

立法會
Legislative Council

LC Paper No. CB(4)385/18-19
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by the Administration)

Ref : CB4/BC/2/17

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

**Minutes of the fourteenth meeting
held on Tuesday, 24 April 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 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
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 Kenneth LEUNG
Hon Alice MAK Mei-kuen, BBS, 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
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 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 Vincent CHENG Wing-shun, MH
Hon Tony TSE Wai-chuen, BBS

**Members
absent** : Hon LEUNG Yiu-chung
Dr Hon Priscilla LEUNG Mei-fun, SBS, JP
Hon LEUNG Che-cheung, SBS, MH, JP
Dr Hon KWOK Ka-ki
Hon KWOK Wai-keung, JP
Ir Dr Hon LO Wai-kwok, SBS, MH, JP
Dr Hon Pierre CHAN
Hon KWONG Chun-yu
Hon AU Nok-hin

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

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

Action

I. Meeting with the Administration

[LC paper Nos. CB(4)947/17-18(02) - (03), CB(4)724/17-18(01), 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), LS31/17-18, CB(4)587/17-18(01) and THB(T)CR 9/1/16/581/99]

Discussion

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

(At 10:25 am, the Chairman ordered that the meeting be extended for 15 minutes to 10:45 am.)

Follow-up actions to be taken by the Administration

2. The Bills Committee requested the Administration to:

- (a) in respect of the escalator connecting B3 level and B4 level as shown in Section B-B in Annex 1 to Plan No. 1 in Schedule 2 to the Bill, clarify whether any part of such escalator was not shown in Section B-B and if so, whether such part fell within the Mainland Port Area or not; and clarify whether there were any other escalators connecting B2, B3 and/or B4 levels within the Mainland Port Area;
- (b) consider indicating in the form of a plan the location of the escalator(s) connecting B3 level and B2 level referred to in Note 1 in Annex 1 to Plan No. 1 in Schedule 2;
- (c) in respect of the marking "-4.0 mPD" shown in Section A-A in Annex 1 to Plan No. 1 in Schedule 2 and Note 3 in Plan No. 2, clarify whether the vertical limit of the Mainland Port Area at the Atrium as shown in Section A-A in Annex 1 to Plan No. 1 was the only exception to the vertical limit of the Mainland Port Area as stated in Note 3 in Plan No. 2; and
- (d) consider providing definitions for the phrases "train compartment", "passenger train" and "in operation" appearing in clause 5 of the Bill.

(Post-meeting note: The Chinese and English versions of the Administration's response 1 were issued to members vide LC Paper No. CB(4)1032/17-18(03) on 4 and 11 May 2018 respectively.)

II. Any other business

Date of next meeting

- 3. Members noted that the next meeting would be held on 27 April 2018 at 10:45 am.
- 4. There being no other business, the meeting ended at 10:48 am.

Council Business Division 4
Legislative Council Secretariat
3 January 2019

**Proceedings of the fourteenth meeting of the
Bills Committee on Guangzhou-Shenzhen-Hong Kong Express Rail Link (Co-location)
Bill
held on Tuesday, 24 April 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			
000820-001041	Chairman	Opening remarks	
<i>clause 4 (Cont'd)</i>			
001042-001318	Chairman Mr CHU Hoi-dick Administration	Mr CHU's enquiry about the details of the Mainland Authorities Stationed at the Mainland Port Area ("MPA") at the West Kowloon Station ("WKS"). The Administration's reply and explanation on the jurisdiction of the Mainland over the MPA in accordance with the Co-operation Arrangement between the Mainland and the Hong Kong Special Administrative Region on the Establishment of the Port at the West Kowloon Station of the Guangzhou-Shenzhen-Hong Kong Express Rail Link for Implementing Co-location Arrangement ("Co-operation Arrangement").	
001319-001643	Chairman Mr HUI Chi-fung Administration	Mr HUI's enquiry about the phrases "MPA", "designated area" and "train compartment" in the Bill, and the Administration's response.	
001644-002022	Chairman Mr WU Chi-wai Administration	Mr WU's enquiry on the customs clearance arrangement for the passenger trains travelling between the WKS and the Shek Kong Stabling Sidings ("SSS"), and the Administration's response.	
002023-002241	Chairman Mr CHAN Chi-chuen Administration	Mr CHAN's enquiry on the authority of the staff members of the MTR Corporation Limited to deal with illegal activities, such as unauthorized entry into an area designated as a cross-boundary restricted area in the WKS and the Administration's response.	
002242-002510	Chairman Mr Gary FAN Administration	Mr FAN's enquiry on the issuing of "standard permit" mentioned in by-law 41F of the Mass Transit Railway By-laws (Cap. 556B) and the Administration's response.	

Time Marker	Speaker(s)	Subject(s)	Action required
002511-002939	Chairman Ms Tanya CHAN Administration	Ms CHAN's enquiry on the declaration of an area to be a cross-boundary restricted area by notice in the Gazette, issues arising from the term "valid permit" used in Article 7(1) of the Co-operation Arrangement and "permit" as defined under by-law 41A of Cap. 556B, and the Administration's response.	
002940-003416	Chairman Dr Fernando CHEUNG Administration	Dr CHEUNG's enquiry on the measures to be implemented at the WKS by the Administration to prevent imported communicable diseases from the Mainland and the Administration's response.	
003417-003759	Chairman Mr Gary FAN Administration	Mr FAN's enquiry about the exemption of application of by-law 41E to Government officers, including members of the Chinese People's Liberation Army, under by-law 41T of Cap. 556B and the Administration's response.	
003800-003922	Chairman Dr Fernando CHEUNG Administration	Dr CHEUNG's enquiry on whether the establishment of the MPA at the WKS would affect the boundary of the administrative division of the Hong Kong Special Administrative Region and the Administration's response.	
003923-004847	Chairman Senior Assistant Legal Adviser 1 ("SALA1") Administration	SALA1's enquiry on the escalators connecting B2, B3 and/or B4 levels and the vertical limit of the MPA. The Administration's response as set out in paragraphs 1 to 4 of LC Paper No. CB(4)1032/17-18(03).	Admin to provide paper. Para 2(a) to (c) of the minutes refers.
004848-005225	Chairman Mr James TO Administration	Mr TO's enquiry on the applicable laws and jurisdiction in the MPA and the Administration's response.	
005226-005538	Chairman Dr CHIANG Lai-wan Mr Vincent CHENG	Discussion on procedural matters.	
005539-005811	Chairman Mr HUI Chi-fung Administration	Mr HUI's enquiry on the plans of the MPA attached to the Co-operation Arrangement as well as to the Bill, and the Administration's response.	
005812-010056	Chairman Dr CHENG Chung-tai Administration	Dr CHENG's enquiry about the escalators in the MPA and the Administration's response.	

Time Marker	Speaker(s)	Subject(s)	Action required
010057-010426	Chairman Mr CHU Hoi-dick Administration	Mr CHU's enquiry about the vertical limit of the MPA and the Administration's response.	
010427-010714	Chairman Ms Tanya CHAN Administration	Ms CHAN's enquiry about the escalators and vertical limit of the MPA, and the Administration's response.	
<i>clause 5</i>			
010715-010940	Chairman Administration	The Administration gave an introduction on clause 5.	
010941-011331	Chairman Dr CHIANG Lai-wan Administration	Dr CHIANG's enquiry about the evacuation arrangements for passengers in case of mechanical failure of a passenger train in operation on the Hong Kong Section ("HKS") of the Guangzhou-Shenzhen-Hong Kong Express Rail Link ("XRL") and the Administration's response.	
011332-011650	Chairman Mr CHU Hoi-dick Administration	Mr CHU's enquiry about the rationale for specifying when a passenger train was not "in operation" in clause 5(2) of the Bill, and the Administration's response.	
011651-011934	Chairman Mr Kenneth LEUNG Administration	Mr LEUNG's enquiry on whether engineering vehicles and rescue vehicles would be regarded as part of the MPA in case of rescue operations on the HKS of the XRL, and the Administration's response.	
011935-012300	Chairman Mr Gary FAN Administration	Mr FAN's enquiry on the enforcement actions to be taken against smuggling activities on board the passenger trains in operation on the HKS of the XRL, and the Administration's response.	
012301-012612	Chairman Mr YIU Si-wing Administration	Mr YIU's enquiry about the mechanism for handling emergency incidents occurring on a passenger train in operation on the HKS of the XRL, and the Administration's response.	
012613-012930	Chairman Mr WU Chi-wai Administration	Mr WU's enquiry on the customs clearance arrangement for passenger trains travelling between the WKS and the SSS, and the Administration's response.	
012931-013301	Chairman Dr Fernando CHEUNG Administration	Dr CHEUNG's further enquiry on the measures to be implemented at the WKS by the Administration to prevent imported communicable diseases from the Mainland and the Administration's response.	

Time Marker	Speaker(s)	Subject(s)	Action required
013302-013622	Chairman Mr Andrew WAN Administration	Mr WAN's enquiry about the mechanism for handling trash disposal on the passenger trains and the measures to be taken to prevent smuggling activities on board, and the Administration's response.	
013623-013943	Chairman Mr Alvin YEUNG Administration	Mr YEUNG's enquiry about the possibility of freight trains using the XRL and the definition for the phrase "in operation" in clause 5, and the Administration's response.	Admin to provide paper. Para 2(d) of the minutes refers.
013944-014244	Chairman Ms Tanya CHAN Administration	Ms CHAN's enquiry about the use of the phrase "passenger train" in clause 5 and whether a definition for the phrase would be provided in the Bill, and the Administration's response.	Admin to provide paper. Para 2(d) of the minutes refers.
014245-014732	Chairman Mr TSE Wai-chuen Administration	Mr TSE's enquiry about the mechanism for handling emergency incidents occurring on a passenger train in operation on the HKS of the XRL, and the Administration's response.	
014733-015050	Chairman Mr LAM Cheuk-ting Administration	Mr LAM's enquiry on the emergency exits on the passenger trains and his views on the evacuation arrangements, and the Administration's response.	
015051-015436	Chairman Mr Paul TSE Administration	Mr TSE's enquiry about the definition for the phrase "train compartment" appearing in clause 5. The Administration's response as set out in paragraph 5 of LC Paper No. CB(4)1032/17-18(03).	Admin to provide paper. Para 2(d) of the minutes refers.
015437-015810	Chairman Mr Jeremy TAM Administration	Mr TAM's enquiry on the reasons for incorporating the location plan of the SSS into the Bill and the Administration's response.	
015811-020142	Chairman Dr CHENG Chung-tai Administration	Dr CHENG's views on the definition for the phrase "train compartment" in the Bill and his enquiry on the reasons for not indicating the location of the examination facilities of the Hong Kong Immigration Department and the Customs and Excise Department in the SSS in the proposed Schedule 3 to the Bill, and the Administration's response.	
020143-020607	Chairman Ms Claudia MO	At the request of Ms MO, the Chairman directed the Clerk to ring the quorum bell to summon members to	

Time Marker	Speaker(s)	Subject(s)	Action required
		the meeting.	
020608-020915	Chairman Ms Claudia MO Administration	Ms MO's enquiry about the role of a train driver in handling emergency incidents occurring on a passenger train in operation on the HKS of the XRL and the contingency measures to be taken in case of accidents occurring in the driver's cab or incapacity of a train driver, and the Administration's response.	
020916-021217	Chairman Mr Michael TIEN Administration	Mr TIEN's enquiry about telecommunications services in the train compartments and the Administration's response.	
021218-021529	Chairman Mr CHAN Chi-chuen Administration	Mr CHAN's enquiry on the definition for the phrases "train compartment" and "passenger train" appearing in clause 5 and the Administration's response.	Admin to provide paper. Para 2(d) of the minutes refers.
021530-021752	Chairman Mr YIU Si-wing Administration	Mr YIU's enquiry on the contingency measures to be taken if a train accident occurred inside the tunnel section of the HKS of the XRL and the Administration's response.	
Any other business			
021753-021810	Chairman	Closing remarks	