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10 April 2018

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

Dear Ms Ching,

**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 4 April 2018, enclosing the follow-up enquiries from Hon IP Kin-yuen dated 29 March 2018. Our reply is as follows.

(1) Clearance matters in relation to the “Port Clearance Corridor for Goods and Trash” on B4 level of the West Kowloon Station

Persons who are allowed to enter and leave the Mainland Port Area through the “Port Clearance Corridor for Goods and Trash” on B4 level of the West Kowloon Station must be the designated personnel with valid permits under Article 7 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 (“Co-operation Arrangement”).

The Hong Kong Immigration Department (“ImmD”) and the Hong Kong Customs and Excise Department (“C&ED”) will station staff on B4 level of the West Kowloon Station to conduct clearance for staff passing through the “Port Clearance Corridor for Goods and Trash”. Whilst ImmD will handle the immigration clearance for the staff concerned, C&ED will handle the clearance for the items (including trash) carried or transported by these staff.

On the example raised by Hon IP, the handling approach will be no different from that in other control points. That is, where C&ED seizes any prohibited items at the West Kowloon Station during clearance for the personnel and items passing through the “Port Clearance Corridor for Goods and Trash”, investigations will be conducted under the laws of Hong Kong and in accordance with the established procedures.

In order to cope with the workload arising from the immigration and customs clearances at the West Kowloon Station, ImmD and C&ED will create 407 and 281 new posts respectively, and will be equipped with inspection facilities at the West Kowloon Station. In deployment of

such resources, we have already considered and factored in the manpower required to be stationed by the clearance departments for conducting clearances for the personnel and items passing through the “Port Clearance Corridor for Goods and Trash”.

(2) Supplementary agreement(s) and amendment bill(s)

The Guangzhou-Shenzhen-Hong Kong Express Rail Link (Co-location) Bill is drafted in accordance with the Decision of the Standing Committee of the National People’s Congress (“NPCSC”) made on 27 December 2017 as well as the approved Co-operation Arrangement in order to implement the Co-operation Arrangement.

As indicated in the NPCSC’s Decision, the Hong Kong Special Administrative Region should enact legislation to ensure the implementation of the Co-operation Arrangement. Should both sides subsequently sign supplementary agreement(s) pursuant to Article 16 of the Co-operation Arrangement¹, and the additional contents cannot be covered by the Guangzhou-Shenzhen-Hong Kong Express Rail Link (Co-location) Ordinance (“Ordinance”) to be enacted in future, the Government will put forward amendment bill(s) in the light of actual circumstances.

As for whether the supplementary agreement(s) will be “inconsistent” with the Ordinance, as well as whether the Legislative

¹ Article 16 of the Co-operation Arrangement stipulates that –
“Matters which are not fully addressed in this Co-operation Arrangement may be expressly provided for by means of supplementary agreement(s) to be signed between the two sides after consultation and reaching consensus.
If this Co-operation Arrangement needs to be amended as a result of any change in the conditions of operation or regulation of the West Kowloon Station Port or for any other reason, the two sides must, after consultation and reaching consensus, sign a written document and submit it to the Central People’s Government for approval.”

Council (“LegCo”) may initiate to amend the Ordinance, should the Government see the need to amend the content of the Ordinance in view of any supplementary agreement(s) subsequently signed, the Government will submit amendment bill(s) to the LegCo in due course to ensure that the supplementary agreement(s) can be smoothly implemented in Hong Kong in accordance with law. At that juncture, the LegCo may scrutinise the amendment bill(s) and decide whether the amendment bill(s) should be passed.

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