carry passengers within the New Territories to all roads in HKPA. It is to come into operation on the day on which sections 3 and 5 of HKPAO come into operation.

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

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

7. The Orders, made under section 35(1) of IO and section 13A(9) of ISO respectively, seek to designate detention quarters for use by the Immigration Department within the new Shenzhen Bay Control Point at HKPA. Both Orders are to come into operation on the day on which sections 3 and 5 of HKPAO come into operation.

Discussions by the Bills Committee on Shenzhen Bay Port Hong Kong Port Area Bill

8. At its meeting on 7 March 2007, the Bills Committee was informed of the Administration's plan to make, before the commissioning of HKPA, subsidiary legislation -

- (a) to designate roads in HKPA as permitted operating areas for New Territories taxis under the Road Traffic (Registration and Licensing of Vehicles) Regulations (Cap. 374E);
- (b) to designate certain places in HKPA as detention places under IO and ISO;
- (c) to grant general permission under POO to allow persons of certain categories to enter or leave HKPA which would be a closed area; and
- (d) to designate the Hong Kong section of SBB and the related local road in the vicinity as a closed area from the day on which HKPA comes into being, and grant general permission for persons of certain categories to enter or leave the closed area under POO.

9. Hon James TO asked whether there was any precedent for granting general permission to allow specified categories of persons to enter or leave a closed area. The Administration explained that at present, all the four land boundary control points (namely, Lok Ma Chau, Man Kam To, Sha Tau Kok and Lo Wu) in Hong Kong were within the Frontier Closed Area as specified in the Frontier Closed Area Order (Cap. 245, sub. leg. A). By virtue of the Frontier Closed Area (Permission to Enter) Notice (Cap. 245, sub. leg. H) made under section 38A of POO, general permission was granted to allow specified categories of persons to enter or leave the Frontier Closed Area. The categories of persons covered by the general permission for HKPA would be similar to those covered by the general permission for the Lok Ma Chau Boundary Control Point.

Discussions by the Panel on Transport

10. At its meeting on 2 March 2007, the Panel on Transport was informed of the Administration's plan to amend Schedule 7 of the Road Traffic (Registration and Licensing of Vehicles) Regulations (Cap 374E) to designate roads within HKPA as permitted operating areas for New Territories taxis.

11. Members did not raise any specific questions on the legislative proposal.

Relevant papers

12. Members may wish to refer to the Administration's papers on "Legislative and Other Preparatory Work" (LC Paper No. CB(2)1250/06-07(02)) and "Administration of the Hong Kong Port Area as a closed area" (LC Paper No. 1366/06-07(01)) for the Bills Committee. Members may also wish to refer to the Administration's paper on "Traffic and Transport Arrangements for the Commissioning of Hong Kong - Shenzhen Western Corridor" (LC Paper No. CB(1)1004/06-07(05)) for the Panel on Transport. The papers are available on the website of the Council (<http://www.legco.gov.hk>).

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