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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 enquiry from Hon LAM Cheuk-ting dated 7 May 2018

We refer to your letter dated 8 May 2018, enclosing a follow-up enquiry from Hon LAM Cheuk-ting of 7 May 2018 in respect of the performance of international agreements by the Hong Kong Special Administrative Region (“HKSAR”) in the Mainland Port Area (“MPA”) at the West Kowloon Station. Our reply is as follows.

Parts (1) and (3) of Hon LAM Cheuk-ting’s enquiry

The specific question of whether international agreements entered into by the HKSAR as a contracting party would continue to apply in the MPA at the West Kowloon Station needs to be analysed in

consideration of the facts of the individual case and other relevant factors, including the intent, purpose and objective of the agreement concerned, the persons to whom it applies, the content of its provisions, as well as the functions of the MPA and the activities carried out there.

Regarding the Vienna Convention on the Law of Treaties mentioned in the enquiry, the contracting party is the People's Republic of China and not the HKSAR.

In relation to the MPA, the HKSAR Government has communicated with the CPG on the applicability of international agreements thereat. Both sides consider that the MPA, as a clearance port, is mainly used for the purposes of immigration, customs and quarantine, and the area involved is minimal. Substantial difficulties in applying international agreements due to the implementation of co-location arrangement in the MPA would be rather unlikely. Where necessary, the HKSAR Government and the CPG would engage in consultations on the implementation of international agreements in the MPA and handle the matter as appropriate.

Part (2) of Hon LAM Cheuk-ting's enquiry

Given the manner of dealing with the implementation of the relevant international agreements in the MPA as mentioned above, no question would arise as to whether the CPG has to issue diplomatic notes for substituting the HKSAR in discharging obligations under international agreements.

Yours sincerely,



(Ronald CHENG)

for Secretary for Transport and Housing

c.c. Secretary for Justice
Secretary for Security