

**立法會**  
**Legislative Council**

LC Paper No. CB(4)652/19-20  
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by the Administration)

Ref : CB4/SS/11/17

**Subcommittee on Guangzhou-Shenzhen-Hong Kong Express Rail Link  
(Co-location) Ordinance (Commencement) Notice**

**Minutes of the first meeting  
held on Friday, 26 October 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 James TO Kun-sun  
Hon Abraham SHEK Lai-him, GBS, JP  
Hon Tommy CHEUNG Yu-yan, GBS, JP  
Hon Jeffrey LAM Kin-fung, GBS, JP  
Hon WONG Ting-kwong, GBS, JP  
Hon CHAN Kin-por, GBS, JP  
Dr Hon Priscilla LEUNG Mei-fun, SBS, JP  
Hon Paul TSE Wai-chun, JP  
Hon Michael TIEN Puk-sun, BBS, JP  
Hon Frankie YICK Chi-ming, SBS, JP  
Hon YIU Si-wing, BBS  
Hon CHAN Chi-chuen  
Hon CHAN Han-pan, BBS, JP  
Hon LEUNG Che-cheung, SBS, MH, JP  
Hon Alice MAK Mei-kuen, BBS, JP  
Dr Hon KWOK Ka-ki  
Hon KWOK Wai-keung, JP  
Hon Christopher CHEUNG Wah-fung, SBS, JP  
Dr Hon Fernando CHEUNG Chiu-hung  
Dr Hon Elizabeth QUAT, BBS, JP  
Hon Martin LIAO Cheung-kong, SBS, JP  
Hon POON Siu-ping, BBS, MH  
Ir Dr Hon LO Wai-kwok, SBS, MH, JP  
Hon Alvin YEUNG  
Hon CHU Hoi-dick

Dr Hon Junius HO Kwan-yiu, JP  
Hon HO Kai-ming  
Hon Holden CHOW Ho-ding  
Hon Wilson OR Chong-shing, MH  
Hon YUNG Hoi-yan  
Hon CHAN Chun-ying, JP  
Hon Tanya CHAN  
Hon CHEUNG Kwok-kwan, JP  
Hon LUK Chung-hung, JP  
Hon Jeremy TAM Man-ho  
Hon AU Nok-hin  
Hon Vincent CHENG Wing-shun, MH  
Hon Tony TSE Wai-chuen, BBS

**Members absent** : Hon WONG Kwok-kin, SBS, JP  
Hon MA Fung-kwok, SBS, JP  
Hon Charles Peter MOK, JP

**Public officers attending** : Item II

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 Kevin CHOI, JP  
Deputy Secretary for Transport and Housing (Transport) 2

Mr Andy LAM Siu-hong  
Principal Assistant Secretary for Transport and Housing  
(Transport) 3

Mr Philip HAR Mung-fei  
Principal Assistant Secretary for Transport and Housing  
(Transport) 4

Security Bureau

Mr Vic YAU Cheuk-hang  
Deputy Secretary for Security 2

Mr Parson LAM Chun-wah  
Principal Assistant Secretary for Security D

Customs and Excise Department

Ms Louise HO Pui-shan, CMSM  
Assistant Commissioner (Boundary and Ports)

Immigration Department

Mr TAI Chi-yuen  
Assistant Director (Control)

Department of Justice

Mr Henry CHAN Ngai-him  
Senior Government Counsel

**Clerk in attendance** : Ms Sophie LAU  
Chief Council Secretary (4)2

**Staff in attendance** : 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

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## **I. Election of Chairman**

Mr James TO, the member who had the highest precedence among those present at the meeting, presided over the election of the Chairman of the Subcommittee. He invited nominations for the chairmanship of the Subcommittee.

2. Mr Jeffery LAM nominated Mrs Regina IP, and the nomination was seconded by Mr Holden CHOW. Mrs Regina IP accepted the nomination.
3. There being no other nominations, Mrs Regina IP was declared the Chairman of the Subcommittee.
4. Members agreed that there was no need to elect a deputy chairman of the Subcommittee.

## **II. Meeting with the Administration**

[Ref: L.N. 154 of 2018, LC Paper Nos. LS90/17-18, CB(4)90/18-19(01) - (03) and CB(4)1518/17-18(01)]

### Discussion

5. The Subcommittee deliberated (please refer to index of proceedings in **Annex**).

### Follow-up actions to be taken by the Administration

6. The Administration was requested to provide up to 25 October 2018:
  - (a) daily number of inbound and outbound passengers with a breakdown of such information by Hong Kong residents and non-Hong Kong residents since the Hong Kong Section of Guangzhou-Shenzhen-Hong Kong Express Rail Link commenced operation on 23 September 2018;
  - (b) information in respect of cases where passengers at the West Kowloon Station Mainland Port Area felt unwell and were sent to hospitals in Hong Kong, including (i) the number of passengers involved and (ii) the name of hospital which the passenger(s) concerned was sent to for treatment; and

- (c) remedial actions taken to tackle the water seepage problem at the West Kowloon Station arising from Super Typhoon Mangkhut and relevant photos (if any).

*(Post-meeting note: The Administration's response was appended to the Subcommittee's report and issued to members vide LC Paper No. CB(4)119/18-19 on 31 October 2018.)*

7. The Chairman concluded that the Subcommittee had completed the scrutiny of the Guangzhou-Shenzhen-Hong Kong Express Rail Link (Co-location) Ordinance (Commencement) Notice ("the Commencement Notice"). The Subcommittee noted that the scrutiny period of the Commencement Notice would expire on 7 November 2018. The deadline for giving notice to move amendments to the Commencement Notice, if any, would be 31 October 2018.

### **III. Any other business**

- 8. There being no other business, the meeting ended at 10:28 am.

Council Business Division 4  
Legislative Council Secretariat  
1 June 2020

**Proceedings of the first meeting of the  
Subcommittee on Guangzhou-Shenzhen-Hong Kong Express Rail Link  
(Co-location) Ordinance (Commencement) Notice  
held on Wednesday, 26 October 2018, at 8:30 am  
in Conference Room 1 of the Legislative Council Complex**

Running Time	Speaker(s)	Subject(s)	Action required
<b>Election of Chairman</b>			
000348-000512	Mr James TO Mr Jeffery LAM Mrs Regina IP Mr Holden CHOW	Election of Chairman	
<b>Meeting with the Administration</b>			
000513-001150	Chairman Mr WONG Ting-kwong Administration	Briefing by the Administration on the Guangzhou-Shenzhen-Hong Kong Express Rail Link (Co-location) Ordinance (Commencement) Notice ("the Commencement Notice").	
001151-001614	Chairman Mr CHAN Chi-chuen Administration	Mr CHAN's concern and the Administration's response on the following issues:  (a) noting that the Guangzhou-Shenzhen-Hong Kong Express Rail Link (Co-location) Ordinance (Cap. 632) ("the Ordinance") came into operation on 4 September 2018, i.e. 19 days earlier than the commencement of operation of the Hong Kong Section ("HKS") of the Guangzhou-Shenzhen-Hong Kong Express Rail Link ("XRL") on 23 September 2018, whether the 19-day period was requested by the Mainland authorities;  (b) the nature of the "requisite materials", as mentioned in the Administration's	

<b>Running Time</b>	<b>Speaker(s)</b>	<b>Subject(s)</b>	<b>Action required</b>
		<p>paper (LC Paper No. CB(4)90/18-19(02)), that had to be delivered to the Mainland Port Area ("MPA") at the West Kowloon Station ("WKS") only after the Ordinance came into operation; and</p> <p>(c) whether the Mainland personnel stationed in the MPA would stay overnight.</p>	
001615-002105	Chairman Dr KWOK Ka-ki Administration	<p>Dr KWOK raised his concern about:</p> <p>(a) the arrangement of the ceremony to mark the commissioning of the MPA held at 00:00 hours on 4 September 2018;</p> <p>(b) whether the number of Mainland personnel stationed at the MPA would be reduced in view of the low patronage of the HKS of the XRL since its commissioning on 23 September 2018;</p> <p>(c) whether Hong Kong law enforcement officers would be stationed at the MPA to provide assistance to Hong Kong residents; and</p> <p>(d) in view of the fact that the Administration would only charge a nominal fee of \$1,000 per year for the use of the MPA by the Mainland authorities, whether the Mainland side would return the rental paid for the use of Shenzhen Bay Port Hong Kong Port Area in the past years.</p> <p>The Administration responded.</p>	
002106-002547	Chairman Mr Tony TSE	Mr TSE raised his concern about the measures to prevent Hong Kong personnel from	

<b>Running Time</b>	<b>Speaker(s)</b>	<b>Subject(s)</b>	<b>Action required</b>
	Administration	trespassing on the MPA and the complicated ticket collection procedures for passengers departing from the WKS. The Administration responded.	
002548-003001	Chairman Dr Priscilla LEUNG Administration	<p>Dr LEUNG's suggestion of providing direct train services running between the WKS and the destinations in the Guangdong-Hong Kong-Macao Greater Bay Area to dovetail with the national development strategy of Greater Bay Area Development.</p> <p>Dr LEUNG's concern about the baggage size limit imposed by the MTR Corporation Limited ("MTRCL") and the ways in which certain MTR station staff handled matters relating to the ticket collection and parking arrangements.</p> <p>The Administration responded.</p>	
003002-003435	Chairman Ir Dr LO Wai- kwok Administration	<p>Ir Dr LO's enquiry regarding the implementation of the Ordinance, in particular the exercise of jurisdiction by the Hong Kong Special Administrative Region ("HKSAR") over reserved matters in the MPA, and the Administration's response.</p> <p>In reply to Ir Dr LO's concern over the ticket collection arrangements, the Administration advised that it would discuss with the China Railway Corporation on the integration of Hong Kong and the Mainland ticketing websites, as well as the introduction of e-tickets as well, with a view to improving the passengers' experiences in using XRL.</p>	
003436-003914	Chairman Mr Jeremy TAM Administration	Mr TAM's concern about the incident concerning a senior government official who was permitted to leave the Mainland and returned to Hong Kong after the opening ceremony of the HKS of the XRL held on 22	



<b>Running Time</b>	<b>Speaker(s)</b>	<b>Subject(s)</b>	<b>Action required</b>
		September 2018, despite having lost his travel documents. The Administration responded.	
003915-004408	Chairman Ms Tanya CHAN Administration	<p>Ms CHAN asked if there was any mechanism for the Administration to cross-check the daily number of inbound and outbound passengers passing through the MPA with the relevant Mainland authorities. The Administration responded.</p> <p>At the request of Ms CHAN, the Administration agreed to provide in writing the daily number of inbound and outbound passengers with a breakdown of such information by Hong Kong residents and non-Hong Kong residents since the HKS of the XRL commenced operation on 23 September 2018 up to 25 October 2018.</p> <p>In response to Ms CHAN's enquiry regarding the issuance of permit by MTRCL, the Administration advised that in any event, no such permit would be issued to the Mainland law enforcement officers stationed in the MPA since under the Ordinance they are not be permitted to enter any area outside the MPA and have no law enforcement powers outside the MPA.</p> <p>In respect of the Mainland personnel who were required to work overnight in the MPA, Ms CHAN enquired about the duties that they carried out in the MPA and the respective departments that they belonged to. The Administration responded.</p>	Admin
004409-004934	Chairman Mr James TO Administration	<p>Mr TO was dissatisfied that the Commencement Notice had already taken effect before the Legislative Council had the opportunity to scrutinize it.</p> <p>Mr TO requested the Administration to</p>	Admin

<b>Running Time</b>	<b>Speaker(s)</b>	<b>Subject(s)</b>	<b>Action required</b>
		provide information in respect of cases where passengers at the MPA sought emergency medical assistance, including (i) the number of passenger(s) involved and (ii) the hospital(s) which the passenger(s) concerned was sent to for treatment.	
004935-005342	Chairman Mr Jeffery LAM Administration	Mr LAM's enquiry and the Administration's response about the regulations on the carriage of baggage.  Mr LAM's further enquiry about the handling of passengers who went back and forth between the MPA and the Hong Kong Clearance Area to take photos. The Administration responded.	
005343-005751	Chairman Mr AU Nok-hin Administration	With regard to the questions raised by Mr AU relating to the setting up of detention quarters and other matters relating to the immigration procedures at the WKS, the Chairman advised Mr AU to follow-up on the said issues with the Panel on Security.	
005752-010229	Chairman Mr YIU Si-wing Administration	Mr YIU's concern about the fare concession offered to passengers during non-peak hours and ticketing arrangements. The Administration responded.	
010230-010757	Chairman Mr Jeremy TAM Administration	Mr TAM's enquiry about details of the designated personnel who carried out repairs and maintenance duties in the MPA, and the offering of fare concession by MTRCL to its staff and their family members. The Administration responded.  In response to Mr TAM's enquiry, the Administration advised that when Super Typhoon Mangkhut entered Hong Kong, while minor water leakage was found at WKS, no water seepage problem was identified in the tunnel section of the HKS of the XRL.	Admin

Running Time	Speaker(s)	Subject(s)	Action required
		<p>Mr TAM requested the Administration to provide information on the remedial actions taken to tackle the water seepage problem at the WKS arising from Super Typhoon Mangkhut, and relevant photos (if any).</p>	
010758-011349	<p>Chairman Ms Tanya CHAN Administration</p>	<p>Ms CHAN's concern and the Administration's response regarding the terms of the Supplemental Service Concession Agreement entered into between the Kowloon-Canton Railway Corporation and MTRCL.</p> <p>Ms CHAN followed up on the enquiry about the duties that the Mainland personnel would carry out in the MPA, whether they would stay overnight in the MPA and the respective departments that they belonged to. The Administration's response.</p>	
011350-011812	<p>Chairman Mr CHAN Chi- chuen Administration</p>	<p>Mr CHAN raised his concern on the following issues:</p> <ul style="list-style-type: none"> <li>(a) the number of Mainland personnel stationed in the MPA outside the operating hours of the HKS of the XRL;</li> <li>(b) the authority of the HKSAR Government over matters arising from the operation and administration of the MPA; and</li> <li>(c) whether any HKSAR Government officers would be stationed in the MPA on a regular basis.</li> </ul> <p>The Administration responded.</p>	
011813-011930	<p>Chairman Mr CHEUNG Kwok-kwan</p>	<p>Discussion on procedural matters.</p>	

Running Time	Speaker(s)	Subject(s)	Action required
011931-012454	Chairman Mr CHU Hoi-dick Administration	Mr CHU followed up on Ms Tanya CHAN's concern about the absence of a mechanism for Hong Kong to cross-check the daily number of inbound and outbound passengers passing through the MPA with the relevant Mainland authorities. The Administration responded.	
012455-012901	Chairman Mr AU Nok-hin Administration	Mr AU's enquiry about the duties of the Hong Kong Immigration officers stationed in the Hong Kong Port Area and the setting up of detention quarters at the WKS. The Administration responded.	
012902-013332	Chairman Ms Tanya CHAN Administration	<p>Ms CHAN's concern about the legal consequences that might arise from the implementation of the co-location arrangement pursuant to the Ordinance and the Commencement Notice, and how the operation of the MPA would be affected in case the co-location arrangement was successfully challenged in subsequent judicial review ("JR") proceedings.</p> <p>The Administration responded that the HKSAR Government was confident that the co-location arrangement was in compliance with the Constitution of the People's Republic of China and the Basic Law. Given there were on-going JR proceedings, the Administration explained that it was not appropriate to comment any further at this stage.</p> <p>Ms CHAN's further enquiry and the Administration's response about the signing of supplementary agreement(s) upon the implementation of the co-location arrangement under the Ordinance.</p>	
013333-013807	Chairman Dr Junius HO	Dr HO's enquiry and the Chairman's response regarding the scrutiny of subsidiary legislation	

<b>Running Time</b>	<b>Speaker(s)</b>	<b>Subject(s)</b>	<b>Action required</b>
	Administration	<p>under section 34 of the Interpretation and General Clauses Ordinance (Cap. 1).</p> <p>The Administration reiterated its explanations on the necessity for the Ordinance to come into operation before the anticipated commissioning of the HKS of the XRL on 23 September 2018.</p>	
013808-014157	Chairman Mr CHAN Chi-chuen Administration	<p>Mr CHAN followed up on Ms Tanya CHAN's enquiry on the possible impact of the Court's decision in connection with the applications for leave to apply for JR on the co-location arrangement and the Commencement Notice.</p> <p>In response to Mr CHAN's enquiry, the Administration confirmed that Hong Kong law enforcement officers would not enter the MPA to take enforcement actions and would only perform their duties in the Hong Kong Clearance Area in accordance with the laws of the HKSAR.</p>	
014158-014622	Chairman Mr CHU Hoi-dick Administration	<p>Mr CHU's enquiry about the demarcation of the cross-boundary restricted area on B4 level of the WKS, and the Administration's response.</p> <p>Mr CHU's request for the Administration to provide the members with a copy of the floor plan of the cross-boundary restricted area declared by MTRCL pursuant to the Mass Transit Railway By-laws (Cap. 556B). The Administration responded.</p>	
014623-015058	Chairman Mr Jeremy TAM Administration	<p>In reply to Mr TAM's enquiry, the Administration advised that when Super Typhoon Mangkhut entered Hong Kong, the Shek Kong Stabling Sidings ("SSS") was in normal condition and no water leakage or seepage problem was found at SSS throughout the period.</p>	

<b>Running Time</b>	<b>Speaker(s)</b>	<b>Subject(s)</b>	<b>Action required</b>
		Mr TAM's enquiry and the Administration's response regarding the procedures and time required for Mainland visitors who had lost their travel documents to apply for replacements .	
015059-015549	Chairman Ms Tanya CHAN Assistant Legal Adviser 1 ("ALA1") Administration	Ms CHAN's enquiry and ALA1's response on the possible impact of the Court's decision in connection with the applications for leave to apply for JR on the implementation of the co-location arrangement under the Ordinance and the Commencement Notice.	
015550-015815	Chairman ALA1	ALA1's response to Dr Junius HO's query in relation to the Commencement Notice.	
015816-020146	Chairman Clerk Ir Dr LO Wai- kwok Mr CHU Hoi- dick	Legislative timetable.  The Chairman considered that the Subcommittee had completed scrutiny of the Commencement Notice.	
<b>Any other business</b>			
020147-020200	Chairman	Closing remarks	