

Legislative Council Public Works Subcommittee
Hong Kong Section of
the Guangzhou-Shenzhen-Hong Kong Express Rail Link

Follow-up on Meeting on 13 January 2016

INTRODUCTION

At the Meeting of the Public Works Subcommittee meeting on 13 January 2016, Members discussed matters relating to the construction of the Hong Kong section of the Guangzhou-Shenzhen-Hong Kong Express Rail Link (“XRL”) project. This paper aims to respond to questions raised by Members on the arrangements in relation to the co-location of customs, immigration and quarantine (“CIQ”) facilities of Hong Kong and the Mainland (“co-location arrangements”) at the West Kowloon Terminus (“WKT”) of the Hong Kong section of the XRL.

CO-LOCATION OF CIQ FACILITIES AT WKT

2. When the Government applied for funding for the construction of the XRL project from the Legislative Council (“LegCo”) in 2009, we had indicated that space would be reserved for installing the required facilities in case of the possible eventual implementation of co-location arrangements, which would allow passengers to go through the CIQ procedures for both Hong Kong and the Mainland within the WKT when the XRL starts operation.

3. As the Government has reiterated on multiple occasions, implementing co-location arrangements at the WKT can unleash the full potential of the XRL. Under co-location arrangements, passengers who choose to travel from Hong Kong to the Mainland by the XRL can complete the CIQ procedures for Hong Kong and the Mainland in one go before boarding and travel non-stop to cities along the national XRL network without the need to go through clearance again. Similarly, Hong Kong-bound XRL passengers embarking on a journey from any Mainland city along the national high-speed rail network can also travel non-stop to Hong Kong and complete the CIQ procedures for the two places at the WKT upon arrival in Hong Kong. As southbound and northbound passengers can complete the CIQ procedures for the two places at the WKT

without the need of disembarking for immigration checks en route, they can enjoy the convenience and speediness of the XRL to the full.

4. One of the keys to the implementation of the co-location arrangements at the WKT rests on how to let Mainland inspecting officers, with compliance with the Basic Law and the “one country, two systems” principle as a prerequisite, undertake the relevant Mainland CIQ procedures at the WKT. Therefore, the co-location arrangements involve complex legal and practical operational issues. The Department of Justice, the Transport and Housing Bureau, the Security Bureau, and the Constitutional and Mainland Affairs Bureau are studying the relevant issues jointly and actively, and are discussing them with the relevant Mainland authorities. Our common goal is to strive for the implementation of the co-location arrangements at the WKT, in compliance with the Basic Law and the “one country, two systems” principle, when the XRL starts operation in 2018. We and the Hong Kong and Macao Affairs Office of the State Council have previously agreed to further discuss the issues early this year.

5. The Government fully understands that the community has concerns over the implementation of the co-location arrangements, including whether it will bring about impact on the Basic Law and the “one country, two systems” principle. As mentioned in the Secretary for Justice’s reply to the oral question raised at the LegCo meeting on 9 December 2015, both the Hong Kong Special Administrative Region Government and the Central Government attach great importance to ensuring that the future co-location arrangements will be in full compliance with the Basic Law and the “one country, two systems” principle. There will not be any distortion of the Basic Law, nor will the rule of law be prejudiced. In other words, we have to ensure that the XRL can operate to its full potential and that the co-location arrangements must comply with the Basic Law without compromising the “one country, two systems” principle. After all, co-location is a legal and operational issue arising from a transport infrastructure project. Legal issues should be resolved through legal means, while operational matters should be addressed by technical means. Therefore, together we should remain objective and practical whilst being focused on tackling the relevant legal and operational issues in order to explore ways to implement co-location arrangements within the framework of the Basic Law.

6. The overrun of the construction cost and the issue of co-location are two unrelated matters of completely different nature. Construction cost overrun is an issue with works management. It is irrelevant to whether and how

co-location arrangements will be implemented, and the two issues should not be bundled together. Currently, about three quarters of the XRL works have been completed.

7. The Government will use its best endeavours to continue discussing with the Mainland on how to implement the co-location arrangements. However, the most pressing task at hand is that the additional funding for the works of XRL be approved so that works can be completed as scheduled. Otherwise, there will be serious consequences. Therefore, we hope that Members can support the approval of additional funding for the works of the XRL. As for the actual co-location arrangements, the Government aims to inform LegCo and the public as soon as possible.

Transport and Housing Bureau

January 2016