

立法會
Legislative Council

LC Paper No. CB(4)725/19-20
(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 seventeenth meeting
held on Saturday, 5 May 2018, at 2:00 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 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 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
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
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 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**

: Hon James TO Kun-sun
Hon LEUNG Yiu-chung
Hon Michael TIEN Puk-sun, BBS, JP
Dr Hon KWOK Ka-ki
Hon Jimmy NG Wing-ka, JP
Dr Hon Pierre CHAN
Hon HUI Chi-fung

**Member
attending**

: Hon Martin LIAO Cheung-kong, SBS, JP

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(4)1032/17-18(01) - (03), CB(4)1016/17-18(01)-(02), CB(4)1006/17-18(01), CB(4)1007/17-18(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)]

Discussion

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

Follow-up actions to be taken by the Administration

2. The Bills Committee requested the Administration to:

- (a) consider providing definitions for the terms "investigation", "legal proceedings" and "remedy" appearing in clause 7(1)(b) of the Bill;

- (b) in relation to clause 8(1)(b) concerning future Court orders etc, consider whether to adopt provision(s) similar to section 13 of the Shenzhen Bay Port Hong Kong Port Area Ordinance (Cap. 591) for the purpose of the Bill;
- (c) in terms of drafting, consider expressly providing in clause 8(3) of the Bill (such as through the use of the expression "for the avoidance of doubt") that the operation of clause 6(1) of the Bill (relating to the application of the laws of the Mainland and the delineation of jurisdiction) would not be affected by clause 8(3);
- (d) consider clarifying the meaning of and providing definitions for certain terms appearing in the Co-operation Arrangement as reproduced in Schedule 1 to the Bill, such as "維修養護" (which was not an usual phrase used in local legislation) and "環境管制" (which was a very general phrase) in Article 7(2) and (4) of the Co-operation Arrangement respectively;
- (e) clarify whether Article 7(1) of the Co-operation Arrangement would give rise to the issue of overlapping jurisdiction in that designated personnel would be subject to both the laws of the Hong Kong Special Administrative Region ("HKSAR") and the laws of the Mainland, in particular, clarify the effect of Article 7(1) in a scenario where a designated personnel was in possession of a prohibited item under Mainland laws when performing his/her duties in the Mainland Port Area; and
- (f) in respect of Article 7(5) of the Co-operation Arrangement, for the purpose of making clear the extent to which the HKSAR exercised jurisdiction over contractual or other legal relationships of a civil nature among bodies and/or individuals in the Mainland Port Area, clarify whether it was intended that Article 7(5) would only cover contractual or other legal relationships of a civil nature between e.g. the Hong Kong operator of the Guangzhou-Shenzhen-Hong Kong Express Rail Link vis-à-vis its staff member(s), service provider(s) vis-à-vis passenger(s), or alternatively, it was intended that Article 7(5) would cover contractual or other legal relationships of a civil nature between all the bodies or individuals particularized in Article 7(5), such as between individual passengers.

(Post meeting note: The Chinese and English versions of the Administration's response were issued to members vide LC Paper No. CB(4)1078/17-18(02) on 14 May 2018.)

II. Any other business

3. There being no other business, the meeting ended at 6:01 pm.

Council Business Division 4
Legislative Council Secretariat
17 June 2020

**Proceedings of the seventeenth meeting of the
Bills Committee on Guangzhou-Shenzhen-Hong Kong Express Rail Link (Co-location)
Bill
held on Saturday, 5 May 2018, at 2:00 pm
in Conference Room 1 of the Legislative Council Complex**

Time Marker	Speaker(s)	Subject(s)	Action required
Meeting with the Administration			
000702-000952	Chairman	Opening remarks	
000953-001141	Ms Tanya CHAN Mr Charles Peter MOK Administration	Ms CHAN and Mr MOK requested the Administration to provide its responses to the enquiries raised by members during previous discussions and in their letters to the Administration as early as practicable.	
001142-001522	Chairman Administration	The Administration briefed members on clauses 7 and 8 of and Schedule 1 to the Bill.	
001523-002108	Chairman Ms Tanya CHAN Senior Assistant Legal Adviser 1 ("SALA1") Administration	At the request of Ms CHAN and the Chairman, SALA1 briefed members about the issues raised in his letter dated 9 February 2018 (LC Paper No. CB(4)597/17-18(01)) to the Administration concerning clauses 7 and 8 of the Bill. The Administration responded that they would give a written reply to the issues raised as soon as practicable.	
002109-002707	Chairman Mr LAM Cheuk-ting Administration	Mr LAM enquired about the applicability of international agreements or treaties which were currently in force in the Hong Kong Special Administrative Region ("HKSAR") at the West Kowloon Station Mainland Port Area ("MPA"), and handling of disputes arising from failure to discharge relevant obligations under such agreements or treaties. The Administration advised that the applicability of international treaties in the MPA would need to be analyzed in light of relevant factors, such as the intent of the treaty concerned, the persons to whom it applied, the content of its provisions, the functions of the MPA and the activities carried out therein. The Administration reiterated that the implementation of co-location arrangement in the MPA would unlikely	

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		<p>constitute breach of international treaties, and where necessary, the HKSAR Government would consult the Central People's Government ("CPG") and handle the matter as appropriate.</p> <p>Details of the Administration's response to the enquiry were set out in its written reply dated 6 May 2018 (LC Paper No. CB(4)1038/17-18(05)).</p>	
002708-003109	Chairman Ms Claudia MO Administration	<p>Ms Mo commented that the English translation of the following phrase in Article 7(1) of the Co-operation Arrangement "the performance of duties and functions or matters related to the performance of duties and functions by designated personnel", which was reproduced in the proposed Schedule 1 to the Bill, was inconsistent with the original Chinese phrase "執行職務的工作人員，履行職務或與履行職務相關的事項" in Article 7(1).</p> <p>The Administration responded that the English translation accurately reflected the meaning of the Chinese phrase as quoted.</p>	
003110-003851	Chairman Ms Tanya CHAN Administration SALA1	<p>Ms CHAN enquired, with reference to clause 8, whether private parties could expressly specify the delineation of jurisdiction in future documents in relation to non-reserved matters, therefore overriding clause 6(1) of the Bill relating to the application of the laws and delineation of jurisdiction.</p> <p>The Administration explained that clause 8(2) set out the default position in interpreting reference to Hong Kong to describe the geographical scope for a right or obligation in a future document and that clause 8(3) provided that this default interpretation rule might be displaced by a contrary intention. However, clause 8(3) did not empower anyone to change the delineation of the respective jurisdictions of HKSAR and the Mainland as provided under clauses 3(1) and 6(1).</p> <p>Details of the Administration's response to the enquiry were set out in reply (19) of its letter dated 22 February 2018 addressed to the Legal Adviser to the Bills Committee (LC Paper No. CB(4)631/17-18(01)).</p>	
003852-004148	Chairman Mr Gary FAN Administration	Mr FAN sought clarification on clause 7(1)(b) in relation to investigation and legal proceedings conducted by relevant Hong Kong authorities in the	

Time Marker	Speaker(s)	Subject(s)	Action required
		<p>MPA for cases that occurred before the commencement date.</p> <p>The Administration explained the effect of clause 7(1)(b).</p>	
004149-004531	Chairman Mr Alvin YEUNG Administration	<p>Mr YEUNG requested the Administration to explain clause 8(1)(b), namely the rationale for making clause 8, which dealt with interpretation of future documents in relation to rights and obligations, inapplicable to future documents which were enactments, statutory authorities and Court orders.</p> <p>The Administration explained that clause 8 was to be applied for the purpose of the interpretation of private documents and it was not intended to apply to enactments, statutory authorities and Court orders, which were not private in nature.</p>	
004532-004929	Chairman Mr WU Chi-wai Administration	<p>Mr WU followed up on the enquiry regarding the compliance and discharge of obligations pursuant to international agreements and treaties, which were in force in the HKSAR, in the MPA.</p> <p>The Administration reiterated its stance.</p>	
004930-005240	Chairman Administration	<p>The Chairman enquired about the HKSAR entering into international treaties with other sovereign states and its obligations thereof.</p> <p>The Administration advised that the HKSAR entered into international treaties pursuant to Article 151 of the Basic Law ("BL") or under specific authorization given by the CPG. As the sovereign state, the People's Republic of China ("PRC") would ensure that the HKSAR Government would discharge its international duties and obligations.</p>	
005241-005753	Chairman Mr Dennis KWOK Administration	<p>Mr KWOK enquired about the rationale for excluding enactments, statutory authorities and Court orders as stipulated in clause 8(1)(b) from the application of clause 8.</p> <p>The Administration reiterated its stance.</p>	
005754-010504	Chairman Mr AU Nok-hin Administration	Mr AU sought clarification on the connection between Article 7(5) of the Co-operation Arrangement, as reproduced in the proposed Schedule 1 to the Bill, which provided that the HKSAR would exercise	Paragraph 2(f) of the minutes of meeting

Time Marker	Speaker(s)	Subject(s)	Action required
		<p>jurisdiction over matters pertaining to the contractual or other legal relationships of a civil nature among specified bodies and/or individuals in the MPA, and clause 8 of the Bill, which dealt with interpretation of future documents of a private nature.</p> <p>The Administration explained that clause 8 provided an aid to the interpretation of references to Hong Kong contained in private documents meant to describe the geographical scope of rights or obligations relating to non-reserved matters, while Article 7(5) specified matters over which the HKSAR would exercise jurisdiction in accordance with the laws of Hong Kong.</p> <p>Details of the Administration's explanation were set out in its reply dated 11 May 2018 (LC Paper No. CB(4)1078/17-18(02)).</p>	
010505-011045	Chairman Mr CHAN Chi-chuen Administration	<p>Mr CHAN enquired about the delineation of jurisdiction and application of laws in relation to criminal investigations into and criminal proceedings on cases where the criminal act was committed prior to the commencement date but only detected after the commencement date.</p> <p>The Administration responded that the Mainland and Hong Kong police may facilitate the investigation of criminal cases committed prior to the commencement date within the MPA through the established co-operation mechanism. If there were jurisdictional disputes over a criminal act committed before the commencement date, Hong Kong courts would determine the question of jurisdiction based on the evidence of the case.</p>	
011046-011413	Chairman Dr CHENG Chung-tai Administration	<p>Dr CHENG enquired whether clause 8(1)(b) had the effect of depriving Hong Kong courts of the power to determine application for leave to apply for judicial review.</p> <p>The Administration reiterated that clause 8 was intended to provide for interpretation of future documents of a private nature. In relation to the granting of leave to apply for judicial review by courts, the relevant provision was clause 6(1), which provided that except for reserved matters, the MPA was to be regarded as an area lying outside Hong Kong but lying within the Mainland for the purposes</p>	

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		of the application of laws and delineation of jurisdiction.	
011414-011718	Chairman Mr Kenneth LEUNG Administration	<p>Mr LEUNG enquired whether dispute resolution in respect of private contracts on e.g. insurance matters, which contain no specification on the geographical scope for the rights and obligations contained therein, would be regarded as reserved matters under which Hong Kong laws would apply.</p> <p>The Administration responded that except for matters provided under Articles 3 and 7 of the Co-operation Arrangement, any reference to Hong Kong or part of Hong Kong to describe the geographical scope for a right or obligation was to be interpreted in accordance with clause 6(1), unless otherwise specified in accordance with clause 8(3).</p>	
011719-012351	Chairman Dr Fernando CHEUNG Administration	<p>Dr CHEUNG followed up on the enquiry regarding the compliance and discharge of obligations pursuant to international agreements or treaties, which were in force in the HKSAR, in the MPA.</p> <p>The Administration repeated its stance.</p>	
012352-012744	Chairman Mr CHU Hoi-dick Administration	<p>Mr CHU queried the legitimacy of clause 6(1)(a). He requested the Administration to explain which BL provisions would apply in the MPA, assuming the BL was part of “the laws of the Mainland” under clause 6(1)(a).</p> <p>The Administration responded that the BL was a national law of the PRC and the application of the BL in the MPA would depend on its relevance and the circumstances.</p>	
012745-013330	Chairman Mr Jeremy TAM Administration	<p>Mr TAM sought clarification on clause 6(2) regarding the boundary of the administrative division of the HKSAR promulgated by the Order of the State Council of the PRC No. 221 dated 1 July 1997 (“Order of the State Council”), and the deeming of the MPA as an area lying outside Hong Kong but lying within the Mainland.</p> <p>The Administration responded that under clause 6(2), the delineation of the area of the MPA for the purposes of the application of the laws of the Mainland and the delineation of jurisdiction under clause 6(1) of the Bill would not affect the boundary</p>	

Time Marker	Speaker(s)	Subject(s)	Action required
		of the administrative division of the HKSAR promulgated by the Order of the State Council.	
013331-013707	Chairman Ms Tanya CHAN Administration	Ms CHAN enquired whether clause 8(1)(b) would circumscribe Hong Kong courts' power in relation to judicial review cases, such as to grant leave to apply for judicial review against the co-location arrangement. The Administration reiterated that clause 8 was intended to provide for the interpretation of future documents of a private nature and therefore would not apply to court orders.	
013708-014258	Chairman Mr LAM Cheuk-ting Administration	Mr LAM followed up on the enquiry regarding the discharge of duties and obligations in accordance with international agreements or treaties entered into by the HKSAR pursuant to Article 151 of BL in the MPA. The Administration reiterated its stance.	
014259-014643	Chairman Mr Dennis KWOK Administration	Mr KWOK followed up on the enquiry regarding whether Hong Kong courts could exercise jurisdiction in the MPA having regard to clause 8(1)(b). The Administration reiterated its stance.	
014644-014909	Chairman Mr AU Nok-hin Administration	Mr Au enquired about the repair and maintenance of the high-speed rail trains running through the Hong Kong Section of the Guangzhou-Shenzhen-Hong Kong Express Rail Link ("XRL") and the responsibilities and liabilities arising thereof. The Administration replied that the repair and maintenance of the nine high-speed rail trains purchased by the MTR Corporation Limited ("MTRCL") which would run through the Hong Kong Section of the XRL would be carried out by the MTRCL in accordance with the existing standards and the laws of Hong Kong.	
014910-015307	Chairman Mr Kenneth LEUNG Administration	Mr LEUNG enquired, in relation to clause 8, whether contracts made inside the train compartments while the high-speed rail train was within the territory of HKSAR would be subject to the jurisdiction of HKSAR, which might have implications on tax matters. The Administration responded that the train	

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		compartments of passenger trains in operation were considered to be part of the MPA which, except for reserved matters, would be regarded as an area lying outside Hong Kong but lying within the Mainland for the purposes of the application of the laws and the delineation of jurisdiction over the MPA.	
015308-015535	Chairman Mr Gary FAN Administration	Mr FAN followed up on the enquiry regarding the applicability of Hong Kong laws on private contracts signed within the MPA. The Administration reiterated its stance.	
015536-015853	Chairman Mr CHAN Chi-chuen Administration	Mr CHAN enquired about the applicability of clause 6(1) in relation to rights and obligations under private contracts entered into before the commencement date in the MPA. The Administration responded that in accordance with clause 7(1), the rights and obligations acquired or incurred before the commencement date in the MPA would not be affected by clause 6(1).	
015854-020200	Chairman Mr CHU Hoi-dick Administration	Mr CHU followed up on the enquiry regarding the application of the BL in the MPA. The Administration reiterated its stance.	
020201-021449	Chairman	The Chairman ordered that the meeting be suspended for a 10-minute break.	
021450-021743	Chairman Dr Fernando CHEUNG Administration	Dr CHEUNG followed up on the enquiry regarding the discharge of duties and obligations pursuant to international agreements or treaties entered into by the HKSAR in the MPA. The Administration reiterated its stance.	
021744-022140	Chairman Mr Jeremy TAM Administration	Mr TAM enquired about the applicability of Hong Kong laws concerning matters of civil nature, such as holding marriage ceremonies in the MPA. The Administration responded that in accordance with clause 6(1), the applicability of laws and delineation of jurisdiction would depend on whether the matter itself was reserved or non-reserved in nature. Taking the example cited by Mr TAM, a marriage ceremony would be a non-reserved matter and hence the Mainland would have jurisdiction and Mainland laws would apply.	

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022141-022626	Chairman Ms Tanya CHAN Administration	<p>Ms CHAN enquired about insurance coverage and other service provisions in the MPA and whether it was necessary to specify the geographical scope of Hong Kong in the service contracts so as to safeguard consumers' rights and obligations having regard to the relevant provisions in clause 8.</p> <p>The Administration reiterated that in relation to rights and obligations of non-reserved matters, the MPA was to be regarded as an area lying outside Hong Kong but lying within the Mainland, unless displaced by a contrary intention agreed by private parties as specified in clause 8(3).</p>	
022627-022917	Chairman Dr Junius HO Administration	<p>Dr HO enquired about the application of the laws and delineation of jurisdiction in relation to an act done within or outside the MPA.</p> <p>The Administration reiterated its stance.</p>	
022918-023317	Chairman Mr AU Nok-hin Administration	<p>Mr AU sought clarification on the meaning and application of the expression "contrary intention" in clause 8(3).</p> <p>The Administration reiterated its stance.</p>	
023318-023735	Chairman Mr Charles Peter MOK Administration	<p>Mr MOK followed up on the enquiry regarding the provision of telecommunications and insurance services in the MPA and whether such services would be affected given that under the Bill, the MPA was to be regarded as an area lying outside Hong Kong but lying within the Mainland.</p> <p>The Administration explained the purposes and effects of clauses 7 and 8 and how they would be applied.</p>	
023736-024120	Chairman Dr CHIANG Lai-wan Administration	<p>Dr CHIANG enquired whether Hong Kong or Mainland laws would apply to offences committed inside train compartments.</p> <p>The Administration responded that law and order inside train compartments, which were considered as part of the MPA, were non-reserved matters and would therefore be handled by the relevant Mainland authorities in accordance with Mainland laws as provided in clause 6(1).</p>	

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024121-024522	Chairman Mr IP Kin-yuen Administration	<p>Mr IP enquired about the emergency arrangements in cases where passengers might be required to evacuate from train compartments (i.e. areas considered as part of the MPA) to the track or other parts of the station (i.e. entering Hong Kong's jurisdiction), and whether immigration, customs and quarantine procedures were required in this regard.</p> <p>The Administration responded that if passengers were required to be evacuated, the Administration would apply the principle of "prioritizing rescue" and handle any immigration and customs clearance matters with regard to the specific circumstances.</p> <p>Details of the Administration's explanation were set out in its written reply dated 6 May 2018 (LC Paper No. CB(4)1038/17-18(04)).</p>	
024523-024804	Chairman Mr Gary FAN Administration	<p>Mr FAN enquired whether relevant law enforcement authorities of the HKSAR were allowed to carry firearms and whether Hong Kong courts could issue search warrants in respect of areas within the MPA to facilitate criminal investigations under clause 7(1)(b).</p> <p>The Administration responded that clause 7(1)(b) provided for investigation of offences committed before the commencement date, but it did not intend to provide for law enforcement duties.</p>	
024805-025243	Chairman Mr Kenneth LEUNG Deputy Chairman Administration	<p>Mr LEUNG followed up on the enquiry regarding the applicability of Hong Kong laws over civil law matters in the MPA.</p> <p>The Administration reiterated its stance.</p>	
025244-025647	Chairman Ms Tanya CHAN Administration	<p>Ms CHAN sought clarification in respect of clause 8(2) on whether Hong Kong courts would have jurisdiction to adjudicate whether a matter was a "reserved matter" or a "non-reserved matter".</p> <p>The Administration advised that the Hong Kong courts would have to determine firstly whether it had jurisdiction in the case, and then to consider whether clause 8(2) was applicable to the subject matter of the relevant legal proceedings.</p>	
025648-030052	Chairman Mr CHAN Chi-chuen	Mr CHAN followed up on the enquiry regarding the provision of telecommunications services in the MPA.	

Time Marker	Speaker(s)	Subject(s)	Action required
	Administration	The Administration reiterated its stance.	
030053-030444	Chairman Ms Starry LEE Administration	<p>Ms LEE suggested that the Administration should clearly inform the public of their rights and obligations in the MPA so as to address their concerns.</p> <p>The Administration agreed to consider different publicity initiatives to educate the public regarding the co-location arrangement and their rights and obligations in the MPA.</p>	
030445-030535	Chairman	Chairman's remark on the meeting arrangement for the remaining meeting time.	
030536-030821	Chairman Mr Charles Peter MOK Administration	<p>Mr MOK suggested that the Administration should liaise with the Communications Authority and the Consumer Council to inform telecommunications services providers and consumers in respect of matters relating to the provision of telecommunications services in the MPA, to avoid disputes and to safeguard consumers' rights.</p> <p>The Administration replied that they would liaise with related organizations in relation to the Bill when necessary.</p>	
030822-031217	Chairman Dr Fernando CHEUNG Administration	<p>Dr CHEUNG enquired whether staff of the Hong Kong operator of the XRL who went on strike in the MPA would constitute an employment-related matter, which is a reserved matter under Article 7(3) of the Co-operation Arrangement.</p> <p>The Administration responded that public order in the MPA was a non-reserved matter, and that the staff concerned would be subject to the Mainland jurisdiction in accordance with the laws of the Mainland.</p>	
031218-031553	Chairman Mr CHU Hoi-dick Administration	<p>Mr CHU enquired about Article 12 of the Co-operation Arrangement, which stated that relevant Hong Kong personnel might enter the MPA to assist in handling emergency situations such as terrorist attacks, and asked whether the execution of such duties by Hong Kong personnel in the MPA was a "reserved matter".</p> <p>The Administration responded that pursuant to Article 12 of the Co-operation Arrangement, Hong Kong</p>	

Time Marker	Speaker(s)	Subject(s)	Action required
		<p>personnel might, at the request and authorization of the Mainland Authorities, enter the MPA to provide assistance in handling emergency situations. Relevant authorities of both sides were discussing details of relevant arrangements.</p>	
031554-032039	<p>Chairman Mr KWONG Chun-yu Administration</p>	<p>Mr KWONG enquired about the handling of telephone deception crimes in the MPA and whether investigations would be conducted by law enforcement agencies of Hong Kong.</p> <p>The Administration responded that such crimes would be handled in accordance with legal principles applicable to cross-boundary crimes. Investigations would be conducted by relevant law enforcement agencies according to the applicable laws of the respective jurisdictions.</p>	
032040-032455	<p>Chairman Dr Priscilla LEUNG Administration</p>	<p>Dr LEUNG enquired whether Hong Kong and Mainland authorities had agreed on any key principles to clearly delineate their respective duties and responsibilities in relation to the handling of criminal or civil acts in the MPA.</p> <p>The Administration responded that there was clear delineation between Hong Kong and the Mainland in respect of duties and responsibilities, clear demarcation of boundaries, as well as agreed arrangement for Hong Kong designated personnel to enter into the MPA for performing duties as required.</p>	
032456-032906	<p>Chairman Mr Andrew WAN Administration</p>	<p>Mr WAN enquired about the reasons for not including obligations under international agreements or treaties currently in force in the HKSAR as "reserved matters" to which the laws of Hong Kong would apply and over which Hong Kong would exercise jurisdiction.</p> <p>The Administration explained that matters relating to rights and obligations under international treaties or agreements were outside the scope of the current legislative exercise, which was for the purpose of implementing the Co-operation Arrangement.</p>	
032907-033320	<p>Chairman Mr KWONG Chun-yu Administration</p>	<p>Mr KWONG enquired about the handling of telephone deception crimes in the MPA and consumer protection in this regard.</p> <p>The Administration reiterated that a mechanism was in place for Hong Kong and the Mainland to handle</p>	

Time Marker	Speaker(s)	Subject(s)	Action required
		cross-boundary crimes, as well as matters relating to rights and obligations arising from private contracts.	
033321-033548	Chairman Dr CHIANG Lai-wan Administration	Dr CHIANG suggested the Administration to inform members of the public through publicity of their rights and obligations in the MPA so as to address their concerns.	
033549-033757	Chairman Dr Priscilla LEUNG Administration	Dr LEUNG enquired about the legal principles applicable in handling cross-boundary crimes in the MPA. The Administration reiterated its stance.	
033758-034124	Chairman Mr Andrew WAN Administration	Mr WAN enquired whether immigration and customs clearance were required for train staff when the train departed from the West Kowloon Station and headed to the Shek Kong Stabling Sidings ("SSS"), and vice versa. The Administration responded that immigration and customs clearance were required as the train would be regarded as entering the jurisdiction of Hong Kong from the MPA and vice versa.	
034125-034442	Chairman Mr CHAN Han-pan Administration	Mr CHAN enquired how relevant authorities would handle illegal entrants in the MPA who lodged torture or non-refoulement claims under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The Administration reiterated that as the sovereign state, the PRC would ensure that HKSAR would discharge its international duties and obligations and where necessary, the HKSAR Government would consult the CPG on the handling of the matter as appropriate.	
034443-034645	Chairman Dr CHENG Chung-tai Administration	Dr CHENG followed up on the enquiry regarding whether Hong Kong courts' power to determine judicial review applications in connection with the MPA would be excluded under clause 6(1)(b). The Administration reiterated its stance.	
034646-035143	Chairman Mr Jeremy TAM Administration	Mr TAM requested the Administration to arrange a site visit to the SSS. He also sought clarification on the meaning and application of clause 7(2).	

Time Marker	Speaker(s)	Subject(s)	Action required
		The Administration replied that it would consider Mr TAM's suggestion regarding the site visit to SSS. As regards clause 7(2), the Administration explained that pre-existing rights or obligations acquired or accrued before the commencement date would not be affected by clause 6(1) and would be subject to Hong Kong's jurisdiction and the laws of Hong Kong.	
035144-040209	Chairman SALA1	SALA1 made his concluding remarks on the issues raised during previous discussions and also at the present meeting.	Paragraph 2(a) to (f) of the minutes of meeting
Any other business			
040210-040505	Chairman Ms Tanya CHAN Mr CHAN Chi-chuen Dr Fernando CHEUNG Administration	Closing remarks	