

Government Statement in respect of the jurisdiction of the Eastern Artificial Island of the Hong Kong-Zhuhai-Macao Bridge

In response to the media enquiries concerning the jurisdiction of the Eastern Artificial Island of the Hong Kong-Zhuhai-Macao Bridge (HZMB), a government spokesman made the following statement today (December 17):

The HZMB is a national-level cross-boundary infrastructure connecting Hong Kong, Zhuhai and Macao. The 55km-HZMB comprises three parts, namely: (i) the Hong Kong Link Road and Hong Kong Port situated in Hong Kong; (ii) the Main Bridge; Zhuhai Link Road and Zhuhai Port situated in Zhuhai; and (iii) the Macao Port situated in Macao.

The HZMB commenced operation on October 24, 2018. The construction and commissioning of HZMB changes neither the boundary and area of the Hong Kong Special Administrative Region (HKSAR) as promulgated in the Order of the State Council of the People's Republic of China No.221 nor the delineation of jurisdiction at the HZMB between Hong Kong and the Mainland.

Under the Inter-Governmental Agreement in respect of the Construction, Operation, Maintenance and Management of the HZMB (the Inter-Governmental Agreement) signed by governments of the HKSAR, the Guangdong Province and the Macao Special Administrative Region (Macao SAR) in 2010, Clause 2 affirms the "Territoriality Principle", under which the three governments have the responsibility to take enforcement actions and exercise jurisdiction within their own territory in accordance with the respective local laws. Such arrangement can ensure that no legal vacuum would arise in any area on the HZMB as well as assure the security and driving safety of this national-level cross-boundary infrastructure.

According to the "Territoriality Principle", the operation and law enforcement of the Hong Kong Link Road and the Hong Kong Port situated in Hong Kong are carried out by the HKSAR Government in accordance with the laws of Hong Kong; the operation and law enforcement of the Main Bridge situated in Zhuhai are carried out by the Mainland authorities in accordance with the Mainland law; and those of the Macao Port situated in Macao are carried out by the Macao SAR Government in accordance with the Macao law.

According to the abovementioned principle, if any arriving visitor or vehicle conducts any illegal acts on the Hong Kong section of HZMB, the law enforcement agencies of Hong Kong can take enforcement actions although the visitor/vehicle concerned has not yet completed arrival clearance at the Hong Kong Port. There is thus no problem of legal vacuum or lack of enforcement power anywhere on the HZMB.

As we understand, in response to the celebration of 20th anniversary of Macao's return to the Motherland and the visit of national leader to Macao, the Mainland authorities have decided to step up the security risks management of HZMB. On December 9, the Zhuhai Municipal Public Security Bureau announced on the website of Guangdong Provincial Public Security Department that the Zhuhai's authorities would set up security checkpoint at the Eastern Artificial Island of HMZB from December 10 to 22. The area concerned is squarely situated in Zhuhai and belongs to the Mainland jurisdiction. The HKSAR Government should not and would not intervene in the exercise of enforcement power by Mainland authorities in accordance with the Mainland jurisdiction. By the same token, the governments of Mainland and Macao would not intervene the exercise of enforcement power by the HKSAR Government in accordance with HKSAR's jurisdiction.

The abovementioned arrangement does not contradict the "separate locations" mode of clearance arrangement prescribed in Clause 18 of the Inter-Governmental Agreement, under which the three governments have to set up their own boundary control facilities and conduct arrival and departure clearance for all passengers, vehicles and goods in accordance with the respective local laws. The set-up of security checkpoint at the Eastern Artificial Island is a temporary measure and is not intended for replacing the existing control points. Passengers who have completed the security check at the checkpoint can proceed with their journey and are subject to immigration and customs clearance upon arriving at respective control points via HZMB.

The "Territoriality Principle" set out in the Inter-Governmental Agreement and the respective enforcement arrangements are detailed in the Administration's paper for Legislative Council (LegCo) Panel on Transport (LC Paper No. CB(4)1072/17-18(03)). The paper was discussed in detail at the meeting of the LegCo Panel on Transport on May 18, 2018 and was uploaded to the LegCo's website for public access.