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14 March 2017

Clerk to the Legislative Council
(Attn: Ms. Doris LO)
Legislative Council Complex
1 Legislative Council Road,
Central, Hong Kong

Dear Ms. Lo,

Panel on Transport
Subcommittee on Matters Relating to Railways

**Co-location of Customs, Immigration and Quarantine facilities at the
West Kowloon Terminus of the Hong Kong section of the
Guangzhou-Shenzhen-Hong Kong Express Rail Link**

Our Bureau received your letter dated 7 March 2017 enclosing the joint letter from Dr Hon KWOK Ka-ki, Hon Alvin YEUNG, Hon Jeremy TAM Man-ho and the letter from Hon CHU Hoi-dick requesting for a special meeting on the captioned subject. Our reply is as follows.

We notice that there are recent media reports claiming to have secured two floor plans submitted by the Mass Transit Railway Corporation Limited (“MTRCL”) and its consultants to the Safety and Security Coordinating Committee (“SSCC”), and made some

speculations on the facilities to be established at the West Kowloon Terminus (“WKT”) of the Guangzhou-Shenzhen-Hong Kong Express Rail Link (“XRL”).

The SSCC is a standing committee responsible for reviewing the safety and security matters (including emergency evacuation, rescue and fire safety issues) in relation to railway stations, railway depots and related structures (hereinafter referred as “railway premises”) with a view to ensuring the safe operation of railway premises and facilities as well as safeguarding passenger safety. It is chaired by the Assistant Director of the Railways Branch of the Electrical and Mechanical Services Department, with its members comprising representatives from the Fire Services Department, Buildings Department, Highways Department, Hong Kong Police Force and MTRCL.

As a matter of fact, MTRCL is required to submit requisite documents to the SSCC prior to the commissioning of all new railway lines and stations such that SSCC Members may consider issues such as station design, fire safety, evacuation routes and fire resisting constructions etc. in accordance with relevant ordinances. As the project manager of the Hong Kong section of the XRL, MTRCL amends the floor plans from time to time in light of user requirements and comments from other departments. Our understanding is that the floor plans dated November 2015 and February 2016 mentioned in the media report are not the most updated version, and we have immediately clarified this point in public. We emphasise that all technical documents and plans submitted to the SSCC are meant for discussion of the aforementioned matters, and are entirely irrelevant to the issue of legal jurisdiction.

The Government of the Hong Kong Special Administrative Region (“HKSARG”) has all along stated that our goal is to implement co-location of customs, immigration and quarantine (“CIQ”) arrangements at the WKT upon the commissioning of the Hong Kong

section of the XRL in order to maximise the benefits of the project. Under the co-location arrangement, passengers would need to undergo Hong Kong and Mainland CIQ procedures respectively. It would be essential to set up a Mainland Port Area at the WKT in implementing the co-location arrangement. In this connection, we have reserved space at the WKT for the co-location of CIQ facilities. The funding application for the XRL project approved by the LegCo Finance Committee in January 2010 covered the construction of boundary control facilities. As the construction of the Hong Kong section of the XRL is expected to be completed in the third quarter of 2018, we need to take forward the construction of CIQ facilities in full swing while discussing the legal arrangement for implementing the co-location arrangement to tie in with the target commissioning date. The quarterly reports submitted by MTRCL and us to the LegCo Subcommittee on Matters Relating to Railways on the construction progress of the Hong Kong section of the XRL also cover the construction progress of the Mainland Port Area at the WKT. As stated in our report to the Subcommittee this February, the construction of the Mainland Port Area at the WKT is in progress. The progress of construction of concrete partition walls as at end December 2016 was 89%, and the finishes works, tile flooring and screeding works commenced in stages in the fourth quarter of 2016.

We observe that Members are concerned with how the Mainland law enforcement officers will enforce Mainland laws at the WKT in future. As stated by the HKSARG on various occasions, the CIQ arrangements of the Hong Kong section of the XRL involve many complicated constitutional, legal and operational issues. Since any relevant proposal must be in compliance with the principle of “One Country, Two Systems” and the Basic Law, as well as being operationally feasible, the HKSARG needs to discuss and study the issues with the relevant Mainland authorities. Relevant works and discussions are still being actively conducted with a view to reaching a final consensus on the related legal arrangements as soon as possible. We have all along been emphasising that when the work progress has reached

a suitable stage, the HKSARG will give an account to the public (including attending relevant committee meetings of the LegCo) and consider the views from different sectors of community.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Ronald C.", written in a cursive style.

(Ronald CHENG)

for Secretary for Transport and Housing