

**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 5 May 2018**

The Administration was requested to:

- (a) consider providing definitions for the terms "investigation", "legal proceedings" and "remedy" appearing in Clause 7(1)(b) of the Bill;
- (b) in relation to Clause 8(1)(b) concerning future Court orders etc, consider whether to adopt provision(s) similar to section 13 of the Shenzhen Bay Port Hong Kong Port Area Ordinance (Cap. 591) for the purpose of the Bill;
- (c) in terms of drafting, consider expressly providing in Clause 8(3) of the Bill (such as through the use of the expression "for the avoidance of doubt") that the operation of Clause 6(1) of the Bill (relating to the application of the laws of the Mainland and the delineation of jurisdiction) would not be affected by Clause 8(3);
- (d) consider clarifying the meaning of and providing definitions for certain terms appearing in the Co-operation Arrangement as reproduced in Schedule 1 to the Bill, such as "維修養護" (which is not an usual phrase used in local legislation) and "環境管制" (which is a very general phrase) in Article 7(2) and (4) of the Co-operation Arrangement respectively;
- (e) clarify whether Article 7(1) of the Co-operation Arrangement would give rise to the issue of overlapping jurisdiction in that designated personnel would be subject to both the laws of the Hong Kong Special Administrative Region ("HKSAR") and the laws of the Mainland, in particular, clarify the effect of Article 7(1) in a scenario where a designated personnel is in possession of a prohibited item under Mainland laws when performing his/her duties in the Mainland Port Area; and
- (f) in respect of Article 7(5) of the Co-operation Arrangement, for the purpose of making clear the extent to which the HKSAR exercises jurisdiction over contractual or other legal relationships of a civil nature among bodies and/or individuals in the Mainland Port Area,

clarify whether it is intended that Article 7(5) would only cover contractual or other legal relationships of a civil nature between e.g. the Hong Kong operator of the Guangzhou-Shenzhen-Hong Kong Express Rail Link vis-à-vis its staff member(s), service provider(s) vis-à-vis passenger(s), or alternatively, it is intended that Article 7(5) would cover contractual or other legal relationships of a civil nature between all the bodies or individuals particularized in Article 7(5), such as between individual passengers.

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