

立法會
Legislative Council

Ref : CB4/BC/2/17

LC Paper No. CB(4)1578/17-18
(These minutes have been seen
by the Administration)

**Bills Committee on Guangzhou-Shenzhen-Hong Kong Express Rail Link
(Co-location) Bill**

**Minutes of the seventh meeting
held on Tuesday, 27 March 2018, at 8:30 am
in Conference Room 1 of the Legislative Council Complex**

Members present : Hon Mrs Regina IP LAU Suk-ye, GBS, JP (Chairman)
Hon CHEUNG Kwok-kwan, JP (Deputy Chairman)
Hon James TO Kun-sun
Hon LEUNG Yiu-chung
Hon Abraham SHEK Lai-him, GBS, JP
Hon Tommy CHEUNG Yu-yan, GBS, JP
Hon WONG Ting-kwong, GBS, JP
Hon Starry LEE Wai-king, SBS, JP
Hon CHAN Hak-kan, BBS, JP
Hon CHAN Kin-por, GBS, JP
Hon WONG Kwok-kin, SBS, JP
Hon Paul TSE Wai-chun, JP
Hon Claudia MO
Hon Michael TIEN Puk-sun, BBS, JP
Hon WU Chi-wai, MH
Hon YIU Si-wing, BBS
Hon MA Fung-kwok, SBS, JP
Hon Charles Peter MOK, JP
Hon CHAN Chi-chuen
Hon CHAN Han-pan, JP
Hon Kenneth LEUNG
Hon Alice MAK Mei-kuen, BBS, JP
Hon KWOK Wai-keung, JP
Hon Dennis KWOK Wing-hang
Hon Christopher CHEUNG Wah-fung, SBS, JP
Dr Hon Fernando CHEUNG Chiu-hung
Hon IP Kin-yuen
Dr Hon Elizabeth QUAT, BBS, JP

Dr Hon CHIANG Lai-wan, JP
Ir Dr Hon LO Wai-kwok, SBS, MH, JP
Hon Alvin YEUNG
Hon Andrew WAN Siu-kin
Hon CHU Hoi-dick
Hon Jimmy NG Wing-ka, JP
Hon HO Kai-ming
Hon LAM Cheuk-ting
Hon Holden CHOW Ho-ding
Hon SHIU Ka-fai
Hon Wilson OR Chong-shing, MH
Hon YUNG Hoi-yan
Dr Hon Pierre CHAN
Hon CHAN Chun-ying
Hon Tanya CHAN
Hon HUI Chi-fung
Hon LUK Chung-hung
Hon LAU Kwok-fan, MH
Hon Kenneth LAU Ip-keung, BBS, MH, JP
Dr Hon CHENG Chung-tai
Hon Jeremy TAM Man-ho
Hon Gary FAN Kwok-wai
Hon AU Nok-hin
Hon Vincent CHENG Wing-shun, MH
Hon Tony TSE Wai-chuen, BBS

**Members
absent**

: Prof Hon Joseph LEE Kok-long, SBS, JP
Hon Jeffrey LAM Kin-fung, GBS, JP
Dr Hon Priscilla LEUNG Mei-fun, SBS, JP
Hon Steven HO Chun-yin, BBS
Hon Frankie YICK Chi-ming, SBS, JP
Hon LEUNG Che-cheung, SBS, MH, JP
Dr Hon KWOK Ka-ki
Dr Hon Helena WONG Pik-wan
Dr Hon Junius HO Kwan-yiu, JP
Hon SHIU Ka-chun
Hon KWONG Chun-yu

Public officers attending : Item I

Transport and Housing Bureau

Mr Frank CHAN Fan, JP
Secretary for Transport and Housing

Ms Rebecca PUN Ting-ting, JP
Deputy Secretary for Transport and Housing
(Transport) 1

Mr Andy LAM Siu-hong
Principal Assistant Secretary for Transport and Housing
(Transport) 3

Mr Ronald CHENG Long-fung
Assistant Secretary for Transport and Housing
(Transport) 3C

Department of Justice

Mr Wesley WONG Wai-chung, SC, JP
Solicitor General

Mr Dominic LAI Kai-sang
Deputy Law Officer (Civil Law)(Advisory)

Mr Llewellyn MUI Kei-fat
Deputy Solicitor General (Constitutional Affairs) (Acting)

Mr Lawrence PENG Si-yun
Senior Assistant Law Draftsman

Mr Henry CHAN Ngai-him
Senior Government Counsel

Security Bureau

Mr Sonny AU Chi-kwong, PDSM, PMSM, JP
Under Secretary for Security

Ms Maggie WONG Siu-chu, JP
Deputy Secretary for Security 3

Mr Parson LAM Chun-wah
Principal Assistant Secretary for Security D

Clerk in attendance : Ms Sophie LAU
Chief Council Secretary (4)2

Staff in attendance : Mr Timothy TSO
Senior Assistant Legal Adviser 1

Miss Joyce CHAN
Assistant Legal Adviser 1

Miss Joyce CHING
Senior Council Secretary (4)2

Ms Jacqueline LAW
Council Secretary (4)2

Miss Mandy LAM
Legislative Assistant (4)2

I. Meeting with the Administration

[LC Paper Nos. CB(3)312/17-18, LS31/17-18, CB(4)587/17-18(01), CB(4)597/17-18(01), CB(4)631/17-18(01), CB(4)670/17-18(01), CB(4)720/17-18(01), CB(4)710/17-18(01) to (02), CB(4)769/17-18(01) to (04) and THB(T)CR 9/1/16/581/99]

Discussion

The Bills Committee deliberated (Index of proceedings attached at **Annex**).

2. During the deliberations of the Bills Committee, the Chairman suspended the meeting at 8:47 am to discuss with members on the meeting arrangement and procedural matters. The meeting was resumed at 9:10 am.

Clause-by-clause examination of the Bill

3. The Bills Committee commenced clause-by-clause examination of the Chinese text of the Guangzhou-Shenzhen-Hong Kong Express Rail Link (Co-location) Bill ("the Bill").

4. At 10:11 am, the Chairman suspended the meeting for five minutes to discuss with members on the meeting arrangement and procedural matters. The meeting was resumed at 10:16 am.

5. At 10:29 am, the Chairman extended the meeting for 15 minutes beyond the appointed ending time to allow sufficient time for discussion.

II. Any other business

Date of next meeting

6. The Chairman reminded members that the next meeting had been scheduled for Tuesday, 3 April 2018 at 2:00 pm to continue clause-by-clause examination of the Bill. An additional meeting would be held on Saturday, 7 April 2018 to receive public's views, and the notice of meeting had been issued to members vide LC Paper No. CB(4)743/17-18 on 15 March 2018.

(Post-meeting note: The meeting scheduled for 3 April 2018 at 2:00 pm was cancelled due to the lack of a quorum within 15 minutes of the appointed time. The notice of cancellation was issued to members vide LC Paper No. CB(4)851/17-18 on 3 April 2018.)

7. There being no other business, the meeting ended at 10:44 am.

Council Business Division 4
Legislative Council Secretariat
27 September 2018

**Proceedings of the seventh meeting of the
Bills Committee on Guangzhou-Shenzhen-Hong Kong Express Rail Link (Co-location)
Bill
held on Tuesday, 27 March 2018, at 8:30 am
in Conference Room 1 of the Legislative Council Complex**

Time Marker	Speaker(s)	Subject(s)	Action required
Meeting with the Administration			
000947-001124	Chairman Mr CHU Hoi-dick	Welcoming remarks and meeting arrangement.	
001125-002119-	Chairman Administration Mr Gary FAN Mr CHU Hoi-dick Mr Dennis KWOK Ms Tanya CHAN	Discussion on meeting arrangement and procedural matters.	
002120-004448	Chairman	Suspension of meeting for 23 minutes.	
004449-005359	Chairman Administration	Briefing on meeting arrangement. The Administration briefed members on the structure of the Guangzhou-Shenzhen-Hong Kong Express Rail Link (Co-location) Bill ("the Bill").	
005400-005553	Chairman Ms Tanya CHAN	Ms CHAN's enquiry relating to the speaking note of the Secretary for Transport and Housing and time management of the meeting.	
005554-010030	Chairman Mr Gary FAN Administration	Mr FAN's enquiry on the updated estimates of the patronage forecast, economic benefit and operational viability of the Guangzhou-Shenzhen-Hong Kong Express Rail Link ("XRL") and the Administration's response.	
010031-010547	Chairman Mr CHU Hoi-dick Administration	Mr CHU's enquiries on: (a) the operation of the passenger real-name ticket sales system and whether staff of the Mass Transit Railway Corporation would require additional powers to facilitate the system's operation; (b) the boundary of the designated area of the Hong Kong Port Area at the West Kowloon Station ("WKS"); and	

Time Marker	Speaker(s)	Subject(s)	Action required
		<p>(c) the consultation arrangement with members and the Hong Kong Bar Association in relation to the co-location arrangement.</p> <p>The Administration's response to the above matters.</p>	
010548-011006	Chairman Mr Gary FAN Administration	<p>Mr FAN's concern over the operation and economic benefit of XRL and the Administration's response.</p> <p>The Administration was requested to provide members with the speaking note of the Secretary for Transport and Housing.</p>	
011007-011057	Chairman Mr LUK Chung-hung	Mr LUK's enquiry on meeting arrangement.	
011058-011530	Chairman Mr AU Nok-hin Administration	Mr AU's questions relating to the emergency exits in and lease arrangements of WKS Mainland Port Area ("MPA") and the Administration's response.	
011531-012150	Chairman Mr Jeremy TAM Administration	<p>Citing the Shenzhen Bay Port Hong Kong Port Area Ordinance (Cap. 591), Mr TAM questioned why it was not stipulated in the Bill that the land use right of WKS MPA was acquired by the Mainland by way of a lease.</p> <p>The Administration stressed that the arrangement in the Shenzhen Bay Port Hong Kong Port Area only served as a reference rather than a rule to follow.</p>	
012151-012954	Chairman Mr Dennis KWOK Senior Assistant Legal Adviser 1 ("SALA 1") Administration	<p>Mr KWOK sought clarification from the Administration and advice from SALA 1 on the Administration's position that Article 18 of the Basic Law ("BL 18") would not be engaged if Mainland laws were enforced by Mainland authorities in a designated area within the Hong Kong Special Administrative Region ("HKSAR").</p> <p>The Administration referred members to part (2) of LC Paper No. CB(4)720/17-18(01) in relation to Mr KWOK's enquiry.</p> <p>SALA 1 advised that in the letters issued by the Legal Service Division to the Administration, the Administration was requested to provide further details on the internal aids and extrinsic materials in support of the Administration's interpretation of</p>	

Time Marker	Speaker(s)	Subject(s)	Action required
		BL 18.	
012955-013550	Chairman Mr Paul TSE Administration	Mr TSE's enquiry on whether the Administration would consider seeking an interpretation of BL 18 from the Standing Committee of the National People's Congress ("NPCSC") and the Administration's response.	
013551-013724	Chairman Administration Mr HUI Chi-fung	Mr HUI's enquiry on meeting arrangement.	
013725-014022	Chairman Mr CHAN Han-pan Administration	Clause-by-clause examination of the Bill <u>Long Title</u> Mr CHAN's enquiry on the handling of emergency incidents occurring on passenger trains bounded for Hong Kong and the Administration's response.	
014023-014441	Chairman Mr HUI Chi-fung Mr Charles Peter MOK	Discussion on procedural matters and time management of the meeting.	
014442-014548	Chairman Administration	<u>Preamble</u>	
014549-015040	Chairman	Suspension of meeting for five minutes.	
015041-015451	Chairman Ms Claudia MO Administration	Ms MO's query on the constitutional basis of the Bill and the Administration's response.	
015452-015910	Chairman Mr Dennis KWOK Administration	Mr KWOK's enquiry and the Administration's response on whether the establishment of WKS MPA would contravene Articles 19 and 80 of BL.	
015911-020200	Chairman Ms Starry LEE Administration	Ms LEE enquired whether the term "Declare" used in the Long Title was appropriate and suggested adding the phrase "pursuant to the NPCSC's Decision" to reflect the fact that the establishment of WKS MPA and the co-location arrangement to be implemented thereat had been approved by NPCSC. The Administration advised that it had made reference to Cap. 591 in respect of the use of the term "Declare" when drafting the Bill.	

Time Marker	Speaker(s)	Subject(s)	Action required
020201-020851	Chairman Dr Fernando CHEUNG Administration	The Chairman extended the meeting for 15 minutes. Dr CHEUNG's view that the Bill would contravene BL and the Administration's response.	
020852-021255	Chairman Mr Jeremy TAM Administration	Mr TAM enquired why the lease duration, fee and usage cost for WKS MPA were not stipulated in the Bill and whether the agreement to be signed between the Mainland and the HKSAR Government on the Mainland's acquisition of the right to use MPA would be in the form of a lease contract. The Administration referred members to paragraph 8 of the Legislative Council Brief on Mr TAM's enquiry.	
021256-021724	Chairman Mr Kenneth LEUNG Administration	Mr LEUNG's enquiry and the Administration's response on why the train compartment of a passenger train in operation on the Hong Kong Section of the XRL was to be regarded as part of WKS MPA and whether the term "passenger train" used in the Long Title was appropriate.	
Any other business			
021725-021758	Chairman	Meeting arrangement and date of next meeting.	