

立法會

Legislative Council

LC Paper No. CB(4)1488/16-17

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Background brief prepared by the Legislative Council Secretariat for the special House Committee meeting on 3 August 2017

Customs, immigration and quarantine arrangements of the Hong Kong Section of the Guangzhou-Shenzhen-Hong Kong Express Rail Link

Purpose

This paper provides background information on the Hong Kong Section ("HKS") of the Guangzhou-Shenzhen-Hong Kong Express Rail Link ("XRL"). It also summarizes the major views and concerns expressed by Members of the Legislative Council ("LegCo") on the implementation of Hong Kong and Mainland customs, immigration and quarantine ("CIQ") procedures at the West Kowloon Station ("WKS")¹ of HKS of XRL ("the co-location arrangement").

Background

2. XRL is an express rail of a total length of about 140 kilometres ("km") linking up Hong Kong with Guangzhou via Futian and Longhua in Shenzhen and Humen in Dongguan. The Mainland Section of XRL will start from the terminus at Shibi in Guangzhou and enter Hong Kong via Huanggang.

3. HKS of XRL is an underground railway of about 26 km long, running from the boundary at Huanggang to WKS located at the north of the West Kowloon Cultural District, and between the Airport Express Kowloon Station and the West Rail Austin Station. The alignment plan of HKS of XRL is in **Appendix I**.

¹ West Kowloon Station was referred to as "West Kowloon Terminus" in previous government documents submitted to LegCo.

4. Upon commissioning, XRL will connect with the national high-speed rail network, and will greatly reduce the journey time between Hong Kong and major cities on the Mainland. The Administration expects that XRL will boost Hong Kong's connections with the Mainland in various aspects, enhance exchange between people, foster the development of trade and bring significant economic and social benefits.

5. On 20 October 2009, the Chief Executive-in-Council ("CE-in-Council") approved the implementation of the HKS of XRL project. The Administration entered into an entrustment agreement with the MTR Corporation Limited ("MTRCL") on 26 January 2010 for the construction and commissioning of the project.² The construction works commenced in end January 2010, and were originally targeted for completion in 2015.

6. Over the years, the construction of HKS of XRL has been plagued by cost overrun and works delays. The latest approved estimate of the project is \$86.42 billion.³ As stated in the revised programme to complete submitted by MTRCL in June 2015, the commissioning of HKS of XRL would be delayed to the third quarter of 2018 (including a six-month contingency period).

7. Based on the Administration's latest information, the construction works of the HKS of XRL project were about 95% complete as at end June 2017. Train testing and trial runs, as well as preparation for the operation stage, are underway. The current target is to commission services in the third quarter of 2018 as scheduled.

² The HKS of XRL project has been undertaken under the concession approach. Under this approach, the Administration is responsible for the construction costs of the railway project whilst MTRCL is entrusted with the planning and design of the project. Upon completion of the construction, the Administration is expected to invite MTRCL to operate the railway service under a separate concession agreement.

³ The original project estimate for the construction of HKS of XRL approved by the Finance Committee ("FC") in January 2010 was \$66.82 billion. In February 2016, the Administration submitted additional funding applications totalling \$19.6 billion to FC to cover the cost overrun of the project. The additional funding applications were approved by FC in March 2016.

Members' major views and concerns

8. The Subcommittee on Matters Relating to Railways ("the Subcommittee") under the Panel on Transport has been tasked to monitor the implementation of HKS of XRL, and receives regular reports from the Administration and MTRCL on the construction progress. Members have expressed views and concerns on the co-location arrangement at previous meetings of the Subcommittee. Their major views and concerns are summarized in the ensuing paragraphs.

9. In view of the very tight time frame before the commissioning of HKS of XRL in the third quarter of 2018, the Subcommittee members expressed pressing concerns about the progress and details of the implementation of the co-location arrangement. They repeatedly called on the Administration to expedite discussion with the Mainland authorities and put forward a concrete proposal including the implementation timetable for and details of the co-location arrangement for early discussion and scrutiny by LegCo. Given that the issues were very controversial, some members considered that the Administration should devise a contingency plan in case relevant local legislative work could not tie in with the commissioning of HKS of XRL.

10. Some Subcommittee members were gravely worried that the co-location arrangement would have a major impact on the implementation of the Basic Law and "One Country, Two Systems" in Hong Kong. There had been a concern that in an attempt to implement the co-location arrangement, both the Hong Kong and Mainland authorities might propose to the Standing Committee of the National People's Congress ("NPCSC") that relevant national laws relating to CIQ, etc. be added to Annex III of the Basic Law so that these national laws could be applied to Hong Kong. They opined that allowing the Mainland law enforcement agencies to enforce these national laws at WKS contravened the Basic Law and would undermine the rule of law in Hong Kong. They demanded for an early response from the Administration on how Mainland officials were to be allowed to implement Mainland CIQ-related rules at WKS.

11. Some other members pointed out that despite co-location arrangement being a controversial and complicated issue, it was not without precedents. They considered it essential to implement the co-location arrangement at WKS which was instrumental in realizing the convenience and time-saving benefits of travelling by XRL. Without the co-location arrangement, the value of XRL would be hampered.

12. In response, the Administration indicated that the co-location arrangement involved many complicated constitutional, legal and operational issues. It had been actively discussing with the Mainland authorities on how such issues should be handled. Both sides targeted to implement the co-location arrangement in compliance with both the Basic Law and the principle of "One Country, Two Systems". Once a consensus on the co-location arrangement was reached, the Administration would report to LegCo and the public, and then proceed with the local legislative work with a view to meeting the target commissioning date of HKS of XRL. At the Subcommittee meeting in February 2017, the Administration advised members that it would strive to give an account to the public by the end of the last term of the Government on 30 June 2017.

13. On the design of WKS to cater for the co-location arrangement, the Administration advised that the concept of the co-location arrangement had already been incorporated in the design of the HKS of XRL project when it was proposed in 2009, and space had been reserved at WKS for boundary control facilities.

Latest development

14. On 25 July 2017, the Government announced the implementation of the co-location arrangement at WKS. The arrangement was endorsed by the CE-in-Council on the same day.

15. Under the co-location arrangement, passengers will be able to complete both Hong Kong and Mainland CIQ procedures in one go at WKS. Without such arrangement, passengers might only board or alight at Mainland stations equipped with clearance facilities.

16. The Administration has stressed that the Hong Kong and Mainland authorities have conducted detailed study on the co-location arrangement to ensure that it should comply with the Basic Law; have to be feasible and effective from the operational perspective; and be able to manage security risk robustly.

17. The Administration has also indicated that there are overseas examples of similar co-location arrangements such as that between the United Kingdom and France, or that between the United States and Canada. Co-location arrangement is also implemented at the Shenzhen Bay Port ("SBP") where officers of the Hong Kong Special Administrative Region

("HKSAR") Government and the Mainland authorities exercise jurisdiction and carry out CIQ inspection in accordance with their respective laws.⁴

18. After detailed study and with reference to the case of SBP, the HKSAR Government and the relevant Mainland authorities have recommended adopting a "Three-step Process" in implementing the co-location arrangement at WKS. The three steps may be summarized as follows:

- Step One:** the Mainland and HKSAR are to reach a Co-operation Arrangement in relation to the implementation of the co-location arrangement;
- Step Two:** NPCSC approves and endorses the Co-operation Arrangement by making a Decision; and
- Step Three:** both sides implement the arrangement pursuant to their respective procedures. Local legislation will be necessary for the case of Hong Kong.

19. The contents of the Co-operation Arrangement include the establishment of port areas, the area and jurisdiction of the Mainland Port Area ("MPA"), immigration control on travellers, liaison and coordination mechanism and emergency handling mechanism, consultation on and resolution of disputes, as well as the arrangement for amending the Co-operation Arrangement and its effective date. Venues and space within the area of MPA will be made available by HKSAR to the Mainland side for use and for exercising jurisdiction in accordance with the Co-operation Arrangement.

⁴ In gist, the co-location arrangement at SBP involved the setting up of a Hong Kong Port Area ("HKPA") within the territory of the Mainland. According to the Decision of NPCSC in 2006, HKSAR has been authorized to exercise jurisdiction over HKPA at SBP according to the laws of HKSAR. According to the Official Reply of the State Council in 2006, the land use right of HKPA at SBP was acquired by way of a lease signed between Hong Kong and Shenzhen under which Hong Kong has to pay an annual rental, and the land use period shall expire on 30 June 2047. Pursuant to the Shenzhen Bay Port Hong Kong Port Area Ordinance (Cap. 591) enacted on 25 April 2007, HKPA at SBP is regarded as an area lying within Hong Kong where Hong Kong laws in their entirety and jurisdiction of Hong Kong courts are applicable.

For further details, Members may wish to refer to the LegCo Brief on Shenzhen Bay Port Hong Kong Port Area Bill, and the Report of the Bills Committee formed to scrutinize the Bill, which are available at:
<http://www.legco.gov.hk/yr06-07/english/bc/bc55/general/bc55.htm>.

20. With respect to the application of laws and delineation of jurisdiction, MPA will be regarded as outside the territorial boundary of HKSAR. The Administration has stressed that Mainland personnel can only carry out duties inside MPA of WKS. They cannot take any enforcement action in other parts of HKSAR.

21. The relevant press releases issued by the Administration are in **Appendix II**.

22. The Administration will brief Members on the co-location arrangement at the special meeting of the House Committee on 3 August 2017.

Relevant papers and Council questions

23. A list of relevant papers and Council questions raised by Members is set out in **Appendix III**.

Council Business Division 4
Legislative Council Secretariat
1 August 2017



The proposed alignment of the Hong Kong Section of the
Guangzhou-Shenzhen-Hong Kong Express Rail Link (XRL)

資料來源：於2014年5月發出的立法會CB(1)1328/13-14(03)號文件 Source: LC Paper No. CB(1)1328/13-14(03) issued in May 2014

圖則名稱 drawing title

工務計劃項目第53TR號

廣深港高速鐵路香港段 — 鐵路建造工程

香港段位置圖

PWP ITEM NO. 53TR

HONG KONG SECTION OF GUANGZHOU-SHENZHEN-HONG KONG EXPRESS RAIL LINK - CONSTRUCTION OF RAILWAY WORKS
LOCATION PLAN OF HONG KONG SECTION

S. H. LAM
總工程師
CHIEF ENGINEER

23/11/09
日期
DATE

設計 designed
K. K. LEI
繪圖 drawn
Y. L. MA
校對 checked
K. K. LEI
核准 approved
C. W. YUNG

圖號 drawing no.

HRWXRL002-SP0009

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鐵路拓展處 RAILWAY DEVELOPMENT OFFICE

路政署
HIGHWAYS DEPARTMENT

新聞公報

政府公布一地兩檢安排

政府今日（七月二十五日）公布有關廣深港高速鐵路（廣深港高鐵）在西九龍站進行香港及內地的清關、出入境及檢疫手續（通關程序）的安排（一地兩檢）。有關安排已於同日獲行政長官會同行政會議通過。

律政司司長袁國強資深大律師、運輸及房屋局局長陳帆和保安局局長李家超於政府總部舉行記者會，解釋一地兩檢安排。

廣深港高鐵（香港段）全長廿六公里，會把香港連接至不斷擴大的國家高鐵網絡，大大縮短由香港以鐵路往來內地各主要城市的時間。

陳帆說：「截至今年六月底，廣深港高鐵（香港段）工程已完成接近九成半，現正密鑼緊鼓地進行列車測試和試運行，以及為營運安排作好準備。我們的目標是於二零一八年第三季通車。」

他續指，落實一地兩檢，意味乘客能在西九龍站一次過辦理香港和內地的通關程序。離港乘客登車後，就能安坐列車到達國家高鐵網絡所有城市，不需要再在內地接受入境檢查；另一方面，返港乘客亦可自由選擇在國家高鐵網絡任何一個內地車站登車，抵達西九龍站才辦理內地出境和香港入境等通關程序，不受內地車站是否設有通關口岸限制。如果沒有一地兩檢，乘客只能在設有通關口岸的內地車站上下車。

陳帆說：「如果不實行一地兩檢，廣深港高鐵將失去其高效靈活的功能。一地兩檢是發揮廣深港高鐵項目最大效益的首要關鍵。」

特區政府一直與中央有關部門就一地兩檢進行詳細研究，以確保方案符合《基本法》；在運作上可行有效，並能有效處理保安風險。雙方參考深圳灣口岸模式後達成共識，建議採用「三步走」的方式於廣深港高鐵西九龍站實施一地兩檢。該三步可簡述如下：

第一步：由內地與香港特區達成落實一地兩檢的合作安排（《合作安排》）；

第二步：全國人民代表大會常務委員會通過決定批准及確認《合作安排》；及

第三步：兩地各自進行相關程序予以實施；在香港方面將涉及本地立法工作。

《合作安排》的內容包括口岸區的設立、「內地口岸區」的範圍及管轄權事宜、對旅客出入境監管、聯絡協調與應急處理機制、爭議的磋商及解決，以及《合作安排》的修改和生效事宜。就內地法律和香港特區法律的適用及管轄權（包括司法管轄權）的劃分，「內地口岸區」將視為香港特區區域範圍之外。

袁國強指出，一地兩檢安排符合《基本法》。《合作安排》將提供穩固清晰的法律基礎，讓內地人員在「內地口岸區」為乘客辦理通關程序及執行職務。

李家超說：「在內地口岸區內的內地執法機關，只可以在內地口岸區執法，在內地口岸區以外是沒有執法權的。」

李家超說，在一地兩檢運作之下，兩地成立跨部門「應急救援事宜專責小組」，有關單位合作制訂緊急及救援預案，處理緊急事故，定期演練；建立兩地聯絡員制度。緊急事故包括：火警、列車故障、乘客急需醫療協助、大型公共衛生事故、恐怖襲擊及危險品或化學品的處理等。

李家超表示，針對日常運作，兩地設立協作聯絡機制，確保運作暢順、高效和安全，例如打擊走私、過關高峰期管理。

一地兩檢在國際上早有先例，例如在英、法之間及美、加之間亦有類似安排，而香港與內地之間也於二〇〇七年起在深圳灣口岸實施一地兩檢，經驗十分正面，為旅客所肯定。政府期望社會各界支持廣深港高鐵落實一地兩檢，讓日後來自香港和世界各地的乘客受惠。

有關一地兩檢安排的相關文件及宣傳短片，可於網頁（www.thb.gov.hk/tc/policy/transport/policy/colocation/index.htm）下載。

完

2017年7月25日（星期二）
香港時間23時55分

Press Releases

Government announces co-location arrangement

The Government announced yesterday (July 25) the implementation of Hong Kong and Mainland customs, immigration and quarantine (CIQ) procedures (clearance procedures) at the West Kowloon Station (WKS) of the Hong Kong Section of the Guangzhou-Shenzhen-Hong Kong Express Rail Link (XRL) (hereinafter referred as the co-location arrangement). The arrangement was endorsed by the Chief Executive in Council on the same day.

The Secretary for Justice, Mr Rimsky Yuen, SC; the Secretary for Transport and Housing, Mr Frank Chan Fan; and the Secretary for Security, Mr John Lee, held a press conference at the Central Government Offices to explain the co-location arrangement.

The 26-km Hong Kong Section of the XRL will connect Hong Kong to the continuously expanding national high-speed rail network, substantially reducing the rail travelling time between Hong Kong and various major Mainland cities.

"As at end-June this year, the construction works of the Hong Kong Section of the XRL were about 95 per cent complete. Train testing and trial runs, as well as preparation for the operation stage, are underway. Our target is to commission services in the third quarter of 2018," said Mr Chan.

He continued to say that the implementation of the co-location arrangement means that passengers can complete clearance procedures of both Hong Kong and the Mainland at the WKS in one go. Passengers departing from Hong Kong can go to all cities on the national high-speed rail network without having to undergo clearance procedures again on the Mainland. On the other hand, passengers coming to Hong Kong can freely board trains at any station on the national high-speed rail network, and go through Mainland departure clearance and Hong Kong arrival clearance at the WKS. They will not be constrained by whether a particular Mainland city has clearance facilities. Without a co-location arrangement, passengers might only board or alight at Mainland stations equipped with clearance facilities.

"If a co-location arrangement was not implemented, the efficiency and flexibility offered by the XRL will be hampered. As such, a co-location arrangement is critical to fully unleash benefits of the XRL project", said Mr Chan.

The HKSAR Government and the relevant Mainland authorities conducted detailed study on the co-location arrangement to ensure that it should comply with the Basic Law; have to be feasible and effective from the operational perspective; and be able to manage security risk robustly. With reference to the case of the Shenzhen Bay Port, the HKSAR Government and the relevant central authorities recommended adopting a "Three-step Process" in implementing the co-location arrangement at the WKS of the XRL. The three steps may be summarised as follows -

Step One: The Mainland and the HKSAR are to reach a Co-operation Arrangement in relation to the implementation of the co-location arrangement;

Step Two: The Standing Committee of the National People's Congress approves and endorses the Co-operation Arrangement by making a Decision; and

Step Three: Both sides implement the arrangement pursuant to

their respective procedures. Local legislation will be necessary for the case of Hong Kong.

The contents of the Co-operation Arrangement include the establishment of port areas, the area and jurisdiction of the Mainland Port Area (MPA), immigration control on travellers, liaison and coordination mechanism and emergency handling mechanism, consultation on and resolution of disputes, as well as the arrangement for amending the Co-operation Arrangement and its effective date. With respect to the application of laws and delineation of jurisdiction, the MPA will be regarded as outside the territorial boundary of the HKSAR.

Mr Yuen pointed out that the co-location arrangement is consistent with the Basic Law. The Co-operation Arrangement will provide a sound and clear legal basis for Mainland personnel to conduct clearance procedures for passengers and perform duties in the MPA.

Mr Lee said, "Law enforcement agencies of the Mainland can only undertake law enforcement within the MPA, beyond which they do not have the power to do so."

Mr Lee added that under the co-location arrangement, an inter-departmental "Task Force on Emergency Response and Rescue Issues" would be established by both sides to draw up emergency and rescue plans to handle emergency incidents. Regular drills would be conducted and a liaison officer system would also be set up. Emergency incidents include fire, train failures, urgent medical assistance requested by passengers, large scale public health incidents, terrorist attacks, handling of dangerous or chemical goods, etc.

As for the day-to-day operation, Mr Lee said that both sides would establish a co-operation and liaison mechanism to ensure that it is smooth, efficient and safe, such as in combatting smuggling and managing the peak periods of boundary crossing.

There are examples of similar co-location arrangement overseas, such as that between the United Kingdom and France, and that between the United States and Canada. Hong Kong and the Mainland have also adopted such an arrangement at the Shenzhen Bay Port since 2007. It has been operating smoothly and has been well received by travellers. The Government hopes that the community can support the implementation of the co-location arrangement for the XRL, so as to benefit passengers from Hong Kong and across the globe in future.

Relevant documents and announcements in the public interest on the co-location arrangement can be accessed from www.thb.gov.hk/eng/policy/transport/policy/colocation/index.htm.

Ends/Wednesday, July 26, 2017
Issued at HKT 0:44

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新聞公報

律政司司長於廣深港高速鐵路（香港段）一地兩檢安排記者會的簡介發言
（附短片）

律政司司長袁國強資深大律師、運輸及房屋局局長陳帆和保安局局長李家超今日（七月二十五日）下午就廣深港高速鐵路（香港段）一地兩檢安排舉行記者會。以下是袁國強的簡介發言：

各位傳媒朋友：

多謝各位出席今日一地兩檢記者會。

早在高鐵（香港段）項目的規劃階段，特區政府已開始研究以一地兩檢作為高鐵的通關程序。在《2007-2008施政報告》中，時任行政長官亦宣布會積極研究落實一地兩檢的可行性。其後在2009-2010年，當政府向立法會財務委員會申請相關撥款時，亦再次表示會研究落實一地兩檢。

特區政府認為在西九龍站落實一地兩檢最能夠發揮高鐵（香港段）的經濟及運輸等效益。相反，若然落實傳統的「兩地兩檢」，高鐵（香港段）的效益會大大減低，不符合興建高鐵（香港段）的原意。

特區政府過去與內地相關單位進行研究和商討的過程中，雙方一直同意一地兩檢的安排必須符合三大原則：

- （1）第一，在法律上必須符合「一國兩制」政策，不可違反《基本法》；
- （2）第二，在運作上必須可行及有效；
- （3）第三，在保安方面必須能夠有效處理保安風險，防止出現保安漏洞。

今次記者會的目的，是介紹落實一地兩檢的建議。我會首先邀請運輸及房屋局局長陳帆作介紹，然後我和保安局局長李家超會分別就法律及保安事宜作介紹。在我作扼要的總結後，我與兩位局長會回答大家的問題。

我以下用英文簡單重複剛才的意思。

完

2017年7月25日（星期二）
香港時間19時44分

Press Releases

Introductory remarks by SJ at press conference on co-location arrangement of Hong Kong Section of Guangzhou-Shenzhen-Hong Kong Express Rail Link (with videos)

The Secretary for Justice, Mr Rimsy Yuen, SC; the Secretary for Transport and Housing, Mr Frank Chan Fan; and the Secretary for Security, Mr John Lee, held a press conference on the co-location arrangement of the Hong Kong Section of the Guangzhou-Shenzhen-Hong Kong Express Rail Link this afternoon (July 25). Following is the introductory remarks by Mr Yuen:

Thanks for attending this press conference concerning co-location.

Ever since the planning stage of the Hong Kong Section of the Express Rail Link, which I shall call, in short form, the XRL, the Hong Kong Special Administrative Region Government (HKSARG) has been studying co-location arrangement as the clearance procedures for the XRL. In his 2007-2008 Policy Address, the then Chief Executive announced that the feasibility of implementing co-location arrangement would be actively considered. When the HKSARG made the relevant funding application before the Finance Committee of the Legislative Council, it again indicated that the Government would study the implementation of co-location arrangement.

The HKSARG takes the view that implementing co-location arrangement at the West Kowloon Station can maximise the benefits that may arise from the operation of the Hong Kong Section of XRL. On the contrary, if the traditional form of separate-location arrangement were to be implemented, the benefit of the Hong Kong Section of XRL would be greatly reduced, and would be inconsistent with the original intention of constructing the Hong Kong Section of the XRL.

Throughout the period during which the HKSARG and the relevant Mainland authorities conducted study and discussion, both sides have all along agreed that co-location arrangement should comply with three objectives, namely:

First, from the legal perspective, it should be consistent with the "one country, two systems" policy, and should not contravene the Basic Law.

Second, from the operational perspective, it has to be feasible and effective.

Third, from the security perspective, it should be able to manage security risk robustly, so as to prevent security loopholes.

The purpose of today's meeting is to introduce the proposal concerning co-location. I will first invite the Secretary for Transport and Housing, Mr Frank Chan, to do his part of the introduction; thereafter, I and the Secretary for Security, Mr John Lee, will respectively do the introduction on the legal and security aspects. After a few concluding remarks by me, we would be more than happy to answer your questions.

I would now pass the floor to Mr Frank Chan.

Ends/Tuesday, July 25, 2017
Issued at HKT 19:52

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新聞公報

運輸及房屋局局長於廣深港高速鐵路（香港段）一地兩檢安排記者會的開場發言（只有中文）

律政司司長袁國強資深大律師、運輸及房屋局局長陳帆和保安局局長李家超今日（七月二十五日）下午就廣深港高速鐵路（香港段）一地兩檢安排舉行記者會。以下是陳帆的開場發言：

多謝司長。再次歡迎各位傳媒朋友出席今天的記者會，相信大家都期待已久，我也不例外，希望可以盡早享受到廣深港高鐵帶來的快捷、方便。相比乘搭飛機，乘搭高鐵不需要提早一至兩小時到車站，亦無須等候領取行李，輕鬆、省時方便。高鐵列車班次頻密準時，廣深港高鐵開通以後，將會為廣大市民帶來新的生活體驗，連繫更遠。

高速鐵路現今已經成為世界趨勢，而國家的高鐵發展全球矚目。在二〇一六年，國家高鐵網絡已突破20 000公里，全年載客量超過14.4億人次，按二〇二〇年「八縱八橫」的布局，高鐵網絡的總長度將增加至30 000公里，覆蓋內地八成以上的大城市。

為了保持香港作為區域交通樞紐的地位，我們必須把握機遇，為香港的長遠發展打造條件。在二〇一〇年開始興建的廣深港高鐵（香港段），是香港極具戰略意義的跨境基建，連接國家高鐵網絡，不但方便民間往來，更有助加強經濟聯繫，促進商貿和旅遊事業發展。截至今年六月底，廣深港高鐵（香港段）工程已完成接近九成半，現正密鑼緊鼓地進行列車測試和試運行，以及為營運安排作好準備。我們的目標是於二〇一八年第三季通車。

高鐵（香港段）明年開通之後，除了福田、深圳北、虎門和廣州南4個短途站外，無須轉車亦可以直達北京、上海、杭州、廈門等十個內地主要城市。日後直通車網絡會繼續擴展，為香港市民和旅客帶來方便快捷的服務。廣深港高鐵不單是低碳環保的綠色交通體系，亦為香港帶來可觀的社會和經濟效益，促進香港與內地多方面的聯繫，創造就業機會。日後，廣深港高鐵、機場快線、東涌線、東鐵線和西鐵線五鐵匯聚，為我們打造一個貫通全港以至全國的鐵路網絡。

香港市民和旅客要享受廣深港高鐵便捷，通達全國高鐵網絡的優勢和便利，就需要高效、省時的通關安排，當中的關鍵就是在西九龍站實施一地兩檢。

一地兩檢就是在同一地方依次序辦理兩個不同管轄區的通關程序，在海外如英、法或美、加兩國之間早有先例。香港與內地之間也於二〇〇七年起在深圳灣口岸實施有關安排，一直運作暢順，深受市民和旅客歡迎。

在西九龍站完成香港和內地的通關程序後，離港乘客便可安坐列車，輕鬆到達國家高鐵網絡所有城市，不需要再在內地辦理通關程序。

抵港乘客亦可自由選擇在國家高鐵網絡任何一個車站登車，抵達西九龍站才辦理內地出境和香港入境程序，亦不再受制於內地城市是否設有通關口岸限制。

如果不實行一地兩檢，廣深港高鐵的乘客只能在內地少數設有通關口

岸的車站上落車，廣深港高鐵將失去其高效靈活的功能。因此，一地兩檢是發揮廣深港高鐵項目最大效益的首要關鍵。

讓我簡單介紹廣深港高鐵離港和抵港乘客在西九龍站的通關路線。大家可以留意電視屏幕上的示意圖。西九龍站設有五層，分別為地面大堂、B1售票大堂、B2入境層、B3離境層以及B4月台層。

圖中所見，藍色箭嘴是北上離港乘客所經路線。他們進入西九龍站後，在B1層購票及驗票入閘。之後直接前往B3離境層辦理香港出境程序，然後離開「香港口岸區」，進入同一層的「內地口岸區」，辦理內地入境程序。完成後可以在候車區休息，列車到達時便可直接前往B4月台層登車。

紅色箭嘴是南下抵港乘客所經路線。列車到達西九龍站後，乘客會在B4月台層下車。之後直接前往B2入境層辦理內地出境程序，然後離開「內地口岸區」，進入同一層的「香港口岸區」，辦理香港入境程序。完成後就可以驗票出閘，離開西九龍站。

剛才的介紹可能比較複雜一點，接下來的短片會以動畫方式解釋剛才我所說的流程。

多謝大家的時間。接下來，我交給律政司司長向大家講述一地兩檢的法律事宜。

完

2017年7月25日（星期二）
香港時間18時30分

新聞公報

律政司司長於廣深港高速鐵路（香港段）一地兩檢安排記者會的開場發言
（只有中文）

律政司司長袁國強資深大律師、運輸及房屋局局長陳帆和保安局局長李家超今日（七月二十五日）下午就廣深港高速鐵路（香港段）一地兩檢安排舉行記者會。以下是袁國強的開場發言：

謝謝Frank（運輸及房屋局局長陳帆），各位傳媒朋友。

建議落實一地兩檢的方案

正如我開始時指出，我們與中央討論一地兩檢時，雙方一直堅持一地兩檢建議，必須符合《基本法》和「一國兩制」。

要在西九龍站落實一地兩檢，內地工作人員須根據內地法律為過境乘客辦理通關手續，這有確切的需要。另一方面，大家都知道，《基本法》就在香港特區所適用的法律有作出規範。當中有關的條文包括第二條、第八條、第十一條、第十八條、第二十條及第二十二條。

大家可能會特別關心的，可能是第八條和第十八條，簡單說，第八條訂定了香港適用的法律，而第十八條除重申香港適用的法律是第八條所指的法律外，亦指出全國性的法律，除非列入《基本法》附件三之外，是不會在香港實施。在附件三的法例有三類的法例可以納入附件三，就是有關國防、外交以及其他根據《基本法》的規定，是不屬於香港特區自治範圍規定的法律。而第二十二條的規定，是指出中央人民政府所屬的各個部門、各省、各自治區、直轄市均不得干預香港特別行政區根據《基本法》自行管理的事務。他們如需在香港設立機構，除了須經中央人民政府批准外，在香港時亦須遵守香港特區的法律。

在這個法律框架之下，我們參考了不同概念，亦參考了深圳灣口岸模式後建議採用「三步走」方式。

「三步走」的第一步是由內地與香港特區達成一個落實一地兩檢的合作安排（《合作安排》）；第二步是全國人民代表大會常務委員會（全國人大常委會）通過決定批准及確認《合作安排》；而第三步、最後一步是兩地各自進行相關程序落實一地兩檢；在香港方面將牽涉的工作會是本地立法工作。

第一步：《合作安排》

《合作安排》方面的內容包括口岸區的設立、「內地口岸區」的範圍及管轄權事宜、對旅客出入境監管、聯絡協調與應急處理機制、爭議的磋商及解決，以及《合作安排》的修改和生效事宜。

口岸區的設立

就口岸區的設立，西九龍站將分別設立「香港口岸區」和「內地口岸區」。「香港口岸區」將由香港特區依照特區法律設立和管轄，而「內地口岸區」將由內地根據《合作安排》和內地法律設立和管轄。日後由雙方分別按照各自法律，對往來內地和香港特區的出入境人員及其隨身物品和

隨身行李辦理通關手續。

「內地口岸區」範圍

我相信大家都會關心「內地口岸區」範圍。剛才在陳局長的powerpoint裏，大家會留意到第七頁有一個示意圖。大家會見到西九站的方面，分為五層，這裏顯示B1、B2、B3、B4，地面那方面在我們目前的討論裏是沒有關係的。而「內地口岸區」的範圍為西九龍站B2、B3層的劃定區域，意思即不是整個B2，亦不是整個B3，而是B2、B3分別的劃定範圍，以及B4層月台區域及有關連接通道，包括內地監管查驗區、內地部門辦公備勤區、離港乘客候車區、車站月台、以及連接通道和電梯，連同月台的部分。

換個角度看，「內地口岸區」的範圍及空間涵蓋的位置可說由離港乘客完成香港出境程序進入辦理內地入境程序起開始經過的地域；以及抵港乘客自南行列車落車踏足西九龍站起，直至完成內地出境程序為止，就會是剛才所指出的「內地口岸區」。

另外，在廣深港高鐵（香港段）上營運中的列車車廂，包括行駛中、停留中和上落乘客期間的車廂，亦視作「內地口岸區」範圍之內。

除剛才所說的部分，西九龍站的其他部分，包括石崗列車停放處、路軌及行車隧道，均不會被納入「內地口岸區」範圍。

「內地口岸區」範圍內的場地和空間由香港特區以租賃形式交予內地根據《合作安排》使用和行使管理權。就該使用權的取得、期限和費用，包括「內地口岸區」內有關建築物及相關設施的維修養護費用等事宜，由雙方簽訂另一個合同作出規定。

往後的《合作安排》亦會強調，「內地口岸區」的設立不影響廣深港高鐵（香港段）的建造、服務經營權及營運和監管，亦不影響其運作相關的資產，這些資產將包括土地及土地上不動產或動產，換言之，即「內地口岸區」的設立不會影響這些資產，無論是動產或不動產，以及設施的權益，而該等事宜仍會根據香港法律處理。

法律適用及管轄權事宜

就法律適用問題及管轄權問題，我們留意到在社會上有不同意見。有意見指應仿效深圳灣模式，實施整套內地法律。同時亦有意見認為只應在「內地口岸區」執行通關，即CIQ相關的法律。但這建議的最大問題，是在法律上來說又好，在實際上來說又好，不可能清晰界定哪種法例或哪條法例是屬於通關程序的法律，或哪些法律並不屬通關的法律。

另一個同樣重要的考慮是西九龍站並非單純的查驗口岸，而是交由香港鐵路營運商管理的車站。換言之，若完全排除香港特區的法律及司法管轄權，會有可能造成一些民事法律糾紛或商業運作上的困難。例如涉及土地權益、未來的鐵路營運權的事宜是否需要採用內地法律處理，或「內地口岸區」日後作結構改動和維修時是否須根據香港或內地法定標準進行，又或在範圍內工作的工作員工是否需要依循內地勞工法律或香港勞工法。因為以上這些問題，所以我們認為「內地口岸區」不可能完全排除香港有關法律，亦因為鑑於這些考慮，最後我們的建議的大原則是自西九龍站口岸啟用之日起，除規定事項，即待我會說的六個事項之外，基本會用內地法律，但會有六個areas（範圍）會使用香港法律。

（一）有關特定人員，即擁有特區政府或高鐵（香港段）營運商核發的證

件進入「內地口岸區」或經過該口岸區進入西九龍站其他地方執行職務的工作人員，履行職務或與履行職務相關的事宜時，而相關事項是根據香港法律管轄的話，就會用香港法律管轄。若不是的話，就要遵守內地法律；

（二）有關建築物及相關設施的建築、保險和設計、維修養護、消防標準和責任的事項，亦是受香港法律所處理，但內地派駐機構所專用的設施是例外；

（三）有關廣深港高鐵（香港段）營運商及服務供應商的設立、經營、保險、稅務及其在香港僱用的香港員工，他們的僱傭權益和保險的事項；

（四）有關規管及監察廣深港高鐵（香港段）鐵路系統安全運作的事項；

（五）高鐵（香港段）營運商與乘客之間訂立的合約所規管的事宜，以及其他在「內地口岸區」由乘客與高鐵（香港段）營運商或乘客之間的民事法律關係的事項，都會由香港法律處理，除非當事人之間另外有協議，可以另作安排；及

（六）由高鐵（香港段）營運商及內地營運商日後簽訂的《廣深港高鐵運營合作協議》中規定由香港段營運商負責的事項，日後亦會根據香港法律處理。

剛才所說，由內地管轄的事項，適用內地法律；而香港管轄的事項，則適用香港特區法律。簡單而說，用哪個法律規管，哪個地方的法院就會有該司法管轄權。

我亦希望在此強調，內地工作人員只能根據《合作安排》和內地法律在「內地口岸區」履行職責，並須留在「內地口岸區」執行職務，亦必須留在「內地口岸區」的範圍執行職務，不能進入香港特區境內執法，亦不會在香港特區境內其他範圍有執法權。

就內地法律和香港特區法律的適用及管轄權（包括司法管轄權），兩者之間的劃分，「內地口岸區」將視為香港特區區域範圍之外。因為「內地口岸區」在法律上視為香港特區的區域範圍以外，上述《基本法》的相關條文，包括第八條、第十八條及第二十二條的規範將不適用，因此一地兩檢在這方面的相關安排並不違反《基本法》。

這處理方式與深圳灣口岸「港方口岸區」的模式原則上無異。大家可參看香港法例第591章《深圳灣口岸港方口岸區條例》第5(2)條。裏面清楚規定，雖然深圳灣口岸「港方口岸區」在地理上位處內地範圍之內，但根據剛才所說的條例，它被視為香港以內的地方。此外，大家亦可參考同一條法例，亦剛才所說第591章第6(1)條，亦有相關規定。

對旅客的出入境監管

《合作安排》除了有剛才所說的法律適用和管轄的處理外，亦對旅客的出入境作出監管。基本上，在進入「內地口岸區」後，或未離開前，均視為處於內地範圍。

其他事宜

《合作安排》亦會處理其他事項，包括為了確保西九龍站「內地口岸區」的有效運作，雙方同意將建立聯絡協調與應急處理機制，加強兩地溝通合作事宜，亦會包括磋商及解決爭議的渠道，以及日後《合作安排》之修改和生效的事宜。

這就是剛才所說「三步走」的第一步。

第二步：全國人大常委會的決定

第二步涉及全國人大常委會的決定。特區政府將繼續與中央有關部門推進高鐵實施一地兩檢的後續工作，包括在香港社會及立法會進行討論後，共同尋求全國人大常委會作出決定，批准及確認《合作安排》。在作出決定時，除同意《合作安排》的內容，全國人大常委會將分別批准及授權內地和特區依據《合作安排》實施一地兩檢。在此，我希望向大家澄清，雙方無計劃依據《基本法》第158條提請全國人大常委會就一地兩檢進行釋法。

第三步：本地立法

最後，第三步本地立法，特區政府會於全國人大常委會作出決定批准《合作安排》後，向立法會提交本地立法建議，希望於2017-18年立法年度內完成本地立法工作，為高鐵（香港段）於明年第三季通車的目標提供所需的法律基礎。

特區律政司與中央的相關法律單位就以上所談及的建議進行反覆的商討和研究，我們雙方均認為建議符合「一國兩制」及不違反《基本法》。

現在我將時間交給保安局局長李（家超）局長。

完

2017年7月25日（星期二）

香港時間21時11分

新聞公報

保安局局長於廣深港高速鐵路（香港段）一地兩檢安排記者會的開場發言
（只有中文）

律政司司長袁國強資深大律師、運輸及房屋局局長陳帆和保安局局長李家超今日（七月二十五日）下午就廣深港高速鐵路（香港段）一地兩檢安排舉行記者會。以下是李家超的開場發言：

我接着向大家解釋在西九龍站的執法及安全問題，我希望大家想像自己已在香港乘搭高鐵到內地。首先，我們在西九龍站會設立兩個口岸區，一個是香港口岸區，一個是內地口岸區。香港的口岸區與現時在羅湖站或紅磡站，大家坐火車時的管理方式是一樣的，即是會用一個過境限制管理的方式，意思是只有獲授權的人才可以使用這個口岸區。獲授權的人是包括旅客。在香港口岸區的通關及所有執法工作，與現時的模式是一樣的，全部是由香港執法部門，包括入境處、海關或檢疫部門等，去處理大家通關的事宜。

至於過了香港口岸區，進入內地口岸區的情況會是怎樣？內地口岸區的執法及法律，都會根據內地的法律及司法管轄範圍處理，除了剛才律政司司長所講，指定的民事及商業事項，這些包括勞工、保險及服務合約等等。在內地口岸區內的內地的執法機關，只可以在內地口岸區執法，在內地口岸區以外是沒有執法權的。

派駐內地口岸區的單位，我們與內地討論合作安排的時候，他們表示有五個機構：第一個是負責出入境邊檢，相對香港是我們的入境處；第二個是海關，亦等於香港的海關；第三個是檢驗及檢疫，等於我們對食物檢查或疾病檢查的單位；第四個是口岸，口岸辦公室的工作是甚麼呢？第一，它沒有執法權，它第一個功能是統籌不同單位的一些日常工作，例如哪一個單位的工作時間、辦公室配備、日常的一些設施，例如電腦的安排和分配等等，當不同部門有事情需要有人作出決定，而大家協調不到時，它亦有這樣的角色；另一個就是治安管理的單位，治安管理單位就是我們所理解的派出所。現在他們跟我們討論的安排，是所有在香港設立的內地口岸區的運作模式，會是仿照內地一般的口岸區去設計，不會做多。所以這五個單位亦是內地口岸一般日常通關工作所需要設立的。

在法律方面，當進入內地口岸區時，我們都要遵守內地的法律。剛才律政司司長亦已解釋了法律適用性的問題。

至於在治安和安全方面的設計，我們有多重的設施確保治安和旅客的安全：第一，是實行購票实名制，旅客的身分要被確認才可使用這地方；第二，我們對所有旅客的行李都像在機場一樣，會作安全檢查。另外，我們亦會因為實施過境限制區管理，所以只有旅客、公務人員，以及受批准的人員才可進入限制區。在口岸，包括香港口岸區和內地口岸區，就分別有我剛才所說的香港政府部門在香港口岸區工作，而在內地口岸區就會有我剛才介紹的五個機構工作。

在保安的設計方面，首先，如果離開香港坐高鐵，必須要持有車票，過了關及通過安檢，進入內地口岸區前，要接受香港入境處、海關等等的清關手續。在這個階段，我們都是受香港法律的規管和保障。完成了入境處、海關等清關手續，再進入內地口岸區，完成了內地口岸的清關手續才可以上車。由內地抵港的旅客首先下車進入月台，接着在內地口岸區完成

內地的出境過關手續，之後就會進入香港口岸區，由香港入境處、海關等等部門完成入境手續之後，才可進入香港。我們的設計是入境層和離境層是完全分隔，旅客完全不會混合，他們（出境及入境旅客）是完全不會接觸，能確保出入境人士都經過需要辦理的手續。

旅客方面，若他們需要求助，在香港口岸區，第一，他們可在售票大堂設有的警方報案中心，亦有巡邏警員，所以可按一般在香港的情況求助。（旅客）亦因為要經過出境及海關的通關程序，入境處的同事與海關的同事會予以任何協助。當然他們亦可向高鐵的職員求助。

在內地口岸區的時候，當然有內地的部門，（旅客）可向內地的派駐單位求助，高鐵的職員亦會在場，亦可向（他們）求助。車站及車上都會有一些指示，當任何旅客需要求助時，他們可以如何做。

我們還設計了一個專門針對緊急事故應變的措施，第一，我們成立了跨部門應急救援事宜專責小組，這個小組的目的是與內地有關單位制定不同應對緊急或突發事故的計劃。處理緊急事故除了制定計劃外，還會要求定期的演練，確保計劃在實際上及執行上都達到要求。我們亦會因應這個機制，建立聯絡員，意思即是內地與香港各建立點對點的聯絡員，當有火警，如何救援，除了啟動機制外，聯絡員可按實際情況溝通，統籌應對的方法。

這些緊急的事故包括火警、列車故障、乘客需要緊急的醫療協助、大型公共衛生事故，甚至是恐怖襲擊，以及危險品、化學品的處理等等。我們應變的原則是要雙方充分合作，互相協助，以最快及最佳的方法去處理緊急事故，以及拯救傷者作為大前提。在這些緊急救援事故中，兩地之間的區分是不存在的，我們會將傷者的利益放在大前提。

同時，我們會設立日常的協作聯絡機制，這個協作聯絡機制是針對日常確保高鐵兩地運作暢順，有高效率和高安全性，例如打擊走私或過境高峰期如何處理。

我們設有兩個小組，一個針對日常運作協調，另一個是針對突發事件，不是時常發生，但當發生時要協調兩地如何處理。

在保安和安全方面的總結，第一，我們的設計以密封式管理，這包括香港口岸區及內地口岸區，整個出入境管制方面，以密封式管理，閒雜人不可以混進去。第二，我們將入境和海關設於進入口岸區的第一關，即是說香港人士進入不論是香港口岸區或內地口岸區，第一個關、第一個門口就是我們入境處及海關。同樣來說，離開口岸區進入香港市中心，我們亦設置了入境處和海關把守最後一關，確保進入香港的人士都符合法律要求及符合香港的利益。

另外，警方會設有報案中心，以及有（警員）巡邏，確保求助方面，市民知悉怎樣做。在保安方面，亦設計了實名制、安全檢查，以及在不同地方設有閉路電視，確保在需要調查或需要追究責任時，我們可以做到。在機制內亦設立了一個處理日常協調工作的聯絡小組，亦有一個特別針對突發事件、緊急事故的特別工作小組，針對不同事故及求助的情況，會有不同的預案演練，並且會設立聯絡員制度，確保整個運作能達到最高的要求。

完

2017年7月25日（星期二）
香港時間20時20分

新聞公報

廣深港高速鐵路（香港段）一地兩檢安排記者會答問全文（一）

律政司司長袁國強資深大律師、運輸及房屋局局長陳帆和保安局局長李家超今日（七月二十五日）下午就廣深港高速鐵路（香港段）一地兩檢安排舉行記者會。以下是記者會的答問全文：

律政司司長：各位傳媒朋友，在回應大家的問題之前，我希望歸納及強調幾點：

第一，我留意到社會上有所謂「割地」的言論。我希望澄清，今次的建議，絕對不存在任何所謂的「割地」的元素或效果。原因非常清晰。依據《基本法》第七條，香港特區境內的土地和自然資源屬於國家所有，由特區負責管理、使用、開發、出租或批給個人、法人或團體使用或開發，其收入全歸特區政府支配。正如剛才介紹指出，「內地口岸區」的場地及空間將以租賃方式交予內地相關單位使用，當中不會涉及任何業權的轉移。

第二，社會上有言論指落實一地兩檢會削弱香港人的權益。我希望大家能夠理性、客觀地去分析這問題。高鐵是跨境的鐵路，因此必然會涉及通關的程序。主要的選擇是傳統兩地兩檢或現時建議的一地兩檢。比較兩者，一地兩檢不會改變兩地各自的通關程序或適用的法律，乘客在辦理通關手續時的權益亦不會有任何改變，換言之，無論我們兩地兩檢或一地兩檢，在權益上不會有改變。因此我們現在建議用一地兩檢的目的是便利乘客，而在涉及的程序、法律和權益不會有任何改變，所以不會存在削弱港人的權益。

第三，社會上亦有部分人士質疑落實一地兩檢會否開壞先例，亦擔心日後會否相繼有香港特區境內其他地方會落實或實施內地法律，破壞「一國兩制」。若大家考慮落實一地兩檢的背景，則不會有以上所講的疑慮。高鐵（香港段）是特區政府決定興建，亦是特區政府建議研究落實一地兩檢。落實一地兩檢絕對，我強調，絕非中央的指令，亦需要特區與中央雙方同意才可落實一地兩檢。今次香港特區要求中央協助落實一地兩檢，唯一的原因是要發揮高鐵（香港段）的效益，當中並無任何意圖，更加沒有任何理由去破壞「一國兩制」。相反，正如我多次指出，在特區與中央商討一地兩檢的過程中，雙方一直堅持一地兩檢的方案必須符合「一國兩制」及必須不違反《基本法》。

第四，歸根究底，高鐵一地兩檢是一個運輸交通問題，亦涉及香港未來整體發展和競爭力。當中的法律問題可依循法律途徑解決。我希望大家不要將運輸或法律問題過分政治化。過分政治化對社會發展及香港整體利益絕對無任何好處。

多謝大家！我會用英文簡單重覆剛才的重點，然後和兩位局長樂意回答大家的問題。

記者：司長，你好。想問問其實在你的文件中說過，就是把內地口岸區視作為香港特區範圍之外。究竟這個是否需要任何立法程序抑或是政府說一句便算？如果那個地方可以成為香港特區政府的範圍之外，為甚麼特區政府又可以有理據在六個指定範圍之內進入進行執法，執行香港法律？另外還有一件事就是立法會程序方面，究竟政府打算用甚麼形式交上立法會？

如果最終不通過的話，政府有沒有後備方案？高鐵會否如期通車？謝謝。

律政司司長：多謝你的提問。其實好像剛才我也有說過，就是把內地口岸區的範圍視作為香港區域範圍以外這個方式其實是借鏡當年，二〇〇七年時處理深圳灣的模式。剛才我在介紹時亦向大家說了。如果大家看香港法例第591章第5條第二款，正正亦是用了「視為」或英文regarded as的方式、這個字眼。

而當然我們在處理今次一地兩檢這個事項時，不會單單在香港要進行立法的程序，亦是為甚麼我們會說香港這方面與內地首先用一個合作的安排，雙方有這樣的協議。雙方同意這個區域劃分為內地口岸區，而中間的法律和管轄權，好像剛才介紹去劃分，然後把這個劃分或簡單地說這個協議，即這個合作安排的協議，會呈交上全國人大常委（會）作批准及確認。有了這個批准和確認後，我們會在香港進行本地立法工作。因此，我們anticipate（預期）會在日後，若然我們取得全國人大常委（會）的決定後，到時會有一條類似，當然並不是一樣，是類似第591章的香港法例。剛才你問我們會怎樣去提出，這個將會與其他任何本地立法的工作用同一模式。最後，回答你的問題最後部分——我們沒有其他後備方案。我們希望可以如期在二〇一八年第三季前完成所有剛才所說的三個步驟的工作。多謝。

記者：司長，想問問是否開始討論《合作安排》，譬如你說在內地口岸區拿到那個「期」，即租的期限和費用，其實政府有否一個初步建議，那期限是多久？或費用其實是怎樣計算？另外都想問問香港人其實都很關心內地執法人員在香港執法，會否就這些內地人員在香港執法會否有另加的一些條款或條例，或可能限制他們要即日回到內地？

律政司司長：或者看看稍後陳局長會否有補充。據我理解，我可以回答到你的問題，就是剛才我們所說的合作安排，其實我們已經談到一個很成熟的階段，亦因為這個原因，剛才我們可以和你介紹這個合作安排所涵蓋的範圍，包括雙方設立的口岸區和範圍、法律適用和管轄權的分配、出入境時乘客的監管，還有剛才所提及的協調機制、應急機制、修改和生效。這個其實便是現在雙方對這個合作安排內容的共識。

至於費用，正如剛才所說，大家現在有個共識，便是內地口岸區的使用權是需要繳費，但繳費的問題和其他譬如維修及其他年期，大家亦同意另外會有一個合約去處理。所以費用的問題，現在是未有一個實質數字，這個日後仍然需要商討的。

就剛才這位記者朋友關於執法方面的問題，執法方面，我們現在的理解就是內地工作人員每一天由內地到西九工作，然後在落班時會用鐵路返回內地，不會留在香港過夜。或陳局長有否其他補充？

運輸及房屋局局長：我想好像司長剛才回答，因為費用和相關細節的安排，我們仍然在討論當中，所以連同期限暫時都未有一個定論，待我們有決定的時候，若你有興趣，我們可以告訴你。

記者：想問關於合同方面，現在你們有個時間表會是甚麼時候簽？以及租那個費用會否傾向一個象徵式，即收少少錢便算，還是像深圳灣的模式，即數百萬一年？這是第一個問題。同時，想問剛才李局長表示日常巡邏就會帶警棍，但其實會否配槍？是否只是在收到恐襲情報的情況下才會配槍？以及是否交給人大常委會做一個批示之前，都會上立法會去尋求通過一個決議案？

律政司司長：或者我答最後一個部分，然後我交給陳局長答第一部分，第

二部分由李局長回答。其實今日我們開這個記者會，並向社會介紹及公布我們現在工作的進展的目的，正正是向香港社會交代這件事，並向香港社會介紹現在這個建議的內容，以及希望大家提出意見。由現在到立法會復會，希望可以在社會上有討論，而立法會復會之後或甚至立法會復會之前，我們都會考慮以適當的形式在立法會裏進行一個討論。因為特首亦講過，我們非常尊重與立法會的關係，亦尊重立法會議員就這件事的意見，所以我們一定用一個合適的方法來跟立法會做一個溝通。這個絕對不會希望逃避立法會，甚至有人說是否趁立法會「放暑假」才公布（一地兩檢安排），絕對沒有這個意圖，我們一定會有一個途徑與立法會有個溝通，或者請陳局長回答（有關）費用的問題。

運輸及房屋局局長：多謝這位朋友的提問，費用的徵收，剛才我已說過，在此留一些時間，暫時沒有補充。或者在佩槍方面，看看李局長有沒有回應。

保安局局長：多謝這位記者的提問。我必須強調：第一，真真正正在內地口岸區因為內地的法律適用，所以在運作方面，我們必須尊重（內地）自主權，由內地的相關單位決定實際運作模式。但我亦都可以說，一般來說，我了解在廣東省內的口岸，他們的運作模式亦好像我剛才所說，就算要巡邏的時候，他們一般都會配備警棍。那麼他們在甚麼情況下需要添加裝備，是哪一類的裝備，一定要按實際情況由當地的機關去決定。至於在香港的運作模式，亦要按實際需要而去決定我們用哪一種巡邏模式，或哪些裝備，我們都要按實際情況。所以我剛才所說在一般的口岸，他們會這樣做，但在實際運作上需要作出怎樣的安排都是由有關單位按實際情況去決定。但一般來說，以我的理解他們的巡邏是會用警棍的。

（待續）

完

2017年7月25日（星期二）
香港時間21時37分

廣深港高速鐵路（香港段）一地兩檢安排記者會答問全文（二）

記者：司長說過在復會前都有機會在立法會討論這件事，想問是甚麼形式討論？是純談，還是有一個決議案？如果沒有決議案的話，又為何是由人大批示後才交回立法會去再談？另外亦想問一些情景的問題，因為在內地口岸區都是實施內地法律，想問如果在內地口岸區裏有人示威或叫一些關於「六四」的口號，又或者假設是打架等等，即犯了法律，會是如何執法？另外亦想問問，如果在高鐵列車上有一些違反法律的情況，假設是有人離開車廂又回到路軌，那麼又會如何處理這些情況？

律政司司長：多謝你的問題。就最後一個問題，比較容易解說，如果你有機會去看過那個地方，你會了解到剛才你說的那一個問題，基本上是沒有可能發生的。原因是月台，好像剛才李局長介紹，假設我們是在說南行，即是由內地到香港，列車到香港月台之後開閘，乘客下車，然後會有工作人員巡車廂，確保所有乘客都已經下車。同一時間，乘客下車後，才會有一道門打開，然後乘客才通過這一道門去乘電梯或Escalator，由月台上去上面的樓層。而車與月台之間的空隙是非常之細，人是沒有可能墮下或跳下去的。另外就是月台的兩邊是有一個閘或有一個structure高至天花板，所以基本上當列車在月台的時候，人基本上是沒有可能有空間下去月台，這亦是其中一個保安上的考慮。至於剛才提到有關情景的問題，我在剛才的介紹都說過，無論是一地兩檢、兩地兩檢，當旅客進入了其他管轄區的檢查範圍後，其實都是要守當地的法律。正如我們現在乘搭直通車一樣，若然我們到了內地檢查區，你都是要遵守內地法律，而一地兩檢只不過是將兩個口岸拉在一起，所以在法律上的權益是沒有改變亦是這樣的原因。剛才你說的第一個問題，就是我們現在未正式決定用哪一種形式與立法會作這個溝通和討論是最好的，我們一有決定後，我們會公布。但是剛才所說的三部曲（三部走），即是說我們達成一個協議，然後去爭取全國人大常委（會）的批准和授權，然後做本地立法，並不代表我們做本地立法之前不與立法會溝通，亦正正為何我們今天當與內地有一個成熟的共識，我們便向社會介紹，正正是這個原因。多謝。

保安局局長：或者我補充剛才有人說，如果在內地口岸區，雖然我們覺得沒有可能發生的（有人）由平台跳落路軌，就算發生，其實這類處理方法與一個非法入境者的處理方法是沒有分別的。因為現時香港來說，每天都有非法入境者來港，他由一個內地口岸區，雖然沒可能發生，但他真的跳到路軌處，我們的處理方法就是他是一個非法入境者。現時已有機制處理，剛才我提到我們有一個協調聯絡機制，這些事故的處理方法都在這個聯絡機制內一併處理。剛才亦有問及裝備的問題，其實我們在這個聯絡機制內，都可以討論這些事。

記者：司長你好，想問兩個問題，一個是其實在劃分區域方面有沒有一些灰色地帶？例如B2、B3層，即是香港和內地口岸之間按道理應該還有一段距離。那段如果發生一些事，即可能一些人做一些政治舉動、觸犯一些內地法律，具體會怎樣處理？第二想問陳帆局長，其實政府有沒有評估過萬一實施不到一地兩檢，經濟上帶來的損失具體是多少？有否評估過有關的數字？

律政司司長：謝謝你的問題，就第一條問題，是沒有灰色地帶，是不存在灰色地帶的。正如剛剛說，如果日後有機會安排大家去現場看，大家會很清晰看到，好像地上有條線，你過了黃線或過了紅線，你就知道你是在內

地的區域還是在香港這邊CIQ（Customs, Immigration and Quarantine）的區域，所以絕對不會存在這個灰色地帶，而且也不會存在一些情況，就是在不知情的情況下進入了內地口岸區，亦都不會，因為其實整個指示和路程非常清晰，不會有誤闖的危險，亦不存在你擔心的灰色地帶。陳局長會回答第二部分問題。

運輸及房屋局局長：謝謝袁司長。一地兩檢，如果大家都有留意我們三位剛才的介紹，其實是關乎香港長遠發展的經濟、社會條件。我們都希望趁此機會說說，一地兩檢其實只不過是一個跨境鐵路必須的清關檢查，是必須的步驟，但是最重要是我們之前所講的廣深港高速鐵路（香港段），這個項目是我們香港政府主動爭取回來的，因為在全國的高速鐵路網絡快速發展的時間中，如果我們不是爭取到這個機遇在香港連接上去高速網絡，香港長遠的發展就會被邊緣化。我們於歐洲許多國家見到高速鐵路的發展，對一些能夠成為中途站及一些不能夠成為中途站，它們的經濟發展、每年的生產總值的偏差，可達百分之二至百分之三個增長點。尤其是香港的地理位置，從海路及航空都非常有優勢，但從陸路來說，處於一個邊陲地帶。如果將香港所謂叫做「隔離」，是很容易的，你要將它融合是較難的。所以這個高速鐵路的連線，雖然短短26公里，其實對香港的長遠發展起到一個很重要的角色。所以你問我，如果一地兩檢「行不到」，我就說我們應該努力令它「行得通，行得到」，因為我們今日所講的，希望大家可以撇除一些過度政治化的思考，亦都撇除一些不必要的擔憂，因為我們說每年，如果以二〇一六年香港市民往內地，大家知道有多少人嗎？可達九千萬人次。二〇一六年一月至十一月有八千二百多萬香港市民到內地，無論是旅遊、學習，甚或至經商，內地來香港的遊客有多少呢？四千二百多萬（人次）。其實人流是很多的，我們（有）多（一條）高速鐵路的時候，其實我剛才已經說了，是對民間的活動、經濟的連繫和商貿的促進，起了很大的作用。除了香港市民和內地市民之外，就算是外國的旅客亦都可以利用我們的航空樞紐先來到香港，乘坐機鐵來到西九龍站，乘坐高鐵去內地，然後經過內地去東盟、歐洲、俄羅斯都可以，所以其實這個樞紐點，若沒有這個26公里的高鐵，基本上是完全做不到的。所以你問我會否行不通呢？我希望不會，我亦都會努力。你見到我們今天袁司長、李局長和我都很努力將這個信息帶出來，我們亦希望趁此機會呼籲大家，尤其是香港市民，支持一地兩檢，令香港這個高速鐵路（香港段）的功能和效益徹底發揮。

（待續）

完

2017年7月25日（星期二）

香港時間22時09分

廣深港高速鐵路（香港段）一地兩檢安排記者會答問全文（三）

記者：與剛才的英文問題有些相似但有少許不同。其實在《基本法》裏有一個明確的香港特別行政區行政區域界線的文字表述，有座標說明其實香港的範圍有多大。想問司長，在行政區域明確劃分有甚麼地方的情況下，為甚麼可以在操作上用一個本地立法的方式去劃出該處as regard不是香港，是否用本地法例override《基本法》？第二個問題就是剛才說是租賃，詳情未知。但出租後不是香港，與一般人理解的「租」是完全不同的概念。第三件事，司長是否預計了會有司法挑戰，政府會如何處理？

律政司司長：多謝你的問題。第一，我剛才回答先前的問題已強調，不單是本地立法，因為我們都說過是三個步驟。所以，剛才你提及《基本法》有文字的表述，其實嚴格來說，整個法律情況就是當年一九九〇年時，全國人大在成立香港特別行政區時，授權國務院處理香港的範圍；而在其後，一九九七年時，香港的範圍是根據國務院第221號，即221號令，用剛才你所說的文字表述，並有圖講述香港範圍。所以嚴格來說，其實在法律觀點來說，《基本法》本身是沒有define（訂出）香港的範圍。香港的範圍是根據剛才國務院221令去做。香港本身本地的法例亦沒有define（訂出）香港的territory的boundary（界線）。而剛才我們所說的三個步驟，並不如你問題所說是純粹用本地立法override（凌駕）國務院令，並不是這個意思。首先我必須強調，我們與中央相關部門商討剛才的三部曲時，我們雙方的共識是非常清楚的。剛才所說的三部曲，包括剛才所說將會有條款令內地的口岸區視為香港區域範圍以外這一個安排是不會，我強調是不會涉及重劃香港的界線，是不會涉及重劃香港的界線。亦是為甚麼剛才我強調，希望大家明白，為甚麼我這麼強調這個「視為」的條款，我希望大家可以看看那個例子，即是深圳灣的例子，是寫得很清楚，是一個目的，為了某一個目的。而今次的目的就是法律適用和管轄權的劃分，所以是不會涉及處理國務院221號命令的界線。第三個觀點希望你都會留意，就是剛才我說過不是用本地立法來凌駕國務院令，而是整個過程，我們今次會有全國人大常委的批准，而中間我們亦在呈交全國人大常委時，在程序上並不是我們特區政府自己可以直接呈交予全國人大常委，而是要透過國務院呈交給全國人大常委。若然大家回看當年二〇〇七年處理深圳灣的時候，其實也是透過國務院呈交，然後全國人大常委批准後，國務院有一個正式的批覆。所以，整個程序是不會有甚麼凌駕的問題。程序上來說，我們不認為會有問題。最後，剛才你說會否有司法挑戰，包括司法覆核，我剛才也提及，我們尊重市民權利，我們亦不可以控制哪個應該，哪個不應該。但是，有司法程序的時候，我們會根據法庭程序處理。但我們有信心我們提出的建議沒有違反《基本法》。多謝。

記者：如果有市民在內地口岸區打架，觸犯刑事法例，如果他們需要送院治理，即是送去香港醫院，那麼之後怎樣處理押解犯人返內地審理這個過程？第二，如果有女士在內地口岸區分娩，如何界定嬰兒的身分？

律政司司長：請李局長回答。

保安局局長：這個情況一般與我們無論在現時的西九龍站也好，或者在其他口岸，如果有任何人士在未辦好入境手續，而因為這醫療問題進入香港，其實我們的處理手法是一樣的。那麼即是說，如果那個醫療（程序）是必須的，當然我們要先給他適當的治療，治療後我們便按一般未有正常入境辦手續的人士處理。這些（情況）現時，入境處同事已有一貫的做

法。例如如果他有需要，可以派駐一些入境處的同事陪着他去辦理入境手續；如果是不應該讓他入境的，亦會相應辦理將他送離香港範圍的手續。所以，現有的機制其實都是類似這樣處理這些情況。

至於在內地口岸區出生的小孩，剛才律政司司長亦已解答，在我們法律適用性方面，內地法律是適用的，所以他會被當作是非香港出生的。多謝。

記者：剛才司長說在立法會復會前希望有個社會討論，是否會進行公眾諮詢？如果沒有公眾諮詢，你們會如何收取社會的意見？有沒有估計過若一地兩檢通過後，會為香港帶來多少內地旅客？有沒有這方面的估算呢？

律政司司長：或者我回答第一方面的題目，第二條我交給陳局長回答。正如剛才所說，今日我們和大家見面的目的是介紹建議的內容，今日我們亦已向立法會提交一份文件，那是一份公開文件，我很肯定這件事往後在社會上會有討論，我們亦會透過不同途徑聽取不同意見。舉例，純粹舉例，並非唯一的途徑，我們會接觸相關的團體，譬如我個人，我接下來會接觸與法律有關的團體，包括大律師公會以及律師會，與他們商討這問題，亦會聽取他們的意見，所以從不同渠道，我們希望知道公眾對我們目前的建議的意見，希望接着可以走下去，完成「三步走」的三個程序。

運輸及房屋局局長：多謝袁司長，就我們於二〇一五年的估算，在廣深港高（速）鐵（路）（香港段）開通當天，我們有114對列車「對頭開」，即是228班車。以長途和短途（來說），剛才我說了短途就是指福田、深圳北、虎門、廣州南，加上長途可能遠至北京，每天的載客量可高達十萬以上，所以人流和經濟效益是很大的。我想這個數字應該都很清楚。

（請同時參閱談話全文的英文部分。）

完

2017年7月25日（星期二）
香港時間22時33分

Press Releases

Transcript of remarks at press conference on co-location
arrangement of Hong Kong Section of the Guangzhou-Shenzhen-Hong
Kong Express Rail Link

The Secretary for Justice, Mr Rimsky Yuen, SC; the Secretary for Transport and Housing, Mr Frank Chan Fan; and the Secretary for Security, Mr John Lee, held a press conference on the co-location arrangement of the Hong Kong Section of the Guangzhou-Shenzhen-Hong Kong Express Rail Link this afternoon (July 25). Following is the transcript of remarks at the press conference:

Secretary for Justice: Before responding to your questions, I would like to make a few concluding remarks.

First, I note that there are comments to the effect that implementing co-location would amount to a cession of our land in favour of the Mainland. I would like to clarify, there is no question of any cession or giving up of land. The reasons are obvious. According to Article 7 of the Basic Law, the land and natural resources within the HKSAR shall be State property. The HKSARG shall be responsible for their management, use and development and for their lease or grant to individuals, legal persons or organisations for use or development. The revenues derived therefrom shall be exclusively at the disposal of the HKSARG. As pointed out earlier, the Mainland Port Area will be leased to the relevant Mainland authorities, and there will not be any transfer of property ownership.

Second, there are views suggesting that the implementation of co-location would prejudice Hong Kong people's rights. I hope the community can look at this question rationally and objectively. Since XRL is a cross-border railway, it will necessarily involve CIQ procedures. The main choices are the traditional separate-location arrangement or the proposed co-location arrangement. If one is to compare co-location with separate-location arrangement, it will be crystal clear that the proposed co-location arrangement will not change the CIQ procedures or the applicable law; besides, the rights and obligations of the passengers when going through the CIQ procedures will also remain the same.

Third, some people have queried whether the implementation of co-location arrangement would set a bad precedent, and that there would be more and more places within the HKSAR where the Mainland laws would be applied, and thereby contravening the "one country, two systems" policy.

One would not have such a query if one reminds ourselves the background leading to the idea of implementing co-location arrangement. It is the HKSARG who decided to construct the XRL. It is also the HKSARG who proposed to study the implementation of co-location arrangement. The implementation of co-location arrangement is neither a directive nor an order by the Central People's Government (CPG). Besides, the implementation of co-location would require the consent of both the HKSARG and the CPG before it can be done.

The only reason why the HKSARG requests the assistance of CPG for implementing co-location arrangement is to maximise the potentials of the Hong Kong Section of the XRL. There is no intention, let alone reason, to act in contravention of the "one country, two systems" policy. On the contrary, as I have pointed out repeatedly, one of the objectives insisted by both the HKSARG and the CPG through our discussion on co-location is to ensure that the arrangement would be consistent with the "one country, two

systems" policy and would not be in contravention of the Basic Law.

Fourth, the implementation of co-location arrangement for the Hong Kong Section of XRL is a transport issue, and that it concerns the overall future development of Hong Kong and its competitiveness. The legal issues involved can be dealt with through legal means. I hope that people would not over-politicise such transport or legal issues. Over-politicisation would not be conducive to the healthy development of our community or the overall interest of the HKSAR.

Thank you very much! I and my colleagues will be more than happy to answer your questions.

Reporter: Some people fear they would get into troubles in the Mainland port area (MPA) should they, like, say wear a T-shirt commemorating the Tiananmen Square crackdown or, like, calling for the end of one-party rule, even though they are on Hong Kong soil. So how will you address these legitimate concerns? And I understand you believe the arrangement would not violate Article 18 of the Basic Law. But are you confident that it would not be challenged in court or defeated in court? And my second question is would there be any Mainland armed officers in the MPA. If yes, how many of them and would there be any regulations to make sure they would only be able to open fire under very limited conditions? Thank you.

Secretary for Justice: Well, thank you for your question. I think maybe I would endeavour to answer your first two questions and would leave the third question to the Secretary for Security. In answer to your first question, I think the point is exactly the point that I made earlier when I did the concluding remarks and that is, imagine you are now having an express railway but with no co-location. What would happen to a passenger? The passenger would still go through two CIQ checkpoints, and once you are within the Mainland port area, you would be having the same treatment irrespective of what you are going to do, whether you are going to do it at this point of time because of co-location or because there was separate location arrangement. So my answer to your first point is there is no change, because co-location would not by itself change the rights or obligations, nor would it change the CIQ procedure or the applicable law.

In relation to your second question, we have already explained in my introduction earlier why we do not think Article 18 of the Basic Law will apply, and that is because of what we can generally in legal terms call as the deeming provision, namely that the Mainland port area would be regarded as outside the territorial boundary of Hong Kong, and that is the part which I draw reference to section 5, subsection 2 of Cap 591, which is the Shenzhen port ordinance (Shenzhen Bay Port Hong Kong Port Area Ordinance).

In relation to legal proceedings, of course we, the Government, cannot control people as to whether they would like to commence legal proceedings. On the contrary, we respect people's rights under the Basic Law to institute whatever legal proceedings that they think they are entitled to, and it is for the court to decide whether or not the legal proceedings so commenced are justified or otherwise. And therefore, in so far as we are concerned, we would deal with such legal proceedings as they arise, but having looked into the matter and having considered the matter in quite some depth, we are quite confident that we can withstand legal challenges if we can get through all the three stages. Thank you. Maybe I will leave the third question, as I said, to Secretary for Security, Mr Lee.

Secretary for Security: As regards the question about who will be working in the mainland port and how they will be equipped, in our discussion, I have been told that they will be running this mainland port in the same way as they run a mainland port in the

mainland area. They will copy the model that they will be using in running a normal port, copy that model to use it in Hong Kong.

They indicate that they will do no more, that's the first thing, they will do no more than a normal mainland port as if it is in the mainland area. I believe that the officers who eventually work in the mainland port area will come from Guangdong or Shenzhen mainly. So I will talk about the model as I understand they will use in running a port in Guangdong.

They will be, as I explained, stationing officers from five areas. First of all, they are immigration staff, so you can understand how they will work because we have a similar immigration department in Hong Kong. Then they will station customs officers and we have a customs service in Hong Kong, so you can understand how they work. Then they have the safety in regard to health and quarantine, and I think you generally understand how they will work.

The fourth area is something that we don't have in Hong Kong, which is the administration of port. This unit generally has no power of enforcement, so they have no legal power to take any enforcement measures against travellers or passengers. They mainly do administration in regard to the port and also coordinate different officers that work there.

The fifth area is the police post that they may be setting up as they would set up in a normal port in Guangdong. The model as I understand in Guangdong is this police post will basically receive reports from people who need help. They will be dealing with emergencies, they will assist to request for help, and also, they may do patrol. When they do patrol on a day-to-day basis, they will be carrying their batons. The model as I understand in Guangdong is that when an officer goes on patrol, that's the equipment they carry. Regarding other equipment, they will draw as circumstances require. So say when there is an intelligence about terrorist attack, of course they will have to do some precautions. Then the equipment will be drawn as necessary to deal with that particular incident. But on a day-to-day basis, when they do patrol, in the Guangdong model, generally they will equip with a baton.

On other question you asked how many officers will be working there, they are working out. I believe the format they use will be the same format they adopt as if this port is just one of the normal port areas.

Reporter: Mr Yuen, for the arrangement, you are effectively having parts of Hong Kong, even though it's in the basement and the train compartments, you are effectively making them not Hong Kong soil. You are making them Mainland area. Are you actually creating an arrangement that overrides the Basic Law, that does not have the Basic Law implemented there? Secondly, a very practical question: When a passenger is waiting for a train on the platform, can they access websites such as Facebook, etc? Thank you?

Secretary for Justice: The second question first. The short answer is I do not know the answer to your question, but one thing I can tell you is when you are a northbound passenger and you are waiting for the train, you won't be standing on the platform, because there is a designated waiting area and you will be waiting there. I think it's a very good question. I think I would like to find out the answer later myself, so thank you for raising that.

In relation to your first question, I think my answer is no. It's not really in the way that you put it. Again, if I may hark back on the reference point that I have made earlier, and that is Cap 591 of the Laws of Hong Kong, and I would urge you to look at the wordings of that particular section, and if I remember correctly it is to the effect that for the purpose of the

applications of the Hong Kong law then the Hong Kong port area at the Shenzhen Bay would be regarded as within the territory of Hong Kong. So, in other words, the point that I will like to highlight is for a deeming provision of this nature it would specify the purpose of the deeming provision, and in section 5, subsection 2 of Cap 591 it specifies that the deeming provision is solely for the purpose of the application of Hong Kong law and therefore applying the same approach and by parity of reason, what we would be suggesting that we will be doing is that for the purpose of the application of Hong Kong law as well as the Mainland law and the division of the two as well as the division or demarcation of the respective jurisdictions, and it is for that specific purpose that the Mainland port area would be regarded as outside the territorial boundary of Hong Kong. So, in other words, it is (a) for a specific purpose, namely the purpose that I have identified, and (b) it is solely in the context of our co-location arrangement implementation. It is not for a general purpose. Therefore, I would beg to differ that it is in effect carving out a part of Hong Kong outside Hong Kong and I hope you would accept my explanation. Thank you.

Reporter: Just now you said that the arrangement is solely to enable co-location. Can you promise that such an arrangement of putting a part of land regarded not as Hong Kong's territory will not be repeated in the future, because you said it is solely for the purpose of co-location? Second of all, in the document you've prepared, you said that the agreement could be amended, including perhaps changing or enlarging the area of the Mainland port area due to need or expansion of the station. Can you tell us a bit about how large can the area get? Do you have a limit on that?

Secretary for Justice: As far as I understand, any suggestions as to the enlargement of the area, especially in relation to the area on B2 and B3, would be unlikely, if not impossible. The only possibility that we will be talking about is the detailed arrangement in relation to the platform, because that would depend on the number of trains that would be making use of the platform, and that would depend on the future traffic and therefore I don't think one should worry too much, if at all, about the expansion of the Mainland port area. Perhaps if I may emphasise again, as I was trying to make the point, perhaps it's my thought that I haven't made it clear, and that is in discussing the area of the Mainland port area I tried to give a narrative of what constitutes the area and then I also said look at it from a different angle. It involves effectively the path of a passenger who is arriving from the Mainland, and then plus the path of a passenger who is departing Hong Kong, and therefore in fact the whole idea or the rationale of devising and demarcating the area, which gave rise to or which we label as the Mainland port area, is for that particular purpose. And therefore that is a very operational rationale and therefore I don't see any reason, really, to enlarge the Mainland port area, and I guess perhaps the other side wouldn't want to pay an extra rent for that as well. So for that reason I guess the risk is unlikely.

In response to your first question, I think of course I cannot say anything for the future terms of the Government. I think what I can say is for the time being, if you agree with me, as I explained earlier, that the whole point of asking the Central People's Government to agree to assist us in making this co-location arrangement happen is because we want to maximise the potential of the XRL. I don't anticipate that in the near future we would have yet another XRL, but if that is the case perhaps it would be good for Hong Kong and it would be the very intention or the things that our Secretary for Transport and Housing would have to consider. I can't answer that from the legal perspective. Thank you.

(Please also refer to the Chinese portion of the transcript.)

Ends/Tuesday, July 25, 2017
Issued at HKT 23:03

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新聞公報

律政司司長及運輸及房屋局局長會見傳媒談話全文（只有中文）

律政司司長袁國強資深大律師、運輸及房屋局局長陳帆和保安局局長李家超今日（七月二十六日）出席電台節目後，就廣深港高速鐵路（香港段）一地兩檢安排會見傳媒。以下是會見傳媒的談話全文：

律政司司長：陳（帆）局長有些說話想跟大家說。

運輸及房屋局局長：好的，我想剛才大家留意到有市民致電表達對「一國兩制」、《基本法》的擔心，亦某程度上懷疑袁（國強）司長有沒有用良心做這個工作。

我在這裏希望趁機會說說，雖然我參與這個工作大概一個月時間，在過程中我可以和大家說說少許觀察。在過去多年的工作，最近一個月我親自見到袁司長不單有承擔、有良心，而且非常有堅持的。我們和內地的討論、交換文件、甚至我們內部工作文件，袁司長都是有堅持：他對每一個文本的每一段、每一行、每一字重複看過，他同意後我們才去做進一步工作。所以我希望市民大眾不要太情緒化，亦不要太政治化看待一個跨境交通運輸基建。因為高鐵在當今世界已經是發展的潮流，不單運送人的軀體，甚至貨物，其實是一個經濟發展、地緣政治的載體。

高鐵（香港段）的功能不單便利民間往來，亦加強經濟聯繫，以至促進商貿、旅遊事業的發展。旅遊事業是香港四大支柱之一，我們每年由海外到香港的旅客，有七千多萬（人次）。我們香港市民，我說的是香港市民，每年到內地工作、旅遊、進行商務，其實數目是非常龐大。以去年一月至十一月來說，有八千二百多萬人（次），如果我們將（數字）化為整年（計算），是接近九千萬人（次）。內地旅客來香港（的數字），如果（根據）香港旅遊發展局的資料，每年是有四千二百多萬人（次）。所以基本上高鐵（香港段）對香港的經濟長遠發展有關鍵性的作用，我希望大家在這方面可以從一個踏實一點，操作上的角度去考慮一地兩檢的問題。為甚麼呢？因為這裏有幾十位朋友，如果我們坐高鐵（香港段）的列車，是每一列車有579名乘客。如果我們要兩地兩檢，舉個例子即是說，在第二個關口我們要提取所有行李下車，對老人家、小朋友方不方便呢？如果在579名乘客中，有部分乘客證件有問題、身體不舒服，這樣列車等不等待他們才「開車」？等待的話令其他人也在等待，不等待的話又好像置諸不顧，所以一地兩檢帶來的實際功能，實際對旅客的便利，事實上是不容置疑。我在這裏說得差不多了，希望遲些有機會再和大家說說高鐵（香港段）在便民、利民和對香港長遠經濟發展的重要關鍵。或者看看現在大家有沒有甚麼問題？

記者：司長，你剛才說過不介意有一個正式的法律途徑去處理這問題，是否預期或甚至正等待一定會有司法覆核？是否認為現時的法律框架，方案是否足夠堅實去通過司法一關？

律政司司長：第一，剛才提及，我們現時處理高鐵一地兩檢，有不同層面，有法律問題要處理，亦有其他的觀感，或信心，或政治的問題要處理。就法律問題，我認為最好的方法是用香港法律制度下現有的途徑處理。我們不可以控制市民提出任何司法程序，我們可以做的是尊重市民行使他們的權利，而當有司法程序展開時，我們亦會根據司法程序處理。反而我有個看法，就是在香港這個多元化的社會，無論法律問題又好，其他

問題又好，（社會）有不同意見是很正常的，反而一個社會沒有不同意見，才是不正常。當有不同意見時，最重要是如何做到和而不同，以及跟從既有程序解決或處理這些分歧。所以你說，法律上有不同意見，我們可以以法論法，以法律途徑處理。就其他方面的，譬如經濟效益，大家有不同意見的話，我們可以拿數字，可以拿客觀的證據出來，大家討論。最希望的是大家可以理性、客觀去看今次一地兩檢的問題，而不是將整件事過分政治化，甚至將某些議題妖魔化，這不是一個恰當的做法。正如我剛才在節目最後說，客觀上已建造高鐵，要處理的是一個很現實的通關問題，現實上就是社會上有人希望可以盡快使用這麼便利的高鐵來回香港和內地，無論任何原因，所以這問題是香港要面對、要處理的問題，我希望大家可以用一個理性的態度處理，不希望再有任何一個過於政治化而令香港再一次出現其他撕裂，這不是我們想看到的，我們希望看到的是以一個理性的角度處理這問題。

記者：司長，你多次講到希望在香港的制度下處理，但上次DQ案最後也要人大釋法，今次事件有否擔心中央為了要趕及下年三月（第三季）通車，有可能就此事主動釋法？

律政司司長：第一，昨日在記者會上我說得很清楚，我們沒有計劃要求全國人大常委就今次進行一地兩檢釋法；第二，今次一地兩檢事件和宣誓事件完全是兩回事。今次一地兩檢無論是由原先的規劃到決定興建、到政府在二零零七年《施政報告》提出會積極研究一地兩檢，所有都是由香港方面提出，我們希望中央配合和支持我們去做這件事，所以在事件的本質上與宣誓事件完全是兩回事，所以我不擔心今次會再出現釋法事件。多謝大家。

完

2017年7月26日（星期三）
香港時間12時51分

**Background brief on the customs, immigration and
quarantine arrangements of the Hong Kong Section ("HKS")
of the Guangzhou-Shenzhen-Hong Kong Express Rail Link ("XRL")**

List of relevant papers

Date of meeting	Committee	Minutes/Paper	LC Paper No.
29.5.2013	Council meeting	Hon Jeffrey LAM Kin-fung raised a question on progress of the construction of HKS of XRL and related immigration arrangements	http://www.info.gov.hk/gia/general/201305/29/P201305280556.htm
23.10.2013	Council meeting	Hon Frederick FUNG Kin-kee raised a question on co-location of boundary control facilities for HKS of XRL	http://www.info.gov.hk/gia/general/201310/23/P201310220570.htm
26.2.2014	Council meeting	Hon SIN Chung-kai raised a question on co-location of immigration and customs facilities at the West Kowloon Terminus of HKS of XRL	http://www.info.gov.hk/gia/general/201402/26/P201402260233.htm
3.12.2014	Council meeting	Hon Ronny TONG Ka-wah raised a question on HKS of XRL	http://www.info.gov.hk/gia/general/201412/03/P201412030573.htm
4.12.2015 14.12.2015	Subcommittee on Matters Relating to Railways	Administration's paper on the progress and financial situation of the construction of HKS of XRL (quarterly report for the period ending 30 September 2015)	CB(4)280/15-16(01) http://www.legco.gov.hk/yr15-16/english/panels/tp/tp_rdp/papers/tp_rdp20151204cb4-280-1-e.pdf
		Administration's paper on HKS of XRL	CB(4)280/15-16(02) http://www.legco.gov.hk/yr15-16/english/panels/tp/tp_rdp/papers/tp_rdp20151204cb4-280-2-e.pdf

Date of meeting	Committee	Minutes/Paper	LC Paper No.
		MTR Corporation Limited's paper on the proposed arrangements for taking forward HKS of XRL	CB(4)280/15-16(03) http://www.legco.gov.hk/yr15-16/english/panels/tp/tp_rdp/papers/tp_rdp20151204cb4-280-3-e.pdf
		Administration's paper on the economic benefits of HKS of XRL and cost incurred due to suspension and termination	CB(4)333/15-16(02) http://www.legco.gov.hk/yr15-16/english/panels/tp/tp_rdp/papers/tp_rdp20151204cb4-280-3-e.pdf
		Administration's paper on the discussion of HKS of XRL (follow-up paper)	CB(4)394/15-16(01) http://www.legco.gov.hk/yr15-16/english/panels/tp/tp_rdp/papers/tp_rdp20151214cb4-394-1-e.pdf
		Minutes of meetings	CB(4)617/15-16 http://www.legco.gov.hk/yr15-16/english/panels/tp/tp_rdp/minutes/rdp20151204.pdf CB(4)878/15-16 http://www.legco.gov.hk/yr15-16/english/panels/tp/tp_rdp/minutes/rdp20151214.pdf
9.12.2015	Council meeting	Hon Frederick FUNG Kin-kee raised a question on the implementation of the arrangements for co-location of boundary upon commissioning of HKS of XRL	http://www.info.gov.hk/gia/general/201512/09/P201512090311.htm

Date of meeting	Committee	Minutes/Paper	LC Paper No.
11.1.2017	Council meeting	Hon Alvin YEUNG raised a question on co-location of boundary control facilities for HKS of XRL	http://www.info.gov.hk/gia/general/201701/11/P2017011100499.htm
10.2.2017	Subcommittee on Matters Relating to Railways	Administration's paper on the progress and financial situation of the construction of HKS of XRL (quarterly report for the period ending 31 December 2016)	CB(4)500/16-17(03) http://www.legco.gov.hk/yr16-17/english/panels/tp/tp_rdp/papers/tp_rdp20170210cb4-500-3-e.pdf
		Minutes of meeting	CB(4)1227/16-17 http://www.legco.gov.hk/yr16-17/english/panels/tp/tp_rdp/minutes/rdp20170210.pdf
--	Subcommittee on Matters Relating to Railways	A joint letter from Dr Hon KWOK Ka-ki, Hon Alvin YEUNG and Hon Jeremy TAM Man-ho and a letter from Hon CHU Hoi-dick on issues relating to the co-location of customs, immigration and quarantine facilities at the West Kowloon Terminus of HKS of XRL (Chinese version only), and the Administration's response	CB(4)663/16-17(01) http://www.legco.gov.hk/yr16-17/chinese/panels/tp/tp_rdp/papers/tp_rdp4-663-1-c.pdf CB(4)663/16-17(02) http://www.legco.gov.hk/yr16-17/chinese/panels/tp/tp_rdp/papers/tp_rdp4-663-2-c.pdf CB(4)697/16-17(01) http://www.legco.gov.hk/yr16-17/english/panels/tp/tp_rdp/papers/tp_rdp4-697-1-e.pdf
29.3.2017	Council meeting	Hon Tanya CHAN raised a question on co-location arrangements at HKS of XRL	http://www.info.gov.hk/gia/general/201703/29/P2017032900489.htm

Date of meeting	Committee	Minutes/Paper	LC Paper No.
2.6.2017	Subcommittee on Matters Relating to Railways	Administration's paper on the progress and financial situation of the construction of HKS of XRL (quarterly report for the period ending 31 March 2017)	CB(4)1099/16-17(03) http://www.legco.gov.hk/yr16-17/english/panels/tp/tp_rdp/papers/tp_rdp20170602cb4-1099-3-e.pdf
--	House Committee	Administration's paper on customs, immigration and quarantine arrangements of the Hong Kong section of the Guangzhou-Shenzhen-Hong Kong Express Rail Link	CB(2)1966/16-17(01) http://www.legco.gov.hk/yr16-17/english/hc/papers/hccb2-1966-1-e.pdf

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