

立法會  
*Legislative Council*

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**Panel on Transport, Panel on Security and  
Panel on Administration of Justice and Legal Services**

**Minutes of joint meeting held on  
Tuesday, 8 August 2017, at 4:30 pm  
in Conference Room 1 of the Legislative Council Complex**

**Members present** : Members of the Panel on Transport  
\* Hon CHAN Han-pan, JP (Chairman)  
\* Hon Abraham SHEK Lai-him, GBS, JP  
\* Hon Jeffrey LAM Kin-fung, GBS, JP  
\* Hon Starry LEE Wai-king, SBS, JP  
Hon Mrs Regina IP LAU Suk-ye, GBS, JP  
\*^Hon Paul TSE Wai-chun, JP  
\* Hon Claudia MO  
\*^Hon Frankie YICK Chi-ming, SBS, JP  
Hon WU Chi-wai, MH  
\* Hon YIU Si-wing, BBS  
\* Hon Charles Peter MOK, JP  
\*^Hon CHAN Chi-chuen  
\* Hon LEUNG Che-cheung, SBS, MH, JP  
\*^Dr Hon Fernando CHEUNG Chiu-hung  
\*^Hon POON Siu-ping, BBS, MH  
\*^Hon CHUNG Kwok-pan  
\*^Hon Alvin YEUNG  
Hon Andrew WAN Siu-kin  
\*^Hon CHU Hoi-dick  
\*^Dr Hon Junius HO Kwan-yiu, JP  
Hon HO Kai-ming

- \* Hon Wilson OR Chong-shing, MH
- \*^Hon YUNG Hoi-yan
- \* Hon CHAN Chun-ying  
Hon Tanya CHAN  
Hon LUK Chung-hung  
Hon LAU Kwok-fan, MH
- \* Dr Hon CHENG Chung-tai  
Hon Jeremy TAM Man-ho

Members of the Panel on Security

- # Hon CHAN Hak-kan, BBS, JP (Chairman)  
Hon CHAN Kin-por, GBS, JP
- ^ Hon Steven HO Chun-yin, BBS  
Hon MA Fung-kwok, SBS, JP  
Hon Kenneth LEUNG  
Hon Alice MAK Mei-kuen, BBS, JP  
Hon KWOK Wai-keung, JP  
Hon Christopher CHEUNG Wah-fung, SBS, JP
- ^ Dr Hon Elizabeth QUAT, BBS, JP
- ^ Hon Jimmy NG Wing-ka, JP
- ^ Hon Holden CHOW Ho-ding  
Hon SHIU Ka-chun
- ^ Hon CHEUNG Kwok-kwan, JP
- ^ Hon HUI Chi-fung

Members of the Panel on Administration of Justice  
and Legal Services

- \*#Dr Hon Priscilla LEUNG Mei-fun, SBS, JP (Chairman)
- \* Hon Dennis KWOK Wing-hang (Deputy Chairman)

**Members attending :** Hon LEUNG Yiu-chung  
Hon SHIU Ka-fai

**Members absent :** Members of the Panel on Transport  
Dr Hon KWOK Ka-ki (Deputy Chairman)

- \* Hon WONG Kwok-kin, SBS, JP
- \* Hon Michael TIEN Puk-sun, BBS, JP  
Dr Hon Helena WONG Pik-wan  
Ir Dr Hon LO Wai-kwok, SBS, MH, JP
- \* Hon LAM Cheuk-ting

Hon Kenneth LAU Ip-keung, BBS, MH, JP  
Hon KWONG Chun-yu

Members of the Panel on Security

^Hon James TO Kun-sun (Deputy Chairman)

Members of the Panel on Administration of Justice  
and Legal Services

Hon Martin LIAO Cheung-kong, SBS, JP

\* Also member of the Panel on Security

# Also member of the Panel on Transport

^ Also member of the Panel on Administration of Justice and Legal Services

**Public Officers** : **Agenda item II**  
**attending**

Department of Justice

Mr Rimsky YUEN Kwok-keung, GBM, SC, JP  
Secretary for Justice

Mr Llewellyn MUI Kei-fat  
Senior Assistant Solicitor General

Miss LEE Sau-kong  
Senior Assistant Solicitor General (Special Duties)<sup>4</sup>

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)<sup>1</sup>

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

Security Bureau

Mr John LEE Ka-chiu, SBS, PDSM, PMSM, JP  
Secretary for Security

Mr Parson LAM Chun-wah  
Principal Assistant Secretary (Security)D

**Clerk in attendance :** Ms Doris LO  
Chief Council Secretary (4)6

**Staff in attendance :** Ms Macy NG  
Senior Council Secretary (4)6

Miss Emma CHEUNG  
Senior Legislative Assistant (4)3

Ms Kiwi NG  
Legislative Assistant (2)1

Miss Mandy LAM  
Legislative Assistant (4)2

Ms Emily LIU  
Legislative Assistant (4)6

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Action

**I. Election of Chairman**

Dr Priscilla LEUNG, Chairman of the Panel on Administration of Justice and Legal Services, said that Chairman of the Panel on Transport and Chairman of the Panel on Security both agreed that the joint meeting should be chaired by her. In accordance with rule 22(k) of the House Rules, members agreed that Dr LEUNG would chair the joint meeting.

**II. Customs, Immigration and Quarantine Arrangements of the Hong Kong Section of the Guangzhou-Shenzhen-Hong Kong Express Rail Link**

LC Paper No. CB(2)1966/16-17(01) - Paper provided by the Administration

LC Paper No. CB(4)1496/16-17(01) - Paper on customs, immigration and quarantine arrangements of the Hong Kong Section of the Guangzhou-Shenzhen-Hong Kong Express Rail Link prepared by the Legislative Council Secretariat (background brief)

LC Paper Nos. CB(4)1499/16-17(01) and CB(4)1505/16-17(01) - Letter from Hon Jeremy TAM Man-ho and the Administration's response

Relevant paper

Promotional booklet entitled "Customs, Immigration and Quarantine Arrangements of the Hong Kong Section of the Guangzhou-Shenzhen-Hong Kong Express Rail Link" provided by the Administration

*(Members agreed and the Chairman directed that the Electronic Voting System be used, and members should press the "Request to speak" button to indicate their intention to speak.)*

2. In his consolidated opening remarks, Secretary for Justice ("SJ") explained that the implementation of Hong Kong and Mainland customs, immigration and quarantine ("CIQ") procedures (hereinafter referred as "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") meant that passengers arriving at and departing Hong Kong could complete the CIQ procedures of both Hong Kong and the Mainland at WKS in one go. He stressed that the co-location arrangement was critical to fully unleashing the benefits of the XRL project. Without implementing a co-location arrangement at WKS, the efficiency and flexibility of XRL would be hampered.

3. SJ further advised that the Government of the Hong Kong Special Administrative Region ("HKSAR") and the relevant Mainland authorities had conducted detailed studies to ensure that the co-location proposal would be: (i) in compliance with the Basic Law; (ii) feasible and effective from the operational perspective; and (iii) able to manage security risk robustly. He

advised that the two sides had explored various other ideas for implementing CIQ procedures for XRL, including separate-location arrangement; co-location at different stations for northbound and southbound traffic; conducting on-board clearance, etc. SJ explained the reasons why each of these ideas was considered not viable. He indicated that making reference to the case of the Shenzhen Bay Port, the HKSAR Government and the relevant central authorities proposed adopting a "Three-step Process" as summarized in the Administration's paper to implement the co-location arrangement.

#### General views

4. Mr CHAN Han-pan and Mr LAU Kwok-fan expressed support to the implementation of the co-location arrangement. They disapproved of those people objecting merely for the sake of objection without putting forward constructive solutions. Also, to their disappointment, pan-democratic Legislative Council ("LegCo") Members did not join the site visit arranged by the MTR Corporation Limited on 2 August 2017 to better understand the co-location arrangement and the layout of the Mainland Port Area ("MPA") inside WKS on site. They opined that it was fear-mongering of some pan-democratic Members to say that the people of Hong Kong could be nabbed by Mainland officers if they went near WKS. To allay public concern and enlist more public support, they urged the Administration to step up efforts in explaining the co-location arrangement in the community.

5. Mr CHAN Hak-kan and Dr Elizabeth QUAT concurred that implementation of the co-location arrangement was necessary and would be beneficial to the economic development of Hong Kong, given the substantial cross-boundary passenger transport demand to be supported by XRL. Ms YUNG Hoi-yan also considered that the co-location arrangement would offer time-saving and convenient clearance procedures for the XRL passengers.

6. Mr YIU Si-wing pointed out that at present, the primary transportation means for short-haul and long-haul trips between Hong Kong and major Mainland cities were road-based and air-based respectively. Upon commissioning, the Hong Kong Section of XRL would connect to the national high-speed rail network that linked up major cities on the Mainland. It would also facilitate travelling between Hong Kong and some secondary Mainland cities not covered under the air transport network. He considered that XRL would bring tremendous business opportunities for the tourism industry in Hong Kong.

7. In response, Secretary for Transport and Housing ("STH") said that XRL was critical to the future development of Hong Kong, and would help open up opportunities for our future generation. Disputes over the co-location arrangement would not be conducive to Hong Kong, whilst with concerted efforts, the co-location arrangement would gain wide support in the community. He emphasized that the Administration respected different views in the society, and would continue to listen to and duly consider the views of LegCo and different sectors of the community. It would also convey those views to the Mainland authorities in taking forward the co-location arrangement.

8. Noting the Administration's estimate that XRL could save passengers about 39 million hours of travelling time per year on average, which was equivalent to \$90 billion economic returns in 2015 prices, Mr CHAN Chun-ying doubted that it had been under-estimated as the hours wasted in frequent delays of Mainland flights were not included. STH responded that it was a conservative estimate based on past figures. He believed that upon commissioning of the Hong Kong Section of XRL, the actual benefits to Hong Kong would definitely be higher due to the socio-economic developments in time.

#### Constitutional issues

9. Mr CHU Hoi-dick relayed the concerns of some Hong Kong residents over the exercise of Mainland laws in the Hong Kong territory under the co-location arrangement. He pointed out that in accordance with BL 18, national laws should not be applied in HKSAR except for those listed in Annex III to the Basic Law. Mr HUI Chi-fung also said that "one country, two systems" and the Basic Law should not be contravened in the disguise of providing convenience to passengers. He said that the national laws in Annex III to the Basic Law which were applicable in HKSAR should be confined to those relating to defence and foreign affairs and other specified matters outside the limits of the autonomy of HKSAR. He sought clarification regarding whether Mainland criminal laws would be applied in MPA.

10. Dr Junius HO pointed out that under BL 19, the Courts of HKSAR had no jurisdiction over acts of state, such as defence and foreign affairs. In his view, clearance procedures were related to defence and foreign affairs, such as counter-terrorist measures and consular affairs. Dr HO further asked how the Administration would explain to the public that the co-location arrangement complied with the Basic Law, and deal with applications for judicial review ("JR") against the co-location arrangement.

11. SJ responded that both the HKSAR Government and the relevant Mainland authorities had all along agreed that the co-location arrangement should be consistent with the "one country, two systems" policy, and should not contravene the Basic Law. He indicated that because of the deeming provision, MPA would in law be regarded as outside the territorial boundary of HKSAR, so BL 18 and 19 would not apply. He disagreed with any groundless worry over the application of Mainland laws in Hong Kong. The HKSAR Government and Mainland authorities would ensure that the exercise of Mainland jurisdiction in MPA should comply with the Basic Law and for the specific purpose of implementing the co-location arrangement. He advised that applications for JR against the co-location arrangement had been received by the Court. The HKSAR Government would respect members of the public's right to initiate legal proceedings and that JR proceedings would be handled according to the established judicial procedures.

12. Mr Dennis KWOK asked whether the Mainland law enforcement officers in MPA were required to respect, implement and comply with the Basic Law, and safeguard the fundamental rights and freedom of Hong Kong residents according to Chapter III of the Basic Law. SJ replied that Mainland law enforcement officers were required to perform CIQ and other duties in MPA according to Mainland laws. While Mainland law enforcement officers are obliged to comply with all national laws, including the Basic Law, they must at the same time perform their duties according to relevant Mainland laws.

13. Dr Fernando CHEUNG stated that the fundamental rights of the people of Hong Kong under the Basic Law should be upheld. He was concerned about the differences between the jurisdictions of the Mainland and Hong Kong particularly in respect of the protection of rights and freedom of residents. He was worried that the application of Mainland laws in MPA would undermine the rights of Hong Kong residents protected under the Basic Law. Mr Alvin YEUNG asked whether the rights of Hong Kong residents protected under BL 24 to 42 would prevail in MPA.

14. SJ reiterated that, as explained in the paper provided by the Administration, Mainland laws would be implemented in MPA. He added that regardless of whether the co-location arrangement were to be implemented at WKS or whether the traditional separate-location arrangement were to be implemented, Hong Kong residents had to complete the Mainland clearance procedures before entering the Mainland. The co-location arrangement was meant to enable the clearance procedures of two jurisdictions to be conducted at one location. The Mainland clearance



procedures at WKS would be the same as those at other Mainland boundary control points.

Exercise of jurisdictions and law enforcement within the Mainland Port Area

15. Dr CHENG Chung-tai sought clarification regarding the residency status of a baby born to a Mainland mother on an XRL train approaching WKS. Similarly, if the mother was sent to the hospital in Hong Kong before having gone through the clearance procedures of Hong Kong, whether the baby born in the hospital would have Hong Kong residency; or whether the Mainland mother about to have a confinement would be sent back on the incoming train to the Mainland for baby delivery.

16. Secretary for Security ("S for S") advised that similar cases had occurred at other boundary control points. As Mainland laws would apply in MPA, babies born there should be regarded as being born on the Mainland. He supplemented that no persons, regardless of their places of origin, would be denied of medical services in Hong Kong.

17. Mr POON Siu-ping noted that Hong Kong personnel working in MPA, including the employees of the railway operator, should abide by Mainland laws except for certain matters to be specified in the Co-operation Arrangement. In this connection, he asked for an estimation of the number of Hong Kong personnel working in MPA, and how the Administration would prevent them from breaching the Mainland laws in MPA due to ignorance, and assist them in case of contravention of the Mainland laws. He also sought clarification regarding whether the occupational safety and health standards of Hong Kong or the Mainland should apply in MPA.

18. STH advised that HKSAR would exercise legal jurisdiction over matters relating to the standards of and liabilities concerning the construction, performance of construction work, insurance and design, repair and maintenance, and fire safety of buildings and relevant facilities in MPA, etc. Except for matters relating to the performance of duties and functions of designated Hong Kong personnel, Hong Kong personnel working in MPA should generally abide by Mainland laws and subject to the supervision of the Mainland authorities. S for S advised that making reference to other boundary control points, it was envisaged that a few hundred of government officers would be deployed to perform duties at WKS, while the actual number would depend on the passenger number of XRL.

19. On Ms YUNG Hoi-yan's enquiry regarding whether the Co-operation Arrangement would clearly specify the matters respectively subject to the

jurisdictions of HKSAR and the Mainland, SJ responded in the affirmative. He explained in brief that, based on the current understanding, HKSAR would exercise jurisdiction over those matters set out in paragraph 44(a) to (f) of the Administration's paper.

20. Mr LEUNG Che-cheung sought clarification regarding whether a Mainland/Hong Kong offender would be subject to Hong Kong or Mainland laws if he/she was arrested inside MPA. Mr Jeffrey LAM asked about the law enforcement arrangement in case a Mainland criminal offender had managed to enter into the area of arrival clearance on the Hong Kong side, but had not yet completed the clearance procedures of Hong Kong.

21. S for S advised that any person arrested by the Mainland authorities in accordance with the applicable Mainland laws in MPA would be subject to the Mainland law enforcement procedures. He added that there would be sufficient security measures in WKS. No one could avoid the exit control of the Mainland before arriving at the Hong Kong Port Area. In any case, Hong Kong laws would only be applicable in WKS outside MPA.

22. Mr YIU Si-wing observed that at the Lo Wu Control Point, there was a line marked on the floor to indicate the boundary between the Mainland and Hong Kong. He asked if S for S was aware of any cases where Mainland personnel crossed the boundary line at the Lo Wu Control Point and performed law enforcement duties on the Hong Kong territory. S for S replied in the negative.

#### Leasing of the Mainland Port Area to the Mainland

23. Mr CHUNG Kwok-pan pointed out that pursuant to BL 7, the land and natural resources within HKSAR was State property. HKSAR Government was responsible for their management, use and development and for their lease or grant to individuals, legal persons or organizations for use or development. He asked about the constitutional basis for HKSAR Government to lease MPA to the State. He was concerned that in case the proposed co-location arrangement was challenged by JR, whether the legal proceedings could be completed before the target commissioning of the Hong Kong Section of XRL in the third quarter of 2018.

24. SJ advised that the HKSAR Government and the relevant Mainland authorities had looked into the legal issues pertaining to BL 7, and the Mainland side had not raised queries over the proposed leasing arrangement of MPA. He considered that in law, there would be sufficient room for exploring the specific arrangements. In the case of Shenzhen Bay Port, a

lease was signed between the HKSAR Government and the People's Government of Shenzhen Municipality for leasing the Hong Kong Port Area to the HKSAR Government. He also advised that the Administration was confident that any JR cases on the co-location arrangement could be dealt with effectively under the established judicial procedures.

25. Mr CHU Hoi-dick referred to the statement of the Administration that no area within WKS would be carved out of the HKSAR's territory under the co-location arrangement, as given in paragraph 17 of the Administration's paper submitted to the Subcommittee on Matters Relating to Railways in December 2015 (LC Paper No. CB(4)394/15-16(01)). He queried that the current proposal of legally regarding MPA at WKS as outside the territorial boundary of HKSAR was contradicting the above statement. Dr CHENG Chung-tai opined that the co-location arrangement meant ceding Hong Kong land to the Mainland and undermining Hong Kong's autonomy.

26. SJ disagreed with the notion of ceding Hong Kong land under the co-location arrangement. He stressed that there would not be any transfer of property ownership under the leasing proposal of MPA. Drawing reference to section 5(2) of the Shenzhen Bay Port Hong Kong Port Area Ordinance (Cap. 591), he explained that MPA would only be regarded in law as outside the territorial boundary of Hong Kong in the context of the co-location arrangement and solely for that specific purpose.

#### Concerns over extended application of the co-location arrangement

27. Mr WU Chi-wai suspected that with the co-location arrangement at WKS as a precedent, similar co-location clearance procedures would be extended to other boundary control points in future. As such, Mainland laws would be more widely applied in the Hong Kong territory. He worried that the protection of the rights of Hong Kong residents under the Basic Law would be gradually undermined. Dr Fernando CHEUNG shared the same concern. They requested SJ to make a promise that similar co-location arrangement would not be adopted in the Hong Kong territory again.

28. SJ responded that it had taken years of study before the proposal on the co-location arrangement at WKS could be taken forward. Although he was not in the position to make any promise on behalf of the future HKSAR Government, he expected that the same arrangement would not be implemented in the near future in the other areas of Hong Kong. He reiterated that in substance the fundamental rights of Hong Kong residents was no different regardless of whether the co-location arrangement or the traditional separate-location arrangement was to be adopted.

Alternative clearance arrangement

*Confining the scope of Mainland laws to be executed in Mainland Port Area*

29. Ms Claudia MO queried the Administration for insisting that the proposed co-location arrangement as perfect, and blindly pursuing it. She urged the Administration to face up to the people of Hong Kong and the history of Hong Kong in clear conscience. To address public concern, she asked if it was feasible to allow Mainland law enforcement officers to execute only those Mainland laws that were related to CIQ procedures in MPA.

30. SJ did not accept the suggestion that the Administration was blindly pursuing the co-location arrangement. He explained that the option of allowing Mainland personnel to only enforce Mainland laws relating to CIQ procedures in MPA was thoroughly considered and a similar option was considered back in 2006 for the commissioning of the Shenzhen Bay Port. It was then concluded that this option might lead to overlapping jurisdiction and cause confusion to frontline enforcement personnel. He stressed that the Administration had spent its utmost efforts in examining the best option for implementation of the co-location arrangement at WKS. He asserted that the Government had been duly discharging its responsibilities in taking forward the implementation of the co-location arrangement.

31. Mr CHAN Hak-kan further asked if the said issue of overlapping jurisdiction could lead to a loophole that would be abused by fugitive offenders who would hide in MPA to escape from arrests. In response, S for S advised that as there was no formal arrangement for the surrender of fugitives between Hong Kong and the Mainland, overlapping of jurisdiction in MPA might give rise to security problems. In case there were overlapping jurisdictions in MPA, Mainland offenders arrested in MPA might lodge judicial challenges against the enforcement action taken by the Mainland authorities in the Hong Kong court. If the challenge was successful, the Mainland authorities could not execute a warrant of arrest and the offender would not be repatriated to the Mainland.

32. In response to Mr Andrew WAN's enquiry relating to cases of non-refoulement claims, S for S advised that from 2015 to 2016, there were about 6 000 non-ethnic Chinese illegal immigrants from the Mainland. During the same period, about 5 000 non-refoulement claims were lodged. The average processing time for each case was about two to three years.

*Southbound co-location arrangement*

33. Mr Andrew WAN was disappointed that despite the substantiated concerns in various aspects expressed by Members regarding the XRL project since 2009, the Administration insisted on pursuing the project. In his opinion, the option of a southbound co-location arrangement at Futian Station could eliminate concerns over the contravention of the Basic Law. He asked why the Administration had not proceeded with this option.

34. STH advised that the southbound co-location arrangement option was among the alternative options that had been explored previously between the HKSAR Government and the Mainland authorities, as listed in the Annex to the Administration's paper. Details on the reasons why such options were not pursued had been set out in the said Annex. He further explained that as Shenzhen North Station and Futian Station were already in operation, it was not realistic to request the Mainland side to modify the stations to accommodate additional CIQ facilities.

35. Mr LEUNG Yiu-chung rebutted that Shenzhen North Station and Futian Station were opened in December 2011 and December 2015 respectively, while the original commissioning date of the Hong Kong Section of XRL was scheduled for 2015. As such, the southbound co-location arrangement could have been viable if it was proposed early in 2014 for the discussion of the community. It was however disappointing that the Administration had only put forward its proposal less than one year before the revised commissioning date of the Hong Kong Section of XRL in the third quarter of 2018. He criticized the Administration for forcing the public to accept a proposal which might contravene the Basic Law without alternative options. It should therefore be held responsible for the delay in announcing the co-location arrangement and should make an open apology to the public.

36. STH reiterated that the co-location arrangement required the consensus between the HKSAR Government and the Mainland authorities. The common target of the two sides was to fully unleash the transport, social and economic benefits of XRL, and at the same time the Basic Law the co-location arrangement should be consistent with the "one country, two systems" policy and should not contravene the Basic Law. Given the sensitive and complicated issues involved, the Administration had repeatedly explained to LegCo Members that the arrangement required thorough discussions between the two sides. He stressed that the Administration was determined to implement the co-location arrangement at WKS upon

commissioning of the Hong Kong Section of XRL in the third quarter of 2018.

37. Ms Tanya CHAN queried that the usage of WKS as a boundary crossing facility was not specified in the Outline Zoning Plan. In reply, STH advised that when funding was sought for the construction of the Hong Kong Section of XRL, the Administration had clearly stated that there would be CIQ facilities at WKS.

*Separate-location arrangement*

38. Mr Jeffrey LAM asked about the findings of the analysis of the Administration on the option of a separate-location arrangement. Dr Elizabeth QUAT opined that the traditional separate-location arrangement was not practicable as passengers would be limited to disembarking at Mainland stations equipped with control points only.

39. In response, STH stated the Administration's view that if the separate-location arrangement was adopted, the economic benefits of XRL would be greatly reduced as XRL passengers might only board or alight at the handful of Mainland stations equipped with clearance facilities.

Public consultation

40. Ms Tanya CHAN doubted if the people of Hong Kong were in support of the co-location arrangement. Referring to the seven key principles set out in the Guidelines on Public Consultation provided by the Administration to LegCo in November 2003, she asked if the Administration had followed the principles to duly consult the public on the co-location arrangement. She and Mr Andrew WAN demanded the Administration to conduct a public consultation on the co-location arrangement together with all other options that had been explored previously.

41. Mr CHAN Chi-chuen considered that if the Administration was reluctant to conduct public consultation on the co-location arrangement, the public could be invited to give views at a joint meeting of the three Panels. He further said that some academics objected to the co-location arrangement which in their views would contravene the Basic Law. He asked if the Administration had considered the alternative options put forward by these academics.

42. SJ responded that the Guidelines on Public Consultation sought to set out the general guiding principles for conducting public consultation. In

practice, the scope and methodology should depend on the nature of the individual subjects. He stressed that the Administration attached great importance to public views. It had all along listened to and duly considered the views and suggestions from different sectors of the society, including some alternative options suggested by some academics. It would also step up the publicity work to enhance public understanding of the co-location arrangement. He reiterated that XRL was meant to provide an additional transport option for the public. Implementing the co-location arrangement at WKS was considered the best option and was necessary for the XRL project.

43. Mr Wilson OR recognized the Administration's effort in listening to public views at different stages and through different channels. He believed that many Hong Kong residents would understand the benefits to be brought by XRL, and that the co-location arrangement would be instrumental in maximizing such benefits. He also trusted that the rights of Hong Kong residents could be safeguarded as the HKSAR Government had committed to ensuring that the co-location arrangement should comply with the Basic Law. He hoped that the Administration would continue to take forward its publicity work on the co-location arrangement including at the district level. He also hoped that LegCo Members would pay heed to the majority views of the public.

44. Mr MA Fung-kwok was aware that the majority of Hong Kong residents were positive towards the proposed co-location arrangement at WKS. Yet, some LegCo Members had used different causes to object to the proposal.

45. Mr LEUNG Che-cheung pointed out that according to the findings of a survey published on 7 August 2017 in Ming Pao, more than half of the respondents supported the co-location arrangement. He was delighted that the Administration had explained in detail its considerations on the other options that had been explored. He was confident that the co-location arrangement could be implemented successfully.

46. Mr SHIU Ka-fai and Mr Frankie YICK also said that the Liberal Party had conducted surveys twice to collect public views on the co-location arrangement. The respondents generally supported the co-location arrangement and the adoption of the Shenzhen Bay Port model for implementation. In the second survey, the percentage of respondents who indicated support to the co-location arrangement had increased. Mr SHIU had learnt from some members of the public that they supported the co-location arrangement as it would be convenient for the XRL passengers.

He also relayed the view of the wholesale and retail sector that the co-location arrangement would help boost the economy of Hong Kong.

47. Mr Jeffrey LAM also said that many members of the public had expressed support to the co-location arrangement. He considered that the co-location arrangement was reasonable, constitutional and lawful, and beneficial to Hong Kong. With the co-location arrangement in place, XRL would be more efficient in enabling exchanges between Hong Kong and major Mainland cities in various areas of commercial and professional services, tourism, talents, technologies and information, etc.

48. The Administration noted the above views.

#### Implementation timetable and relevant details

49. Mr MA Fung-kwok asked about the timetable of taking forward the "Three-step Process", as well as progress of the latest discussion with the Mainland side on the details of the CIQ procedures, including the establishment of the interdepartmental "Task Force on Emergency Response and Rescue Issues" by both sides.

50. SJ advised that the Administration targeted to complete Step One (i.e. reaching a Co-operation Arrangement with the Mainland) and Step Two (i.e. 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) by end-2017; and thereafter proceed with Step Three (i.e. commencing the local legislative process) with a view to implementing co-location upon the commissioning of the Hong Kong Section of XRL in the third quarter of 2018.

51. S for S added that both sides would establish working groups for different purposes. Meetings would soon be conducted between the two sides. Working groups to be set up included those which would be responsible for the daily operation of MPA (e.g. customs, immigration and quarantine clearance for visitors and daily security management in MPA) as well as emergency and rescue matters (e.g. setting up mechanisms for handling emergency rescue and major incidents, such as fire and public health incidents, terrorist attacks, etc., and formulating contingency plans). Apart from working groups, a joint coordination committee would also be set up.



### Other issues

52. Mr Jeremy TAM pointed out that under the National 13th Five-year Plan, Guangzhou Railway Station and Guangzhou East Station would be reconstructed to become an integrated transport hub connecting a number of national high-speed rail lines by 2022. He asked whether the Administration had assessed the impact of the above development on the patronage of Guangzhou South Station, which would be the terminal station of XRL.

53. STH advised that under the Mainland's railway development strategy XRL, the primary high-speed rail lines XRL would be developed into a "4 Verticals, 4 Horizontals" layout, and one of these lines was Beijing-Guangzhou Passenger Line running through Beijing to Guangzhou South. In addition, the national high-speed rail network would be further developed into an "8 Verticals, 8 Horizontals" layout. With the expansion of the coverage of the national high-speed rail network, he envisaged that there would be more patronage on cross-boundary rail transportation.

### Motions

54. Members agreed to deal with the two motions proposed under this agenda item. At members' requests, the Chairman ordered a division and that the voting bell be rung for five minutes.

55. Ms Claudia MO moved the following motion –

本事務委員會聯席促請政府，重新考慮現時建議的廣深港高鐵一地兩檢安排，以其他載列於政府向立法會提交的討論文件的方案代替，並盡快進行正式的公眾諮詢，直接聽取公眾意見。

(Translation)

This joint Panel meeting urges the Government to consider afresh the currently proposed co-location arrangement of the Guangzhou-Shenzhen-Hong Kong Express Rail Link, replace it with other options stated in the discussion papers provided by the Government to the Legislative Council, and conduct as soon as possible formal public consultation to canvass the views of the public direct.

56. The Chairman put the motion to vote. A total of 14 members voted for, 28 members voted against it and no member abstained from voting (details of division were in **Appendix I**). The Chairman announced that the motion was not carried.

57. Mr CHAN Han-pan and Mr Jeffrey LAM moved the following motion –

本聯席會議支持特區政府在廣深港高速鐵路香港段通車時，在西九龍站落實"一地兩檢"模式，向旅客提供便捷的清關、出入境及檢疫手續；同時，本會期望當局加強向市民解釋"一地兩檢"的具體操作及安排，並就如何完善有關安排繼續聽取市民意見。

(Translation)

That this joint Panel meeting supports the implementation of the "co-location arrangement" at the West Kowloon Station by the Government of the Hong Kong Special Administrative Region upon the commissioning of the Hong Kong Section of the Guangzhou-Shenzhen-Hong Kong Express Rail Link, for putting in place convenient customs, immigration and quarantine procedures for passengers; at the same time, this meeting expects the Administration to step up its efforts in explaining the detailed operation and implementation of the "co-location arrangement" to the public, and continue to listen to public views on how to improve the relevant arrangements.

58. The Chairman put the motion to vote. A total of 29 members voted for, 13 members voted against it and no member abstained from voting (details of division were in **Appendix II**). The Chairman announced that the motion was passed.

*(Post-meeting note: The Administration's response to the above motion was issued vide LC Paper No. CB(4)1565/16-17(01) on 4 September 2017.)*

### Public hearing

59. On Mr HUI Chi-fung's suggestion of holding a public hearing to listen to the views of the public on the co-location arrangement, the Chairman said that she would consult members in this regard.

*(Post-meeting note: Members of the three Panels were consulted vide LC Paper No. CB(4)1579/16-17 on 11 September 2017 on the suggestion of inviting public views on the co-location arrangement. After considering members' views, the Chairmen of the three Panels decided that it would be more appropriate to follow up the above matter after election of chairmen of the three Panels in the 2017-2018 legislative session. Members were informed of this decision vide LC Paper No. CB(4)1634/16-17 on 29 September 2017.)*

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

60. There being no other business, the meeting ended at 6:43 pm.

Council Business Division 4  
Legislative Council Secretariat  
7 December 2017

點名表決 DIVISION: 1  
日期 DATE: 08/08/2017  
時間 TIME: 06:41:27 下午 PM

動議 MOTION: 毛孟靜議員就"廣深港高速鐵路香港段清關、出入境及檢疫安排"動議的議案  
Motion moved by Hon Claudia MO on "Customs, Immigration and Quarantine Arrangements of the Hong Kong Section of the Guangzhou-Shenzhen-Hong Kong Express Rail Link"

動議人 MOVED BY: 毛孟靜 Claudia MO

出席 Present : 43  
投票 Vote : 42  
贊成 Yes : 14  
反對 No : 28  
棄權 Abstain : 0  
結果 Result : 否決 Negatived

個別表決如下 THE INDIVIDUAL VOTES WERE AS FOLLOWS:

議員	MEMBER	投票	VOTE	議員	MEMBER	投票	VOTE
梁美芬	Dr Priscilla LEUNG	反對	NO	黃碧雲	Dr Helena WONG		
涂謹申	James TO			葛珮帆	Dr Elizabeth QUAT	反對	NO
石禮謙	Abraham SHEK	反對	NO	廖長江	Martin LIAO		
林健鋒	Jeffrey LAM	反對	NO	潘兆平	POON Siu-ping	反對	NO
李慧琼	Starry LEE	反對	NO	盧偉國	Ir Dr LO Wai-kwok		
陳克勤	CHAN Hak-kan	反對	NO	鍾國斌	CHUNG Kwok-pan	反對	NO
陳健波	CHAN Kin-por	反對	NO	楊岳橋	Alvin YEUNG	贊成	YES
黃國健	WONG Kwok-kin			尹兆堅	Andrew WAN	贊成	YES
葉劉淑儀	Mrs Regina IP	出席	PRESENT	朱凱迪	CHU Hoi-dick	贊成	YES
謝偉俊	Paul TSE	反對	NO	吳永嘉	Jimmy NG		
毛孟靜	Claudia MO	贊成	YES	何君堯	Dr Junius HO	反對	NO
田北辰	Michael TIEN			何啟明	HO Kai-ming	反對	NO
何俊賢	Steven HO	反對	NO	林卓廷	LAM Cheuk-ting		
易志明	Frankie YICK	反對	NO	周浩鼎	Holden CHOW	反對	NO
胡志偉	WU Chi-wai	贊成	YES	邵家臻	SHIU Ka-chun	贊成	YES
姚思榮	YIU Si-wing	反對	NO	柯創盛	Wilson OR	反對	NO
馬逢國	MA Fung-kwok	反對	NO	容海恩	YUNG Hoi-yan	反對	NO
莫乃光	Charles Peter MOK	贊成	YES	陳振英	CHAN Chun-ying	反對	NO
陳志全	CHAN Chi-chuen	贊成	YES	陳淑莊	Tanya CHAN	贊成	YES
陳恒鑾	CHAN Han-pan	反對	NO	張國鈞	CHEUNG Kwok-kwan	反對	NO
梁志祥	LEUNG Che-cheung	反對	NO	許智峯	HUI Chi-fung	贊成	YES
梁繼昌	Kenneth LEUNG			陸頌雄	LUK Chung-hung	反對	NO
麥美娟	Alice MAK	反對	NO	劉國勳	LAU Kwok-fan	反對	NO
郭家麒	Dr KWOK Ka-ki			劉業強	Kenneth LAU		
郭偉強	KWOK Wai-keung	反對	NO	鄭松泰	Dr CHENG Chung-tai	贊成	YES
郭榮鏗	Dennis KWOK	贊成	YES	鄭俊宇	KWONG Chun-yu		
張華峰	Christopher CHEUNG	反對	NO	譚文豪	Jeremy TAM	贊成	YES
張超雄	Dr Fernando CHEUNG	贊成	YES				

**附錄 II**  
**Appendix II**

點名表決 DIVISION: 2  
日期 DATE: 08/08/2017  
時間 TIME: 06:43:13 下午 PM

動議 MOTION: 陳恒鎮議員及林健鋒議員就"廣深港高速鐵路香港段清關、出入境及檢疫安排"聯合動議的議案  
Joint motion moved by Hon CHAN Han-pan and Hon Jeffrey LAM Kin-fung on "Customs, Immigration and Quarantine Arrangements of the Hong Kong Section of the Guangzhou-Shenzhen-Hong Kong Express Rail Link"

動議人 MOVED BY:

出席 Present : 42  
投票 Vote : 42  
贊成 Yes : 29  
反對 No : 13  
棄權 Abstain : 0  
結果 Result : 通過 Passed

個別表決如下 THE INDIVIDUAL VOTES WERE AS FOLLOWS:

議員	MEMBER	投票	VOTE	議員	MEMBER	投票	VOTE
梁美芬	Dr Priscilla LEUNG	贊成	YES	黃碧雲	Dr Helena WONG		
涂謹申	James TO			葛珮帆	Dr Elizabeth QUAT	贊成	YES
石禮謙	Abraham SHEK	贊成	YES	廖長江	Martin LIAO		
林健鋒	Jeffrey LAM	贊成	YES	潘兆平	POON Siu-ping	贊成	YES
李慧琼	Starry LEE	贊成	YES	盧偉國	Ir Dr LO Wai-kwok		
陳克勤	CHAN Hak-kan	贊成	YES	鍾國斌	CHUNG Kwok-pan	贊成	YES
陳健波	CHAN Kin-por	贊成	YES	楊岳橋	Alvin YEUNG	反對	NO
黃國健	WONG Kwok-kin			尹兆堅	Andrew WAN	反對	NO
葉劉淑儀	Mrs Regina IP	贊成	YES	朱凱迪	CHU Hoi-dick	反對	NO
謝偉俊	Paul TSE	贊成	YES	吳永嘉	Jimmy NG		
毛孟靜	Claudia MO	反對	NO	何君堯	Dr Junius HO	贊成	YES
田北辰	Michael TIEN			何啟明	HO Kai-ming	贊成	YES
何俊賢	Steven HO	贊成	YES	林卓廷	LAM Cheuk-ting		
易志明	Frankie YICK	贊成	YES	周浩鼎	Holden CHOW	贊成	YES
胡志偉	WU Chi-wai	反對	NO	邵家臻	SHIU Ka-chun	反對	NO
姚思榮	YIU Si-wing	贊成	YES	柯創盛	Wilson OR	贊成	YES
馬逢國	MA Fung-kwok	贊成	YES	容海恩	YUNG Hoi-yan	贊成	YES
莫乃光	Charles Peter MOK	反對	NO	陳振英	CHAN Chun-ying	贊成	YES
陳志全	CHAN Chi-chuen	反對	NO	陳淑莊	Tanya CHAN	反對	NO
陳恒鎮	CHAN Han-pan	贊成	YES	張國鈞	CHEUNG Kwok-kwan	贊成	YES
梁志祥	LEUNG Che-cheung	贊成	YES	許智峯	HUI Chi-fung	反對	NO
梁繼昌	Kenneth LEUNG			陸頌雄	LUK Chung-hung	贊成	YES
麥美娟	Alice MAK	贊成	YES	劉國勳	LAU Kwok-fan	贊成	YES
郭家麒	Dr KWOK Ka-ki			劉業強	Kenneth LAU		
郭偉強	KWOK Wai-keung	贊成	YES	鄭松泰	Dr CHENG Chung-tai		
郭榮鏗	Dennis KWOK	反對	NO	鄭俊宇	KWONG Chun-yu		
張華峰	Christopher CHEUNG	贊成	YES	譚文豪	Jeremy TAM	反對	NO
張超雄	Dr Fernando CHEUNG	反對	NO				

秘書 CLERK

