

立法會
Legislative Council

LC Paper No. CB(4)704/19-20
(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 fifteenth meeting
held on Friday, 27 April 2018, at 10:45 am
in Conference Room 1 of the Legislative Council Complex**

Members present : Hon Mrs Regina IP LAU Suk-yee, GBS, JP (Chairman)
Hon CHEUNG Kwok-kwan, JP (Deputy Chairman)
Hon LEUNG Yiu-chung
Hon Tommy CHEUNG Yu-yan, GBS, 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 WU Chi-wai, MH
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 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
Dr Hon Helena WONG Pik-wan
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 Andrew WAN Siu-kin
Hon CHU Hoi-dick
Hon Jimmy NG Wing-ka, JP
Dr Hon Junius HO Kwan-yiu, 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 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 Tony TSE Wai-chuen, BBS

**Members
absent**

: Hon James TO Kun-sun
Hon Abraham SHEK Lai-him, GBS, JP
Prof Hon Joseph LEE Kok-long, SBS, JP
Hon Kenneth LEUNG
Hon HUI Chi-fung
Hon LUK Chung-hung
Hon Vincent CHENG Wing-shun, MH

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(04), CB(4)980/17-18(01), CB(3)312/17-18, CB(4)597/17-18(01), CB(4)631/17-18(01), CB(4)670/17-18(01), CB(4)720/17-18(01), File Ref.: THB(T)CR 9/1/16/581/99, LC Paper Nos. LS31/17-18 and CB(4)587/17-18(01)]

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

Follow-up actions to be taken by the Administration

2. The Bills Committee requested the Administration to:

- (a) provide a written account of the Administration's response to Hon Charles Peter MOK's enquiry on whether the relevant Mainland authorities have the authority to collect evidence directly from the Hong Kong mobile network service providers

in the course of investigation of any incident or crime that had allegedly taken place in the train compartments;

- (b) explain the difference between "Hong Kong Clearance Area", which appears in Plan No. 1 in Schedule 2 to the Bill, and "Hong Kong Port Area";
- (c) explain the purpose of detailing the location and boundary points (including their coordinates) of the Shek Kong Stabling Sidings in Schedule 3 to the Bill; and
- (d) explain the absence of any notes and/or legend in respect of the areas coloured blue and marked "Hong Kong Clearance Area and Passenger Corridor" in Plan No. 1 in Schedule 2 to the Bill.

3. The Administration was also requested by the legal advisers to the Bills Committee to consider providing information on the port liaison and coordination mechanism, the mechanism to be set up together with the Mainland authorities for handling emergencies, emergency plan(s) to be drawn up together with the Mainland authorities in relation to sudden or emergency incidents, the liaison officer system for communication between the Hong Kong Special Administrative Region and the Mainland authorities and arrangement of regular joint drill exercises, and the collaborative implementation plan to be formulated and signed with the Mainland authorities for the operational arrangement of the West Kowloon Station Port as stated in Chapter 4 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.

(Post-meeting note: the Chinese and English versions of the Administration's written response were issued to members vide LC Paper No. CB(4)1038/17-18(01) on 8 and 10 May 2018 respectively.)

II. Any other business

Date of next meeting

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

5. There being no other business, the meeting ended at 12:43 pm.

Council Business Division 4
Legislative Council Secretariat
12 June 2020

**Proceedings of the fifteenth meeting of the
Bills Committee on Guangzhou-Shenzhen-Hong Kong Express Rail Link (Co-location)
Bill
held on Friday, 27 April 2018, at 10:45 am
in Conference Room 1 of the Legislative Council Complex**

Time Marker	Speaker(s)	Subject(s)	Action required
Meeting with the Administration			
<i>Clause 5 (Cont'd)</i>			
000540- 000753	Chairman	Opening remarks	
000754- 001128	Chairman Ms Tanya CHAN Administration	Ms CHAN's enquiry on whether the Administration would consider indicating (a) the area designated for conducting immigration and customs clearance at the Shek Kong Stabling Sidings ("SSS") and (b) the "Port Clearance Corridor for Goods and Trash" on B4 level of the West Kowloon Station ("WKS") in the relevant plans in Schedules 2 and 3 to the Guangzhou-Shenzhen-Hong Kong Express Rail Link (Co-location) Bill ("the Bill") for reference. The Administration's response.	
001129- 001407	Chairman Mr CHU Hoi-dick Administration	Mr CHU's enquiry and the Administration's response on the following issues: (a) whether the train captains and crew members on the high speed trains operating on the Hong Kong Section ("HKS") of the Guangzhou-Shenzhen-Hong Kong Express Rail Link ("XRL") were Hong Kong residents; and (b) whether the high speed trains operated by the Mainland railway operator would be stabled at the SSS.	
001408- 001550	Chairman Mr Gary FAN Administration	Mr FAN's enquiry and the Administration's response regarding the measures to be taken by the Immigration Department to prevent illegal entry or other illegal cross-boundary activities in the event sudden or emergency incidents took place inside train compartments.	
001550- 001807	Chairman Ms Claudia MO Administration	Ms MO's enquiry about the phrase "train compartments" which appeared in the heading of clause 5 of the Bill. The Administration's response.	

Time Marker	Speaker(s)	Subject(s)	Action required
		In response to Ms MO's question, the Administration confirmed that no cargo train service would be operated along the XRL.	
001808-002034	Chairman Dr CHIANG Lai-wan Administration	Dr CHIANG's concern and the Administration's response about the mechanism for handling emergency incidents occurring inside the tunnels of the HKS of the XRL.	
002035-002430	Chairman Mr AU Nok-hin Administration	<p>Mr AU requested the Administration to provide a written response to:</p> <ul style="list-style-type: none"> (a) explain the difference between "Hong Kong Clearance Area", which appeared in Plan No. 1 in Schedule 2 to the Bill, and "Hong Kong Port Area"; (b) explain the purpose of detailing the location and boundary points (including their coordinates) of the SSS in Schedule 3 to the Bill; and (c) explain the absence of any notes and/or legend in respect of the areas coloured blue and marked "Hong Kong Clearance Area and Passenger Corridor" in Plan No. 1 in Schedule 2 to the Bill. <p>The Administration's response.</p>	Admin
002431-002740	Chairman Dr CHENG Chung-tai Administration	Dr CHENG's enquiry and the Administration's response about the immigration and customs clearance arrangements for the high speed trains travelling between the WKS and the SSS, as well as those for the train crews thereon.	
002741-003021	Chairman Mr AU Nok-hin Administration	Mr AU's concern and the Administration's response about the insurance coverage for passenger trains which were not in operation.	
003022-003418	Chairman Ms Claudia MO Administration	Ms MO's enquiry and the Administration's response regarding the contingency measures to be taken in case of arson inside a train.	
003419-003630	Chairman Mr Gary FAN Administration	Mr FAN's concern about the law enforcement powers of the Mainland law enforcement officers who needed to be evacuated to an area outside the Mainland Port Area ("MPA") as a result of emergencies.	

Time Marker	Speaker(s)	Subject(s)	Action required
		The Administration's response.	
003631-003939	Chairman Dr CHENG Chung-tai Administration	Dr CHENG followed up on his earlier enquiry about the immigration and customs clearance arrangements for the train crews on the high speed trains travelling between the WKS and the SSS. The Administration's response.	
003940-004343	Chairman Mr Charles Peter MOK Administration	Mr MOK's question on whether the relevant Mainland authorities had the authority to collect evidence directly from the Hong Kong telecommunications operators in the course of investigation of any incident or crime that had allegedly taken place in the train compartments. The Administration's response.	
004344-004554	Chairman Mr CHAN Chi-chuen Administration	Mr CHAN enquired about the laws to be applied in establishing the legal liability of the relevant parties in the event of an accident inside the train compartment due to equipment failure. The Administration's response.	
004555-004827	Chairman Mr Jeremy TAM Administration	Mr TAM enquired if there would be any Hong Kong immigration and customs officers stationing at the SSS; if yes, their respective working hours and duties to be performed. The Administration's response.	
004828-005040	Chairman Mr Charles Peter MOK Administration	Mr MOK's further enquiry on whether the relevant Mainland authorities had the authority to collect evidence directly from the Hong Kong telecommunications operators in the course of investigation of any incident or crime that had allegedly taken place in the train compartments. The Administration's response. Mr MOK requested the Administration to provide a written account of its response.	Admin
005041-005531	Chairman Dr KWOK Ka-ki Administration	Dr KWOK's enquiry on measures to be implemented at the SSS and in the train compartments by the Administration and those adopted by the relevant Mainland authorities to prevent the spread of infectious diseases and the Administration's response.	

Time Marker	Speaker(s)	Subject(s)	Action required
005531-005928	Chairman Dr Fernando CHEUNG Administration	Dr CHEUNG's enquiry as to whether the Administration had formulated any implementation plan with the People's Government of Guangdong Province in relation to the handling of emergencies in the event of a large-scale outbreak of communicable diseases, similar to that signed between the Government of the Hong Kong Special Administrative Region and the Shenzhen Municipal People's Government concerning the operation of the Shenzhen Bay Port; if so, whether the Administration would disclose the details of the implementation plan to the public. The Administration's response.	
005929-010340	Chairman Ms Tanya CHAN Administration	Ms CHAN's question and the Administration's response on the following issues: (a) rationale for using the same colour to represent the MPA and the SSS in the corresponding plans in Schedules 2 and 3 to the Bill; and (b) if there would be any officers of the Department of Health ("DH") stationing at the SSS.	
010341-010712	Chairman Mr IP Kin-yuen Administration	Mr IP's concern about the mechanism for disposal of trash from the WKS MPA and measures to prevent smuggling or other illegal activities during the process. The Administration's response.	
010713-011052	Chairman Ms Starry LEE Administration	Ms LEE's enquiry and the Administration's response about channels to handle enquiries from members of the public in relation to the mechanism to handle sudden or emergency incidents which happened at the MPA.	
011053-011436	Chairman Dr KWOK Ka-ki Mr AU Nok-hin Administration	Mr AU's enquiry on the phrase "while making a journey" appearing in clause 5(2)(b) of the Bill, and the Administration's response.	
011437-011722	Chairman Dr KWOK Ka-ki Administration	Dr KWOK's concern about the quarantine arrangements at the WKS, at the SSS and in the train compartments, in particular the application of local legislation relating to the prevention and control of biological hazards (e.g. rabies, red fire ants and the	

Time Marker	Speaker(s)	Subject(s)	Action required
		<p>use of biological pesticides) in the MPA.</p> <p>The Administration's response.</p>	
011723-012119	Chairman Mr Jeremy TAM Administration	<p>Mr TAM's enquiry as to whether designated personnel would be liable for an offence under the Mass Transit Railway By-laws (Cap. 556B) if a person of such status carried ivory products or a large amount of cash into the SSS.</p> <p>The Administration's response.</p>	
012120-012335	Chairman Mr WU Chi-wai Administration	<p>Mr WU asked whether it was necessary to declare a specific area inside the SSS as a port area by way of local legislation in order to facilitate the performance of duties by the immigration and customs officers at the SSS.</p> <p>The Administration's response.</p>	
012336-012758	Chairman Dr Fernando CHEUNG Administration	<p>Dr CHEUNG's enquiry and the Administration's response regarding the immigration and customs clearances for trains leaving the WKS for the SSS.</p>	
012758-013245	Chairman Ms Tanya CHAN Administration	<p>Ms CHAN followed up on Mr Jeremy TAM's enquiry as to whether designated personnel would break the law if a person of such status carried a large amount of cash into the SSS, and the Administration's response.</p> <p>Ms CHAN followed up on her earlier enquiry about the stationing of DH officers at the SSS and the B4 level of the WKS, and the Administration's response.</p>	
013246-013823	Chairman Senior Assistant Legal Adviser 1 ("SALA1") Administration	<p>SALA1's request for the Administration to provide information concerning liaison and coordination mechanism and mechanism for handling emergencies as set out in Chapter 4 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. The Administration's response.</p> <p>SALA1's enquiry and the Administration's response regarding the following issues:</p>	Admin

Time Marker	Speaker(s)	Subject(s)	Action required
		<p>(a) the definition for the phrase "train compartment", which appeared in clause 5 of the Bill; and</p> <p>(b) the immigration and customs clearance for trains travelling between the WKS and the SSS, and the train crews thereon.</p>	
<i>Clause 6</i>			
013823-013957	Chairman Administration	The Administration gave an introduction on clause 6.	
013958-014355	Chairman Ms Claudia MO Administration	Ms MO's enquiry and the Administration's response regarding the drafting issue arising from clause 6(1) of the Bill.	
014356-014807	Chairman Ms Tanya CHAN SALA1 Administration	<p>At the invitation of Ms CHAN, SALA1 gave a response on the Administration's reply to members' suggestion of defining the phrase "laws of the Mainland" as set out in part (a) of LC Paper No. CB(4)991/17-18(01).</p> <p>Ms CHAN's concern over the interpretation of the phrase "laws of the Mainland" in future court proceedings and the proposed scope of the laws of the Mainland to be applied in the MPA, and the Administration's response.</p>	
014808-015137	Chairman Dr Fernando CHEUNG Administration	Dr CHEUNG's view that clauses 6(1) and 6(2) were contradictory and gave rise to inconsistency, and the Administration's response.	
015138-015531	Chairman Mr CHU Hoi-dick Administration	<p>Mr CHU's enquiry as to whether the absence of definition for the phrase "laws of the Mainland" would give rise to the problem of overlapping of laws and jurisdictions, as the Hong Kong Special Administrative Region would still exercise jurisdiction (including jurisdiction of the courts) over reserved matters in accordance with the laws of Hong Kong, and the Administration's response.</p> <p>Mr CHU's concern about the application of the Basic Law, which was also a piece of national law under the laws of the Mainland, in the MPA.</p> <p>The Administration's response.</p>	

Time Marker	Speaker(s)	Subject(s)	Action required
015531-015727	Chairman Mr Christopher CHEUNG Administration	Mr CHEUNG's enquiry and the Administration's response regarding the application of the laws of the Mainland and the laws of Hong Kong in respect of the duties and functions to be performed by designated personnel in the MPA.	
015728-015801	Chairman Administration	Date of next meeting. The Administration clarified its reply given in response to Mr CHU Hoi-dick's question concerning the problems of overlapping of laws and jurisdictions in the MPA.	
Any other business			
015801-015806	Chairman	Closing remarks	