

《廣深港高鐵(一地兩檢)條例草案》

委員會審議階段

由區諾軒議員動議的修正案

條次

建議修正案

3 (1)

在建議的第 3(1)條，刪去在“在本條例而言——”之後的所有字句，而代以

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“**保留事項** (reserved matter) 指根據《合作安排》第三或七條，香港法律適用並由香港實施管轄的事項，包括——

(a) 廣深港高鐵香港段的建造權及施工權、服務經營權及營運和監管；

(b) 廣深港高鐵香港段相關資產 (包括相關土地及土地上不動產或動產)及設施的權益；

(c) 持有香港特區政府或廣深港高鐵香港營運商核發的有效證件進入內地口岸區或通過該口岸區進入西九龍站其他地點執行職務的工作人員，履行職務或與履行職務相關的事項；

(d) 有關建築物及相關設施 (包括消防、危險品貯存設施、升降機、自動梯、水管裝置、廢物及污水裝置、擴音系統、通風、電力及能源效益等)的建設、保險和設計、維修養護標準和責任的事項；

(e) 廣深港高鐵香港營運商及服務供應商的經營、相關保險、稅務及其員工稅務及僱傭責任和權益、保障和保險的事項 (但不包括向內地派駐機構或廣深港高鐵內地營運商提供服務而又不在內地口岸區以外的香港特區區域範圍經營之服務供應商)；

(f) 廣深港高鐵香港段鐵路系統安全運作及環境管

制的規管及監察事項；及

(g) 在內地口岸區的廣深港高鐵香港營運商、西九龍站承建商、物料或服務供應商、上述單位的員工及廣深港高鐵乘客之間的合約或其他民事法律關係的事宜。”

3 (2) 在建議的第 3(2)條，刪去該款，而代以

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“(2) 在本條例而言——

非保留事項 (non-reserved matter) 指除《合作安排》第三條和第七條規定的事項外，內地法律適用並由內地實施管轄的事項。”

在建議的第 3 條，加入

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“(3) 《合作安排》第三、四及七條的中文文本，載錄於附表 1 中文文本。上述條文的英文譯本，列於該附表英文文本。”

9 加入

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“第 4 部

雜項

9. 本條例期滿失效

(1) 本條例於 2047 年 6 月 30 日午夜 12 時期滿失效。

(2) 如內地口岸區土地使用權提前終止或租賃在期滿後續期——

(a) 運輸及房屋局局長須藉憲報公告公布土地使用權或租賃（經如此提前終止

或續期者) 期滿的日期 (“經公布日期”); 而

(b) 本條例於經公布日期午夜 12 時期滿失效。”

Bills Committee on Guangzhou-Shenzhen-Hong Kong
Express Rail Link (Co-location) Bill

Committee Stage

Amendments to be moved by the Honourable AU Nok-hin

<u>Clause</u>	<u>Amendment Proposed</u>
3	<p>Subsection (1) — By deleting after “For the purposes of this Ordinance—”, and substituting</p> <p>“<i>reserved matter</i> (保留事項) means a matter to which the laws of Hong Kong apply, and over which Hong Kong exercises jurisdiction, under Article 3 or 7 of the Co-operation Arrangement, including</p> <ul style="list-style-type: none">(a) the construction rights, rights relating to the performance of construction work, service concession, operation and regulation and control of the Hong Kong Section of the XRL;(b) the rights and benefits regarding assets (including relevant lands as well as movable or immovable assets on these lands) and facilities pertaining to the Hong Kong Section of the XRL;(c) the performance of duties and functions or matters related to the performance of duties and functions by designated personnel, i.e. holders of valid permit issued by the HKSAR Government or the Hong Kong operator of the XRL who enter the Mainland Port Area or pass through the Mainland Port Area to other places within the West Kowloon Station to carry out duties and functions;(d) matters relating to the standards of, and the duties, responsibilities and liabilities concerning, the construction, insurance and design, repair and maintenance of buildings and structures and related facilities (including fire safety; storage facilities of dangerous goods; lifts; escalators; plumbing

- installations; installations relating to waste and wastewaters; public address systems; ventilation; electricity and energy efficiency etc.);
- (e) matters relating to the carrying on of business, related insurance and tax affairs of the Hong Kong operator of the XRL and service provider(s), as well as the tax affairs and employment-related obligations, rights and benefits, protection and insurance of their staff members. (Service provider(s) referred to above does not include a provider of services to the Mainland authorities stationed at the Mainland Port Area or to the Mainland operator of the XRL, where such service provider does not carry on business in any area of the HKSAR outside the Mainland Port Area);
- (f) Matters relating to the regulation and monitoring of the operational safety of the railway system of the Hong Kong Section of the XRL, as well as matters relating to environmental regulation and control; and
- (g) matters pertaining to the contractual or other legal relationships of a civil nature among the Hong Kong operator of the XRL, contractor(s) of construction works of the West Kowloon Station, material or service provider(s), staff member(s) of the above entities, and XRL passengers in the Mainland Port Area”.

By adding—

Repeal subsection (2)

Substitute

“(2) For the purposes of this Ordinance—
non-reserved matter (非保留事項) means a matter to which the laws of the Mainland apply, and over which the Mainland exercises jurisdiction, except for matters as provided under Article 3 and Article 7 of the Co-operation Arrangement”.

By adding after subsection (2)—

“(3) The Chinese text of Articles 3, 4 and 7 of the Co-operation Arrangement is reproduced in the Chinese text of Schedule 1. An English translation of those Articles is set out in the English text of that Schedule”.

New

By adding after Clause (8)—

**“PART 4
MISCELLANEOUS**

9. Expiry of this Ordinance

(1) This Ordinance shall expire at midnight on 30 June 2047.

(2) If the land use right is terminated earlier or the lease is renewed after its expiry—

(a) the Secretary for Transport and Housing shall by notice in the Gazette publicize the date on which the land use right or the lease (as so terminated earlier or renewed) is to expire (“the published date”); and

(b) this Ordinance shall expire at midnight on the published date.