

立法會
Legislative Council

LC Paper No. CB(3) 57/17-18

Ref : CB(3)/M/OM
Tel : 3919 3300
Date : 20 October 2017
From : Clerk to the Legislative Council
To : All Members of the Legislative Council

Council meeting of 25 October 2017

**Amendments to motion on
taking forward the follow-up tasks of the co-location arrangement
at the West Kowloon Station of
the Guangzhou-Shenzhen-Hong Kong Express Rail Link**

Further to LC Paper No. CB(3) 13/17-18 issued on 6 October 2017, nine Members (Hon Claudia MO, Hon Jeremy TAM, Hon Dennis KWOK, Hon Alvin YEUNG, Hon Tanya CHAN, Dr Hon KWOK Ka-ki, Dr Hon Fernando CHEUNG, Hon WU Chi-wai and Hon CHU Hoi-dick) have respectively given notice of their intention to move amendments to the Secretary for Transport and Housing (“STH”)’s motion above at the Council meeting of 25 October 2017. As directed by the President, the respective amendments will be printed in the terms in which they were handed in on the Agenda of the Council.

2. The President will order a **joint debate** on the above motion and the nine amendments. To facilitate Members’ debate, I set out below the relevant proceedings under which the President will:

- (a) call upon STH to speak and move his motion, and then propose the question on STH’s motion;
- (b) call upon the nine Members who wish to move amendments to speak in the following order, but no amendment is to be moved at this stage:
 - (i) Hon Claudia MO;
 - (ii) Hon Tanya CHAN;
 - (iii) Hon Jeremy TAM;

- (iv) Hon Dennis KWOK;
 - (v) Hon Alvin YEUNG;
 - (vi) Dr Hon KWOK Ka-ki;
 - (vii) Dr Hon Fernando CHEUNG;
 - (viii) Hon WU Chi-wai; and
 - (ix) Hon CHU Hoi-dick;
- (c) invite other Members to speak;
 - (d) call upon STH to speak on the amendments;
 - (e) in accordance with Rule 34(5) of the Rules of Procedure, call upon the nine Members to move their amendments in the order set out in paragraph (b) above. The President will first invite Hon Claudia MO to move her amendment to the motion, and forthwith propose and put to vote the question on Hon Claudia MO's amendment;
 - (f) after Hon Claudia MO's amendment has been voted upon, deal with the other eight amendments; and
 - (g) after all amendments have been dealt with, call upon STH to reply. Thereafter, the President will put to vote the question on STH's original motion, or his motion as amended, as the case may be.

3. Members are invited to note that each Member (including amendment mover) can only **speak once and the time limit is 15 minutes**. **Public officer(s) will not be subject to any speaking time limit.**

4. For Members' reference, the terms of the original motion and the marked-up version of the amendments are set out in the **Appendix**.

(Dora WAI)
for Clerk to the Legislative Council

Encl.

(Translation)

**Motion debate on
“Taking forward the follow-up tasks of the co-location arrangement at the
West Kowloon Station of the Guangzhou-Shenzhen-Hong Kong
Express Rail Link”
to be held at the Council meeting of 25 October 2017**

1. Secretary for Transport and Housing’s original motion

Regarding the arrangement for conducting Hong Kong and Mainland customs, immigration and quarantine procedures (“the co-location arrangement”) at the West Kowloon Station of the Hong Kong Section of the Guangzhou-Shenzhen-Hong Kong Express Rail Link (“XRL”), this Council supports the Government in taking forward the follow-up tasks of the co-location arrangement pursuant to the “Three-step Process” proposal announced on 25 July 2017, including reaching a Co-operation Arrangement with the Mainland, seeking the approval and endorsement of the Co-operation Arrangement by the Standing Committee of the National People’s Congress through a decision to be made by the Standing Committee, as well as commencing the local legislative process thereafter, so as to meet the target of implementing the co-location arrangement at the West Kowloon Station upon the commissioning of the Hong Kong Section of the XRL in the third quarter of 2018, with a view to fully unleashing the transport, social and economic benefits of the Hong Kong Section of the XRL and maximising convenience to passengers.

2. Motion as amended by Hon Claudia MO

Regarding *That as* the arrangement for conducting Hong Kong and Mainland customs, immigration and quarantine procedures (“the co-location arrangement”) at the West Kowloon Station of the Hong Kong Section of the Guangzhou-Shenzhen-Hong Kong Express Rail Link (“XRL”) *has aroused great controversies*, this Council ~~supports the Government in taking forward the follow-up tasks of the co-location arrangement pursuant to the “Three step Process” proposal announced on 25 July 2017, including reaching a Co-operation Arrangement with the Mainland, seeking the approval and endorsement of the Co-operation Arrangement by the Standing Committee of the National People’s Congress through a decision to be made by the Standing Committee, as well as commencing the local legislative process thereafter, so as to meet~~ *requests the Special Administrative Region (“SAR”) Government to*

*invite an independent academic institution to conduct a referendum-like, territory-wide and large-scale opinion survey on comparing community organizations' proposal of implementing the co-location arrangement in the Mainland and the scheme announced by the SAR Government on 25 July 2017 for implementing the co-location arrangement at the West Kowloon Station, rather than hastily neglect other feasible options for the sake of meeting the target of implementing the co-location arrangement at the West Kowloon Station upon the commissioning of the Hong Kong Section of the XRL in the third quarter of 2018, with a view to fully ~~sacrificing the full~~ unleashing of the transport, social and economic benefits of the Hong Kong Section of the XRL and ~~maximising convenience to passengers,~~ **ruining the Basic Law and 'one country, two systems', and failing to maximise convenience to Hong Kong people.***

Note: Hon Claudia MO's amendment is marked in ***bold and italic type*** or with deletion line.

3. Motion as amended by Hon Tanya CHAN

~~Regarding~~ As the arrangement for conducting Hong Kong and Mainland customs, immigration and quarantine procedures ("the co-location arrangement") at the West Kowloon Station of the Hong Kong Section of the Guangzhou-Shenzhen-Hong Kong Express Rail Link ("XRL") **clearly contravenes the provisions of the Basic Law, including Articles 18 and 22, damages "one country, two systems", and has not gone through any public consultation,** this Council ~~supports~~ **opposes** the Government in taking forward the follow-up tasks of the co-location arrangement pursuant to the "Three-step Process" proposal announced on 25 July 2017, including reaching a Co-operation Arrangement with the Mainland, **and** seeking the approval and endorsement of the Co-operation Arrangement by the Standing Committee of the National People's Congress through a decision to be made by the Standing Committee, ~~as well as commencing;~~ **this Council therefore requests the Special Administrative Region Government to withdraw "the co-location arrangement", implement the "Mainland co-location arrangement" instead in at least one station along the Mainland section of the XRL with reference to the "Shenzhen Bay Port model", immediately conduct a public consultation which is in compliance with the existing internal guidelines of the Government to facilitate discussions on the relevant arrangement with the Mainland as soon as possible, and then commence** the local legislative process thereafter, ~~so as to meet the target of implementing the co-location arrangement at the West Kowloon Station,~~ **so as to implement the "Mainland co-location arrangement" at a Mainland station** upon the commissioning of the Hong Kong Section of the XRL in the third quarter of 2018, ~~with a view to fully unleashing~~ **and, on the premise of not contravening the Basic Law, fully**

unleash the transport, social and economic benefits of the Hong Kong Section of the XRL and ~~maximising~~ *maximise* convenience to passengers.

Note: Hon Tanya CHAN's amendment is marked in *bold and italic type* or with deletion line.

4. Motion as amended by Hon Jeremy TAM

Regarding the arrangement for conducting Hong Kong and Mainland customs, immigration and quarantine procedures ("the co-location arrangement") at the West Kowloon Station of the Hong Kong Section of the Guangzhou-Shenzhen-Hong Kong Express Rail Link ("XRL"), this Council ~~supports the Government in taking forward the follow-up tasks of the co-location arrangement pursuant to the "Three-step Process" proposal announced on 25 July 2017, including reaching a Co-operation Arrangement with the Mainland, seeking the approval and endorsement of the Co-operation Arrangement by the Standing Committee of the National People's Congress through a decision to be made by the Standing Committee, as well as commencing the local legislative process thereafter, so as to meet the target of implementing the co-location arrangement at the West Kowloon Station upon the commissioning of the Hong Kong Section of the XRL in the third quarter of 2018, with a view to~~ *considers that this arrangement contravenes Article 18 of the Basic Law and damages the spirit of "one country, two systems"; in this connection, this Council supports implementing "the co-location arrangement" at the Mainland's Futian Station instead, so as to stop the Government from taking forward the "Three-step Process" proposal which contravenes the Basic Law, and* fully ~~unleashing~~ *unleash* the transport, social and economic benefits of the Hong Kong Section of the XRL and ~~maximising~~ *maximise* convenience to passengers.

Note: Hon Jeremy TAM's amendment is marked in *bold and italic type* or with deletion line.

5. Motion as amended by Hon Dennis KWOK

Regarding the arrangement for conducting Hong Kong and Mainland customs, immigration and quarantine procedures ("the co-location arrangement") at the West Kowloon Station of the Hong Kong Section of the Guangzhou-Shenzhen-Hong Kong Express Rail Link ("XRL"), this Council ~~supports the Government in taking forward the follow-up tasks of the co-location arrangement pursuant to the "Three-step Process" proposal announced on 25 July 2017, including reaching a Co-operation Arrangement with the Mainland, seeking the approval and endorsement of the Co-operation~~

~~Arrangement by the Standing Committee of the National People's Congress through a decision to be made by the Standing Committee, as well as commencing the local legislative process thereafter, so as to meet the target of implementing the co-location arrangement at the West Kowloon Station upon the commissioning of the Hong Kong Section of the XRL in the third quarter of 2018, with a view to~~ ***considers that this arrangement contravenes Article 18 of the Basic Law and damages the spirit of "one country, two systems"; in this connection, this Council supports changing "the co-location arrangement" into one adopting the separate-location principle, so as to stop the Government from taking forward the "Three-step Process" proposal which contravenes the Basic Law, and fully unleashing unleash the transport, social and economic benefits of the Hong Kong Section of the XRL and maximising maximise convenience to passengers.***

Note: Hon Dennis KWOK's amendment is marked in ***bold and italic type*** or with deletion line.

6. Motion as amended by Hon Alvin YEUNG

~~Regarding the arrangement for conducting Hong Kong and Mainland customs, immigration and quarantine procedures ("the co-location arrangement") at the West Kowloon Station of the Hong Kong Section of the Guangzhou-Shenzhen-Hong Kong Express Rail Link ("XRL"), this Council supports the Government in taking forward the follow up tasks of the co-location arrangement pursuant to the "Three-step Process" proposal announced on 25 July 2017, including reaching a Co-operation Arrangement with the Mainland, seeking the approval and endorsement of the Co-operation Arrangement by the Standing Committee of the National People's Congress through a decision to be made by the Standing Committee, as well as commencing the local legislative process thereafter, so as to meet the target of implementing the co-location arrangement at the West Kowloon Station upon the commissioning of the Hong Kong Section of the XRL in the third quarter of 2018, with a view to~~ ***considers that this arrangement contravenes Article 18 of the Basic Law and the Government attempts to weaken Hong Kong's power under a high degree of autonomy by invoking Article 20 of the Basic Law, which severely damage the spirit of "one country, two systems"; in this connection, this Council supports implementing the co-location arrangement at the Mainland's Futian Station instead, so as to stop the Government from taking forward the "Three-step Process" proposal which contravenes the Basic Law; this Council also supports releasing the valuable land lot of about 105 000 sq m reserved by the Government for the co-location arrangement, and using it for commercial rental purpose, in order to cover the cost overrun of the XRL project and fully unleashing unleash the transport, social and***

economic benefits of the Hong Kong Section of the XRL and ~~maximising~~ *maximise* convenience to passengers.

Note: Hon Alvin YEUNG's amendment is marked in *bold and italic type* or with deletion line.

7. Motion as amended by Dr Hon KWOK Ka-ki

~~Regarding the arrangement for conducting Hong Kong and Mainland customs, immigration and quarantine procedures (“the co-location arrangement”) at the West Kowloon Station of the Hong Kong Section of the Guangzhou-Shenzhen-Hong Kong Express Rail Link (“XRL”), this Council supports the Government in taking forward the follow up tasks of the co-location arrangement pursuant to the “Three step Process” proposal announced on 25 July 2017, including reaching a Co-operation Arrangement with the Mainland, seeking the approval and endorsement of the Co-operation Arrangement by the Standing Committee of the National People’s Congress through a decision to be made by the Standing Committee, as well as commencing the local legislative process thereafter, so as to meet the target of implementing the co-location arrangement at the West Kowloon Station upon the commissioning of the Hong Kong Section of the XRL in the third quarter of 2018, with a view to~~ *considers that public views have not been openly sought on this arrangement, and it is the result of the Administration’s intransigence; in this connection, this Council cannot support the existing arrangement in the absence of public opinion support, and considers that the Government should halt the tasks being taken forward and then consult the public with no prerequisites, letting the public to choose an arrangement for the customs, immigration and quarantine procedures for the XRL, so as to resolve the current split and conflicts in society, and fully* ~~unleashing~~ *unleash* the transport, social and economic benefits of the Hong Kong Section of the XRL and ~~maximising~~ *maximise* convenience to passengers.

Note: Dr Hon KWOK Ka-ki's amendment is marked in *bold and italic type* or with deletion line.

8. Motion as amended by Dr Hon Fernando CHEUNG

~~Regarding the arrangement for conducting Hong Kong and Mainland customs, immigration and quarantine procedures (“the co-location arrangement”) at the West Kowloon Station of the Hong Kong Section of the Guangzhou-Shenzhen-Hong Kong Express Rail Link (“XRL”), this Council supports the Government in taking forward the follow up tasks of the co-location arrangement pursuant to the “Three step Process” proposal~~

~~announced on 25 July 2017, including reaching a Co-operation Arrangement with the Mainland, seeking the approval and endorsement of the Co-operation Arrangement by the Standing Committee of the National People's Congress through a decision to be made by the Standing Committee, as well as commencing the local legislative process thereafter, so as to meet the target of implementing the co-location arrangement at the West Kowloon Station upon the commissioning of the Hong Kong Section of the XRL in the third quarter of 2018, with a view to fully unleashing the transport, social and economic benefits of the Hong Kong Section of the XRL and maximising convenience to passengers~~ ***requests the Government to commission an independent body to set out various proposals on the customs, immigration and quarantine arrangements at the Hong Kong Section of the XRL for public consultation.***

Note: Dr Hon Fernando CHEUNG's amendment is marked in ***bold and italic type*** or with deletion line.

9. Motion as amended by Hon WU Chi-wai

Regarding the arrangement for conducting Hong Kong and Mainland customs, immigration and quarantine procedures (“the co-location arrangement”) at the West Kowloon Station of the Hong Kong Section of the Guangzhou-Shenzhen-Hong Kong Express Rail Link (“XRL”), this Council ~~supports the Government in taking forward the follow up tasks of the co-location arrangement pursuant to the “Three step Process” proposal announced on 25 July 2017, including reaching a Co-operation Arrangement with the Mainland, seeking~~ ***expresses objection to this option; this Council also requests the Special Administrative Region Government to implement the co-location arrangement at Shenzhen's Futian Station instead, seek*** the approval and endorsement of the Co-operation Arrangement by the Standing Committee of the National People's Congress through a decision to be made by the Standing Committee, ~~as well as commencing~~ ***and commence*** the local legislative process thereafter, so as to meet the target of ~~implementing the co-location arrangement at the West Kowloon Station upon the commissioning of the Hong Kong Section of the XRL in the third quarter of 2018, with a view to fully unleashing~~ ***and fully unleash*** the transport, social and economic benefits of the Hong Kong Section of the XRL and ~~maximising~~ ***maximise*** convenience to passengers ***on the premise of upholding the protection for Hong Kong people under “one country, two systems” and the Basic Law and ensuring the maintenance of Hong Kong's core values and rule of law.***

Note: Hon WU Chi-wai's amendment is marked in ***bold and italic type*** or with deletion line.

10. Motion as amended by Hon CHU Hoi-dick

~~Regarding the arrangement for conducting Hong Kong and Mainland customs, immigration and quarantine procedures (“the co-location arrangement”) at the West Kowloon Station of the Hong Kong Section of the Guangzhou-Shenzhen-Hong Kong Express Rail Link (“XRL”), this Council supports the Government in taking forward the follow-up tasks of the co-location arrangement pursuant to the “Three step Process” proposal announced on 25 July 2017, including reaching a Co-operation Arrangement with the Mainland, seeking the approval and endorsement of the Co-operation Arrangement by the Standing Committee of the National People’s Congress through a decision to be made by the Standing Committee, as well as commencing the local legislative process thereafter, so as to meet the target of implementing the co-location arrangement at the West Kowloon Station upon the commissioning of the Hong Kong Section of the XRL in the third quarter of 2018, with a view to fully unleashing the transport, social and economic benefits of the Hong Kong Section of the XRL and maximising convenience to passengers~~ *considers that this arrangement is of doubtful legality, may impair the credibility of the judicial system, and may even contravene the principle of “one country, two systems”; in this connection, this Council considers that the Government should conduct public consultation, be more prudent and reconsider the feasibility of the arrangement.*

Note: Hon CHU Hoi-dick’s amendment is marked in *bold and italic type* or with deletion line.