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9 March 2018

Secretary General
Legislative Council Secretariat
Legislative Council Complex
1 Legislative Council Road
Central, Hong Kong
(Attn: Ms Sophie LAU)

Dear Ms Lau,

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

Letter from Hon Jeremy TAM on the Shek Kong Stabling Sidings

We refer to your letter dated 1 March 2018, which encloses the letter from Hon Jeremy TAM on the same day requesting the Government to provide a written response to the captioned subject. Our reply is as follows.

All trains that depart from the Mainland to Hong Kong will **not** be driven to the Shek Kong Stabling Sidings (“SSS”) direct; similarly, **no** train will depart from the SSS in Hong Kong to the Mainland direct.

Pursuant to 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 (“Co-operation Arrangement”) and the Guangzhou-Shenzhen-Hong Kong Express Rail Link (Co-location) Bill, a train compartment of a passenger train in operation on the Hong Kong Section of the Guangzhou-Shenzhen-Hong Kong Express Rail Link (“XRL”) is to be regarded as part of the Mainland Port Area. The definition of “in operation” covers a passenger train which is in motion, stationary and during embarkation or disembarkation, but does not cover two scenarios: (a) a passenger train while within the SSS; or (b) a passenger train while making a journey from the SSS to the West Kowloon Station (“WKS”) or a journey from the WKS to the SSS.

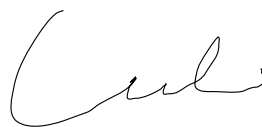
When an XRL passenger train departs from the WKS for the SSS for stabling or maintenance after passenger disembarkation, the crew members and train compartments will be regarded as entering the jurisdiction of Hong Kong from the Mainland Port Area. Conversely, after the train leaves the SSS and arrives at the WKS platform, the relevant staff and the train compartments will be regarded as entering the Mainland Port Area from the jurisdiction of Hong Kong. Immigration and customs clearances for the relevant personnel and the train are therefore required in both cases. The Hong Kong Immigration Department and the Customs and Excise Department (“C&ED”) will arrange staffing and examination facilities at the SSS to conduct immigration and customs clearances for the trains to and fro the WKS and the SSS, as well as the crew members thereon. Similarly, pursuant to Article 5 of the Co-operation Arrangement, Mainland immigration inspection authority and customs authority will apply regulation in respect of cross-boundary transport vehicles to the trains, and perform relevant immigration inspection and customs regulation in the WKS Mainland Port Area.

In terms of immigration and customs clearances in Hong Kong, the laws of Hong Kong empower Hong Kong immigration officers to conduct immigration clearance, including to examine any person on his

arrival or landing in, or prior to his departure from, Hong Kong or to require him to submit to further examination, and/or to furnish such information as may be required for this purpose. Besides, under the laws of Hong Kong, the Hong Kong customs officers are empowered to board and search any train entering or leaving Hong Kong, and to stop and search any person entering or leaving the train compartment. In order to prevent the smuggling of prohibited/controlled items, C&ED will, under the existing practice as in other control points (such as risk assessment), board and inspect the train compartment upon arrival of a train at the SSS and its departure for the WKS, as well as examine any person entering or leaving the train compartment.

Other than the aforementioned clearance arrangement, upon arrival of a passenger train from the Mainland at the WKS platform, passengers have to leave the train compartment immediately and proceed to the B2 Arrival Level. Should train crews discover any left properties on trains, they would pass such left properties to station staff for handling. Upon confirmation by station staff that all passengers have left the platform, the train will depart from the platform for the SSS. Separately, the SSS will be legally classified as a part of the railway premises which is not intended for public access. The MTR Corporation Limited will enforce stringent control and deploy security guards for patrol to prohibit unauthorized entry. Multiple security measures, including setting up of three-metre high metal perimeter fencing, CCTV and central alarm system, etc., will also be put in place there. Any person who enters the relevant area without authorization shall be liable to an offence under the Mass Transit Railway By-Laws (Cap. 556B).

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Leo LI', written in a cursive style.

(Leo LI)

for Secretary for Transport and Housing

c.c. Secretary for Justice
Secretary for Security