

**立法會**  
***Legislative Council***

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Tel : 3919 3302

Date : 10 August 2018

From : Clerk to the Legislative Council

To : All Members of the Legislative Council

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**Special leave given under section 7  
of the Legislative Council (Powers and Privileges) Ordinance and  
Rule 90 of the Rules of Procedure of the Legislative Council  
in respect of Application for Leave to Apply for Judicial Review  
(HCAL 1160 of 2018)**

This circular informs Members that special leave has been given by the President of the Legislative Council (“LegCo”) under section 7(2) of the Legislative Council (Powers and Privileges) Ordinance (Cap. 382) and Rule 90(4) of the Rules of Procedure (“RoP”) for the Clerk to LegCo (“the Clerk”) to give evidence in the captioned Judicial Review in respect of the contents of relevant documents laid before the Council or its committees, or in respect of the relevant proceedings before the Council or its committees.

2. On 21 June 2018, Mr Sixtus LEUNG Chung Hang (“the Applicant”) filed a Notice of Application for Leave to Apply for Judicial Review to the Court of First Instance (“CFI”) to challenge the constitutionality of the Guangzhou-Shenzhen-Hong Kong Express Rail Link (Co-location) Bill (“the Bill”) passed by the Council at its meeting of 13 June 2018. The Applicant contends that the Bill contravenes the Basic Law and LegCo has no power to pass the Bill. The President has been named as the putative respondent in the Judicial Review. Apart from the captioned Judicial Review, there are four other judicial reviews relating to the Guangzhou-Shenzhen-Hong Kong Express Rail Link (Co-location) Ordinance naming the Chief Executive, the Secretary for Transport and Housing and the Secretary for Justice as putative respondents. On 10 July 2018, the Honourable Mr Justice CHOW of CFI directed, among

others, that the rolled-up hearing of the five judicial reviews shall take place on 30 and 31 October 2018, and that the putative respondent(s) do file and serve evidence in opposition on or before 6 August 2018.

3. With the advice of Senior Counsel instructed to represent the President in the captioned Judicial Review, the Clerk made two Affirmations on behalf of the President for filing on 6 August 2018 in accordance with CFI's direction. As the Council had been adjourned when the Affirmations were due to be filed on 6 August 2018, the President gave special leave under section 7(2) of Cap. 382 and RoP 90(4) for the Clerk to refer to, produce and exhibit in the Affirmations the relevant minutes or records of proceedings held, or any relevant documents laid, before the Council or its committees relating to the proceedings on the Bill. If necessary, the Clerk may have to file further affirmation(s) in the Judicial Review.

(Thomas WONG)  
for Clerk to the Legislative Council