

立法會
Legislative Council

LC Paper No. LS90/17-18

**Legal Service Division Report on
Subsidiary Legislation Gazetted on 31 August 2018**

Tabling in LegCo : Council meeting of 10 October 2018

Amendment to be made by : Council meeting of 7 November 2018 (or that of 28 November 2018 if extended by resolution)

**Guangzhou-Shenzhen-Hong Kong Express Rail Link
(Co-location) Ordinance (Commencement) Notice** **(L.N. 154)**

By L.N. 154, the Secretary for Transport and Housing ("STH") has appointed 4 September 2018 as the day on which the Guangzhou-Shenzhen-Hong Kong Express Rail Link (Co-location) Ordinance (Cap. 632) comes into operation.

2. The Guangzhou-Shenzhen-Hong Kong Express Rail Link (Co-location) Bill ("the Bill") was passed by the Legislative Council ("LegCo") at the Council meeting of 13 June 2018 and the Ordinance was published in the Gazette on 22 June 2018. Cap. 632 implements the co-location arrangement at the West Kowloon Station of the Hong Kong Section of the Guangzhou-Shenzhen-Hong Kong Express Rail Link ("XRL"), pursuant to 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. The main effect of Cap. 632 is to declare an area as the West Kowloon Station Mainland Port Area ("MPA") and to provide for the application of the laws of the Mainland and of Hong Kong in MPA and the delineation of jurisdiction (including jurisdiction of the courts) over MPA. A Bills Committee was formed to study the Bill. Members may refer to the report of the Bills Committee (LC Paper No. CB(4)1163/17-18) for details.

3. No LegCo brief has been issued by the Administration in relation to L.N. 154. The Legal Service Division has enquired about the necessity for Cap. 632 to come into operation on 4 September 2018 before the actual commissioning of the Hong Kong Section of XRL on 23 September 2018. The Administration explained that Mainland personnel have to conduct final preparatory work at MPA prior to the commissioning of the Hong Kong Section of XRL, for example, to ensure that all requisite materials have been delivered to MPA and to familiarize themselves with

the relevant operational procedures. As such, upon detailed discussion with the Mainland, STH decided to appoint 4 September 2018 as the day on which Cap. 632 would come into operation to dovetail with the commissioning of the Hong Kong Section of XRL in the same month, in order to ensure that MPA could operate smoothly after the commissioning of the Hong Kong Section of XRL.

4. As advised by the Clerk to the Panel on Transport ("the Panel"), the Administration has not formally consulted the Panel on L.N. 154, though the Administration has provided a paper to the Panel for its meeting held on 31 August 2018 (LC Paper No. CB(4)1518/17-18(01)) to inform Panel members of the commencement date of Cap. 632 and the justification for it. The issue of commencement date was discussed at a meeting of the Bills Committee on the Bill (see paragraphs 69 to 71 of the report of the Bills Committee (LC Paper No. CB(4)1163/17-18)). In brief, in response to the Bills Committee members' enquiry on whether the commencement date would tie in with the commissioning date of the Hong Kong Section of XRL, the Administration indicated that it would be necessary for the enacted Ordinance to come into operation in a short period of time before the commissioning of the Hong Kong Section of XRL to allow the Mainland personnel to conduct final preparatory work at MPA so as to ensure that MPA could operate smoothly after its commissioning.

5. No difficulties have been identified in the legal and drafting aspects of L.N. 154.

Prepared by

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