

立法會
Legislative Council

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

**Minutes of the eleventh meeting
held on Tuesday, 10 April 2018, at 2:30 pm
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
Prof Hon Joseph LEE Kok-long, SBS, JP
Hon Jeffrey LAM Kin-fung, 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
Dr Hon Priscilla LEUNG Mei-fun, SBS, JP
Hon WONG Kwok-kin, SBS, JP
Hon Paul TSE Wai-chun, JP
Hon Claudia MO
Hon Michael TIEN Puk-sun, BBS, JP
Hon Steven HO Chun-yin, BBS
Hon Frankie YICK Chi-ming, SBS, 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 LEUNG Che-cheung, SBS, MH, JP
Hon Kenneth LEUNG

Hon Alice MAK Mei-kuen, BBS, JP
Dr Hon KWOK Ka-ki
Hon KWOK Wai-keung, JP
Hon Dennis KWOK Wing-hang
Hon Christopher CHEUNG Wah-fung, SBS, JP
Dr Hon Fernando CHEUNG Chiu-hung
Dr Hon Helena WONG Pik-wan
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
Dr Hon Junius HO Kwan-yiu, JP
Hon HO Kai-ming
Hon LAM Cheuk-ting
Hon Holden CHOW Ho-ding
Hon SHIU Ka-fai
Hon SHIU Ka-chun
Hon Wilson OR Chong-shing, MH
Hon YUNG Hoi-yan
Hon CHAN Chun-ying
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 KWONG Chun-yu
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** : Dr Hon Pierre CHAN
Hon Tanya CHAN

**Member
attending** : Hon Martin LIAO Cheung-kong, SBS, JP

Public officers attending : Agenda 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

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(4)886/17-18(01), CB(4)885/17-18(01)- (03), CB(3)312/17-18, CB(4)597/17-18(01), CB(4)631/17-18(01), CB(4)670/17-18(01), CB(4)720/17-18(01), File Ref.: THB(T)CR 9/1/16/581/99, LC Paper Nos. LS31/17-18 and CB(4)587/17-18(01)]

Discussion

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

II. Any other business

Date of next meeting

2. Members noted that the next meeting had been scheduled for Friday, 13 April 2018 at 8:30 am.

3. There being no other business, the meeting ended at 4:28 pm.

Council Business Division 4
Legislative Council Secretariat
8 June 2020

**Proceedings of the eleventh meeting of the
Bills Committee on Guangzhou-Shenzhen-Hong Kong Express Rail Link (Co-location)
Bill
held on Tuesday, 10 April 2018 at 2:30 pm
in Conference Room 1 of the Legislative Council Complex**

Time Marker	Speaker(s)	Subject(s)	Action required
Meeting with the Administration			
000750-001006	Chairman	Opening remarks and the progress of the work of the Bills Committee.	
<i>Part 1(Clauses 1 to 3)</i>			
001007-001212	Chairman Administration	Introduction on Part 1 (clauses 1 to 3) of the Bill by the Administration.	
001213-001924	Chairman SALA1 Administration	SALA1's request for explanation/clarification in relation to and the Administration's responses to the following: (a) the commencement date of the Bill; (b) the definitions of "reserved matter" and "non-reserved matter" under the Bill; and (c) the drafting approach of incorporating the texts of certain terms under the "Co-operation Arrangement" into Schedule 1 to the Bill.	
001925-002041	Chairman Mr CHU Hoi-dick Mr Gary FAN	Discussion on time arrangement.	
002042-002505	Chairman Mr Dennis KWOK Administration	Mr KWOK's concerns and the Administration's response regarding: (a) whether the Judiciary had been consulted on the interpretation of some terms in clause 2 in relation to courts; and (b) the definition of "Court order" under the Bill.	
002506-002833	Chairman Ms Claudia MO Administration	Ms MO's enquiries and the Administration's clarification on: (a) the definition of "Mainland" under the Bill; and	

Time Marker	Speaker(s)	Subject(s)	Action required
		(b) the difference in meaning between the phrases "an area" in the long title and "Mainland Port Area" ("MPA") in clause 2 of the Bill.	
002834-003207	Chairman Mr Kenneth LAU Administration	Mr LAU urged for the early completion of the scrutiny of the Bill. Mr LAU's enquiries and the Administration's response regarding passengers' right to make civil claims, and regulation of passengers' behaviour inside a train compartment of a passenger train in operation on the Hong Kong Section ("HKS") of the Guangzhou-Shenzhen-Hong Kong Express Rail Link ("XRL").	
003208-003624	Chairman Mr Charles Peter MOK Administration	Mr MOK's view on the short title of the Bill. Mr MOK's enquiry and the Administration's elaboration on the meaning of "train compartments", which is defined as forming part of the MPA under clause 2.	
003625-004043	Chairman Mr CHAN Chi-chuen Administration	Mr CHAN's concerns and the Administration's response regarding: (a) whether the commencement date of the Bill would tie in with the commissioning date of the HKS of the XRL; and (b) the legal basis for allowing the Mainland personnel to undertake preparatory work in the MPA before the commissioning of the HKS of the XRL.	
004044-004423	Chairman Mr Alvin YEUNG Administration	Mr YEUNG's enquiry about the handling of future variation(s) of the Co-operation Arrangement and the Administration's response.	
004424-004749	Chairman Mr Gary FAN Administration	Mr FAN's view and the Administration's response regarding the accuracy of the wordings of the long title and short title of the Bill. Mr FAN's enquiry about consultation with the Judiciary on the Bill and the Administration's response.	
004750-005046	Chairman Mr HUI Chi-fung Administration	Mr HUI's enquiry and the Administration's response regarding future variation(s) of the Co-operation Arrangement by way of supplementary agreement(s) pursuant to Article 16 of the Co-operation	

Time Marker	Speaker(s)	Subject(s)	Action required
		Arrangement.	
005047-005359	Chairman Dr CHENG Chung-tai Administration	Dr CHENG's enquiry about the interpretation of "Co-operation Arrangement" as set out under clause 2 of the Bill and the Administration's response.	
005400-005800	Chairman Dr Priscilla LEUNG Administration	Dr LEUNG's view on the difference in the structure of the Chinese and English texts of clause 2 of the Bill, and the Administration's response. Dr LEUNG offered her suggestion in relation to the definition of the term "Mainland" under clause 2 of the Bill.	
005801-010506	Chairman Dr Fernando CHEUNG Administration	Dr CHEUNG's request for early response from the Administration to the issues raised at the previous meetings of the Bills Committee. Dr CHEUNG's concern and the Administration's response regarding the security arrangements for passenger trains travelling from the West Kowloon Station ("WKS") to the Shek Kong Stabling Sidings ("SSS") and vice versa.	
010507-010814	Chairman Mr AU Nok-hin Administration	Mr AU's view on the definition of "commencement date" in clause 2 of the Bill and the Administration's response.	
010815-011435	Chairman Dr KWOK Ka-ki Administration	Dr KWOK's concern about the effect of pre-existing court orders in the MPA after the commencement of the Bill and the Administration's response.	
011436-011955	Chairman Mr CHU Hoi-dick Administration	Mr CHU enquired about: (a) the term "geographical scope" in clause 2 of the Bill and example(s) of use of the term in existing legislation; (b) whether "geographical scope" referred to three-dimensional space; and (c) whether the rights and obligations of Hong Kong residents would be diminished following the establishment of the MPA. The Administration's response.	

Time Marker	Speaker(s)	Subject(s)	Action required
011956-012254	Chairman Mr Tony TSE Administration	Mr TSE's enquiries and the Administration's response regarding: (a) whether "commencement date" as defined in clause 2 of the Bill would be the implementation date of the co-location arrangement; (b) the principal datum of SSS as set out in clause 5 of the Bill; and (c) whether Mainland personnel participating in the preparatory work for the MPA prior to the commencement of the enacted ordinance was required to go through immigration and customs clearance procedures according to the laws of Hong Kong.	
012255-012648	Chairman Mr Kenneth LEUNG Administration	Mr LEUNG's concern and the Administration's response regarding the scope of the definitions of "Court" and "Court order" under clause 2 of the Bill.	
012649-013104	Chairman Mr Jeremy TAM Administration	Mr TAM's enquiry about the handling of cross-boundary crimes at the WKS and the Administration's response.	
013105-013611	Chairman Mr Andrew WAN Administration	Mr WAN's suggestion of providing a definition for the term "Mainland Authorities Stationed at the MPA" in the Bill and the Administration's response.	
013612-014117	Chairman Mr Dennis KWOK Administration	Mr KWOK's concern and the Administration's response regarding the handling of disputes between, for example, a passenger and a personnel of Mainland Authorities Stationed at the MPA pertaining to contractual or other legal relationships of a civil nature under Article 7(5) of the Co-operation Arrangement.	
014118-014400	Chairman Mr Gary FAN Administration	Mr FAN enquired about the scope of the definition of "Court" in clause 2 of the Bill; the reason(s) for not setting out details of the definitions of "Court" and "Court order" in the form of Schedules to the Bill, similar to the Shenzhen Bay Port Hong Kong Port Area Ordinance (Cap. 591). The Administration's response.	
014401-014822	Chairman Ms Claudia MO Administration	Ms MO's enquiries and the Administration's response regarding:	

Time Marker	Speaker(s)	Subject(s)	Action required
		<p>(a) the applicability of the laws of the Mainland to passengers within the MPA;</p> <p>(b) the Chinese text of the definition of "statutory authority" in clause 2 of the Bill; and</p> <p>(c) whether an Owners' Corporation fell within the definition of "statutory authority".</p>	
014823-014944	Chairman Dr KWOK Ka-ki	Discussion on time management.	
014945-015240	Chairman Dr Priscilla LEUNG Administration	Dr LEUNG's views and the Administration's response regarding the definition of "Mainland" and the Chinese text of the definition of "geographical scope" under clause 2 of the Bill.	
015241-015849	Chairman Mr James TO Administration	Mr TO's enquiries and the Administration's explanation of clause 6 of the Bill, which is a deeming provision, and the laws to be applied in the MPA.	
015850-020201	Chairman Mr LEUNG Yiu-chung Administration	<p>Mr LEUNG asked whether the Mainland personnel participating in the preparatory work of the MPA was required to abide by the laws of Hong Kong prior to the commencement of the enacted ordinance, and the handling of accidents involving the aforesaid Mainland personnel.</p> <p>The Administration's response.</p>	
Any other business			
020202-020221	Chairman	Date of next meeting and closing remarks.	