

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

**List of follow-up actions arising from the discussion  
at the meeting on 8 April 2018**

**Government response**

- (a) Provide document(s) and annex(es), if any, on the approval of the establishment of the West Kowloon Station Mainland Port Area and its specific area (including its coordinates) issued by the State Council**

The West Kowloon Station Mainland Port Area covers the designated areas on B2 and B3 levels, the platform areas on B4 level, as well as the relevant connecting passageways, and includes the Mainland Clearance Area and back office, the waiting hall for departing passengers, station platforms and the connecting passageways and escalators.

Pursuant to the Decision of the Standing Committee of the National People's Congress ("NPCSC") on Approving the Co-operation Arrangement between the Mainland and the Hong Kong Special Administrative Region ("HKSAR") 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 ("Decision") made on 27 December 2017, the establishment of the West Kowloon Station Mainland Port Area and its specific area are to be approved by the State Council.

After the NPCSC's Decision, the HKSAR Government submitted, via the Hong Kong and Macao Affairs Office of the State Council

(“HKMAO”), the proposed area (including its coordinates) of the West Kowloon Station Mainland Port Area to the State Council for seeking its approval. The area in the submission was identical to that of Schedule 2 to the Guangzhou-Shenzhen-Hong Kong Express Rail Link (Co-location) Bill (“Bill”). The HKMAO also notified the HKSAR Government subsequently that the establishment of the West Kowloon Station Mainland Port Area and its specific area had been approved by the State Council.

As for the request for providing the document(s) issued by the State Council, it is not the usual practice for the HKSAR Government to disclose document(s) on the HKSAR Government’s communication with the Central Authorities. We regret that relevant document(s) cannot be provided.

**(b) Consider including more details in the Preamble to explain the background of the Bill, such as the Explanations on the Draft Decision 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, and the document(s) and annex(es), if any, issued by the State Council mentioned in item (a) above**

As stated in paragraph 2.1.10 of Drafting Legislation in Hong Kong — A Guide to Styles and Practices, “Preambles are rarely used in Hong Kong Ordinances these days. A preamble is appropriate if an explanation of certain facts is necessary to provide a context in which to understand the legislation.”

The Bill is prepared for the third step of the “Three-step Process”

to put in place the co-location arrangement at the West Kowloon Station of the Guangzhou-Shenzhen-Hong Kong Express Rail Link. Hence, its relevant context is the first and second steps of the “Three-step Process”, namely 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 and the NPCSC’s Decision mentioned in paragraphs (1) and (2) of the Preamble respectively. The content of the Preamble of the Bill as currently drafted serves the purpose of setting out the relevant context. As for the fact that the establishment of the Mainland Port Area and its specific area had been approved by the State Council mentioned in paragraph (a) above, such a requirement forms part of the Decision and thus we consider that the existing Preamble has adequately covered the relevant background.

**Department of Justice**  
**Transport and Housing Bureau**  
**20 April 2018**