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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**

Follow-up enquiries from Hon IP Kin-yuen

We refer to your letter dated 15 March 2018, which encloses the follow-up enquiries from Hon IP Kin-yuen dated 14 March 2018. Our reply is as follows.

(1) “Duration” issue of the West Kowloon Station (“WKS”) Mainland Port Area

On 30 December 2006, the State Council issued an Official Reply to stipulate the area and the land use period of the Shenzhen Bay Port Hong Kong Port Area. The land use period of the Shenzhen Bay Port Hong Kong Port Area shall commence on the day on which the Shenzhen Bay Port commences operation and shall expire on 30 June 2047. The Government of the Hong Kong Special Administrative Region (“HKSAR”) introduced the Shenzhen Bay Port Hong Kong Port Area Bill into the Legislative Council (“LegCo”) on 6 February 2007.

Having considered the views of the Members, the Security Bureau proposed an amendment at that time by adding section 14(1) currently found in the Shenzhen Bay Port Hong Kong Port Area Ordinance (Cap. 591). It stipulates that the Ordinance shall expire at midnight on 30 June 2047, which is the day on which the land use period of the land use right of the Hong Kong Port Area acquired by way of the lease is to expire. However, section 14(2) also provides that, if the land use right is terminated earlier or the lease is renewed after its expiry, the Secretary for Security shall by notice in the Gazette publicize the date on which the land use right or the lease is to expire, and the Ordinance shall expire at midnight on the published date. In this connection, the aforementioned section 14(1) is not a so-called “sunset provision” that strictly limits the duration for the operation of the Ordinance.

As for the case of the WKS of the Guangzhou-Shenzhen-Hong Kong Express Rail Link (“XRL”), the use of the Mainland Port Area by Mainland personnel in conducting clearance procedures for high-speed rail passengers involves a practical demand for a venue. It would be essential for the HKSAR Government to discuss with the Mainland for

acquiring the right to use the Mainland Port Area as well as the duration and fee involved; such will be provided for by an agreement to be signed by both sides. The Mainland will separately pay, to the operator of the WKS, the maintenance and management fees of relevant buildings and structures and related facilities in the Mainland Port Area. We are now conducting discussions with the Mainland and will set out the details to the LegCo at an appropriate juncture. Whilst we note that the duration for the operation of the Shenzhen Bay Port Hong Kong Port Area Ordinance is connected with the land use period of the Hong Kong Port Area, we consider that the arrangement serves as a reference rather than a rule to follow. As a matter of fact, the Decision of the Standing Committee of the National People's Congress on Approving 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 endorsed on 27 December 2017 did not specify any expiry date for the implementation of the co-location arrangement.

(2) Details of the security measures and facilities in the WKS

Taking into consideration of the functions, overall layout, security risks and passenger throughputs, etc. of the WKS, the Security Bureau and the operator of the Hong Kong Section of the XRL have formulated relevant security standards and requirements which shall cover different security areas to ensure the safety of the WKS. Some straight-forward examples are set out as follows –

- (1) Apart from the passenger immigration clearance corridors, it is necessary to have robust structural partitioning, barriers and safety facilities on the

boundary between the two port areas to ensure that there will be no illegal boundary crossing;

- (2) All the emergency doors for escape or firemen's access and corridors connecting the two port areas shall not be used for other purposes. They shall be locked and under the full control and management of the HKSAR. Security facilities such as closed-circuit television cameras, alarm systems, etc. will also be installed to ensure that no person could make use of these doors or corridors to cross the boundary illegally. Conspicuous signs are required to be displayed to warn against illegal usage of these doors and corridors;
- (3) To prevent passengers on the platforms from accessing to the tracks, the platforms shall be protected by safety panels except for the boarding locations;
- (4) The authorities of both sides shall deploy law enforcement officers to patrol their own port areas. The operator of the Hong Kong Section of the XRL shall also arrange patrols by station officers and security guards to maintain station order and handle incidents as quickly as possible, particularly for behaviours that are likely to be in contravention of the laws and regulations; and
- (5) The identities and personal information of the working personnel shall be recorded for checking in future.

The two “Passenger Immigration Passageways” are located on the B2 Arrival Level and B3 Departure Level, which were clearly marked on the plans attached to the letter from the HKSAR Government to the LegCo Secretariat dated 26 February 2018 (LC Paper No. CB(4)659/17-18(01)). For the other corridors and doors connecting the two port areas, as well as the “Back-up Sites of the Station”, the HKSAR Government cannot fully disclose their locations due to security risk considerations, taking into account the fact that the WKS is an important infrastructure and a control point. Nonetheless, as stated in the written response made by this Bureau to the LegCo Secretariat on 14 March 2018 (LC Paper No. CB(4)731/17-18(01)), these corridors and doors shall be protected by sufficient security and immigration control measures to prevent illegal cross-boundary activities.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Ronald C.', is positioned above the printed name.

(Ronald CHENG)

for Secretary for Transport and Housing

c.c. Secretary for Justice
Secretary for Security