

立法會
Legislative Council

LC Paper No. CB(4)685/19-20
(These minutes have been seen
by the Administration)

Ref : CB4/BC/2/17

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

**Minutes of the twelfth meeting
held on Friday, 13 April 2018, at 8:30 am
in Conference Room 1 of the Legislative Council Complex**

Members present : Hon Mrs Regina IP LAU Suk-ye, GBS, JP (Chairman)
Hon CHEUNG Kwok-kwan, JP (Deputy Chairman)
Hon James TO Kun-sun
Hon LEUNG Yiu-chung
Hon Abraham SHEK Lai-him, GBS, JP
Hon Tommy CHEUNG Yu-yan, GBS, JP
Prof Hon Joseph LEE Kok-long, SBS, JP
Hon Jeffrey LAM Kin-fung, GBS, JP
Hon WONG Ting-kwong, GBS, JP
Hon Starry LEE Wai-king, SBS, JP
Hon CHAN Hak-kan, BBS, JP
Hon CHAN Kin-por, GBS, JP
Dr Hon Priscilla LEUNG Mei-fun, SBS, JP
Hon WONG Kwok-kin, SBS, JP
Hon Paul TSE Wai-chun, JP
Hon Claudia MO
Hon Michael TIEN Puk-sun, BBS, JP
Hon Steven HO Chun-yin, BBS
Hon Frankie YICK Chi-ming, SBS, JP
Hon YIU Si-wing, BBS
Hon MA Fung-kwok, SBS, JP
Hon Charles Peter MOK, JP
Hon CHAN Chi-chuen
Hon CHAN Han-pan, JP
Hon LEUNG Che-cheung, SBS, MH, JP
Hon Kenneth LEUNG
Hon Alice MAK Mei-kuen, BBS, JP
Dr Hon KWOK Ka-ki

Hon KWOK Wai-keung, JP
Hon Dennis KWOK Wing-hang
Hon Christopher CHEUNG Wah-fung, SBS, JP
Dr Hon Fernando CHEUNG Chiu-hung
Hon IP Kin-yuen
Dr Hon Elizabeth QUAT, BBS, JP
Dr Hon CHIANG Lai-wan, JP
Ir Dr Hon LO Wai-kwok, SBS, MH, JP
Hon Alvin YEUNG
Hon CHU Hoi-dick
Hon Jimmy NG Wing-ka, JP
Hon HO Kai-ming
Hon LAM Cheuk-ting
Hon Holden CHOW Ho-ding
Hon SHIU Ka-fai
Hon SHIU Ka-chun
Hon Wilson OR Chong-shing, MH
Hon YUNG Hoi-yan
Dr Hon Pierre CHAN
Hon CHAN Chun-ying
Hon Tanya CHAN
Hon HUI Chi-fung
Hon LUK Chung-hung
Hon LAU Kwok-fan, MH
Hon Kenneth LAU Ip-keung, BBS, MH, JP
Dr Hon CHENG Chung-tai
Hon KWONG Chun-yu
Hon Jeremy TAM Man-ho
Hon Gary FAN Kwok-wai
Hon AU Nok-hin
Hon Vincent CHENG Wing-shun, MH
Hon Tony TSE Wai-chuen, BBS

Members absent : Hon WU Chi-wai, MH
Dr Hon Helena WONG Pik-wan
Hon Andrew WAN Siu-kin
Dr Hon Junius HO Kwan-yiu, JP

Public officers attending : Item I
Transport and Housing Bureau
Mr Frank CHAN Fan, JP

Secretary for Transport and Housing

Ms Rebecca PUN Ting-ting, JP
Deputy Secretary for Transport and Housing
(Transport) 1

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

Mr Ronald CHENG Long-fung
Assistant Secretary for Transport and Housing
(Transport) 3C

Department of Justice

Mr Wesley WONG Wai-chung, SC, JP
Solicitor General

Mr Dominic LAI Kai-sang
Deputy Law Officer (Civil Law)(Advisory)

Mr Llewellyn MUI Kei-fat
Deputy Solicitor General (Constitutional Affairs) (Acting)

Mr Lawrence PENG Si-yun
Senior Assistant Law Draftsman

Mr Henry CHAN Ngai-him
Senior Government Counsel

Security Bureau

Mr Sonny AU Chi-kwong, PDSM, PMSM, JP
Under Secretary for Security

Ms Maggie WONG Siu-chu, JP
Deputy Secretary for Security 3

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

**Clerk in
attendance**

: Ms Sophie LAU
Chief Council Secretary (4)2

Staff in attendance : Mr Timothy TSO
Senior Assistant Legal Adviser 1

Miss Joyce CHAN
Assistant Legal Adviser 1

Miss Joyce CHING
Senior Council Secretary (4)2

Ms Jacqueline LAW
Council Secretary (4)2

Miss Mandy LAM
Legislative Assistant (4)2

I. Meeting with the Administration

[LC Paper Nos. CB(4)914/17-18(01) - (04), CB(4)897/17-18(01) - (04), File Ref.: THB(T)CR 9/1/16/581/99, LC Paper Nos. CB(3)312/17-18, LS31/17-18 and CB(4)587/17-18(01)]

Discussion

The Bills Committee deliberated (Index of proceedings attached at **Annex**).

Follow-up actions to be taken by the Administration

2. The Bills Committee requested the Administration to provide:
 - (a) a written account of the Administration's response to members' suggestions concerning the following matters:
 - (i) definitions for the phrases "laws of Hong Kong" and "laws of the Mainland" in the Bill; and
 - (ii) a definition for the phrase "Mainland Authorities Stationed at the Mainland Port Area", which was mentioned in Schedule 1 to the Bill by way of reference to Article 6 of the Co-operation Arrangement between the Mainland and the Hong Kong Special Administrative Region on the Establishment of the Port at the West Kowloon Station of

the Guangzhou-Shenzhen-Hong Kong Express Rail Link for Implementing Co-location Arrangement in the form of a Note;

- (b) the proposed scope of the laws of the Mainland to be applicable in the Mainland Port Area, as well as whether the phrase "laws of the Mainland" appeared in existing legislation and if so, whether (and how) the phrase had been defined; and
- (c) details of the mechanism to be adopted in dealing with illegal activities or contrabands found on a high-speed train departing from the West Kowloon Station and going towards the Shek Kong Stabling Sidings.

(Post-meeting note: The Chinese and English versions of the Administration's written response were issued to members vide LC Paper No. CB(4)991/17-18(01) on 26 April and 10 May 2018 respectively.)

II. Any other business

Schedule of subsequent meetings

3. The Chairman said that schedule of subsequent meetings of the Bills Committee would be issued to members after the meeting. Members could discuss the meeting schedule with her and the Deputy Chairman.

(Post-meeting note: Two schedules of subsequent meetings were issued to members vide LC Paper Nos. CB(4)919/17-18 and CB(4)941/17-18 on 13 April and 18 April 2018 respectively.)

Date of next meeting

4. Members noted that the next meeting would be held on 23 April 2018 at 4:30 pm.

(Post-meeting note: The starting time of the meeting on 23 April 2018 was subsequently changed to 2:30 pm.)

5. There being no other business, the meeting ended at 10:31 am.

Legislative Council Secretariat
8 June 2020

**Proceedings of the twelfth meeting of the
Bills Committee on Guangzhou-Shenzhen-Hong Kong Express Rail Link (Co-location)
Bill
held on Friday, 13 April 2018, at 8:30 am
in Conference Room 1 of the Legislative Council Complex**

Time Marker	Speaker(s)	Subject(s)	Action required
Meeting with the Administration			
000634-000640	Chairman	Opening remarks.	
000641-000710	Chairman Mr CHU Hoi-dick	Mr CHU's suggestion of conducting a visit to the West Kowloon Station Mainland Port Area ("MPA") and the Shek Kong Stabling Sidings ("SSS").	
000711-000812	Chairman Ms Claudia MO	Ms MO's concern about the progress of the scrutiny work of the Bills Committee.	
000813-001235	Chairman Administration	The Chairman announced her work plan and that she expected to complete the scrutiny of the Bill on 7 May 2018. She then invited the Administration to explain its letter dated 12 April 2018 [LC Paper No. CB(4)921/17-18(01)] to the Bills Committee on the need for the Bills Committee to complete its work on a timely basis and for the Bill to resume its Second Reading debate well before the expected commencement of the operation of the Hong Kong Section ("HKS") of Guangzhou-Shenzhen-Hong Kong Express Rail Link ("XRL") in September 2018.	
001236-003704	Chairman Ms Tanya CHAN Dr Fernando CHEUNG Ms Claudia MO Mr Gary FAN Mr CHU Hoi-dick Mr Paul TSE Mr YIU Si-wing Ms Starry LEE Ms Alice MAK Mr LEUNG Yiu-chung Mr CHAN Chi-chuen Mr CHAN kin-por Administration	Discussion on the progress of the scrutiny work of the Bills Committee, legislative timetable, provision of the Administration's response to members' concerns raised at the meetings, and proposed visit to the SSS and the MPA.	

Time Marker	Speaker(s)	Subject(s)	Action required
<i>Continuation of examination of Part I (clauses 1 to 3)</i>			
003705-004142	Chairman Ms Tanya CHAN Administration	Ms CHAN referred to the Legal Adviser's letter dated 9 February 2018 to the Administration [LC Paper No. CB(4)597/17-18(01)], and expressed concern about the absence of definition of "the laws of the Mainland" in the Bill and the scope of their application in the MPA. The Administration's response.	
004143-004407	Chairman Dr CHENG Chung-tai Administration	Dr CHENG's enquiry and the Administration's response regarding the definitions of "public authority" and "regulatory body" in clause 2 of the Bill.	
004408-005039	Chairman Dr Fernando CHEUNG Ms Starry LEE Mr CHAN han-pan Mr Kenneth LEUNG Mr AU Nok-hin Administration	Discussion on procedural matters and progress of the scrutiny work of the Bills Committee.	
005040-005408	Chairman Mr CHAN Chi-chuen Administration	Mr CHAN enquired about: (a) the reason(s) for the absence of provision similar to section 15 of the Shenzhen Bay Port Hong Kong Port Area Ordinance (Cap. 591) in the Bill to provide a legal basis for allowing Mainland personnel to undertake preparatory work in the MPA before the commissioning of the HKS of the XRL; and (b) the relevant law(s) that authorized Mainland personnel to enter the area to be designated as the MPA to carry out preparatory works. The Administration's response.	
005409-005711	Chairman Mr CHU Hoi-dick Administration	Mr CHU asked why the commencement date of the Bill was to be appointed by the Secretary for Transport and Housing instead of the Secretary for Security, and enquired about the definition of "Mainland" in clause 2 of the Bill. The Administration's response.	

Time Marker	Speaker(s)	Subject(s)	Action required
005712-005950	Chairman Mr LEUNG Yiu-chung Administration	Mr LEUNG enquired about: (a) the number of workers from the Mainland who would enter the MPA for work purposes and the insurance protection provided for them; (b) the timeframe and the number of the personnel of the Mainland Authorities Stationed at the MPA; and (c) the security arrangement at the West Kowloon Station (“WKS”) of the XRL. The Administration's response.	
005951-010255	Chairman Mr Alvin YEUNG Administration	Mr YEUNG asked whether the Bill, if passed, would have to be amended if there was any future variation to the meaning of the term "Mainland Authorities Stationed at the Mainland Port Area" in Article 6 of the Co-operation Arrangement. The Administration's response.	
010256-010707	Chairman Mr KWONG Chun-yu Administration	Mr KWONG's enquiry and the Administration's response in relation to the mechanism for regulating lift maintenance and safety and the handling of lift incidents in the MPA, as well as related criminal liabilities.	
010708-011315	Chairman Ms Tanya CHAN Administration Mr James TO SALA1	Ms CHAN reiterated her concern about the absence of definition of "the laws of the Mainland" in the Bill and the scope of their application in the MPA, and enquired about the reason(s) for the absence of a definition of the term "Mainland Authorities Stationed at the Mainland Port Area" in clause 2 of the Bill. The Administration's response. At the request of Ms CHAN and Mr TO, SALA1 gave his views on the above issues.	
011316-011630	Chairman Mr James TO Administration	Mr TO's enquiry and the Administration's response in relation to the feasibility of allowing only those Mainland laws relating to customs, immigration and quarantine ("CIQ") procedures to be applied in the MPA.	

Time Marker	Speaker(s)	Subject(s)	Action required
011631-012124	Chairman Mr HUI Chi-fung Administration	Mr HUI sought clarification on the definition of "statutory authority" in clause 2 of the Bill and the phrase "a pre-existing right or pre-existing obligation that has arisen because of any other statutory authority" in clause 7(3)(b) of the Bill, and requested the Administration to provide concrete examples of such right and obligation. The Administration's response.	
012125-012412	Chairman Ms Tanya CHAN Mr Gary FAN	Discussion on meeting arrangement.	
012413-012739	Chairman Mr LAM Cheuk-ting Administration	Mr LAM's enquiry and the Administration's response in relation to whether future amendments could be made to the enacted ordinance to remove, or alter the boundary of, the MPA.	
012740-013212	Chairman Mr KWONG Chun-yu Administration	Mr KWONG's enquiry and the Administration's response in relation to the handling of lift incidents by the Mainland personnel in the MPA.	
013213-013847	Chairman Mr Dennis KWOK Administration	Mr KWOK's concern and the Administration's response regarding the handling of civil disputes between Hong Kong residents and the Mainland authorities which arose from incidents that took place inside the MPA.	
013848-014430	Chairman Mr Jeremy TAM Administration	Mr TAM's concern and the Administration's response regarding the handling of cross-boundary crimes which took place inside a passenger train that travelled from the WKS to the SSS.	
014431-014726	Chairman Mr Gary FAN Administration	Mr FAN's view on meeting arrangement. Mr FAN's enquiry and the Administration's response regarding the application of the laws of the Mainland to designated personnel in the MPA, who were holders of valid permit issued by the HKSAR Government or the Hong Kong operator of the XRL under Article 7(1) of the Co-operation Arrangement.	
014727-014951	Chairman Ms Claudia MO Administration	Ms MO followed up on Mr James TO's question on the feasibility of allowing only those Mainland laws relating to CIQ procedures to be applied in the MPA. The Administration's response.	

Time Marker	Speaker(s)	Subject(s)	Action required
014952-015410	Chairman Dr Fernando CHEUNG Administration	<p>Dr CHEUNG's concerns about:</p> <p>(a) the security loopholes arising from unclear demarcation of the boundaries of the MPA and the Hong Kong Clearance Area and passenger corridor in the WKS; and</p> <p>(b) the prevention and control of imported communicable diseases from the Mainland in the WKS.</p> <p>Dr CHEUNG's suggestion of including matters relating to public health and hygiene as "reserved matter" under the Bill.</p> <p>The Administration's response.</p>	
015411-015704	Chairman Mr Kenneth LEUNG Administration	Mr LEUNG's enquiry and the Administration's response in relation to whether animals would be allowed on passenger trains of the XRL.	
015705-020050	Chairman Dr KWOK Ka-ki Administration	Dr KWOK's concern and the Administration's response regarding the protection of rights and freedoms of Hong Kong residents in the MPA.	
020051-020348	Chairman Mr AU Nok-hin Administration	<p>Mr AU asked whether the Administration would consider:</p> <p>(a) proposing amendments to the Bill to address members' concerns over controversial issues raised at the meetings; and</p> <p>(b) providing definitions for the terms "investigation", "legal proceedings" and "remedy", used in clause 7(1)(b), in clause 2 of the Bill.</p> <p>The Administration's response.</p>	
Any other business			
020349-020500	Chairman Ms Tanya CHAN	<p>Schedule of subsequent meetings.</p> <p>Ms CHAN's request for the Administration's written response to the issues raised at the meeting.</p> <p>Date of the next meeting.</p>	Admin to provide response in writing.

Council Business Division 4
Legislative Council Secretariat
8 June 2020