

**立法會**  
**Legislative Council**

LC Paper No. CB(4)705/19-20  
(These minutes have been seen  
by the Administration)

Ref : CB4/BC/2/17

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

**Minutes of the sixteenth meeting  
held on Monday, 30 April 2018, at 4:30 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  
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  
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** : Hon Tommy CHEUNG Yu-yan, GBS, JP  
Dr Hon Pierre CHAN  
Hon Tanya CHAN  
Dr Hon CHENG Chung-tai  
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 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 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)988/17-18(01) - (02), CB(4)991/17-18(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), File Ref.: THB(T)CR 9/1/16/581/99, LC paper Nos. LS31/17-18 and CB(4)587/17-18(01)]

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

*(At 6:23 pm, the Chairman ordered that the meeting be extended for 15 minutes to 6:45 pm.)*

Follow-up actions to be taken by the Administration

2. Referring to clause 6(1) and the application of the laws of the Mainland in the Mainland Port Area upon commencement of the Guangzhou-Shenzhen-Hong Kong Express Rail Link (Co-location) Bill, if passed, the Administration was requested to provide a list of international conventions signed by the Government of the Hong Kong Special Administrative Region as one of the contracting parties for members' reference.

*(Post-meeting note: the Administration's written response was issued to members vide LC Paper No. CB(4)1038/17-18(02) on 8 May 2018.)*

**II. Any other business**

Date of next meeting

3. Members noted that the next meeting would be held on 5 May 2018 at 2:00 pm.
4. There being no other business, the meeting ended at 6:43 pm.

Council Business Division 4  
Legislative Council Secretariat  
12 June 2020

**Proceedings of the sixteenth meeting of the  
Bills Committee on Guangzhou-Shenzhen-Hong Kong Express Rail Link (Co-location)  
Bill  
held on Monday, 30 April 2018, at 4:30 pm  
in Conference Room 1 of the Legislative Council Complex**

<b>Time Marker</b>	<b>Speaker(s)</b>	<b>Subject(s)</b>	<b>Action required</b>
<b>Meeting with the Administration</b>			
<i>Clause 6 (Cont'd)</i>			
000717-000808	Chairman	Opening remarks.  The Chairman reminded members to submit any proposed amendments to the Guangzhou-Shenzhen-Hong Kong Express Rail Link (Co-location) Bill ("the Bill") for the Bills Committee's consideration as early as possible. Alternatively, members might give notice of amendment to the Bill on an individual basis.	
000809-001310	Chairman Mr AU Nok-hin Ms Claudia MO Mr Andrew WAN Mr Charles Peter MOK Dr KWOK Ka-ki	Discussion on procedural matters.	
001311-001645	Chairman Dr Helena WONG Administration	Dr WONG's concern over matters relating to the publication of election advertisements inside the West Kowloon Station Mainland Port Area ("MPA"), and the Administration's response.	
001646-001952	Chairman Dr CHENG Chung-tai Administration	Dr CHENG sought the Administration's response to the remarks made by the Hong Kong Bar Association in its submission dated 12 March 2018 that the deeming provision, namely clause 6, contravened the Basic Law. The Administration responded.	
001953-002308	Chairman Mr Andrew WAN Administration	Mr WAN was concerned about the potential security loopholes in the garbage disposal system at the West Kowloon Station ("WKS") and asked about the standard operating procedures in handling trash disposal at the MPA. The Administration responded.	
002309-002648	Chairman Dr KWOK Ka-ki Administration	Dr KWOK expressed his dissatisfaction at the route of the site visit to the WKS held in the morning of the day and was concerned about the security of facilities in the MPA. The Administration responded.	

<b>Time Marker</b>	<b>Speaker(s)</b>	<b>Subject(s)</b>	<b>Action required</b>
002649-003002	Chairman Mr AU Nok-hin Administration	Mr AU expressed dissatisfaction that members were not allowed to inspect all the boundaries of the MPA as well as the doors and passageways connecting the Hong Kong Clearance Area and the MPA ("the two port areas") during the site visit held in the morning of the day.	
003003-003341	Chairman Mr Kenneth LEUNG Administration	Mr LEUNG expressed concern on whether there would be any commercial activities in the MPA and if so, whether a mechanism would be in place for the relevant Mainland authorities to share the revenue generated therefrom with Hong Kong. The Administration responded.	
003342-003705	Chairman Mr Paul TSE Administration	Mr TSE opined that the current drafting approach of incorporating the texts of Articles 3, 4 and 7 of 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") into the Bill by way of the proposed Schedule 1 was unclear and not easy to comprehend. The Administration responded.	
003706-004129	Chairman Mr Charles Peter MOK Administration	Mr MOK was concerned about the progress of the installation works of the facilities, including computers, in the MPA and the parties responsible for the maintenance costs incurred. The Administration responded.	
004130-004446	Chairman Ms Claudia MO Administration	Ms MO expressed her dissatisfaction that members were not allowed to inspect all the boundaries of the MPA during the site visit held in the morning of the day. The Administration responded.	
004447-004750	Chairman Mr CHAN Chi-chuen Administration	Mr CHAN's enquiry and the Administration's response regarding the duration of the time required for the enacted Ordinance to come into operation before the commissioning of the Hong Kong Section of the Guangzhou-Shenzhen-Hong Kong Express Rail Link ("XRL").	
004751-005145	Chairman Mr Alvin YEUNG Administration	Mr YEUNG's concern about the future commercial activities, if any, in the MPA, and the Administration's response.	

Time Marker	Speaker(s)	Subject(s)	Action required
005146-005637	Chairman Mr LEUNG Yiu-chung Administration	Mr LEUNG's enquiry and the Administration's response about the mechanism to ensure that the testing of facilities at the MPA by the Mainland Authorities Stationed at the MPA would be conducted strictly in accordance with Hong Kong laws.  Mr LEUNG's further enquiry and the Administration's response regarding the disclosure of the relevant testing reports.	
005638-010041	Chairman Mr LAM Cheuk-ting Administration	Mr LAM's concern about the applicability of international treaties in the MPA, and the Administration's response as set out in LC Paper No. CB(4)1038/17-18(05).	
010042-010455	Chairman Dr Fernando CHEUNG Administration	Dr CHEUNG considered that the Secretary for Transport and Housing was disrespectful to Members of the Legislative Council by saying that it was inappropriate to allow irrelevant people to inspect all the boundaries of the MPA due to security risk considerations, taking into account the fact that the WKS was an important infrastructure and a control point.  The Administration responded.	
010456-010833	Chairman Dr CHENG Chung-tai Administration	Dr CHENG was concerned about the provision of telecommunications services in the MPA and enquired whether the relevant Mainland authorities had the authority to collect evidence directly from the Hong Kong mobile network service providers in the course of investigating any incident or crime that had allegedly taken place inside the train compartments. The Administration responded.	
010834-011254	-	At the request of Mr Gary FAN, the Chairman directed the Clerk to ring the quorum bell to summon members to the meeting.	
011255-011727	Chairman Mr Jeremy TAM Administration	Mr TAM's question on whether the Shek Kong Stabling Sidings would be declared as a restricted area in accordance with by-law 28E of the Mass Transit Railway By-laws (Cap. 556B), and the Administration's response.	
011728-012106	Chairman Mr Gary FAN Administration	Mr FAN expressed dissatisfaction that members were not allowed to inspect all the boundaries of the MPA as well as the doors and passageways connecting the two port areas during the site visit held earlier in the day.	



Time Marker	Speaker(s)	Subject(s)	Action required
		<p>The Administration explained the security measures to be adopted at the WKS for managing the doors and passageways connecting the two port areas.</p>	
012107-012255	<p>Chairman Mr CHAN Han-pan</p>	<p>Mr CHAN criticized some members for having deliberately delayed the scrutiny of the Bill. Besides, he considered some members' request for disclosing the floor plans of the WKS detailing the locations of all the doors and passageways connecting the two port areas and visiting all these doors and passageways inappropriate.</p>	
012256-012609	<p>Chairman Mr YIU Si-wing Administration</p>	<p>Mr YIU's concern and the Administration's response about the insurance coverage for travellers at the two port areas.</p> <p>Mr YIU's enquiry and the Administration's response regarding the procedures for adjusting the demarcation of the boundaries of the MPA in response to changes in operational needs in the future.</p>	
012610-012829	<p>Chairman Mr Andrew WAN Administration</p>	<p>Mr WAN's concern about the discharge of obligations under international treaties in the MPA, and the Administration's response as set out in LC Paper No. CB(4)1038/17-18(05).</p>	
012830-013053	<p>Chairman Mr AU Nok-hin Administration</p>	<p>Mr AU sought clarifications on the phrase "unless the parties by agreement indicate otherwise" appearing in Article 7(5) of the Co-operation Arrangement. The Administration's response.</p>	
013054-013355	<p>Chairman Dr Helena WONG Administration</p>	<p>Dr WONG's follow-up question and the Administration's response regarding commercial activities, if any, and the publication of advertisements in the MPA with reference to Article 7(3) of the Co-operation Arrangement.</p>	
013356-013719	<p>Chairman Mr WU Chi-wai Administration Senior Assistant Legal Adviser 1</p>	<p>Mr WU requested the Administration to provide a list of international treaties of which both the People's Republic of China ("PRC") and the Hong Kong Special Administrative Region ("HKSAR") were contracting parties, where different measures were adopted for the implementation of the treaties domestically.</p> <p>The Administration advised that it would examine whether the information requested could be provided</p>	

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		or not, since the Administration did not have all the information relating to the international treaties entered into by the PRC.	
013720-013929	Chairman Mr CHAN Chi-chuen Administration	Mr CHAN's query about the need for clause 6(2) and the Administration's response.	
013930-014312	Chairman Mr LAM Chuek-ting Administration	Mr LAM enquired whether the HKSAR Government had discussed with the Central People's Government ("CPG") on the applicability of international treaties in the MPA, and whether the CPG had agreed to ensure that the HKSAR Government would discharge obligations under the relevant international treaties in the MPA.  The Administration's response as set out in LC Paper No. CB(4)1038/17-18(05).	
014313-014556	Chairman Mr Gary FAN Administration	Mr FAN's question and the Administration's response on the interpretation of the phrase "the laws of the Mainland" in clause 6.	
014557-015100	Chairman Mr CHU Hoi-dick Mr LUK Chung-hung Mr AU Nok-hin Administration	Mr CHU enquired whether the HKSAR Government had informed contracting parties of the relevant international treaties entered into by the HKSAR of the establishment of the MPA. The Administration responded.  Discussion on procedural matters.	
015101-015351	Chairman Mr WU Chi-wai Administration	Mr WU followed up on his earlier request for information relating to the international treaties to which the HKSAR was a contracting party, and enquired about the ways to resolve possible disputes involving the discharge of obligations under international agreements in the MPA.  The Administration responded that it would provide a list of international agreements entered into by the HKSAR as one of the contracting parties for members' reference.	Admin
015352-015716	Chairman Mr Dennis KWOK Administration	Mr KWOK's enquiry about the effect of the commencement of the Bill, if passed, on the on-going legal or arbitral proceedings in respect of the construction works relating to the WKS. The Administration responded.	

<b>Time Marker</b>	<b>Speaker(s)</b>	<b>Subject(s)</b>	<b>Action required</b>
015717-020111	Chairman Dr Fernando CHEUNG Administration	Dr CHEUNG enquired whether incidents such as workers' strikes in the MPA involving the staff members of the Hong Kong operator of the XRL would be considered as employment-related matters under Article 7(3) of the Co-operation Arrangement, thus a reserved matter over which Hong Kong would exercise jurisdiction. The Administration responded.	
020112-020400	Chairman Dr CHENG Chung-tai Administration	Noting from the Administration's reply that the relevant Mainland authorities did not have the authority to collect evidence directly from the Hong Kong mobile network service providers in the course of investigation of any incident or crime that had allegedly taken place inside the train compartments pursuant to Article 7(3) of the Co-operation Arrangement, Dr CHENG enquired about the applicability of Cybersecurity Law of China in the MPA. The Administration responded.	
020401-020757	Chairman Mr Andrew WAN Administration	Mr WAN followed up on his earlier enquiry about the standard operating procedures in handling trash disposal in the MPA. The Administration responded.	
020758-021217	Chairman Mr James TO Administration	Mr TO's enquiry regarding the legal status of the back-up trains mentioned in Mr IP Kin-yuen's letter dated 27 April 2018 [LC Paper No. CB(4)1006/17-18(01)] which was tabled at the meeting. The Administration briefed members on its response as set out in part (B) of LC Paper No. CB(4)1038/17-18(04).	
021218-021444	Chairman Mr AU Nok-hin Administration	Mr AU sought clarifications on Article 7(5) of the Co-operation Arrangement, and the Administration responded.  Mr AU pointed out that some international treaties and agreements covered taxation and trade co-operation matters that were relevant to the operator and service providers of the XRL, and expressed his dissatisfaction at the Administration's view that there would unlikely be problems with the application of international treaties or agreements in the MPA due to the implementation of co-location arrangement.	
021445-021727	Chairman Mr Gary FAN Administration	Mr FAN queried about the need for clause 6(2) of the Bill, adding that similar provision was not included in the Shenzhen Bay Port Hong Kong Port Area Ordinance (Cap. 591). The Administration responded.	

<b>Time Marker</b>	<b>Speaker(s)</b>	<b>Subject(s)</b>	<b>Action required</b>
<b>Any other business</b>			
021728-021806	Chairman	Closing remarks.	

Council Business Division 4  
Legislative Council Secretariat  
12 June 2020