

For information

**Legislative Council Panel on Security
Amendments to Subsidiary Legislation relating to
Security Matters of
the Hong Kong-Zhuhai-Macao Bridge**

PURPOSE

To cater for the commissioning of the Hong Kong-Zhuhai-Macao Bridge (“HZMB”) Hong Kong Port (“Hong Kong Port”) upon the opening of the Bridge, we need to enact technical subsidiary legislation relating to the operations of the Hong Kong Port. This paper aims to brief Members on the relevant legislative work.

BACKGROUND

2. The HZMB is the first cross-boundary land bridge connecting Guangdong, Hong Kong and Macao. The entire HZMB project includes the Main Bridge in the Mainland waters and the respective link roads and boundary crossing facilities in Hong Kong, Zhuhai and Macao. The HZMB Hong Kong Link Road (“HKLR”) starts from the boundary between the Hong Kong Special Administrative Region and the Mainland and runs continuously to the HZMB Hong Kong Port, which is located to the east of the Hong Kong International Airport, thereby linking the Main Bridge and the HZMB Hong Kong Port. The locations of the HZMB Hong Kong Port and HKLR are shown at Annex.

**SUBSIDIARY LEGISLATION RELATING TO THE HZMB
HONG KONG PORT**

3. For effective management of the HZMB Hong Kong Port and HKLR, we need to enact the following subsidiary legislation prior to the opening of the HZMB.

Subsidiary legislation for designation of closed areas

4. Currently, all land boundary control points in Hong Kong are administered under a closed area approach to maintain their security and effective operation. According to the experience of the Police, boundary control points are black spots for certain illegal activities, such as pick-pocketing, illegal immigration and smuggling. The large number of passengers expected to use the Hong Kong Port and the vast areas it covers would pose problems for law enforcement. If closed area management approach is not implemented, the Hong Kong Port can easily become a hotbed of criminals engaging in illegal activities. The effectiveness of boundary crossing would be jeopardised if a disproportionate amount of law enforcement resources is deployed to deal with law and order problems arising from non-bona fide users. Therefore, for more effective management of the new control point and the maintenance of public order and public safety, we consider it necessary for the Chief Executive to designate the major areas of the HZMB Hong Kong Port (including areas for immigration and customs clearance, and inspection and quarantine) and the related roads leading to the HZMB Hong Kong Port as closed area through the making of subsidiary legislation under section 36 of the Public Order Ordinance (Cap. 245) (“POO”).

5. In addition, we also consider it necessary to designate the HKLR as closed area. Outbound passengers need to go through departure clearance before they can enter the HKLR, which links the HZMB Hong Kong Port and the Main Bridge of the HZMB. Thus, by design, only cross-boundary passengers, drivers and the relevant law enforcement officers and engineering staff are allowed to enter the HKLR. For effective management of the HKLR and maintenance of public order, it will also be necessary for the Chief Executive to designate the HKLR as closed area through the making of subsidiary legislation under section 36 of POO.

6. The above closed area restrictions shall take effect on the day the HZMB and HZMB Hong Kong Port come into operation.

Subsidiary legislation on granting general permission for cross-boundary passengers and drivers to enter the closed areas

7. Section 38A of the POO stipulates that the Commissioner of Police (“CP”) may, by notice published in the Gazette, grant permission to persons of any class or category specified in the notice to enter or leave a closed area during such time and subject to such exceptions, conditions or restrictions as specified in the notice. We have made reference to the practice of other land boundary control points and consider that, in order to ensure the effective operation of the HZMB Hong Kong Port and the HKLR, it would be necessary for the CP to make a notice under section 38A of the POO granting general permission for entering or leaving the closed areas to persons who arrive at or depart from Hong Kong via the HZMB Hong Kong Port as well as drivers of cross-boundary road vehicles and specified modes of public transport carrying those persons. Such permission aims at maintaining public order and public safety in the HZMB Hong Kong Port while providing facilitation for cross-boundary passengers and drivers at the same time. The effective date of the notice should align with the above designation of closed areas by subsidiary legislation.

Subsidiary legislation for setting up Immigration Department Detention Quarters in the HZMB Hong Kong Port

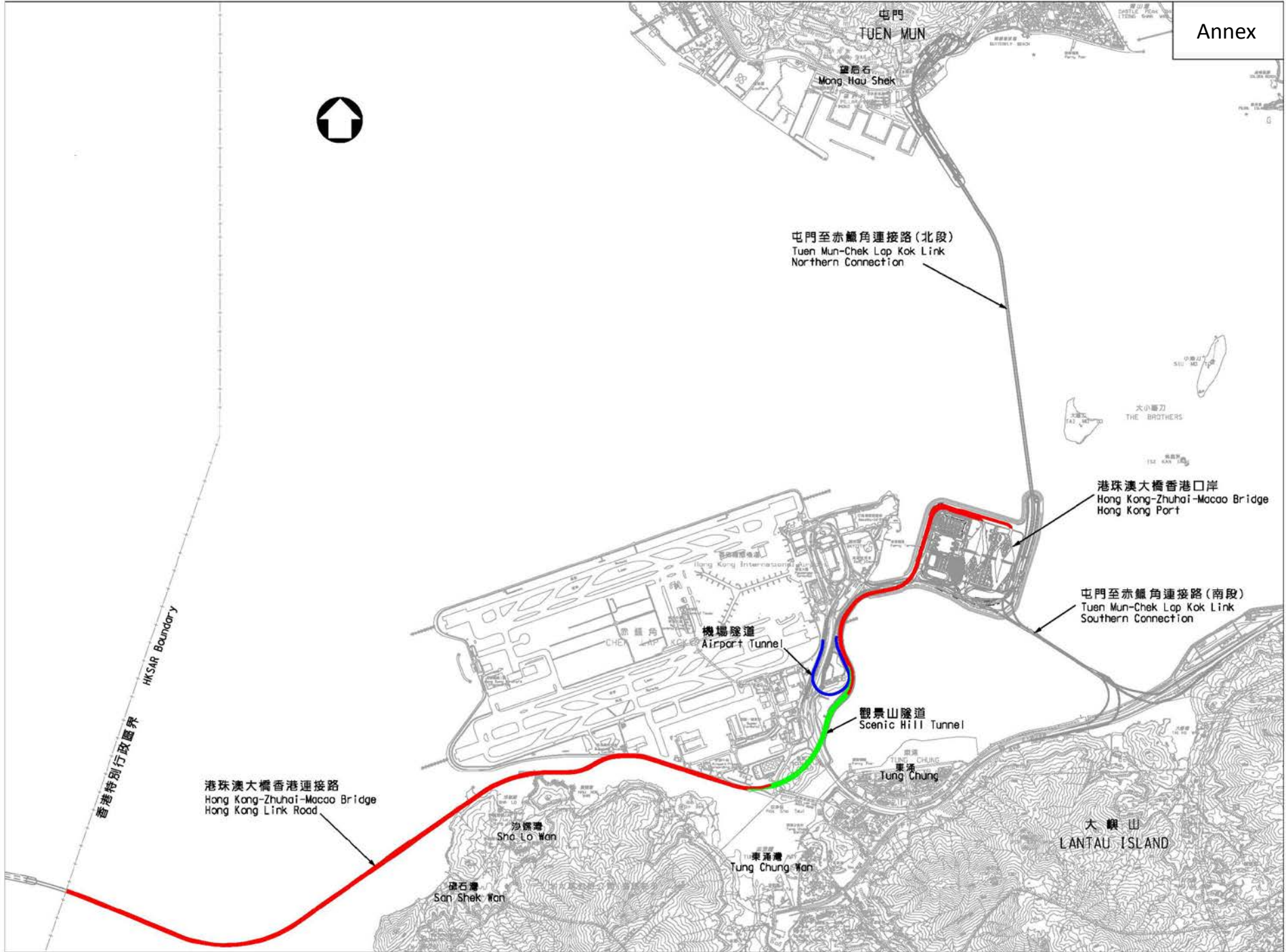
8. Similar to control points like the Hong Kong International Airport, Lok Ma Chau Spur Line and Shenzhen Bay Hong Kong Port Area control points, it is necessary to set up detention quarters at the HZMB Hong Kong Port for use by the Immigration Department when it exercises its routine immigration control and law enforcement duties. In accordance with the Immigration Ordinance (Cap. 115) and Immigration Service Ordinance (Cap. 331), the Secretary for Security will make subsidiary legislation to amend Schedule 3 of Immigration (Places of Detention) Order (Cap. 115B) and the Schedule of Immigration Service (Designated Places) Order (Cap. 331B) by adding the HZMB Hong Kong Port to the list of detention quarters which might be used by designated Immigration Department officers in the Schedules. The subsidiary legislation shall also take effect when the HZMB and HZMB Hong Kong Port come into operation.

WAY FORWARD

9. The effective dates of the above legislative amendments need to cater for the commissioning date of the HZMB. Based on the latest works progress, the Highways Department maintained the target that the HZMB Hong Kong projects (including those for the HZMB Hong Kong Port) would be ready for commissioning by end 2017. We expect to submit the relevant subsidiary legislation to the Legislative Council (“LegCo”) for negative vetting after the 2017-18 legislative session begins. The specific details of the subsidiary legislation will be elaborated in the LegCo Brief to be submitted to the LegCo together with the subsidiary legislation.

10. Members are invited to take note of the above plan to introduce several pieces of subsidiary legislation to the LegCo to ensure the effective operation of the HZMB Hong Kong Port of HZMB.

Security Bureau
July 2017



屯門至赤鱗角連接路(北段)
Tuen Mun-Chek Lap Kok Link
Northern Connection

港珠澳大橋香港口岸
Hong Kong-Zhuhai-Macao Bridge
Hong Kong Port

屯門至赤鱗角連接路(南段)
Tuen Mun-Chek Lap Kok Link
Southern Connection

機場隧道
Airport Tunnel

觀景山隧道
Scenic Hill Tunnel

港珠澳大橋香港連接路
Hong Kong-Zhuhai-Macao Bridge
Hong Kong Link Road

沙螺灣
Sha Lo Wan

碓石灣
San Shek Wan

車涌灣
Tung Chung Wan

大嶼山
LANTAU ISLAND

香港特別行政區界
HK SAR Boundary