

立法會
Legislative Council

LC Paper No. LS47/2026

**Paper for the Special House Committee Meeting
on 16 July 2026**

**Legal Service Division Report on
Huanggang Port Hong Kong Port Area Bill**

I. SUMMARY

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| 1. The Bill | The Bills seeks to: <ul style="list-style-type: none">(a) declare certain areas at the Huanggang Port in the Chinese Mainland as the Huanggang Port Hong Kong Port Area and Related Extended Areas;(b) apply the laws of Hong Kong in the Huanggang Port Hong Kong Port Area and Related Extended Areas and to provide for the court's jurisdiction in this connection;(c) extend the territorial limit of certain rights and obligations to include the Huanggang Port Hong Kong Port Area and Related Extended Areas;(d) assist in the construction of certain documents made subsequent to the declaration of the Huanggang Port Hong Kong Port Area and Related Extended Areas; and(e) provide for related matters. |
| 2. Public Consultation | No public consultation is mentioned in the Legislative Council Brief. |
| 3. Consultation with LegCo Panel | The Panel on Security was consulted on the legislative proposals at its meeting on 27 March 2026. Members supported the legislative proposals but expressed various concerns. |
| 4. Conclusion | The Legal Service Division is scrutinizing the legal and drafting aspects of the Bill. In the light of the concerns expressed by members of the Panel on Security on the legislative proposals, Members may consider whether it is necessary to study the Bill in detail. |

II. REPORT

The date of First Reading of the Bill is 15 July 2026. Members may refer to the Legislative Council (“LegCo”) Brief (File Ref: SBCR 3/2/2098/02) issued by the Security Bureau on 14 July 2026 for further details.

Object of the Bill

2. The Bill seeks to:
- (a) declare certain areas at the Huanggang Port in the Chinese Mainland as the Huanggang Port Hong Kong Port Area and Related Extended Areas;
 - (b) apply the laws of Hong Kong in the Huanggang Port Hong Kong Port Area and Related Extended Areas and to provide for the court’s jurisdiction in this connection;
 - (c) extend the territorial limit of certain rights and obligations to include the Huanggang Port Hong Kong Port Area and Related Extended Areas;
 - (d) assist in the construction of certain documents made subsequent to the declaration of the Huanggang Port Hong Kong Port Area and Related Extended Areas; and
 - (e) provide for related matters.

Background

3. At the Council meeting of 24 March 2021, a Government motion supporting the Hong Kong Special Administrative Region (“HKSAR”) Government in collaborating with the Shenzhen Municipal Government to press ahead the redevelopment of the Huanggang Port to implement co-location arrangement at the redeveloped Huanggang Port was passed.¹

4. The Standing Committee of the Fourteenth National People’s Congress decided on 26 June 2026 that, among others, (a) HKSAR is authorized to exercise, beginning on the day on which the Huanggang Port Hong Kong Port Area and Related Extended Areas are commissioned, jurisdiction over those areas in accordance with the laws of HKSAR within the specified term (which would expire on 30 June 2047), (b) the areas over which HKSAR is authorized to exercise jurisdiction include certain specified areas, and (c) the date of commissioning of the relevant areas, and their specific coordinates and area, are to be determined by the State Council.²

5. By the “Official Reply of the State Council concerning the Agreement on the Commissioning of the Huanggang Port Hong Kong Port Area and Related Extended

¹ For the wording of the Government motion, see the Official Record of Proceedings of the Council meeting of 24 March 2021 (page 4524 for the English version and page 3281 for the Chinese version).

² See paragraph (2) of the preamble of the Bill and Annex C to the LegCo Brief.

Areas” dated 8 July 2026, the State Council determined that the Huanggang Port Hong Kong Port Area and Related Extended Areas be commissioned beginning at 00:00 hours of 31 July 2026, and determined the specific coordinates and area of the areas mentioned in paragraph 4 above.³ The Bill is introduced into LegCo to declare certain areas as the Huanggang Port Hong Kong Port Area and Related Extended Areas, and to provide for the legal basis for the co-location arrangement. Its key provisions are summarized in the ensuing paragraphs.

Provisions of the Bill

Proposed declaration of the Huanggang Port Hong Kong Port Area and Related Extended Areas

6. Clause 3 of the Bill seeks to declare the areas delineated by the description set out in Schedule 1 to the Bill as the Huanggang Port Hong Kong Port Area and Related Extended Areas (“Hong Kong Port Area”).

7. Under clause 4 of the Bill, the Hong Kong Port Area would be a closed area for the purposes of the Public Order Ordinance (Cap. 245) and any other enactment that applies to a closed area (as defined by section 2(1) of Cap. 245).

Proposed application of laws of Hong Kong in Huanggang Port Hong Kong Port Area and Related Extended Areas and proposed provision of Hong Kong courts’ jurisdiction

8. Pursuant to clause 5(1) of the Bill, the laws of Hong Kong would apply in the Hong Kong Port Area, except in so far as otherwise provided by an enactment enacted, or made, on or after 31 July 2026. For the purposes of applying the laws of Hong Kong in the Hong Kong Port Area, clauses 5(2) and 6(1) of the Bill seek to provide that the Hong Kong Port Area would be regarded as an area lying within Hong Kong, and the land within the Hong Kong Port Area would be regarded as part and parcel of the Government land lying within Hong Kong respectively.

9. Clause 7 of the Bill seeks to provide for the jurisdiction of a court (i.e. a court or tribunal of the Judiciary of Hong Kong specified in Part 1 of Schedule 4 to the Bill, such as the Court of Final Appeal) over any cause or matter (whether civil or criminal) arising from applying the laws of Hong Kong in the Hong Kong Port Area.

Proposed extension of territorial limit of certain rights and obligations to include Huanggang Port Hong Kong Port Area and Related Extended Areas

10. Under clause 8(1) (which would not derogate from the operation of clauses 9 and 10 as mentioned below) of the Bill, no person would be entitled to contend in any proceedings (whether civil, criminal or otherwise) that the territorial limit of a right acquired or accrued before 31 July 2026 (“pre-existing right”) or an obligation incurred before 31 July 2026 (“pre-existing obligation”) is extended to include the Hong Kong Port

³ See paragraph (3) of the preamble of the Bill and Annex D to the LegCo Brief.

Area, if clause 5(2) of the Bill (see paragraph 8 above) is relied on as the sole ground for such contention.

11. Clause 9(1) of the Bill seeks to provide for the extension of the territorial limit of specified pre-existing rights and specified pre-existing obligations (other than rights or obligations conferred or imposed by court orders as stated in clause 9(4) of the Bill) to include the Hong Kong Port Area. A specified pre-existing right or a specified pre-existing obligation would be a pre-existing right or a pre-existing obligation of a description included in Schedule 2 to the Bill which subsists, or has its legal effect suspended, as at 31 July 2026, e.g. a pre-existing right or a pre-existing obligation arisen by virtue of:

- (a) a deportation order made under the Immigration Ordinance (Cap. 115) (section 1(a) of Schedule 2 to the Bill), or
- (b) a licence, permit or approval issued or given by the exercise or performance of a statutory power or statutory duty described in Schedule 3 to the Bill (e.g. a statutory power or statutory duty conferred or imposed on the Chief Executive or a public officer) (section 1(d) of Schedule 2, and section 1(a) of Schedule 3, to the Bill).

12. With respect to court orders made before 31 July 2026 (“pre-existing court orders”), clause 10(1) of the Bill seeks to provide for the extension of the territorial limit of rights or obligations conferred or imposed by specified pre-existing court orders to include the Hong Kong Port Area. A specified pre-existing court order would be a pre-existing court order of a description included in Part 2 of Schedule 4 to the Bill which subsists, or has its legal effect suspended, as at 31 July 2026. Under Part 2 of Schedule 4 to the Bill, a specified pre-existing court order would include:

- (a) an order or direction to the effect that a person must not leave, or be removed from, Hong Kong (section 1(a) of Part 2 of Schedule 4 to the Bill), or
- (b) a warrant or order authorizing the arrest of a person (section 1(b) of Part 2 of Schedule 4 to the Bill).

Proposed construction of certain documents made subsequent to the declaration of the Huanggang Port Hong Kong Port Area and Related Extended Areas

13. Under clause 11(1) of the Bill, no person would be entitled to contend in any proceedings (whether civil, criminal or otherwise) that clause 5(2) of the Bill (see paragraph 8 above) would have the effect of extending the territorial limit of a right acquired or accrued on or after 31 July 2026 (“future right”) or an obligation incurred on or after 31 July 2026 (“future obligation”) (which permits or requires a person to do, or not to do, an act in Hong Kong not encompassing the Hong Kong Port Area) to include the Hong Kong Port Area.

14. Clauses 12(1) and 13(1) of the Bill seek to provide that if (a) a future document (i.e. a document made on or after 31 July 2026) contains a reference to Hong Kong to describe the territorial limit of a right or obligation (other than a pre-existing right or pre-existing obligation), or (b) a future court order (i.e. a court order made on or after 31 July 2026) contains a reference to Hong Kong to describe the territorial limit of a right or obligation conferred or imposed by the court order, the territorial limit of the right or obligation would be construed as including the Hong Kong Port Area respectively. Clauses 12(1) and 13(1) of the Bill, however, could be displaced by a contrary intention pursuant to clauses 12(2) and 13(2) of the Bill respectively.

Related matters

15. The Bill seeks to provide for miscellaneous and related matters, including the expiry of the Bill (if passed) (clause 14), and related amendments to the Interpretation and General Clauses Ordinance (Cap. 1) (clauses 16 to 18).

Commencement

16. The Bill, if passed, would come into operation on 31 July 2026.

Public Consultation

17. There is no mention of public consultation in the LegCo Brief.

Consultation with LegCo Panel

18. As advised by the Clerk to the Panel on Security, the Panel was consulted on the legislative proposals at its meeting on 27 March 2026. Members expressed support for the proposals. Nevertheless, members raised concerns regarding several operational issues, including the arrangements for ancillary transport facilities connecting to the redeveloped Huanggang Port, the clearance arrangements for cross-boundary vehicles, the personal data privacy protection measures under the “collaborative inspection and joint clearance” mode for passengers, and the applicable age for the “face scan” clearance mode.

Conclusion

19. The Legal Service Division is scrutinizing the legal and drafting aspects of the Bill. In the light of the concerns expressed by members of the Panel on Security on the legislative proposals, Members may consider whether it is necessary to study the Bill in detail.

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