

立法會
Legislative Council

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**Subcommittee on Subsidiary Legislation Relating to the Commissioning of
the Hong Kong-Zhuhai-Macao Bridge Hong Kong Port**

Minutes of meeting
held on Monday, 23 October 2017, at 4:30 pm
in Conference Room 3 of the Legislative Council Complex

Members present : Hon Holden CHOW Ho-ding (Chairman)
Hon WONG Ting-kwong, GBS, JP
Hon Frankie YICK Chi-ming, SBS, JP
Hon YIU Si-wing, BBS
Dr Hon KWOK Ka-ki
Hon Martin LIAO Cheung-kong, SBS, JP
Ir Dr Hon LO Wai-kwok, SBS, MH, JP
Hon Tanya CHAN
Hon LUK Chung-hung

Member attending : Hon WU Chi-wai, MH

Members absent : Hon CHU Hoi-dick
Dr Hon Junius HO Kwan-yiu, JP

Public Officers attending : Item II
Mr Parson LAM Chun-wah
Principal Assistant Secretary (Security) D

Mr Thomas WONG Ching-fu
Assistant Secretary (Security)

Mr Jimmy LEUNG Ming-ho
Assistant Secretary (Security)

Mr Nelson CHENG Yiu-mo
Assistant Commissioner of Police (Operations)

Mr TAI Chi-yuen
Assistant Director (Control)
Immigration Department

Mr IP Kwai-hang
Principal Project Coordinator / HKBCF
Highways Department

Miss Clara WONG
Chief Safety Officer (Airport & Safety Regulation)
Civil Aviation Department

Mr Vincent WAI Yun-lam
Government Counsel
Department of Justice

Clerk in attendance : Miss Betty MA
Chief Council Secretary (2) 1

Staff in attendance : Mr Cliff IP
Assistant Legal Adviser 8

Mr Raymond LAM
Senior Council Secretary (2) 7

Miss Lulu YEUNG
Clerical Assistant (2) 1

I. Election of Chairman

Mr Holden CHOW was elected Chairman of the Subcommittee.

2. Members agreed that there was no need for the Subcommittee to elect a Deputy Chairman.

II. Meeting with the Administration

3. The Subcommittee deliberated and examined the following items of subsidiary legislation relating to the commissioning of the Hong Kong-Zhuhai-Macao Bridge Hong Kong Port (index of proceedings attached at **Annex**):

- (a) the Immigration (Places of Detention) (Amendment) Order 2017 (L.N. 153 of 2017);
- (b) the Immigration Service (Designated Places) (Amendment) Order 2017 (L.N. 161 of 2017);
- (c) the Closed Area (Hong Kong-Zhuhai-Macao Bridge Hong Kong Port and Hong Kong Link Road) Order (L.N. 162 of 2017); and
- (d) the Hong Kong-Zhuhai-Macao Bridge Hong Kong Port and Hong Kong Link Road Closed Area (Permission to Enter) Notice (L.N. 163 of 2017).

III. Any other business

4. The Chairman concluded that the Subcommittee had completed its scrutiny work. Members noted that the Chairman would report on the deliberations of the Subcommittee at the House Committee meeting on 27 October 2017. The deadline for giving notice of amendments, if any, to the four items of subsidiary legislation relating to the commissioning of the Hong Kong-Zhuhai-Macao Bridge Hong Kong Port would be 1 November 2017.

5. There being no other business, the meeting ended at 5:49 pm.

**Proceedings of meeting of the Subcommittee on
Subsidiary Legislation Relating to the Commissioning of
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Time marker	Speaker	Subject(s) / Discussion	Action Required
000000 - 000630	Mr WONG Ting-kwong Ir Dr LO Wai-kwok Mr YIU Si-wing Mr Holden CHOW	Election of Chairman	
000631 - 001008	Chairman Mr WONG Ting-kwong	Legislative timetable	
001009 - 001327	Chairman Admin	Briefing by the Administration on the four items of subsidiary legislation relating to the commissioning of the Hong Kong-Zhuhai-Macao Bridge ("HZMB") Hong Kong Port ("HKP") ("the relevant subsidiary legislation").	
001328 - 001759	Chairman Mr WU Chi-wai Admin	<p>Mr WU Chi-wai's questions regarding:</p> <p>(a) the projected passenger and vehicular flows at HZMB HKP; and</p> <p>(b) whether the relevant subsidiary legislation had been drawn up on the basis of latest projections for cross-boundary passenger and vehicular flows for HZMB.</p> <p>The Administration's response that:</p> <p>(a) according to the feasibility study conducted in 2008, the projected vehicular flow at HZMB upon its commissioning would be in the region of 9 200 to 14 000 per day, while the passenger flow would be in the region of 55 850 to 69 200 per day. Taking account of the latest cross-boundary travel figures and the decline of growing trend, the Transport and Housing Bureau ("THB") estimated that the vehicular flow upon commissioning of HZMB would be lower than originally projected. However, it would gradually climb up; and</p>	

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		(b) the relevant subsidiary legislation had been drawn up mainly on the basis of customs and immigration clearance as well as security needs.	
001800 - 002153	Chairman Mr YIU Si-wing Admin	<p>Mr YIU Si-wing's questions regarding:</p> <p>(a) the criteria for determining the coverage of closed areas relating to HZMB and whether there was any mechanism in place for future enlargement or reduction of the coverage of the closed areas arising from operational needs; and</p> <p>(b) whether the relevant subsidiary legislation would cover vehicles using HZMB.</p> <p>The Administration's response that:</p> <p>(a) the designation of closed areas relating to HZMB was mainly based on customs and immigration clearance as well as security needs. The coverage of relevant closed areas had been designated having regard to foreseeable enforcement needs; and</p> <p>(b) legislation relating to vehicles using HZMB would be dealt with by THB.</p>	
002154 - 002642	Chairman Admin	<p>The Chairman's questions regarding:</p> <p>(a) the projected passenger and vehicular flows at HZMB; and</p> <p>(b) whether sufficient manpower would be deployed at HZMB HKP.</p> <p>The Administration's response that:</p> <p>(a) according to the feasibility study conducted in 2008, the projected vehicular flow at HZMB would be in the region of 9 200 to 14 000 per day, while the passenger flow would be in the region of 55 850 to 69 200 per day. Taking account of the latest cross-boundary travel figures and the decline of growing trend, THB estimated that the vehicular flow upon commissioning of</p>	

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		<p>HZMB would be lower than originally projected. However, it would gradually climb up;</p> <p>(b) the designation of closed areas relating to HZMB was in line with the practice for other land boundary control points; and</p> <p>(c) the Administration had allocated additional resources to the Customs and Excise Department and Immigration Department ("ImmD") in 2017-2018 to create over 300 posts respectively for customs clearance service, immigration control and related duties.</p> <p>The Chairman's question on the restrictions to be imposed at the closed areas relating to HZMB.</p> <p>The Administration's response that, in general, persons other than cross-boundary passengers and drivers or those without valid closed area permits would not be allowed to enter the closed areas.</p>	
002643 - 003607	Chairman Mr YIU Si-wing Ms Tanya CHAN Admin	<p>Mr YIU Si-wing's questions regarding:</p> <p>(a) the adequacy of immigration detention quarters referred to in paragraph 13 of the Legislative Council Brief (File Ref. : SBCR 1/606/16) and whether other government departments could use such immigration detention quarters; and</p> <p>(b) how non-refoulement claims lodged at HZMB HKP would be dealt with.</p> <p>Ms Tanya CHAN's questions regarding:</p> <p>(a) the size, number of detention rooms and capacity of the detention quarters;</p> <p>(b) whether persons refused entry into Hong Kong at the control point would be detained at the detention quarters; and</p> <p>(c) whether other law enforcement agencies ("LEAs") would establish detention quarters at HZMB HKP.</p>	

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		<p>The Administration's response that:</p> <ul style="list-style-type: none"> (a) the immigration detention quarters would be solely used by ImmD in its routine immigration control and law enforcement under the Immigration Ordinance (Cap. 115) and the Immigration Service Ordinance (Cap. 331); (b) persons refused entry into Hong Kong would be repatriated; (c) non-refoulement claims lodged at HZMB HKP would be dealt with under the established mechanism; (d) the detention quarters at HZMB HKP would have a size of 1 800 square feet and comprised 10 detention rooms which could accommodate 10 detainees; and (e) there was not a need for other LEAs to establish detention quarters at HZMB HKP. 	
003608 - 004040	Chairman Admin	<p>The Chairman's question regarding how the manpower to be deployed at HZMB HKP compared with that of other control points.</p> <p>The Administration's response that:</p> <ul style="list-style-type: none"> (a) the manpower to be deployed at a control point was determined having regard to the passenger and vehicular flow as well as the specific operational needs of the control point; and (b) taking Shenzhen Bay Control Point as example which currently deployed some 300 staff to handle a daily passenger flow of around 100 000 passengers and vehicular flow of around 12 000 vehicles, the proposed deployment of about 300 immigration staff members at HZMB HKP should be adequate to cater for the traffic upon commissioning. 	
004041 - 004827	Chairman Admin	Examination of provisions of the Immigration (Places of Detention) (Amendment) Order 2017.	

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004828 - 005023	Chairman Admin	Examination of provisions of the Immigration Service (Designated Places) (Amendment) Order 2017.	
005024 - 010556	Chairman Admin Ms Tanya CHAN	<p>Examination of provisions of the Closed Area (Hong Kong-Zhuhai-Macao Bridge Hong Kong Port and Hong Kong Link Road) Order.</p> <p>Ms Tanya CHAN's question regarding whether the designated closed areas would cover the bridge structure of HZMB in addition to the road surface.</p> <p>The Administration's response that the lower vertical boundary of the closed areas varied from one area to another depending on the specific circumstances of each area, such as the existence of underground structures and overlapping viaducts/roads. As for the upper vertical boundaries, the Administration's intention was to cover the top of all structures in the proposed closed areas but not the airspace in which aircraft might fly (bearing in mind the close proximity of the Hong Kong International Airport). Having regard to the height of the highest structure in the proposed closed areas (around 70 to 80 metres above Hong Kong Principal Datum) and having consulted the Civil Aviation Department, the upper vertical boundary of the entire closed areas was proposed to be, in general, 80 metres above Hong Kong Principal Datum but subject to the height restriction set out in section 3(1) of the Hong Kong Airport (Control of Obstructions) (No. 2) Order 1997 (Cap. 301D), which was the maximum height of building which could be built in the light of aviation safety concern.</p>	
010557 - 012001	Chairman Admin Ms Tanya CHAN	<p>Examination of provisions of the Hong Kong-Zhuhai-Macao Bridge Hong Kong Port and Hong Kong Link Road Closed Area (Permission to Enter) Notice ("the Notice").</p> <p>The Chairman's question regarding the division of work in relation to rescue operations at HZMB.</p> <p>The Administration's response that each jurisdiction would be responsible for rescue</p>	

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		<p>operations within its boundary, subject to the principle that priority would be given to providing medical care to injured persons within the shortest time.</p> <p>Ms Tanya CHAN's question and the Administration's response regarding the drafting of the phrase "the Mainland of China or Macao" in the Schedule to the Notice.</p>	
012002 - 012334	<p>Chairman Ms Tanya CHAN Mr WONG Ting-kwong Clerk</p>	<p>Members agreed that:</p> <p>(a) there was not a need to invite the public to give views on the relevant subsidiary legislation; and</p> <p>(b) there was not a need to extend the scrutiny period for the relevant subsidiary legislation.</p> <p>Completion of scrutiny of the relevant subsidiary legislation.</p> <p>Date of reporting the work of the Subcommittee to the House Committee and deadline for giving notice of amendment to the relevant subsidiary legislation.</p>	