

**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 27 April 2018**

**Government response**

**1. The Administration was requested to:**

- (a) provide a written account of the Administration’s response to Hon Charles Peter MOK’s enquiry on whether the relevant Mainland authorities have the authority to collect evidence directly from the Hong Kong mobile network service providers in the course of investigation of any incident or crime that had allegedly taken place in the train compartments**

Pursuant to Article 7(3) of 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 (“Co-operation Arrangement”), matters relating to the carrying on of business of the Hong Kong operator of the Guangzhou-Shenzhen-Hong Kong Express Rail Link (“XRL”) and service provider(s) are governed by the HKSAR in accordance with the laws of the HKSAR, and thus belongs to a “reserved matter” under Clause 3 of the Guangzhou-Shenzhen-Hong Kong Express Rail Link (Co-location) Bill (“Bill”). In this connection, provision of service by Hong Kong telecommunications operators in the Mainland Port Area, including whether customer information may be disclosed, is regulated by Hong Kong law, and the Mainland laws do not apply. It is thus not necessary for Hong Kong telecommunications operators to provide

customer information at the request of Mainland law enforcement authorities.

**(b) explain the difference between “Hong Kong Clearance Area”, which appears in Plan No. 1 in Schedule 2 to the Bill, and “Hong Kong Port Area”**

As explained in the letter dated 22 February 2018 from the Government in response to the Legal Service Division of the Legislative Council (“LegCo”) Secretariat (LC Paper No. CB(4)631/17-18(01)), the Hong Kong Clearance Area and Passenger Corridor is coloured in blue on Plan No. 1 in Schedule 2 to the Bill in order to indicate the position of the Hong Kong Port Area of the West Kowloon Station. Hong Kong Clearance Area is part of the Hong Kong Port Area.

**(c) explain the purpose of detailing the location and boundary points (including their coordinates) of the Shek Kong Stabling Sidings in Schedule 3 to the Bill**

Pursuant to Clause 5(2)(a) of the Bill, a passenger train is not in operation while within the Shek Kong Stabling Sidings. For the avoidance of doubt, the Bill comprises Schedule 3 to clearly set out the specific location and area of the Shek Kong Stabling Sidings with boundary points and coordinates, which assist in defining a passenger train in operation.

**(d) explain the absence of any notes and/or legend in respect of the areas coloured blue and marked “Hong Kong Clearance Area and Passenger Corridor” in Plan No. 1 in Schedule 2 to the Bill**

As explained in the letter dated 22 February 2018 from the Government in response to the Legal Service Division of the LegCo

Secretariat (LC Paper No. CB(4)631/17-18(01)), the Hong Kong Clearance Area and Passenger Corridor is coloured in blue on Plan No. 1 in Schedule 2 to the Bill in order to demonstrate that the position of the Hong Kong Port Area of the West Kowloon Station is adjacent to the Mainland Port Area. This is meant for illustration purpose, and will not affect the effect of any provision of or Schedule to the Bill. As such, it is not necessary to add any notes and/or legend to the mentioned area coloured in blue.

- 2. The Administration was requested by the Legal Advisers to the Bills Committee to consider providing information on the port liaison and coordination mechanism, the mechanism to be set up together with the Mainland authorities for handling emergencies, emergency plan(s) to be drawn up together with the Mainland authorities in relation to sudden or emergency incidents, the liaison officer system for communication between the HKSAR and the Mainland authorities and arrangement of regular joint drill exercises, and the collaborative implementation plan to be formulated and signed with the Mainland authorities for the operational arrangement of the West Kowloon Station Port as stated in Chapter 4 of the Co-operation Arrangement**

According to the principles under Article 11 of the Co-operation Arrangement, the HKSAR and the Mainland agree to set up a port liaison and coordination mechanism. With reference to the liaison and coordination mechanism which has been effective in other existing control points, both sides will establish daily liaison and coordination mechanism for the West Kowloon Station. Under the mechanism, the HKSAR Government and Mainland authorities stationed at the West Kowloon Station Port will put in place a system of daily liaison officers and telephone hotlines among themselves, and formulate the inter-departmental liaison arrangement between both sides for

communications on matters in relation to daily port operation involving various departments at the two port areas.

In cases of sudden and emergency incidents in the Mainland Port Area, the Mainland Authorities Stationed at the Mainland Port Area may request and authorize the rescue team of the HKSAR (including first aid personnel, Fire Services officers and Police officers) to enter the Mainland Port Area and provide assistance in handling the situation and rescue operations for the purposes of avoiding or minimising casualty or property damage and ensuring that the situation is contained. Based on the principle of “prioritizing rescue”, the HKSAR Government and relevant Mainland authorities are now actively discussing the details of the operational mechanism in such circumstances, including the liaison mechanism between both sides and the drill exercises to be conducted under such a mechanism.

Under Article 13 of the Co-operation Arrangement, the two places agree to formulate and sign a collaborative implementation plan for the operation and management of the West Kowloon Station Port in accordance with the principles established under the Co-operation Arrangement. The plan will prescribe the details of their collaboration in the operation and management of the West Kowloon Station Port.

The Transport and Housing Bureau, Security Bureau and other relevant departments have already formed a coordination conference and working groups with the relevant Mainland authorities. Both sides are now discussing matters requiring the co-operation and coordination of the two places in order to implement the Co-operation Arrangement and ensure the effective operation of the Hong Kong Section of the XRL and the West Kowloon Station Port. These matters include property management and maintenance, the monitoring of the port area and facilities management, clearance arrangement, quarantine arrangement, as well as the permit for the HKSAR designated personnel’s entry into the

Mainland Port Area for performing duties under Articles 3 and 7 of the Co-operation Arrangement. The collaborative implementation plan will set out the arrangement as agreed between both sides on the above matters.

**Transport and Housing Bureau**

**Security Bureau**

**Department of Justice**

**6 May 2018**