

OFFICIAL RECORD OF PROCEEDINGS

Thursday, 2 November 2017

The Council continued to meet at Nine o'clock

MEMBERS PRESENT:

THE PRESIDENT

THE HONOURABLE ANDREW LEUNG KWAN-YUEN, G.B.S., J.P.

THE HONOURABLE JAMES TO KUN-SUN

THE HONOURABLE LEUNG YIU-CHUNG

THE HONOURABLE ABRAHAM SHEK LAI-HIM, G.B.S., J.P.

THE HONOURABLE TOMMY CHEUNG YU-YAN, G.B.S., J.P.

PROF THE HONOURABLE JOSEPH LEE KOK-LONG, S.B.S., J.P.

THE HONOURABLE JEFFREY LAM KIN-FUNG, G.B.S., J.P.

THE HONOURABLE WONG TING-KWONG, G.B.S., J.P.

THE HONOURABLE STARRY LEE WAI-KING, S.B.S., J.P.

THE HONOURABLE CHAN HAK-KAN, B.B.S., J.P.

THE HONOURABLE CHAN KIN-POR, G.B.S., J.P.

DR THE HONOURABLE PRISCILLA LEUNG MEI-FUN, S.B.S., J.P.

THE HONOURABLE WONG KWOK-KIN, S.B.S., J.P.

THE HONOURABLE MRS REGINA IP LAU SUK-YEE, G.B.S., J.P.

THE HONOURABLE PAUL TSE WAI-CHUN, J.P.

THE HONOURABLE CLAUDIA MO

THE HONOURABLE MICHAEL TIEN PUK-SUN, B.B.S., J.P.

THE HONOURABLE STEVEN HO CHUN-YIN, B.B.S.

THE HONOURABLE FRANKIE YICK CHI-MING, S.B.S., J.P.

THE HONOURABLE WU CHI-WAI, M.H.

THE HONOURABLE YIU SI-WING, B.B.S.

THE HONOURABLE MA FUNG-KWOK, S.B.S., J.P.

THE HONOURABLE CHARLES PETER MOK, J.P.

THE HONOURABLE CHAN CHI-CHUEN

THE HONOURABLE CHAN HAN-PAN, J.P.

THE HONOURABLE LEUNG CHE-CHEUNG, S.B.S., M.H., J.P.

THE HONOURABLE ALICE MAK MEI-KUEN, B.B.S., J.P.

DR THE HONOURABLE KWOK KA-KI

THE HONOURABLE KWOK WAI-KEUNG, J.P.

THE HONOURABLE DENNIS KWOK WING-HANG

THE HONOURABLE CHRISTOPHER CHEUNG WAH-FUNG, S.B.S., J.P.

DR THE HONOURABLE FERNANDO CHEUNG CHIU-HUNG

DR THE HONOURABLE HELENA WONG PIK-WAN

THE HONOURABLE IP KIN-YUEN

DR THE HONOURABLE ELIZABETH QUAT, B.B.S., J.P.

THE HONOURABLE MARTIN LIAO CHEUNG-KONG, S.B.S., J.P.

THE HONOURABLE POON SIU-PING, B.B.S., M.H.

DR THE HONOURABLE CHIANG LAI-WAN, J.P.

IR DR THE HONOURABLE LO WAI-KWOK, S.B.S., M.H., J.P.

THE HONOURABLE CHUNG KWOK-PAN

THE HONOURABLE ALVIN YEUNG

THE HONOURABLE ANDREW WAN SIU-KIN

THE HONOURABLE CHU HOI-DICK

THE HONOURABLE JIMMY NG WING-KA, J.P.

DR THE HONOURABLE JUNIUS HO KWAN-YIU, J.P.

THE HONOURABLE HO KAI-MING

THE HONOURABLE LAM CHEUK-TING

THE HONOURABLE HOLDEN CHOW HO-DING

THE HONOURABLE SHIU KA-FAI

THE HONOURABLE SHIU KA-CHUN

THE HONOURABLE WILSON OR CHONG-SHING, M.H.

THE HONOURABLE YUNG HOI-YAN

DR THE HONOURABLE PIERRE CHAN

THE HONOURABLE CHAN CHUN-YING

THE HONOURABLE TANYA CHAN

THE HONOURABLE CHEUNG KWOK-KWAN, J.P.

THE HONOURABLE HUI CHI-FUNG

THE HONOURABLE LUK CHUNG-HUNG

THE HONOURABLE LAU KWOK-FAN, M.H.

THE HONOURABLE KENNETH LAU IP-KEUNG, B.B.S., M.H., J.P.

DR THE HONOURABLE CHENG CHUNG-TAI

THE HONOURABLE KWONG CHUN-YU

THE HONOURABLE JEREMY TAM MAN-HO

MEMBER ABSENT:

THE HONOURABLE KENNETH LEUNG

PUBLIC OFFICERS ATTENDING:

THE HONOURABLE MATTHEW CHEUNG KIN-CHUNG, G.B.M., G.B.S.,
J.P.

CHIEF SECRETARY FOR ADMINISTRATION

THE HONOURABLE RIMSKY YUEN KWOK-KEUNG, G.B.M., S.C., J.P.
SECRETARY FOR JUSTICE

THE HONOURABLE JOHN LEE KA-CHIU, S.B.S., P.D.S.M., J.P.
SECRETARY FOR SECURITY

THE HONOURABLE FRANK CHAN FAN, J.P.
SECRETARY FOR TRANSPORT AND HOUSING

THE HONOURABLE MICHAEL WONG WAI-LUN, J.P.
SECRETARY FOR DEVELOPMENT

MR SONNY AU CHI-KWONG, P.D.S.M., J.P.
UNDER SECRETARY FOR SECURITY

CLERKS IN ATTENDANCE:

MS ANITA SIT, ASSISTANT SECRETARY GENERAL

MISS FLORA TAI YIN-PING, ASSISTANT SECRETARY GENERAL

MR MATTHEW LOO, ASSISTANT SECRETARY GENERAL

GOVERNMENT MOTIONS

PRESIDENT (in Cantonese): Morning everyone. This Council will now continue to deal with the motion on taking forward the follow-up tasks of the co-location arrangement at the West Kowloon Station of the Guangzhou-Shenzhen-Hong Kong Express Rail Link.

**MOTION ON TAKING FORWARD THE FOLLOW-UP TASKS OF THE
CO-LOCATION ARRANGEMENT AT THE WEST KOWLOON
STATION OF THE GUANGZHOU-SHENZHEN-HONG KONG EXPRESS
RAIL LINK**

Continuation of debate on motion which was moved on 26 October 2017

PRESIDENT (in Cantonese): Mrs Regina IP, please speak.

(Mr CHAN Chi-chuen stood up and requested a headcount)

PRESIDENT (in Cantonese): Will the Clerk please ring the bell to summon Members back to the Chamber.

(After the summoning bell had been rung, a number of Members returned to the Chamber)

PRESIDENT (in Cantonese): Mrs Regina IP, please speak.

MRS REGINA IP (in Cantonese): Good morning, fellow Members. I speak in support of the motion moved by the Secretary for Transport and Housing and the "Three-step Process" proposed by the Government. I will not repeat the speed and convenience to be brought by the co-location arrangement and the Guangzhou-Shenzhen-Hong Kong Express Rail Link ("XRL"), since Mr Frankie YICK sitting next to me has already made a thorough elaboration on this point. But I wish to respond to some rather unfair accusations expressed in recent comments concerning the co-location arrangement.

First, an often heard accusation is that the co-location arrangement is equivalent to cession of land and sell-out of Hong Kong. But Article 1 of the Basic Law stipulates that "The Hong Kong Special Administrative Region is an inalienable part of the People's Republic of China", and that in Article 7, it stipulates that "The land and natural resources within the Hong Kong Special Administrative Region shall be State property. The Government of the Hong Kong Special Administrative Region shall be responsible for their management, use and development and for their lease or grant to individuals, legal persons or organizations for use or development. The revenues derived therefrom shall be exclusively at the disposal of the government of the Region". President, this practice is the same as the practice adopted before the reunification. President, as you know, before the reunification our land was called Crown Land, and it belonged to the sovereign state. Any piece of land granted by the Government had an expiry date and the buyer was only granted the right to use the land. It is untenable to say that having a place under Mainland jurisdiction within West Kowloon Station for implementing co-location clearance is equivalent to ceding land or selling out Hong Kong. I thus hold that this argument may mislead the public and does not acknowledge our country's sovereignty.

Second, some accusations claim that the co-location arrangement will ruin "one country, two systems". I think this is an exaggerated worry, given that State President XI Jinping has unprecedentedly said for more than once at the opening of the 19th National Congress of the Communist Party of China that the State attaches great importance to "one country, two systems", and that the "two systems" can be vigorously developed under the "one country" principle. This explicitly shows that "one country, two systems" is a long-term national strategy of the State and it will not be changed casually. I deeply believe that with the arrangement forged by the SAR Government and the Central Government and the authorization of the Standing Committee of the National People's Congress ("NPCSC"), the concern that Mainland officers will be enforcing laws in Hong Kong can be addressed.

Some people worry that the co-location arrangement, after implemented in West Kowloon Station of XRL, will become a common practice throughout the territory. I think their fear is exaggerated, since, you know, the co-location arrangement is meant to realize the convenience of the XRL. Other control points have implemented other clearance methods which have proven effective and they need not change to the co-location arrangement. And actually no other places have done so. Hence, this is a unique arrangement meant for the smooth

departure and entry of passengers. There is really no need to exaggerate the matter. In my daily contact with members of the public, I have not come across any of them with concerns that this arrangement may become a common practice throughout the territory, or fears that Mainland officers will take law enforcement actions in the territory. This fear is also exaggerated. If Hong Kong people were truly that afraid, there would not be so many people crossing the border every day. As a matter of fact, many people cross the border daily for work, business, education or travel, and their opinions about the systems in the Mainland are not as terrible as some people have described.

Lastly, I wish to talk about economic returns. I have no intention to argue with Secretary Frank CHAN on whether the economic returns should be \$200 billion, \$300 billion or \$2,000 billion because all these figures derived from calculation are only current estimates and the actual economic returns will only be available when XRL commissions services. But I deeply believe that the economic returns to be brought by XRL after its commissioning will be multiplied; in other words, there will be a multiplying effect. We should not just look at the ticketing income of XRL, which is only the direct return. I believe XRL can generate many indirect incomes after it commissions services, and this will give impetus to the economic growth of Hong Kong.

I do not think West Kowloon Station is the hub in the XRL network. The hub should be Shenzhen North Station or Guangzhou South Station. People who have been to these two XRL stations will know that they are like an airport with many railway lines to choose from, while our station only has one railway line, that is the XRL. I think our station is only a spoke in the Mainland hub, that means a hub and spoke distribution in which our station is a spoke that connects to the hub in the Mainland. However, if Hong Kong fails to serve as a spoke to connect to the Mainland, it will become an isolated island.

I also beg to differ with the views that suggest locating the XRL station at Kam Sheung Road and query that the present location will be inconvenient for people living in the New Territories who will have to travel all the way to West Kowloon to take the XRL. I hold that these views have oversimplified the matter. They assume that future passengers of XRL are all New Territories West or New Territories East residents. Just imagine how convenient it will be if we have an XRL station in Hong Kong, so that people around the world or coming from Europe, the United States and Southeast Asia can just take one ride from West Kowloon to Shenzhen North or Guangzhou South, and they can then

connect to the country-wide railway network. It may even be possible that in the future, the network will be extended to Southeast Asia and further extended along the Belt and Road to Europe. I thus believe that the economic opportunities that can be brought to Hong Kong people will be far beyond Secretary Frank CHAN's estimated \$260 billion.

President, West Kowloon Station of the XRL is closely related to the future fate of Hong Kong. If we do not have this station, we cannot connect to the enormous Mainland market, a hinterland with huge resources, and we will become an isolated island. This will seriously undermine our competitiveness in the long run and reduce the opportunities for Hong Kong people. I thus support the government motion.

MS YUNG HOI-YAN (in Cantonese): President, as we are now approaching the target commissioning date of the Hong Kong Section of the Guangzhou-Shenzhen-Hong Kong Express Rail Link ("XRL") in the third quarter of next year, the co-location arrangement has become a matter of great concern and there have been extensive discussions in society since the announcement of the Government's proposal on 25 July this year. Among the citizens with whom I have contact, most are in support of and looking forward to the early commissioning of XRL. It is also their hope that the co-location arrangement can be implemented at West Kowloon Station, so that they will not be required to complete the customs, immigration and quarantine procedures once again in the Mainland when they travel on XRL in the future. As a matter of fact, the commissioning of XRL and the implementation of the co-location arrangement at West Kowloon Station are conducive to achieving saving in time costs, promoting connections and communications between Hong Kong and the Mainland in various aspects such as industry and commerce, finance, professional services, strengthening Hong Kong's status as an international financial centre, and eventually achieving a multi-win situation.

President, the opposition camp considers that the proposed co-location arrangement is in contravention of the Basic Law. I believe that in the process of discussions between the SAR Government and the Mainland authorities, legal experts of both sides will definitely strive to ensure that the arrangement adopted is in line with the policy of "one country, two systems" and shall not contravene the Basic Law. When local legislation is enacted next year, Members of the opposition camp will have the opportunity to conduct detailed and thorough

discussions and examination of the legal opinions involved. However, the opposition camp is now stubbornly clinging to its own views, indiscriminately describing the proposed implementation of the co-location arrangement at West Kowloon Station as "cession-based co-location arrangement", and oversimplifying the whole issue as a move to undermine the principle of "one country, two systems", contravene the Basic Law and deprive Hong Kong people of their rights. The only objective of doing so is to completely do away with the proposal to implement the co-location arrangement at West Kowloon Station.

I am very doubtful whether they are really working sincerely for what is good for Hong Kong and the people, or they are determined to carry out their political missions and achieve their political objectives and for this purpose, will not hesitate to do anything that will sacrifice people's interests and do harm to the overall development of Hong Kong. In my opinion, the opposition camp lacks confidence in the Central Government and SAR Government, and this may be the cause all such unnecessary misunderstandings. A very few of them have also used the co-location arrangement proposed to be implemented at West Kowloon Station as a political tool to resist Hong Kong's integration with the Mainland.

Some Members of the pan-democratic camp have claimed that they must get rid of the proposed co-location arrangement at West Kowloon Station so that XRL cannot be commissioned as scheduled. This will in fact marginalize Hong Kong, thus pushing Hong Kong to the edge of a cliff and inducing irreversible harm on the overall interests of Hong Kong. In so doing, Hong Kong will only cut itself off entirely from the path of development.

President, Members of the pan-democratic camp criticize the SAR Government for not consulting the public on the proposed co-location arrangement at West Kowloon Station, but this is after all the means and tricks adopted by the opposition camp to confuse right and wrong, and try to fool us with public opinions. They strongly oppose all initiatives which are conducive to Hong Kong's integration with the Mainland, and give priority consideration to their own political considerations rather than the overall interests of Hong Kong people and the country. They fear that they will be put in a very embarrassing political position after the successful passage of the proposed co-location arrangement at West Kowloon Station, and their responses to the proposal actually stem from their own political considerations.

President, I am not going to elaborate repeatedly here the convenience of implementing the co-location arrangement at West Kowloon Station, but I would like to emphasize that with the overall interests of Hong Kong in mind, the only objective for implementing the arrangement is to give full play to the effectiveness of the Hong Kong Section of XRL, so as to achieve better connections with the Mainland.

With these remarks, President, I support the original motion moved by the Secretary for Transport and Housing, and oppose the amendments proposed respectively by nine Members. Thank you.

MR LUK CHUNG-HUNG (in Cantonese): President, I declare in the first place that I am the Director-General of the Hong Kong Railway Employees Union. I support the motion moved by the Secretary for Transport and Housing on taking forward the follow-up tasks of the co-location arrangement at the West Kowloon Station of the Guangzhou-Shenzhen-Hong Kong Express Rail Link ("XRL").

First of all, I would like to thank the current-term Government for moving this motion for this is an act signifying the Government's full respect for this Council and the great deal of importance it has attached to the relationship between the Executive Authorities and the Legislature. Moreover, this shows that Mrs Carrie LAM's new style of policy implementation is duly put into practice in the way that the public can hear all views for and against the issue being discussed openly in this Council. This is an important step before implementing the "Three-step Process" (i.e. reaching a Co-operation Arrangement with the Mainland, seeking the approval and endorsement of the Co-operation Arrangement by the Standing Committee of the National People's Congress ("NPCSC") through a decision to be made by the NPCSC, as well as commencing the local legislative process thereafter) for the sake of creating more favourable conditions to facilitate smooth implementation of the "Three-step Process". Unfortunately, the Government only received a cold shoulder in return for its good intentions shown.

President, the opposition camp has been using all sorts of excuses for filibustering over the past three weeks, including Rule 54 of the Rules of Procedure, which should only be invoked in case of emergencies but was taken as

a tool for filibustering, not to mention the trick of moving adjournment motions. The public cannot help but question: Is Hong Kong still supposed to drag on like this?

President, I have a dream, a dream about the express rail. Back in my childhood days, we used to take the hard-seat class of the "green train" without any air-conditioning when paying visits to our home town in Mainland China and we felt so bad on board the train. Not only was the train speed rather slow, we also had to put up with some of the passengers who smoked and ate inside the train compartments. That really made us so uncomfortable. In those days, we were so envious indeed upon learning from the news reports about the express rails of Japan (i.e. Shinkansen), France (i.e. TGV), and Europe (i.e. Eurostar). Then we saw a ray of hope at last about 20 years ago in 1998 as the State first introduced and began to operate the high-speed trains right across the river in Shenzhen. It was at that point that the Guangzhou-Shenzhen Railway started to adopt the new high-speed technology developed by Sweden. Subsequently, the State engaged in the autonomous innovation of electrical multiple unit ("EMU") trains such as DDJ1 (Great White Shark) and DJJ1 (Blue Arrow). At that time, the operating mode was experimental with a number of experiments and tests conducted. Those trains were travelling at a speed of over 200 km and was generally understood as "high-speed trains". Later in 2007, another EMU, i.e. CRH1A was launched, while the Guangzhou-Shenzhen Expressway (i.e. the section between Guangzhou and Shenzhen of the XRL) was commissioned in 2011. Yet, the express speed rail still remains so distant from Hong Kong, although it seems so close at hand somehow. It is just right across the river, but is still unreachable.

What on earth was the subject matter of our discussions in this Council over the past few weeks? The opposition camp has been attempting to draw the public into their line of thoughts so that they will regard the co-location arrangement proposed under the West Kowloon Project a proposal that has violated the Basic Law and is tantamount to selling out Hong Kong's territory while undermining its "high degree of autonomy". Therefore, the opposition camp raised a lot of queries about the effectiveness of the XRL. It is fine, of course, for them to raise queries since there is no crystal ball to help us predict the future. I just want to make a point here: Some objective facts are already facing us even though we do not have any crystal ball. We do know that the Hong Kong Section of the XRL will be linked to the national express rail network, now

stands at 22 000 km in length, which is by far the longest express rail network in the world so far. It will further extend to 38 000 km by 2025. Please note that the development of the State's express rail link has been growing at a rate of 9 km per day over the past five years. This rate of growth reflects the speed of the State's development. With this going hand in hand with the benefits to be brought by the XRL, we will see a multiplier effect in the emergence of new demands as well as new opportunities. Let us look at some Mainland figures, such as the number of train departures of the Beijing-Tianjin Inter-city Railway. At present, the number of daily train departures in these two big neighbouring cities stand at 251, representing an increase of 30% from five years ago. I believe that as the construction of the XRL is nearing completion, now is not the time for any more argument over whether construction should have commenced or how much economic benefits XRL will bring. What really matters now is how we can maximize the benefits to be brought by XRL.

As for the opposition camp's assertions about the Government's selling out Hong Kong's territory and undermining the "one country, two systems" which I have mentioned just now, they are indeed pseudo-propositions. Article 1 of the Basic Law clearly states that Hong Kong is an inalienable part of the State, while Article 6 also states that the land and natural resources within Hong Kong shall be State property. Referring to Article 20 of the Basic Law, we believe that both the Department of Justice, the various government departments and the Mainland departments had thoroughly considered all relevant matters and engaged in years of detailed logical arguments before coming up with such a proposal which complies with the Basic Law. Therefore, the opposition camp's argument of sacrificing the Basic Law in exchange for the not so much economic benefits as they may say is invalid because there is absolutely no issue of sacrificing the Basic Law or the "one country, two systems". The current proposal is entirely lawful, constitutional and consistent with the Basic Law. Given the independent judicial system in Hong Kong, anyone who considers the proposal unconstitutional, he can always apply for a judicial review. However, as we all know, four applications for judicial review against the co-location arrangement have been rejected by the court, which means that there is no need for instituting any legal proceedings for the time being. This tells us that their accusing the co-location arrangement of having violated the principle of "one country, two systems" is totally untenable. I hope the Government will put forward a proposal with specific details and the opposition camp will not keep putting labels on the Government while painting everything as demonic. We need to be truly

pragmatic in the sense that the legal professionals—I am not among them—have to advise the public from the legal point of view so as to give them peace of mind. I must, however, emphasize that what the opposition camp has asserted now is merely a pseudo-proposition.

Let us talk about the proposal of the co-location arrangement under the West Kowloon project which will help maximize the benefits to be brought by the XRL. Having listened to Members' speeches for quite a while, I realize that it is indeed the only viable option among all other alternatives. Our union is very clear about one thing, that is, as far as industry operation is concerned, both the "separate-location model" or the Futian "co-location model" must lead to operational unviability. I am not going to elaborate on this point here which had already been elucidated by Mr Michael TIEN. Anyway, I do not want to filibuster, President.

No matter which one, either the "on-board model" or the "co-location model" under the West Kowloon project, is adopted for carrying out customs, immigration and quarantine ("CIQ") procedures, it is necessary to allow Mainland government officials to enforce laws in Hong Kong territory. This being the case, the logic of the opposition camp becomes untenable. After all, the alternatives they have put forward are purely meant to deceive and mislead the public so that they can take advantage of the issue. They seem to offer more choices, but to be honest, those are not real choices and not practicable at all.

President, why does the opposition camp choose to go against public opinion and distance themselves from the reality? The public opinion is rather clear and we can make reference to some neutral and credible public opinions. According to the opinion poll conducted by the University of Hong Kong, 53% of the respondents supported the co-location arrangement, while 20% of them opposed it; and the poll done by The Chinese University of Hong Kong found that 55% of the respondents supported it, while 29% opposed it. If we exclude respondents who neither supported nor opposed the proposal and purely take into account the numbers of people supported and opposed it in calculating the ratio of the two groups of people, we will find that of all the respondents of the two opinion polls, as much as 65% supported the co-location arrangement. In a diversified community like Hong Kong, such a high percentage of supporters can convince us to take it as a kind of social consensus.

Of course, for the sake of their political interests and political calculations, the opposition camp has never ceased to make attempts to create panic, and such attempts include stigmatizing their rivals, false alarms, the "staples incident" and the Democratic Party's short film of "zombie train". I would like to put to Mr James TO, the most senior Member of this Council, this question: In February this year, he put forth a proposal of land-leasing to be administered by the Mainland, of which the idea was almost identical to the Government's current proposal. But why has he changed his mind now? Has he really decided to act in accordance with the party's stance instead of his own rational thinking? Frankly speaking, their putting forward the fake proposals urging the Government to conduct the so-called public consultation is simply a kind of delaying tactic. Their purpose is to delay the smooth commissioning of the XRL and the smooth implementation of the co-location arrangement. As a matter of fact, it is no different from filibustering.

Both the Basic Law and the principle of "one country, two systems" aim to allow Hong Kong's previous capitalist system to remain unchanged for the sake of maintaining the unique competitiveness of Hong Kong so that it will achieve better development. The principle of "one country, two systems" is not meant to make us ban something simply for fear of having possible risks and thus impose self-constraints to the effect that Hong Kong is deliberately made to split from the Mainland, where the "one country" contradicts "two systems", causing various inconveniences to Hong Kong as well as the Mainland. Even though the construction of the rail track of XRL has completed, the opposition camp still poses all sorts of obstacles either by putting forth the "separate-location model" or the Futian "co-location model" with the purpose of making it inconvenient for passengers travelling to and from the two places, and the XRL will lose its edge as a convenient mode of transport then while its passenger loads will drop as a result. That way, they are able to show their assertion that "people seldom take the XRL which is inconvenient and brings only little economic benefits" is sound. This is merely a strategy or trick of self-fulfilling prophecy in fact.

Back to my dream about the express rail. President, this is actually not a personal dream of mine. Dr SUN Yat-sen, the great revolutionary pioneer of China, had placed emphasis in his book, *Constructive Scheme for Our Country*, the goal of building 100 000 miles of railways as early as a century ago in 1917. In the book he wrote: "Communication is the mother of industrial development and railway is the mother of communication; whether a country is rich or poor can be measured by the size of its railway network; and whether a place is pleasurable can be reckoned by its proximity to railways." From this we know

that people did understand the importance of the railway to economy and livelihood even in as early as a hundred years ago. We are profoundly impressed by our predecessors' foresight indeed. What a regret that all these dreams did not come true eventually due to inadequate national strength in those days! Yet, today, a whole century later, both the dream of railway and the dream of reviving our great nation dreamed by the numerous capable people of China do become a reality in our generation.

The XRL is nearing completion and the right finishing touch is to be added so as to bring it to a close. The MTRCL has trained up over 700 XRL-related professionals by now who are well-prepared and ready to provide the public with high-quality and convenient XRL services. In other words, we are now in a situation where everything is ready except for the crucial green light. Therefore, it is imperative that the co-location arrangement be implemented at West Kowloon Station. I support the motion moved by the Secretary for Transport and Housing.

I so submit. Thank you, President.

MR CHRISTOPHER CHEUNG (in Cantonese): President, this time around the Government takes the initiative to propose this motion with no binding effect, so that legislators may debate the co-location arrangement of the Express Rail Link ("XRL") which the public are very concerned about. I believe the public will eventually understand that the proposal is in compliance with the Basic Law and in the best interest of Hong Kong.

The motion this time around is not part of the necessary step of the "Three-step Process", but it can show that the Government attaches a great deal of importance to public opinions. It is hoped that the legislature which represents public opinions can thoroughly discuss the co-location arrangement, so that the more the truth is debated, the clearer it will become, and the public may understand the convenience and economic efficiency brought by the co-location arrangement.

Since the announcement of the co-location arrangement, the opposition camp has been showing objection vigorously and resorted to filibustering and wasting the precious time of the legislature. The arguments repeated by them, including the amendments proposed by nine Members, are nothing more than claiming that the scheme will cede Hong Kong's territory and violate the Basic

Law. President, Hong Kong is a Special Administrative Region under "one country", so how can it cede Hong Kong's territory? Have they forgotten that the sovereignty of Hong Kong was returned to its mother country in 1997? Are they still dreaming nowadays that Hong Kong is still a British colony?

Pan-democratic Members are always self-righteous, and they keep fabricating one thing or another in order to mislead the public, saying that Mainland personnel would enforce Mainland law in Hong Kong's boundary. In fact, Mainland personnel would enforce Mainland laws only in the enclosed area of the Mainland Port Area. Unless people challenge Mainland laws, shout the slogan of "ending one-party dictatorship" and engage in unlawful activities connected with Hong Kong independence, there should be no cause of any fear. Why should a well-behaved person have any fear?

Pan-democratic Members always look at the momentous economic take-off of the Mainland like a frog looking up from the bottom of a well. They think that Hong Kong is still better than the Mainland in all aspects and they thus resist integration with the Mainland. Whenever they see any form of ties between the two places, they will call them "Mainlandization". Such a "political show" aims only to hinder the economic and trade exchanges between the two places, and to cause direct harm to Hong Kong's interest. I believe no Hong Kong person of sound mind will support any amendment proposed by the opposition camp.

President, in view of this government motion with no legislative effect and the pan-democratic camp's frequent claim many people are against co-location clearance, I conducted a questionnaire survey early this month to gauge the views of the Financial Services Functional Constituency on the issue. The findings of the survey are very positive and encouraging. I sent more than 400 electronic questionnaires and received some 2 000 replies with a week. Besides securities dealer, staff and relatives of securities dealers also actively responded. This is a bit surprising to me. Of all the questionnaires on the co-location arrangement, mine is the one receiving the most numerous responses. I hope the opposition camp will treat my questionnaire very seriously as it really represents public opinions.

The one pleasant surprise this questionnaire gives me is that all the responses are unambiguous, emphatic and clear. There are five questions in the questionnaire, and I wish to talk about two of them here. The first question is:

"Do you support co-location clearance for XRL?". Up to 75% of the respondents indicate their strong support. President, let me repeat that up to 75% of the respondents indicate their strong support, and counting also those respondents who indicate that they support the idea, up to 90% of the respondents indicate that they support the implementation of co-location clearance. When Mr James TO was delivering his speech just now, he said loudly that their opinion poll indicated that many people opposed the arrangement, I wish to tell him that my survey is the only one representing the true public opinion.

Another sensitive question is: "Do you believe that Mainland law enforcement personnel in the Mainland Port Area of West Kowloon Station of the Express Rail Link ("XRL") will not undermine Hong Kong's Rule of law?". About 66.6% of the respondents say they are very confident that Hong Kong's rule of law will not be undermined, and 21.1% of the respondents indicate that they are confident. Thus a total of 87% of the respondents have confidence in the arrangement. About 90% of the respondents say that they do not fear that co-location clearance will undermine the foundation of Hong Kong's rule of law.

Regarding the legal issues concerning the co-location arrangement, on top of the numerous explanations given by the Secretary for Justice, a number of legal experts in Hong Kong have given their views on various occasions in order to explain to the public that the co-location arrangement will not contravene the Basic Law. I wish to focus on the benefits to Hong Kong if the co-location arrangement is implemented.

Hong Kong is a metropolis, noted for its high efficiency over all the years. While Hong Kong's financial infrastructure is highly efficient, its transport system is also the most convenient in the region. All passengers, be they international passengers going to the Mainland via Hong Kong or Mainland passengers stopping over in Hong Kong en route to other countries, will be able to benefit from speed and convenience offered by co-location clearance.

The Transport and Housing Bureau estimates that in the 50-year operation of the Hong Kong Section of XRL, roughly 39 million hours of travel time will be saved annually. Quantified in money terms, this will mean a saving of \$90 billion annually. The benefits brought by the saving of time are hard facts, and it is difficult for the opposition camp to refute.

At present, the Guangdong-Hong Kong-Macao Bay Area ("Bay Area") project is all set for launching, so our ties with the Mainland will only get closer in the future. Moreover, as the Bay Area occupies a vast area and its population is high, a quality and efficient transport system for the flows of people and goods will help promote the economic development of the Bay Area.

Besides XRL, Hong Kong will also witness the completion of mega infrastructures such as the Hong Kong-Zhuhai-Macao Bridge and the three-runway system (3RS) of the Hong Kong International Airport. As soon as these infrastructures are commissioned, the external connectivity of Hong Kong will be further enhanced, which is helpful to the development of the Bay Area. The time taken to travel from Zhuhai and Macao to Hong Kong and the other way round will be shortened to 20 minutes to 30 minutes, in contrast to the present length of one hour by sea and three hours by land. This can expedite the emergence of a half-hour economic circle for places in Guangdong, Hong Kong and Macao. As travel time is shortened, people may travel to and from these places for multiple times a day, and work efficiency will be enhanced. The exchanges between Hong Kong people and Mainlanders will increase naturally and the ties will become closer. The trade between the two places will definitely increase and there will be more business opportunities.

President, just as President XI Jinping said during the 19th National Congress of the Communist Party of China, "Socialism with Chinese characteristics is entering a new era", and "China is realizing the China Dream and building a society of happiness". China has set the goal for long-term development. Hong Kong as a part of China should fully dovetail with the country's macro strategy of reaching out to the world. We should make good use of the convenience and edge of the co-location arrangement. We should work in coordination with cities within the Bay Area and in the national high-speed rail network. We should even connect ourselves with the strategic scheme of Belt and Road, so that we can go beyond Hong Kong, set our sight to thousand miles away and explore broader prospects for our economic network.

President, the entire financial services sector and I will give our unwavering support to the passage of the Government's motion and will object to all amendments.

IR DR LO WAI-KWOK (in Cantonese): President, the implementation of the co-location arrangement at the Hong Kong Section of the Guangzhou-Shenzhen-Hong Kong Express Rail ("XRL") is already imminent. The Government of the Special Administrative Region ("SAR") has now proposed a non-legally binding motion to the Legislative Council as a gesture of goodwill, showing respect for the function of this Council to monitor the Government and allowing various sectors of the community to fully air their views, with a view to agglomerating the highest degree of consensus in supporting the arrangement. Hence, the filibuster staged by the pan-democratic Members definitely does not have the support of the community.

Members from the Business and Professionals Alliance for Hong Kong ("BPA") and I fully recognize and support the implementation of the co-location arrangement at West Kowloon Station upon the commissioning of the Hong Kong Section of XRL in the third quarter of 2018 for the sake of bringing the greatest convenience and benefits to the general public. If there is no such an arrangement, all XRL passengers will need to disembark with all their luggage for border checks after entering into the Mainland territory. This will be highly disturbing to the passengers and will also be inefficient. This is just a rule of thumb. Among the various opinion polls conducted in Hong Kong, the co-location arrangement at West Kowloon Station proposed by the SAR Government thus got wide support from respondents.

We, at the same time, also notice that it is a significant development strategy of the country to advance the Belt and Road Initiative and the development of the Guangdong-Hong Kong-Macao Bay Area, with a view to promoting economic cooperation within the region so as to create tremendous synergy. In the 2017 Policy Address, the Chief Executive has also announced that the SAR Government will proactively create favourable conditions for this cause, so that the business and professional sectors can board the country's express train of development. One very important aspect is the improvement to linkage of cross-border infrastructure to ensure smooth flow of freight and passengers within the region, and here, the high-speed rail ("HSR") network is playing a conspicuous role.

In accordance with the country's plan to develop a high-speed rail network of eight horizontal lines and eight vertical lines by 2020, the national HSR network will reach 30 000 km and cover over 80% of major cities. If the co-location arrangement is implemented at West Kowloon Station, Hong Kong,

with the 26-km Hong Kong Section of XRL, can enjoy the coverage of the world-class national HSR network in terms of the total length, equipment and operational management of the network. Taking the national HSR network as an important infrastructure, the country is also striving for cooperation with Southeast Asian countries so as to form a Pan-Asian economic circle.

With the unique edge of the "one country, two systems" principle, Hong Kong can make use of the strategic infrastructure of XRL to further expedite its participation in the process concerning the Belt and Road Initiative and the development of the Guangdong-Hong Kong-Macao Bay Area, thus enabling it to dovetail smoothly with the Pan-Asian economic circle. This can facilitate the various business and commercial sectors of Hong Kong in their exploration of larger markets and more space, and can promote Hong Kong's long-term development and enhance its competitiveness. Besides, XRL can also facilitate local young people in their visits, studies, exchanges and work in the Mainland, with a view to enhancing their understanding of national affairs. It has provided new impetus and new prospects for upward mobility of the new generation in their academic, career and professional development.

President, the objective and special function of the XRL terminus at West Kowloon Station rest in helping to enhance Hong Kong as a major regional hub. Some pan-democratic Members say that West Kowloon Station cannot become a hub, which I think is a very lopsided and narrow point of view. We have quality infrastructure of external connectivity including an international airport with a three-runway system, the Hong Kong-Zhuhai-Macao Bridge and a Cruise Terminal of international level. Together with the Hong Kong Section of XRL, our sea, land and air transport systems can be conveniently connected to West Kowloon Station, thus assimilating into the wide national HSR network. This function of forming an enormous regional hub by the sea, land and air transport infrastructure of Hong Kong should not be underestimated or dwarfed.

From a pragmatic point of view, the co-location arrangement is a condition necessary to the commissioning of XRL, and this is also the reason of designing 15 platforms at West Kowloon Station. We can imagine that in the long-term development, we may have Platform 1 for Beijing line, Platform 2 for Shanghai line, Platform 3 for Guilin line and so on. In this way, HSR passengers from different cities can directly and conveniently arrive at West Kowloon Station, while passengers embarking at West Kowloon Station can also freely make use of the HSR network.

President, in regard to the amendments moved by a few non-establishment Members, I find that they are actually very similar, and the common point is their full of specious arguments. For example, they accuse the Administration for being rash in overlooking other possible options, ask to withdraw the proposal of implementing the co-location arrangement at West Kowloon Station or change the location for implementing the co-location arrangement to a certain HSR station in the Mainland, and even ask to adopt another proposal based on the principle of separate-location arrangement. As a matter of fact, in the course of discussion between the SAR Government and the Mainland authorities concerned over the past few years, the above alternatives have all been considered. The few non-establishment Members are merely putting forward some old and impractical proposals which will make it impossible for the Hong Kong Section of XRL to bring forth the expected benefits and for Hong Kong to take part in regional cooperation and development.

President, Members from BPA and I are in support of the original motion from the Government and are against the amendments from the few non-establishment Members. In our opinion, the SAR Government should, in the best interest of Hong Kong, be well prepared for starting the "Three-step Process" so as to unleash the greatest economic and social potentials of the Hong Kong Section of XRL. I so submit.

MR HO KAI-MING (in Cantonese): President, Mr Jeremy TAM made a remark yesterday which immediately led to whispering among colleagues. He said that it only took four minutes to go through the customs, immigration and quarantine ("CIQ") procedures. Mr Andrew WAN is present today. Comparatively speaking, since he often organizes high-speed rail ("HSR") tours, he may be more familiar with the situations in our country. Those people who often go to the Mainland will surely know that it will definitely take more than four minutes to go through the CIQ procedures. No matter how well Secretary John LEE has done, it is still impossible to complete the CIQ procedures in four minutes. Hence, I think many colleagues are not familiar with the situations in our country. Particularly in the case of travelling with small children, the family will have to queue up in front of the staffed counter concerned, and it is surely impossible to complete the CIQ procedures in four minutes. Thus, the remark made by Mr Jeremy TAM yesterday precisely shows that he is not well acquainted with the situations in the Mainland.

President, earlier on, I took a trial on HSR with some others colleagues from the Hong Kong Federation of Trade Unions. It was a coincidence that Mr Jeremy TAM was also taking his trial, but his personal feeling was greatly different from mine. Why? It is simply because his attitude was hostile. He took the trial but he did not want to get acquainted with the Mainland. He clearly knows that Mainland HSR tickets, either cheap or expensive, and with departure either at an earlier or later time, can be purchased in advance online. But he deliberately did not purchase them online but purchase them at the station. At the end, he could only get a ticket with non-reserved seat and had to stand in the train for half an hour before arriving at Guangzhou. He said he had a hard time. I, however, could sit comfortably on my way to Guangzhou with only \$50-odd.

Secondly, Mr Jeremy TAM thinks that Panyu is a remote area. I wonder if other Members will think likewise. But I believe most of the village fellows from Panyu will definitely not regard it as a remote area, especially when Guangzhou South Railway Station is an interchange station. For less distant destinations, you can take Guangzhou-Zhuhai intercity railway to Foshan and Zhuhai areas. For more distant destinations, you can take a train of another route to Xinjiang or Lanzhou. I think it will be a very good experience to travel to Lanzhou in 10.5 hours, seeing under our eyes the vast land and various parts of our country. I believe not a few people will be interested.

President, one of the arguments of Dr Fernando CHEUNG and other Members of the opposition camp who stand firm for not implementing the co-location arrangement at West Kowloon Station is that since 80% of the passengers are travelling between Hong Kong and Shenzhen or Guangzhou, the setting up of checkpoints at these two places, or at Shenzhen North Railway Station and Guangzhou South Railway Station to be exact, will suffice. However, if I am going to my home village in Dongguan, in their understanding, should I make a detour to Guangzhou first and then travel south to Dongguan? I think this is a troublesome way. Besides, many citizens may have to go to other places of Shenzhen like Guangming New District, or to Shibi or Humen Town. Are they also covered by those 80% of passengers? In the consideration of Members of the opposition camp, are these people being disregarded? However, if the co-location arrangement is implemented at the Guangzhou-Shenzhen-Hong Kong Express Rail Link ("XRL"), they can have direct access to such destinations without changing to other routes or

disembarking at another station for border checks. I believe that if the co-location arrangement is implemented, the public will surely know where to disembark for border checks in the most speedy and convenient way.

President, yesterday, I heard not a few Members of the opposition camp, such as Dr CHENG Chung-tai and Mr KWONG Chun-yu, the love philosopher, say that XRL was actually a kind of business which could not make a profit and thus should be closed as early as possible to prevent losing too much money. President, bearing that kind of logic, they surely cannot help at all in asking the bus companies or MTR Corporation Limited to reduce fares. Why? It is because these are private companies, and it does not make sense to ask private companies to reduce fares. In terms of ticket price level, the price level of HSR in China is the lowest among the HSRs in the world, and is only one eighth of the price levels of HSRs in Japan and France. The ticket price level of XRL is already being set at a low level, but they still ask to have it lowered and even have the project shelved. Then how can we rely on them to ask other public transport companies to reduce fares? At present, it costs \$38 to take a cross-border bus from Jordan to Shenzhen. Upon commissioning of XRL, you will only need to pay RMB45 for this route while enjoying the convenience brought by the co-location arrangement, with travelling time merely being one third of that of the cross-border bus. If I have children, I will definitely bring them to take XRL, instead of taking a bus from Huanggang Port to Shenzhen.

Nevertheless, another Member from the opposition camp said that the costs of XRL could not be recovered. I find it illogical and self-contradictory to take this as a reason against the construction of XRL. Because in the long run, the convenience, the amount of time saved and the enhanced comfort brought by XRL can surely benefit the public ...

(Mr CHAN Chi-chuen stood up)

PRESIDENT (in Cantonese): Mr HO Kai-ming, please hold on. Mr CHAN Chi-chuen, what is your point?

MR CHAN CHI-CHUEN (in Cantonese): President, I request a headcount.

PRESIDENT (in Cantonese): Will the Clerk please ring the bell to summon Members back to the Chamber.

(After the summoning bell had been rung, a number of Members returned to the Chamber)

PRESIDENT (in Cantonese): Mr HO, please continue with your speech.

MR HO KAI-MING (in Cantonese): President, a colleague just sent me a message about the two-day gourmet tour to Panyu and Jiangmen organized by Mr Andrew WAN. If someone says that Panyu is a remote area, I think Mr Andrew WAN will not agree with that.

President, we see that on the one hand, Members from the opposition camp ask for a reduction of XRL ticket prices which, they claim, should be based on the affordability of the public, but on the other hand, they criticize that XRL is not cost-effective and will surely suffer losses. President, what they say cannot be regarded as logic and is basically self-contradictory. In the long run, the convenience, the amount of time saved and the enhanced comfort brought by XRL can surely benefit the public. Hence, this cannot be regarded as losing money in a business but is purely a kind of social investment, an investment beneficial to the public.

President, I believe that the implementation of the co-location arrangement at XRL is only the beginning of making good use of the HSR network. If there is an abundant flow of passengers, I am sure that XRL can have direct access to various stations in the national network in due course. Nevertheless, as a passenger, I hope that the HSR system and various facilities in the Mainland can be made good use of. At present, for example, are we only able to purchase train tickets for departure from Hong Kong through the Hong Kong settlement system? If I need to transfer to another route in the Mainland, can I purchase train tickets for departure from the Mainland through the Hong Kong system? If this is positive, then it will be possible for us to depart from Hong Kong in the morning and reach Shibi on the same day to engross ourselves in the history of the Three Kingdoms.

Furthermore, President, HSR passengers can now order meal boxes from the fast food restaurants at various stations en route in advance, and the meal boxes will be delivered to them on the train by the staff of the respective restaurants. The passengers thus do not need to eat only the food purchased on the train. Can Hong Kong citizens also enjoy this service so that we do not need to eat the food purchased on the train every time we take XRL or HSR? If Hong Kong citizens can also purchase food from other fast food chains, comparatively speaking, the comfort in taking XRL or HSR can be further enhanced. Therefore, I hope that the Secretary will continue to discuss proactively with the National Railway Administration in the Mainland in order to strive for more welfare of this kind to Hong Kong people.

With these remarks, I support the original motion.

DR JUNIUS HO (in Cantonese): President, I rise to speak in support of the SAR Government's plan to follow the "Three-step Process" proposal announced on 25 July to take forward the follow-up tasks on the co-location arrangement, reach a Co-operation Arrangement with the Mainland and seek the endorsement, approval and confirmation by the Standing Committee of the National People's Congress ("NPCSC") and enact local legislation afterwards. As a matter of fact, the "Three-step Process" must proceed. At the same time, I reject all the amendments proposed by nine opposition Members.

Why do I support this proposal? I will share with Members my view from four angles. First, in fact, numerous Members have pointed out that we have spent eight years building the rail. After all the discussions, everyone is glad to see the light at the end of the tunnel and the chance that we can finally come out of it. Even if we cannot leave the tunnel yet, the end is in sight. If we miss the opportunity of the commissioning of the Express Rail Link ("XRL") in the third quarter next year, we will suffer economically, and the situation will be unjust to the general public of Hong Kong. While we have wasted time previously, the Mainland has been advancing rapidly. When we are squandering time, the Mainland is building 8 km to 9 km of XRL sections every day, as pointed out by a Member just now. On top of such an achievement, the XRL system in the Mainland is even expanding beyond the nation and connecting destinations in Asia and Europe.

Having constructed over 26 000 km of railway, the Mainland rail system is now approaching 30 000 km in length. They are even aspiring to extend the network abroad. However, although the Guangzhou-Shenzhen-Hong Kong Express Rail Link merely covers a short distance of 150 km and the Mainland authorities have already completed the section reaching Futian, we still take such a long time to build the Hong Kong Section which has a length of 30 km only. We certainly need to introspect about this. The Hong Kong Section project is the most expensive railway in the world, spanning the longest building period, and is perhaps facing the most complicated soil and geological structures too. On the other hand, the construction of the Hong Kong Section of XRL also reflects the city's political environment. Frankly it is no problem that the people care about such an important issue, yet why do they have to drag our feet? This is another question which is worth contemplating.

Furthermore, the public have spent almost \$90 billion on the project, and there is said to be a cap, so the actual cost may run even higher. I do not know if additional funding requests are necessary, but in the end someone has to foot the bill anyway. Nevertheless, having invested such a significant amount of funds on this project, do we wish the rail to become an express rail or a worthless piece of scrap metal? A slight change in the decision can make a big difference. I of course fully support the idea that XRL will become something Hong Kong people will take pride in, something which connects the entire national rail system. In terms of public support, a Member has pointed out that over 50% of the public support the proposal, and Mr Christopher CHEUNG has even said that the proposal has gained 70% support. We cannot ignore these facts. Moreover, based on my conversations with my supporters, voters in my constituency and residents in my community, the support is unanimous. They completely support the proposal with no objection at all. I especially bring this up for Members' reference.

Rather than addressing the people's pressing needs, we have wasted too much time in the past. Regrettably, each time when opposition Members deal with a major issue, they will simply reject it. Sometimes I do appreciate their arguments which offer us an alternative angle, but at the end of the day we have to stick with our goal, that is, the goal to get things done, not kill things off. It is alright for them to raise a discussion, yet it is totally anti-intellectual for them to resort to such undesirable and uncivilized means to filibuster, even digging so deep to exploit the provisions of Rules of Procedure in order to distort the meanings and applications to the ultimate. This is wrong. Under these circumstances, how can we ignore the people's needs and allow further delays?

Second, from the legal perspective, the Basic Law is the basis of our affairs. Mrs Regina IP has just referred to Article 7 of the Basic Law, and I would also like to share with Members what is stipulated in the law at present: The Hong Kong Special Administrative Region is an inalienable part of the People's Republic of China. As Hong Kong is naturally a part of China, how come Members claim that Hong Kong has stripped its own rights and benefits? When we are part of a whole, where does the concept of land-cession come from?

The Hong Kong Special Administrative Region is granted "a high degree of autonomy" under the Basic Law only as a result of the mandate given by the National People's Congress. Such power is issued by NPCSC. By empowering Hong Kong with this mandate, the Central Government does not mean to ask us to deprive us of our own rights and interests, instead this represents that Hong Kong has the right to such a degree of autonomy. That said, this does not mean that the Central Government does not have the same right in Hong Kong. In this regard, we have to specially take care with and pay attention to Article 12 of the Basic Law which stipulates that Hong Kong shall come directly under the Central People's Government. What does it mean by coming "directly under the Central People's Government"? Despite enjoying "a high degree of autonomy", Hong Kong is still led by the Central People's Government when it comes to critical and important issues. These are the role and relationship enshrined in the constitutional system, which cannot possibly be questioned or challenged.

While the Central People's Government empowers Hong Kong to have "a high degree of autonomy", what are the rights that it reserves for itself? The answer is the rights to deal with defence and foreign affairs. In fact, the Central Authorities specifically state that it will manage issues in these two areas. But this does not mean that the Central People's Government cannot give us directions on any other important issues. Concerning the port area for co-location, I of course support the current proposal as a good example can be drawn from the existing procedures in Shenzhen Bay. We just need to adopt the same in West Kowloon. Moreover, the operation of co-location at the port area also involves defence and foreign affairs. Simply reading from the literal meaning of defence and foreign affairs, we can readily interpret what does it mean by defence, in which it must include anti-terrorism. It must also cover the prevention of anyone from interrupting national security. National laws will also apply on the premise of defence.

Likewise, what about the issues concerning foreign affairs? When passengers enter the Mainland through the port area, we have to deal with not only the convenience of normal residents but also the visits of diplomatic envoys and heads of state. If they enter Hong Kong by XRL, what kind of protocol we shall follow in receiving them? This is a question of foreign affairs. So, in connection with these two areas, if the co-location arrangement is adopted in West Kowloon, we must make available the relevant tools needed to fulfil and implement the specific tasks related to defence and foreign affairs. This is exactly covered under Article 18 of the Basic Law which stipulates that the Central People's Government can handle this question by itself. Therefore, any arrangement finalized under such circumstances will conform to the spirits of the Basic Law.

As for Article 19 of the Basic Law, will there be any worries about litigation? We of course learn of the few judicial review cases at this moment, but we actually can neither forget nor ignore the provision in Article 19 which stipulates that the courts of Hong Kong shall have no jurisdiction over acts of state such as defence and foreign affairs. Should anyone challenges the legitimacy in this respect by means of judicial review and obstructs the building of any facilities in the port area, the Chief Executive can simply sign a certificate according to Article 19 under the law, so that the courts will have no jurisdiction over the cases concerned. The procedures and system are stipulated in Article 19 of the Basic Law. Therefore, I am not worried about these groundless abuse of the judicial system. By posing these challenges, they aim only to jeopardize Hong Kong's prosperity and stability and impede Hong Kong's economic development. Any of these attempts will only be defeated at last.

Article 18 of the Basic Law stipulates that national laws shall not be applied in the Hong Kong Special Administrative Region except for those listed in Annex III to the Basic Law. Certainly this is a channel for national laws to be applied. As I have pointed out above, the Central People's Government does have the right to deal with issues relating to defence and foreign affairs, and the Hong Kong Special Administrative Region comes directly under the Central People's Government. If Hong Kong does not enact local legislation or take this route, NPCSC can of course apply the national laws in Hong Kong via Annex III. Such a situation did indeed happen after 1997 as many provisions were added to Annex III. This is not something new in fact and the application of National Anthem Law will proceed in this manner. The nation can adopt its laws in Hong Kong via Annex III when necessary.

In terms of politics, the problem is that Members of the Legislative Council refuse to rightfully fulfil their function to introduce local legislation despite having sufficient chances to do so today. Instead they counter that the mighty Mainland authorities can simply apply the national laws in Hong Kong by way of Annex III. If so, this is tantamount to dereliction of duty on our parts, exactly what Mr Abraham SHEK described yesterday. As legislators, we choose not to carry out our duties, and instead we behave like an idler, making sarcastic remarks that the Mainland can enact the law by itself if it is so capable. Such an attitude is obviously unacceptable.

Co-location is factually and legally practicable as a matter of course, yet in terms of politics, I have just pointed out that Hong Kong comes directly under the Central People's Government which has leadership over us. In this case, the issue will proceed by way of legislation introduced by NPCSC if we opt not to enact local legislation. At the 19th National Congress of the Communist Party of China, President XI Jinping proclaimed his firm support of "one country, two systems" and unequivocally stated his confidence in the route taken by China. He asserted that China should not only aim at standing up, but that China should take the road to become strong. China has indeed become strong already. Against the backdrop of the overall political setting today, the entire nation is moving towards this direction, yet of all things, we choose to fall behind. This is a big mistake politically, and by doing so, the Members have violated the oaths to support and uphold the Basic Law taken during inauguration. After all, the two essential spirits of the Basic Law are to maintain Hong Kong's prosperity and stability as well as upholding the nation's territorial integrity. These two important missions are the spirits of our duties as legislators.

As far as politics is concerned, we have no choice. As long as a task is beneficial to Hong Kong, or helpful to the people's life and Hong Kong's prosperity and stability, we must do it. In respect of politics, those making claims of land-cession have been fundamentally wrong. I suggest them to learn afresh the spirits of the Basic Law and getting the idea clear without distortion.

From the perspective of morality, we should sit down in the Chamber and deliberate solemnly. However, Mr CHAN Chi-chuen always will sound the death knell for opposition Members and their allies, claiming that there are important issues involved, yet they are now playing such pointless tricks. They have in fact failed in their duties and behaved disorderly. In the Chamber, we legislators have to be seen demonstrating our quality of arguments. We have to

win the debate by the merits of our reasoning, thereby convincing our opponents. I will have no choice but to stay here and follow you if you win the debate. Therefore, regarding the question of morality, the opposition Members have all along been trying to impair Hong Kong. I hope they will repent someday.

President, I so submit.

MR WONG KWOK-KIN (in Cantonese): President, the co-location arrangement for the Express Rail Link ("XRL") in West Kowloon aims to improve convenience and benefit the people. I believe the measure will greatly facilitate those passengers who frequently travel to the Mainland for business, tour, family visit or even work and study. I also believe that co-location will significantly increase multinational corporations' incentive to set up headquarters in Hong Kong to enjoy the efficiency in travelling to the Mainland for business and trade. In fact, I am puzzled as to why opposition Members so strongly reject such a beneficial and popular arrangement. I have long been confused by their negative response.

Yesterday, while I listened to Mr Alvin YEUNG's speech, I suddenly came to realize the answer finally. Mr Alvin YEUNG talked of "uneasiness and fear". These two words finally answered my confusion of their rejection. It is true that a fraction of people in Hong Kong, feeling hesitant and uneasy, do reject any measures which will result in closer relations with Mainland. But why is this the case? It is because those members of the opposition holding up the banner of localism are separatists privately. They advocate separation from the Mainland. So, there is no surprise to see them rejecting co-location at all. In fact, they now are playing the same old tricks to filibuster relentlessly in the Chamber, using the Legislative Council as a platform to smear and demonize the co-location arrangement for XRL and try to terrify the public in an attempt to fill society with horror.

After listening to their speeches in these few days, I find that their arguments are more or less the same. I will just briefly summarize the main points mentioned by them lest I will incidentally facilitate their filibuster. First, they consider the XRL co-location process a violation of the Basic Law because under the arrangement Hong Kong will lease an area in West Kowloon to the Mainland, allowing Mainland law enforcement officers to carry out co-location on site. They have been mentioning Article 18 and Article 20 of the Basic Law, but I have no idea why did they not refer to Article 7? I would like to read out

Article 7: "The land and natural resources within the Hong Kong Special Administrative Region shall be State property. The Government of the Hong Kong Special Administrative Region shall be responsible for their management, use and development and for their lease or grant to individuals, legal persons or organizations for use or development. The revenues derived therefrom shall be exclusively at the disposal of the government of the Region." I suggest them to listen carefully and pay attention to the words "land" and "lease". The provision states that the SAR Government has the right to lease out certain lands in Hong Kong for the people's welfare. Obviously, co-location is a favourable measure which brings us great convenience. Implementing co-location by way of a lease absolutely represents the interests of the people and society.

Furthermore, another of their argument is that leasing out an area in West Kowloon will reduce the size of the territory under Hong Kong's jurisdiction. I would like to remind them that throughout the two decades since our return to the Motherland, the territory under Hong Kong's jurisdiction has been evolving constantly; first, Hong Kong's jurisdiction has already extended to the Shenzhen Bay Port, an area belonging to Shenzhen; second, Hong Kong has been assigned the right to manage the Lok Ma Chau Loop. These examples have shown us the change in the territory under Hong Kong's jurisdiction. It is strange that Mr Dennis KWOK has never expressed any strong opinions on these issues. Although they claim that the arrangement will change the territory under our jurisdiction, I actually believe this is no big deal; third, they fiercely accuse the Government of not conducting any public consultation in this regard.

I also wish to remind them that the legislature in Hong Kong presently adopts the system of representative government. Under this system, legislators in the Council are representatives of the people, and they have the duty to receive the people's opinions in their constituencies. Many Members belonged to the Hong Kong Federation of Trade Unions have frequently attended residents' meetings in the community recently with a view to collecting the people's opinions. Therefore, the speeches we made and the votes we casted in the Council do totally reflect the people's opinions. After all, the Government's motion for discussion in this Council is itself a step in the overall consultation process. The meaning of representative government is that the Council will be responsible for deliberation, otherwise we can simply consult the community about everything without the need for maintaining a legislature and holding elections. So, Members themselves do have the duty to handle certain issues without having to hold public consultation directly.

President, with regard to the co-location arrangement for XRL, there are too many strange remarks or attempts to demonize and smear the issue. I hope Hong Kong people can keep a discerning eye and thoroughly understand the Basic Law and the SAR Government's good intentions.

President, in order not to help them filibuster, I shall stop here. Thank you, President.

(Certain Members took photos in the Chamber)

PRESIDENT (in Cantonese): I notice that certain Members have taken photos in the Chamber. I remind Members that this is a serious violation of the Rules of Procedure.

PRESIDENT (in Cantonese): Does any other Member wish to speak?

MR HUI CHI-FUNG (in Cantonese): Thank you, Mr LEUNG. Quite a number of Members of the pro-establishment camp have just now spoken on the issue of filibustering. It does not really matter, but when Mr WONG Kwok-kin spoke on the point about how Members represented public opinions on many issues, he used the following wordings to express his views: "there is no need for us to consult the public directly". I am really shocked at hearing such remarks from an elected Member. According to him, since he represents public opinions and makes decisions on behalf of the people, he need not face the public directly when dealing with issues carrying divergent views, such as this motion on the co-location arrangement. How can he say so? Would he feel that he has failed to live up to the expectation of his voters? Has he ever shown respect for those who have expectation of him? He should have consulted the public on controversial issues.

They were bragging about how they and the Hong Kong Federation of Trade Unions represented public opinions, but how many Members among them were elected by zero vote? How much public support have they gathered when they were running for their seats in the Labour Constituency? How many people can they represent? Yet, they can go so far as to brag that they represent public opinions.

A Member who was elected by zero vote then chanted, "I have a dream", and said that the construction of railway was a symbol of national rejuvenation. Although this is an opportunity for him to express loyalty to the country, what we are talking about now is a problem of more deep-rooted conflict, and a motion with far-reaching implications on the legal system and the rule of law of Hong Kong and the principle of "one country, two systems". No matter how big his dream of national rejuvenation is, how he wants to express loyalty and how eager he wishes to link up Hong Kong with the Mainland, we must first resolve these long term technical problems because they will have far-reaching implications on the future development of Hong Kong, including whether we can uphold the Basic Law and the principles of "Hong Kong people administering Hong Kong", "one country, two systems" and "a high degree of autonomy". However, he has no regard for all these and spoke only on his own dream about the Chinese nation.

(THE PRESIDENT'S DEPUTY, MS STARRY LEE, took the Chair)

Dr Junius HO then criticized us for filibustering and twisting the system under the Rules of Procedure. I want to say that what really distort public opinions are our constitutional system and the small circle elections in functional constituencies of the Legislative Council. I am sure if there is no functional constituency in the Legislative Council, if small circle elections no longer exist, and if all Members are returned by direct elections, the Legislative Council will be able to genuinely and concretely reflect public opinions, and over half of its Members will come from the democratic camp or oppose this motion on the co-location arrangement. Will Chief Executive Carrie LAM still have the courage to introduce this motion on the co-location arrangement into the Legislative Council then, and propose to have a debate with no binding effect?

What are public opinions? Can public opinions be fully represented simply by doing what Dr Junius HO has suggested to do, that is, all Members sitting here dutifully to complete the business on the agenda of a meeting? There is nothing but sophistry in what he has said, and did he mention that in the United States Congress, a Member who has withdrawn from a meeting could be handcuffed and escorted back? His sophistry is completely of no help to our current discussions. Carrie LAM stated that the Government has considered the importance of the matter before introducing the motion into this Council. In my speech delivered previously, I have already posed a question and asked what

Carrie LAM or Members of the pro-establishment camp would consider more important? Would they consider a mission entrusted to them by the country very important? Hence, they will try their very best to complete this very important mission entrusted to them and push forward the co-location arrangement, will they not? Can this be taken to mean that in order to achieve the objective, they will pay no regard to our legal system and the requirements under the Basic Law, and take advantage of ambiguities in the laws to muddle through? On the other hand, what they consider less important may possibly be Hong Kong people's firm commitment to safeguarding our legal system and our rights under the Basic Law as well as the basic principle of "one country, two systems".

With regard to public opinions, a number of surveys have already been conducted in the community, and the public opinion survey conducted by the Democratic Party has also been completed. Deputy President, there will be no need for you to interrupt me because I will not speak particularly on each question included in the survey. However, specifically, it is an objective fact that there is a polarization of views, and both the supporters and opponents of the Government's motion are huge in number. It can be noted from the findings of various public opinion surveys as well as the one conducted by the Democratic Party that there is a growing trend in the number of opponents of the co-location arrangement proposed by the Government. Although the Government has launched extensive, yet incomplete and untruthful, publicity on the proposed arrangement and advertised on television to promote its advantages, a lot of people are still very much worried about the co-location arrangement currently proposed by the Government.

The co-location arrangement proposed by the Government is now opposed or strongly opposed by 42% of the respondents, and the corresponding percentage recorded in some other public opinion surveys is about 30%. From the perspective of public administration, be it 30% or 42%, such a finding does reflect a strong opposition voice. Can the Government still force through its proposal and have its motion passed in the Legislative Council when there is such a strong opposition voice in society? Is it because the Government is backed up by the governance coalition established with the pro-establishment camp and is confident of securing enough votes to have its motion passed that it dares to introduce it into the Legislative Council? Yet, it does not even have the courage to consult all Hong Kong people on its proposal and attend a single forum organized by our students. The Democratic Party has already made it clear on

various occasions that if the Government is willing to compromise and consider other options, there will be room for discussion in the Legislative Council, but the Government insists on forcing its way through.

What is even more ridiculous is that according to Carrie LAM or a number of Members of the pro-establishment camp who have spoken just now, the relevant discussions have been going on for a long time and a number of options have already been put forward, but is this really the case? Anthony CHEUNG, the former Secretary for Transport and Housing, has never put forward any proposal on the co-location arrangement for the Guangzhou-Shenzhen-Hong Kong Express Rail Link ("XRL") before he left office, but as soon as the Government introduces its present proposal into the Legislative Council, it is claimed that the relevant discussions have been going on for a long time. I consider such a remark absolutely ridiculous, and incomplete and untruthful too.

Let me go back to the co-location arrangement. The biggest problem actually lies in the application of Article 20 and Article 18 of the Basic Law. Hong Kong people understand very well the provisions under these Articles, and many legal scholars and experts have also pointed out that as stipulated in Article 18 of the Basic Law, national laws shall not be applied in the Hong Kong Special Administrative Region ("HKSAR") except for those listed in Annex III. Laws listed in Annex III shall be confined to those relating to defence and foreign affairs as well as other matters outside the limits of the autonomy of HKSAR as specified by the Basic Law. However, the Government insists on invoking Article 20 of the Basic Law to reach a cooperation agreement with the Mainland, and with this kind of logic, Article 20 can actually override the entire Basic Law. The Government's abusive use of Article 20 of the Basic Law in this manner is tantamount to invoking this Article to contravene all other articles of the Basic Law. Under such circumstances, the Basic Law will become nothing but waste paper that carries no meaning at all.

Such grey areas and gaps appear in the law are considered disputable by members of many professional sectors and even among some Mainland scholars, so how come the Government insists on adopting the most controversial option which the legal profession and Hong Kong people consider most unacceptable? Is this just a mere attempt to achieve a saving of only one minute? If we look at the matter from the perspective of public opinions again, we District Council members of the Democratic Party should be in the best position to comment as we are in the front line to carry out all kinds of district work. In our daily

contact with people in the local community, we really cannot see how eager they want to have the Government's proposal implemented. People living in urban areas or on Hong Kong Island are even of the view that it is not absolutely necessary to put the Government's proposal into practice. Do they really consider other options (such as completing the clearance procedures at the control point in Futian) completely unacceptable or undesirable? There must be other options available to allay concerns of Hong Kong people. Mr WONG Kwok-kin, Hong Kong people are really concerned and afraid. We are afraid that you will force your way through, regard the rule of law as nothing and turn "one country, two systems" into "one country, one system" or even "one country, one and a half systems". Therefore, public support for implementing the Government's proposal is really not so overwhelming as imagined.

We have cited numerous examples (including overseas examples) to indicate that there are in fact a number of different ways to implement the co-location arrangement, and even I myself am a bit fed up with this nagging of mine. We can see that a certain kind of co-location arrangement is also implemented in the United Kingdom, France, the United States and Canada, but not a single country among them has completely surrendered its own jurisdiction. Why is it necessary for us to surrender the full jurisdiction and criminal jurisdiction in the area concerned to the public security authorities of the Mainland under the co-location arrangement at the West Kowloon Station of Hong Kong? You may of course argue that some civil and commercial laws of Hong Kong shall still be applied within that area, but such a concept is even more confusing and Hong Kong people will inevitably feel anxious about the arrangement. The Secretary for Justice has said that the area concerned will not be regarded as an area lying within Hong Kong once it is ceded, and as the area will no longer be legally regarded as within the territory of Hong Kong, there is no cause for concern. However, I would like to tell him that people will only be even more concerned about the problem, because they will be physically present at West Kowloon Station, but are told that it is not within the territory of Hong Kong and the Criminal Law of the Mainland shall be applied.

What is the scope of the Criminal Law of the Mainland? Offences relating to picking quarrels and provoking troubles, treason, subversion, spying, and so on, that we often learn about from news reports are all within the scope of the Criminal Law of the Mainland, and they will possibly occur at West Kowloon Station. Therefore, we should be realistic and try to imagine what will happen then. For example, Hong Kong citizens participating in a demonstration at West

Kowloon Station may wear T-shirts imprinted with the slogan "vindicate the 4 June incident", and how will the authorities concerned handle them? If passengers enter into quarrels or even get into a fight while shoving and jostling to board the train, will they be charged with the crime of picking quarrels and provoking troubles? Will the public security officers of the Mainland take the people involved away under escort, detain them or even subject them to administrative detention? All these are genuine worries of Hong Kong people.

Hong Kong people are really concerned and afraid, and this is a very normal reaction since they know very well that the legal system of Hong Kong is completely different from that of the Mainland. As a matter of fact, Hong Kong adopts the common law system, while the continental law system is adopted in the Mainland. Although the continental law of continental Europe is practiced in many places, Hong Kong people do not consider the continental law system adopted in the Mainland a comprehensive and mature system that can uphold the rule of law. Simply put, what we have in the Mainland is the rule of man rather than the rule of law. Hence, if the Government can officially invoke Article 20 of the Basic Law to cede the territory of Hong Kong for the implementation of the "cession-based co-location arrangement", it will at the same time set a very bad precedence and open up a loophole in the Basic Law. If such an arrangement can be implemented at West Kowloon Station today, Article 20 of the Basic Law can be invoked again when necessary in the future, or when Mainland legal officials consider it necessary to do so. Article 18 of the Basic Law will then be used to undermine the civil rights of Hong Kong people as well as our rights to enjoy freedom of speech, of association and of assembly. This can simply be done by listing in Annex III matters within the limits of the autonomy of HKSAR and which are obviously not related to defence and foreign affairs, so that HKSAR can no longer handle these matters on its own. They can do so because they have already distorted the interpretation of Article 18, and chosen to exercise their powers under Article 20.

If we allow the existence of such a gap in Hong Kong, the territory we must cede in the future will possibly not be confined to West Kowloon Station, but many more places in Hong Kong. The HKSAR Government may be forced to compromise under the legal system of the Mainland, yield to the needs of Mainland officials and surrender unconditionally. This is neither what Hong Kong people wish to see nor in line with promises made under the Sino-British Joint Declaration back then concerning "the previous system shall remain

unchanged for 50 years", "one country, two systems" and " Hong Kong people administering Hong Kong". Therefore, I hope the Government and Secretary will think twice about the issue in the face of the strong opposition voice today, and consider adopting other options (*The buzzer sounded*) ... to implement the co-location arrangement for XRL.

DEPUTY PRESIDENT (in Cantonese): Speaking time is up.

MR LEUNG YIU-CHUNG (in Cantonese): Deputy President, in their provocative speeches delivered just now, many Members merely distorted the truth and confused the right and wrong. These speeches are really meaningless, and I simply do not bother to respond to them one by one. Rather, I wish to give my views on this non-legally binding motion concerning the unconstitutional XRL co-location arrangement.

In order to conduct a bogus consultation at this Council as a means to evade public opinions and shun its obligation to engage the public, the Government has ruthlessly trampled upon the dignity of this Council. Nevertheless, no matter how the Government puts it, a bogus consultation is essentially false in nature. I am definitely against the Government's proposal to implement the co-location clearance at West Kowloon Station ("WKS") of the XRL on concerns about its efficiency, lawfulness and its lack of social consensus.

First, I would like to revisit the history of the co-location arrangement with Members, in the hope that we can learn some lessons from history. Members would find it quite surprising to learn from some historical facts that the Government are really absurd and untrustworthy. The Government has only one weapon: the adoption of the frequent threat. It has kept on threatening Hong Kong people that if we do not implement co-location clearance at WKS, the efficiency of the XRL would be significantly lessened, hence this arrangement is the only option for us. So, let us look back on history to see how Ms Eva CHENG, the then Secretary for Transport and Housing, replied Members' query on the legality of the co-location arrangement when the Government submitted its funding application for the XRL project in December 2009. She said she did not rule out the possibility that the Government would not be able to implement the co-location arrangement after the completion of the XRL construction works. In this case, the Government could look for a compromise, such as the setting up of clearance facilities at some Mainland XRL stations for customs clearance. One month later in January 2010, she said again that the failure to implement the

co-location arrangement did not necessarily compromise the speed of the rail link. She made this remarks clearly in her capacity as the government official in charge of the XRL project.

Then on 8 January 2016 ...

(Mr HUI Chi-fung stood up)

DEPUTY PRESIDENT (in Cantonese): Mr LEUNG Yiu-chung, please pause for a while. Mr HUI Chi-fung, what is your point?

MR HUI CHI-FUNG (in Cantonese): Deputy President, I request a headcount.

DEPUTY PRESIDENT (in Cantonese): Will the Clerk please ring the bell to summon Members back to the Chamber.

(After the summoning bell had been rung, a number of Members returned to the Chamber)

DEPUTY PRESIDENT (in Cantonese): Mr LEUNG, please continue with your speech.

MR LEUNG YIU-CHUNG (in Cantonese): I have just said Eva CHENG reiterated one month later that the failure to implement the co-location arrangement did not necessarily compromise the speed of the rail link. Then on 8 January 2016, the Department of Justice along with the Transport and Housing Bureau jointly submitted a document to the Legislative Council. The document clearly states: "Even if the co-location of the CIQ facilities of the HKSAR and the Mainland at the WKT is implemented, no area within the WKT will be carved out of the HKSAR's territory". This sends out a very important message. We have to keep in mind that this document says no area within the WKT will be carved out of the HKSAR's territory. This was said in early January. On 23 January, the then Secretary for Transport and Housing Prof Anthony CHEUNG made another remark, saying that before implementing any co-location clearance arrangement, the Government must first secure approval from society and allow the public to sufficiently expressed their views.

Deputy President, we have just glanced through the history of the co-location arrangement and found some relevant remarks made by government officials. Indeed, how many of such remarks are still valid now? Instead, with the imminent completion of the XRL construction work, the Government urges Members to expeditiously approve the WKS co-location arrangement, arguing that this is the only proposal for us. The Government has never conducted any public consultation throughout the process, making it impossible for society to forge a consensus. Now, the Government presses for the expeditious implementation of the proposal citing a consensus in society. If this is not a lie, what is it then? In 2016, the Government stressed the need to secure approval in society. I want to ask Members how the Government can do so. The Government quoted some opinion polls as saying that a certain proportion of respondents said yes to the proposal. But such opinion polls were rather restrictive, as they only collected views from members of some functional constituencies. Has society at large ever been engaged in any detailed discussion on the issue?

(THE PRESIDENT resumed the Chair)

The Government has not conducted any consultation throughout the seven-year period from its application for XRL funding in 2010 to its release of the co-location proposal last year. Only on the day of the release of the proposal did the public know that this was the only option available, and it has even come with the legislative timetable and the commissioning programme. As we can see, the truth is this proposal is unconstitutional, having no public consultation, discussion, and social consensus. In recent months, the government officials have even rejected to meet with community organizations, saying that this kind of meeting was meaningless and a waste of time. Since her assumption of office, Carrier LAM has kept mentioning the need for communication. But with whom she would like to communicate? After all, the communication she has advocated is the one between government officials, between Hong Kong and Mainland officials, and between government officials and pro-establishment Members. Has the Government ever sought to communicate with the public? Not in the least.

Actually, I need not elaborate further. All of us can see that the Government always uses a lie to cover up another. In the past, it fooled Hong Kong people into funding the XRL development as it told us that the XRL would provide us with high-speed rail services. Now, the Government cheats us into

believing that the proposal is constitutional and thus acceptable, and that the highly efficient XRL could ride us from Hong Kong to Guangzhou in merely 48 minutes. It deliberately omits the intermediate stops and others in that 48-minute ride, though. All these are deceitful and hypocritical.

The most serious problem is that the current WKS co-location arrangement breaches the Basic Law. Article 18 of the Basic Law clearly stipulates that: "National laws shall not be applied in the Hong Kong Special Administrative Region except for those listed in Annex III to this Law". Article 22 of the Basic Law also clearly states that "All offices set up in the Hong Kong Special Administrative Region by departments of the Central Government, or by provinces, autonomous regions, or municipalities directly under the Central Government, and the personnel of these offices shall abide by the laws of the Region." Hence, the WKS co-location clearance and the Mainland officials' enforcement of Mainland laws instead of Hong Kong laws in the area is surely a breach of the Basic Law.

Actually, this problem does not emerge today. As I have just mentioned, many Members did query the lawfulness of the arrangement as early as seven years ago when the Government decided to construct the XRL. However, for years, the Government has kept beat around the bush. Even today, it still refuses to address this problem squarely. The Government is good at portraying wrongs as rights and treating unlawful proposals as lawful. It is also an expert of diverting public attention. How? The Government has kept comparing the WKS co-location clearance with the similar arrangement at the Shenzhen Bay, arguing that if the Shenzhen Bay co-location arrangement is feasible, why this model cannot apply to WKS? The Shenzhen Bay model is thus a precedent. But this is only half of the truth. The Shenzhen Bay co-location clearance is of course feasible because it is located within the Mainland territorial boundary. But WKS is inside Hong Kong. There is actually no point of comparing the two? In order to evade the problem, the Government muddles the two arrangements to mislead the public. It is outrageous and ridiculous.

Second, the Government has invoked Article 20 of the Basic Law which provides for the Central Government's granting of other powers to the Hong Kong Government. The other powers can simply be anything, and can even be interpreted as surrendering Hong Kong's jurisdiction over WKS to Mainland officials. If this is not the cession of land and self-castration, what is it then? The Government does not admit this, but it keeps distorting the truth instead. The invoking of Article 20 of the Basic Law really worries me a lot. I fear that the Government can then interpret "the other powers" as anything in the future,

making it override all other laws. I want to ask Members if Hong Kong can still enjoy "a high degree of autonomy" under this circumstance. The Basic Law clearly states that save for defence and foreign affairs, the SAR Government shall administer on its own all affairs relating to Hong Kong. Only through the implementation of this provision can the city enjoy "a high degree of autonomy". The exercise of other powers would definitely undermine the Basic Law, and deprive us of the fundamental rights.

Indeed, many academics have reiterated that the setting up of customs clearance in the Mainland is perfectly feasible. Some organizations have pointed out recently that the separate location of boundary clearance facilities at the Shenzhen North Station and the Futian Station is also a feasible option. According to the Government's statistics, 80% of XRL passengers mainly travel between Hong Kong and Guangzhou or Shenzhen. Actually, the separate-location arrangement would not greatly affect the journeys of these passengers. In this respect, why the Government has all along refused to study the feasibility of these options? When the Government insists there is no other feasible options, has it ever considered the above proposals. If it has, why did it not release these proposals and explain to us why they were infeasible?

Without undergoing any study and providing any statistics, the Government just tells us that the current co-location arrangement is the only proposal for XRL. Secretary Frank CHAN has explained that the WKS co-location clearance was the only proposal for XRL because if we adopted the Futian Station co-location option, we would need to request the Shenzhen authorities to demolish and redevelop the current Shenzhen Station. This would make things difficult for others. Secretary, you lie again. If we review relevant documents, we can see that there were customs facilities in the original layout plan of the Futian Station. But later on these customs facilities suddenly disappeared from the layout plan? Why? After the Government's clandestine operation of and its secret deal with Mainland officials, the planned facilities were no longer shown in the plan. The Secretary now accuses us of making things difficult for others as if he was calling all the shots. Is this not a self-castration? Now, he can even say there is precisely no such planned facilities in the Futian Station. What else can we do then? He has the final say. He is the boss now.

The Government completely turns a deaf ear to the many controversies and queries in society. Instead of facilitating the building of social consensus, the Government resorts to bogus consultation and discussion. Hence, it requested

the Council to discuss the proposal, in an attempt to take advantage of the dominance of pro-establishment Members in the Council. This is not a real discussion. Pro-establishment Members are basically not keen to speak on the topic. Only a few of them have given brief speeches and then called it a day. They argued that they did not want to join the filibuster, but the fact is they do not have sufficient justifications. Their role is to cooperate with the Government in this bogus consultation.

Above all, we just want to foster consensus in society. But the Government dare not do so. Why? This is simply because the public opinion is gradually reversing. Hong Kong people are increasingly aware of the fact that the government proposal is misleading. Many begin to doubt if the Government's co-location arrangement is the only proposal for XRL, and whether there are alternative proposals. Hence, they keep on questioning if this Government really has the public mandate. Some public opinion polls show that the respective numbers of respondents for and against the Government's co-location arrangement are more or less equal. I cannot say these poll results are definitely correct, but they are in sharp contrast to the approval figures released by the Government previously. I believe the reversal of the public opinion is the only thing that the Government fears. Therefore it has to hastily conduct this bogus consultation through the Council. The Government wishes to produce a bogus consensus to enable it to advise the Hong Kong society and the Central Authorities that this co-location arrangement has the approval of the Council and thus can be implemented. Other than this, there is nothing which can tempt the Government to shelve the stamp duty discussion and hastily submit this co-location proposal to the Legislative Council for discussion.

President, the proposal laid before us is ambiguous and is set to ruin the spirits of "one country, two systems" and "a high degree of autonomy". In the interests and rights of Hong Kong people, we are firmly against his "cession-based co-location arrangement" proposal. Meanwhile, I strongly request the Government to immediately conduct a public consultation on the WKS co-location clearance proposal. Without prejudicing the Basic Law, the Government should release different proposals for public discussion and selection. This is our bottom line and we will not give in. The rail link is funded by Hong Kong people's hard-earned money and is to serve Hong Kong people. We have the responsibility to give Hong Kong people the right to choose, instead of just letting the Government secretly make a deal with the Mainland.

MR LAM CHEUK-TING (in Cantonese): President, I listened to some pro-establishment Members' speeches just now. I find many similar viewpoints. Many of them talked about the economic returns of the Guangzhou-Shenzhen-Hong Kong Express Rail Link ("XRL"). As I said yesterday, I will not contest this point with Members because we may have based our views on different assumptions, and different assumptions will lead to different conclusions.

However, President, I find some pro-establishment Members' remarks against us highly inappropriate and unfair. They say that the democrats oppose the XRL and the co-location arrangement in just the way as they opposed everything in the past; and that they just want to ruin the economy of Hong Kong and undermine the long-term prosperity and stability of Hong Kong.

My family members from my grandparents to my children are all born and brought up in Hong Kong. My family members do not hold any foreign passport or foreign right of abode. I do not hold any assets in other countries. My whole family is living in Hong Kong. If they want to accuse any democrats of ruining Hong Kong's economy or undermining Hong Kong's long-term prosperity and stability, would they please state our intention. Do not simply say that we have a political agenda or political interest, and thus we want to undermine the long-term prosperity and stability of Hong Kong. If they think that we are the lackeys of the United Kingdom and the United States or their covert spies in Hong Kong, would they please provide evidence. If they do not have any evidence, what they say is meaningless and will only serve to degrade their personality and undermine their integrity. Let me give them some advice. If they want to debate, they had better restrict their debate on the policy. They should not make these unnecessary personal attacks or speculate on other people's stance or intention.

President, yesterday I already explained in detail the relationship between economic development and the rule of law, and I wish to add one more point today. I know that the economy take-off of China in recent years has caught world-wide attention. This is indisputable. We also notice that some Mainland cities have been gaining an edge on infrastructures and manpower. In face of the undeniably increasing competition from Mainland cities, why does Hong Kong, rather than Shanghai or Shenzhen, all along remain the chosen city for many international enterprises to locate their Asia-Pacific headquarters? One of the important reasons is that Hong Kong has a relatively sound rule of law system.

International enterprises which do business and set up their regional headquarters here need not worry about sudden changes of policies of the Central Government and thereby experience serious losses to their business. They need not worry about local governments forcing them to sell their plants or assets at cheap prices due to corrupt officials trying to take their land for private interests, or worry about their assets being seized by people with power. They need not worry about court rulings on their commercial disputes being affected by interested groups or protection behind the parties.

The edge of Hong Kong is our long-standing rule of law. Our rule of law is not to be shaken. The Basic Law clearly provides that national laws shall not be applied in Hong Kong except for those relating to defence and foreign affairs, and those outside the limits of the autonomy of Hong Kong. Obviously, the Mainland control area to be set up in West Kowloon Station for the Mainland side to conduct customs and quarantine procedures will use only Mainland laws.

As clearly stipulated in the Basic Law provisions, Hong Kong practices the common law regime. Some people say that we should only consider Article 20, which provides that "The Hong Kong Special Administrative Region may enjoy other powers granted to it by the National People's Congress, the Standing Committee of the National People's Congress or the Central People's Government". But these powers which are granted by the Standing Committee of the National People's Congress to the Hong Kong SAR under this provision are not meant to undermine the powers of Hong Kong. The provision should not be interpreted this way. Why is it now distorted to mean so? This is an naked damage to the rule of law of Hong Kong.

As a barrister himself, Secretary for Justice Rimsky YUEN has interpreted the provision using his professional capacity and knowledge. But his interpretation cannot get the better of common sense. His insisted interpretation of the Basic Law has repeatedly set a very bad precedence and is undermining the "one country, two systems" principle of Hong Kong.

President, just now, different Members have their own interpretation of the opinion polls. It is actually very normal that different opinion polls will lead to different results because their different sampling and surveying methods will naturally arrive at absolutely different results. Mr Christopher CHEUNG says that a survey he conducted with his constituents shows that 90% of the interviewees are very satisfied or satisfied with the arrangement. I surely will not question Mr Christopher CHEUNG's survey result because it is the result on

the few hundred or thousand people in his industry. I thus will not question Mr Christopher CHEUNG's survey result. But it only represents the survey result on a few thousand industry players, a certain industry or even a certain interest group. We, the Democratic Party, have our own way of conducting surveys. They can also question our results. It does not matter.

What I wish to say is that if the Government is very confident that this proposal has the support of the general public, it should conduct a public consultation, a comprehensive and thorough consultation. But the Government refuses to do so. Why? It says that the proposal has already been thoroughly discussed. This is strange! After I became a Legislative Council Member, I joined the Panel on Transport and the Subcommittee on Matters Relating to Railways. Whenever I asked the incumbent Secretary, Under Secretary and Secretary for Justice on this proposal, they all said that the proposal would be announced before the Government ended its term and there was no finalized proposal for further discussion.

In fact, the Government has never held any formal discussion with the Legislative Council or the public on the co-location arrangement because it said that discussion with the Mainland was underway with no finalized option yet. The LEUNG Chun-ying Government said during its term that there was yet to be any finalized proposal. But there is now a finalized proposal under the Carrie LAM Government, except the Government now claims that time is limited due to the need to meet the commissioning of the XRL, and that it will not conduct any public consultation because the proposal has been discussed before. So, they can say anything they want. It is like flipping a coin and she wins if it is head and I lose if it is tail. In other words, she is always the winner. Is this fair? This is not fair.

The last Government stalled on the proposal and refused to answer whether it has chosen the co-location arrangement or not and whether it has already forged an agreement with the Mainland. It stalled on the proposal until the press discovered that the area in Futian Station originally reserved for the port area was now left vacant and used as a parking lot. Why is there such a sudden change? To date, the Government has not given any explanation. Documents from the Mainland government or our official documents released earlier clearly say that an area has been reserved for north-bound trains from Hong Kong to conduct clearance procedures at Futian Station. Why does this area suddenly disappear? It is still a mystery.

President, the Government says that the non-binding motion which it submitted to the Legislative Council seeks to show its respect for this public opinion body. First, if this logic of the Government stands, then is refraining from conducting a public consultation equivalent to disrespect for Hong Kong people? Pro-establishment Members or the Government may disagree and say that the Legislative Council is the representative of Hong Kong people. But this will become a debate on political philosophy. Can the Legislative Council truly represent the views of Hong Kong people?

Half of the Legislative Council Members are returned from direct election, while the other half are elected through their functional constituencies. My understanding of universal suffrage tells me that one of the important elements of universal suffrage is that each vote carries more or less the same importance. I do not want to echo some Members in saying that the Functional Constituency Members from the pro-establishment camp are "zero-vote" Members. I do not want to say so. "Zero vote" means they are elected without any contest. Whether these Members were returned uncontested or not, I will not challenge this point for the moment. But these Members only represent a fraction of the people, not everyone, in their industries who have a right to vote. For example, Mr CHAN Chun-ying whom I respect very much is returned from the banking sector which has many practitioners. But only a very small fraction of the practitioners have the right to cast votes for him. They account for a very small percentage of the banking sector. All common democratic regimes in the world tend to adopt a relatively fair approach, allowing people to choose their representative without screening. However, the overall composition of the Legislative Council does not follow this approach.

President, the Government says that by showing respect for the Legislative Council, it is showing respect for public views. I think this is a sweeping generalization. This is especially true after the "DQ case" which led to the disqualification of certain Members. The incident has further undermined the power of the Legislative Council as the representative of the people. I thus think that the Government's remark is self-deceiving.

President, in recent days, some Members have been criticizing the democratic camp for filibustering. I wish to draw Members' attention to the remark made by Jasper TSANG, the former Chairman of the Democratic Alliance for the Betterment and Progress of Hong Kong and the former President of the Legislative Council. He says that filibustering is allowed under "one country, two systems". Thank you, President.

MR IP KIN-YUEN (in Cantonese): President, the Government announced the co-location proposal on 25 July this year. In order to allow Members to expeditiously discuss and declare their support for the proposal, the Government suddenly withdrew the Stamp Duty (Amendment) Bill 2017 to give way to a non-legally binding motion debate on the co-location arrangement. With more than half of the Members in the Chamber belonging to the pro-establishment camp, the passage of the motion is highly likely. In this respect, many people criticize the Government for its questionable withdrawal of the stamp duty bill.

In announcing the Government's plan to introduce this non-legally binding motion to the Legislative Council early this month, Chief Executive Carrie LAM said the co-location proposal has been mooted and discussed for two months. She also quoted public opinion polls as saying that people in support of the proposal have outnumbered those against it. Hence, she considered it was time to conclude the public discussion. Yet, problems arise exactly because this significantly important proposal has only been mooted and discussed for two months. Despite the strong voices of opposition, there has not been any formal public engagement exercise. This leads quite a number of people to question if the Government really has sufficient public mandate. Can the Government be completely sure that the current proposal will only do Hong Kong good? If the Government insists on pursuing its current hard-selling tactic and paying no attention to the division of public opinion, who is to bear the bad effects or undesirable consequences which may arise from the proposal. Will the Government violate the Basic Law or even ruin the spirit of "one country, two systems" in order to achieve its purposes? I think all these warrant our serious consideration.

Now, the Government wants us to discuss this co-location motion before the many problems and the legal uncertainty can be dealt with. According to the original schedule, the Government would kick off the "Three-step Process" after the passage of this motion to allow for the implementation of the legal procedures step by step. Step One of the "Three-step Process" is for the Mainland and the HKSAR to reach a Co-operation Arrangement in relation to the implementation of the co-location arrangement in one month. It will then proceed to Step Two for NPCSC to approve and endorse the Co-operation Arrangement by making a Decision in December. Step Three, the last step, is for HKSAR to carry out the local legislation in next February. This involves the Government's submission of the co-location bill to the Legislative Council for First and Second Readings in

the hope that the bill would be third read in July before the legislature's summer recess, with a view to enabling the commissioning of the XRL Hong Kong Section in the third quarter next year.

Surprisingly, the Chief Executive told us several days ago that she did not rule out the possibility of kicking start the "Three-step Process" of the co-location arrangement in parallel as time for the XRL commissioning is running out. By introducing only one proposal and calling on the Legislative Council to immediately express its support, the Government actually treats the legislature as the rubber stamp. Why does the Government not allow us to have sensible discussions?

Right after the Government's release of the co-location proposal, many members of the community have seriously studied the proposal. Some of them have concluded that the Government's proposal substantially violates the Basic Law for it breaches both the provisions and the spirit of "one country, two systems" under the Basic Law. Some have put forward alternative proposals. They include the co-location clearance at the Mainland; the separate-location clearance; the on-board clearance; and the co-location CIQ clearance at West Kowloon Station ("WKS") limiting the powers of Mainland officials to the conduct of customs, immigration and quarantine procedures. I think these options deserve further study. There is also a proposal of pre-clearance for northbound passengers. Indeed, several years ago, there were also discussions about the suitability of locating the XRL station at West Kowloon as some thought northern New Territories was a better choice. This might make a difference to the overall town planning, though it is history now.

It is noteworthy that many people, though against the Government's proposal, actually may not necessarily oppose Hong Kong's linkage with the Mainland high-speed rail network and the idea of co-location clearance itself. They are not necessarily opponents of the XRL. They are against the Government's co-location proposal because of their fear of the many devils in the details. As this issue is important and controversial, there are voices in society urging the Government to first provide comprehensive and accurate information and second, to formally conduct a public consultation. The Government should allow the public to get a solid grasp of all proposals, including the Government proposal. The public can thus seriously compare the advantages and disadvantages of various proposals on the basis of their economic benefits, travelling times, convenience, project costs, feasibility, and the other impacts, so

that they can give their views to the Government. After collecting the overall views in society, the Government can then come up with a proposal perfectly in line with people's aspiration. I think this is more important. As we all know, the problem of the co-location proposal is that it is long overdue. The Government does not release its proposal until recently, but then it requires us to decide in haste. This is utterly unfair.

Many people have raised a lot of views and requests, but Chief Executive Carrie LAM and Secretary for Transport and Housing Frank CHAN, the official in charge of this project, do not care to pay the slightest attention to the opposing views, alternative proposals, and requests for consultation. They despise these alternative proposals for their lack of new ideas and their impracticability, and refuse to meet with opposition organizations. The Government puts all efforts on hard selling its own proposal. We can see frequent broadcast of TV Announcement of Public Interests highlighting how the proposal would bring convenience and long-term development benefits to Hong Kong. This one-side argument does not necessarily tell the truth for the truth should withstand the test of debate and discussion. Without engaging the public in the process, how can the public have the full grasp of the justifications and how can they be convinced?

President, I pointed out during the adjournment motion debate yesterday that as a responsible government, it must conduct comprehensive consultation on every important and controversial issue. To responsibly understand how the education functional constituency which I represent thinks about the Government's co-location proposal, I have conducted a members' opinion survey to collect their view. The survey was conducted through the Hong Kong Professional Teachers' Union ("HKPTU") by means of an interactive voice response system. In the survey, we have asked the respondents three questions: whether they support the proposal; whether the implementation of the proposal will affect their confidence in "one country, two systems" or the Basic Law; and whether it is necessary to conduct a consultation.

During the past 13 days, we successfully interviewed 835 HKPTU members, 70% of them are serving school principals and teachers while 30% are retired principals and teachers working for or having worked for universities, secondary and primary schools, kindergartens, special schools, and a few other educational institutions. Hence, I am confident that this survey is of high reference value. I am going to brief Members of the results of the survey.

The first question is whether HKPTU members support the co-location proposal for the setting up of a Mainland Port Area ("MPA") under the Mainland laws inside WKS. The results can be seen in this pie chart. The pie chart clearly shows that the approval and disapproval rates are very close to each other. The chart is divided into five slices to illustrate numerical proportion, and the distribution is quite even. A total of 40% of respondents are "very supportive" and "somewhat supportive" of the proposal while "very opposing" and "somewhat opposing" respondents account for 43%. So, those against the proposal are 3% more than those for it. The rest is neutral on this question. This is very close to the results of other opinion surveys. I think the similarity confirms that our survey results are highly reliable. As we can see, the difference between the number of supporters and opponents of the proposal is 3%. Taking into account of the statistical deviation, we cannot conclude that people against the proposal way outnumber those for it. But we can see clearly that public opinion is divided. A total of 30% of the respondents are very opposing to the proposal while 26% very supportive. As the distribution of the extreme scenario of "very opposing" suggests, any decision made on this issue is likely to cause strong polarization and confrontation in society.

Our second question is if the co-location proposal is really implemented, how will this affect your confidence in "one country, two systems" and the Basic Law? Will this strengthen or weaken our confidence? Only 18% of the respondents say they will have more confidence. This group account for even less than 20% of the total, but exactly half of the respondents say they will have significantly less confidence. In other words, among those who support the Government's proposal in the survey, out of some reasons, they believe the endorsement of the proposal this way will weaken their confidence in the Basic Law and "one country, two systems". The rate of reduction is rather alarming. Is this what we want? We have to pay particular attention to this pie chart slice for as much as 35% of the respondents are in this extreme scenario of having a significant loss of confidence. We must face up to this problem squarely. What gives rise to this scenario? We cannot give you an exhaustive list of reasons in this simple survey, but I think one of the reasons should be related to the third question of this survey. Our third question is whether a public consultation should be conducted on this issue. While 15% of the respondents do not see any need for a public consultation, 50% ... 49% strongly think there is such a need. As much as 65% of respondents see the need for consultation if the rather supportive respondents are included. A total of 65% of respondents believe there is a need to conduct consultation. Even though some of them approve of the Government's proposal, they still think the Government should

first consult the public before making any decision. I believe our members' views are fair enough. Some support the proposal and some others oppose it, but a majority of them think there is a need for consultation. The absence of any consultations will weaken their confidence in the Basic Law and "one country, two systems", as they consider the Government just seeks to force the proposal through. Hence, this survey sends out a very clear message ... As HKPTU has 90 000 members, I am confident that this survey is rather representative.

After doing some analyses, President, we can see that a democratic society attaches great importance to the public engagement. A public consultation is the simplest and most effective form of engaging the public. Just now, Mr LAM Cheuk-ting has criticized the Government for its insincere respect for the Legislative Council by merely submitting this non-legally binding motion to the legislature. Instead, the greatest respect for the public is the conduct of a systemic public consultation. Wrong decisions are unavoidable if the Government would rather carry out a selective consultation on its preferred proposal than a formal and comprehensive consultation. It is still possible for us to make mistakes even after the public consultation exercise, but then the entire society would share the responsibility for such wrong decisions. Yet, if the Government denies public consultation and makes mistakes in its policies, it has to shoulder full responsibility for the faults. Worse still, as the public are not engaged in the process, they are set to react strongly. There were numerous cases of inadequate consultation, such as the demolition of the Queen's Pier, the Hong Kong Palace Museum at West Kowloon which I think we still have a fresh memory, and the Wang Chau as well as the North East New Territories developments. We observe from the survey results that many respondents who support the Government's co-location proposal are also keen to see the Government's launching of a formal public consultation on the topic. Their views are easy to understand as it is their heartfelt wishes that the Government would really respect the public opinions.

President, as in the past, I have published an Article to look ahead at the education policies before the Chief Executive delivered this year's Policy Address. I pointed out in the Article that the Government should attach importance to and rebuild an effective and systemic communication and consultation mechanism in respect of education policies. The policy formulation process should allow sufficient engagement of the stakeholders. Yesterday, when we talked about the Territory-wide System Assessment and the report on the Basic Competency Assessment Research Study, we also questioned the Government's reluctance to have dialogues with or consult those who strongly opposed to or had reservation

about its policies. This is highly undesirable. A consultation should be a frank and open exercise to enable the public to express both their supportive or opposing opinions. Only through soliciting public views and adopting folk wisdom could the Government forge a consensus in society. Although we have different views, and even if the divergences continue to exist after discussion, there is still a mark different between with and without discussion.

I so submit.

PROF JOSEPH LEE (in Cantonese): President, so now we return to the debate on the motion on the "Three-step Process". We touched upon similar subjects when discussing the adjournment motion yesterday. However, in connection with the motion on the "Three-step Process" moved by the Government, I wish to point out what does it mean by "Three-step Process". Lecturers like me are perhaps more garrulous. The whole process involves first negotiating a Co-operation Arrangement with the Mainland, then seeking the approval by the Standing Committee of the National People's Congress ("NPCSC") and subsequently enacting local legislation in Hong Kong. This is the "Three-step Process". In my opinion, by moving such a motion today, the Government purports to consult the Legislative Council on whether it supports the above arrangement, claiming that "co-location" can be carried out simply by moving the motion.

The point we have to note is that, if we support the "Three-step Process", it will imply that we also support the implementation of "co-location" by such a means. However, I believe Members have already pointed out the various scenarios relating to this arrangement. The problem is that we are highly doubtful about the "co-location" proposal. In fact, the Legislative Council truly has not much to do as regards the "Three-step Process". First, as mentioned by me yesterday, the discussion between the Government and NPCSC is like an attempt to invite the tenant to rent the place. After the deliberation between the Government and NPCSC, the latter will then make further arrangements and confirm the proposal, followed by the enactment of local legislation in Hong Kong, which will not be done until next year. Given that the legislation on "co-location" will have to be introduced next year, how can we possibly support the Government's implementation of "co-location" by way of the "Three-step Process" if we are so doubtful about the proposal at this stage?

I said yesterday that most of the amendments on the motion proposed by nine Members are related to three or four subjects. A Member, Mr IP Kin-yuen, has pointed out just now that the Hong Kong Professional Teachers' Union has conducted a survey for public engagement and consultation, yet the Government has not done so. Surely the Government will say that it did consult the public before, but comparing the consultation done by them in the past, one can see the difference between the one conducted by us. This is why many people say that no public consultation has been carried out for "co-location", not to mention public engagement. How can we really support the Government's implementation of "co-location" pursuant to the "Three-step Process" when it has not even done any public consultations?

Furthermore, there is the issue concerning the Basic Law. Of course the Government will say that it is fine, but many people have pointed out the numerous problems in this issue relating to the Basic Law. Will the arrangement violate the Basic Law? If so, will this affect the implementation of "one country, two systems"? As nine Members have raised their points in their amendments, I am not repeating their opinions.

That said, I would like to take this opportunity to review the Government's paper in the past. Having been a legislator for over a decade, I recall the words made by Eva CHENG, then Secretary for Transport and Housing in 2009, that there would be a compromise proposal even if "co-location" for the Express Rail Link ("XRL") would not be practicable. She said that no "co-location" would not mean sacrificing the high speed. At the same time, the paper stated that "co-location" would not be a must, as the Mainland had reserved spaces for something like separate location of customs and clearance facilities ("separate location") in the planning and design of the Shibi Station, Longhua Station, Humen Station and Futian Station. My fellow Members have pointed this out too. But then the Government has denied these words, claiming that times have changed, and that the year 2009 has passed long ago. It says we may need "co-location" today. This is the Government's remark at present, which has raised many doubts.

The authorities may argue that these were the words said by the governments of the last two terms, that they are no longer valid as the Government is not elected by the people and words in the past will just lapse naturally. The Government may say that they have a new proposal now. There is nothing I can say if it really does wish to make such a point. But the paper

truly said so. In fact, the paper then stated that the authorities had allowed for the implementation of "co-location" at Futian Station. I do not intent to illustrate in detail as Members have pointed this out just now. But if this was the case before, why do they not do so now? Again, many questions are still left unanswered.

Moreover, the Government of the last term said in 2015 that most XRL patronage would come from passengers travelling to Shenzhen (62%), while 21% of the remaining passengers would be destined for Guangzhou, and only 17% would be long-haul travellers. In this respect, the figures will naturally bring up the question of efficiency. I will put this aside first as there are many other problems to be dealt with. These three issues brought out by the government of the term before last reflected that "co-location" is not a must. With regard to costs and efficiency, it seems that the Government does not have many queries on this. However, the problem in question is not whether to support XRL, but is it good to inaugurate XRL by applying the co-location arrangement? We need to answer this with reference to certain legal issues, but I am not an expert in this field. Now that the Secretary for Justice is present, as well as other Members who are lawyers ... I have noticed that Mr Charles Peter MOK has stood up. So perhaps I should sit down first.

(Mr Charles Peter MOK stood up)

PRESIDENT (in Cantonese): Mr Charles Peter MOK, what is your point?

MR CHARLES PETER MOK (in Cantonese): President, I request a headcount.

PRESIDENT (in Cantonese): Will the Clerk please ring the bell to summon Members back to the Chamber.

(After the summoning bell had been rung, a number of Members returned to the Chamber)

PRESIDENT (in Cantonese): Prof LEE, please continue with your speech.

PROF JOSEPH LEE (in Cantonese): President, after the short break, now let us return to the discussion of issues about violation of the Basic Law and "one country, two systems". Now let us go back to the questions. Secretary Frank CHAN is leaving the Chamber at this moment. He has just mentioned that they thoroughly understand the "co-location" proposal, claiming that the arrangement, despite its complexity, does conform to "one country, two systems" without violating the Basic Law.

But when we check the information, we discover the Government's undertaking in 2007 that Article 20 of the Basic Law would not form the basis for weakening the SAR's power. That said, the current "co-location" proposal exactly aims to exclude West Kowloon as part of the territory under Hong Kong's jurisdiction pursuant to Article 20. Does this imply that the arrangement has already circumvented Article 18 of the Basic Law?

In this respect, we can refer to the information. Secretary for Justice Rimsky YUEN is present now. According to his explanation, Article 18 of the Basic Law which stipulates that national laws shall not be applied in the HKSAR except for those listed in Annex III will not be applicable as we will have already rent the port area to the Mainland. He believes such explanation and arrangement are fine. Nevertheless, there are serious problems indeed. Does it mean that once Hong Kong rents a piece of land to the Mainland, the Basic Law will no longer be valid there, while the Central Authorities, our tenant, will adopt their laws and exercise their powers there? If so, how should we deal with the Basic Law then?

If Mainland laws can be applied in certain places in Hong Kong, will the Basic Law be reduced to a mere piece of paper? My query is: will Article 10 of the Basic Law be overridden by other laws? We do have many questions in this matter. Not being a legal expert, I am not in a position to illustrate too much, but merely repeating what I have heard from others. In fact, I feel puzzled about this, and hope that the Government will take the chance to expound this later in the debate.

We have another issue related to the Basic Law. As Hong Kong's jurisdiction should cover the entire territory, so even the People's Liberation Army and its personnel shall abide by the laws of Hong Kong under Articles 14, 16, 19, 20, 22, 23 and 24 of the Basic Law even within the garrison. Courts in Hong Kong also have jurisdiction over cases concerning them. But after certain places are leased out under "co-location", will this mean that another set of law

will apply there? With regard to all the above queries, has the Government conducted any opinion polls? Even though it claims that consultation has been carried out, does it imply that after the discussion in the Legislative Council, the Government will be deemed as having done a consultation and gathered public opinions? In connection with questions such as the so-called "co-location" and "Three-step Process", I also hope the Secretary for Justice can offer an explanation as we all have some sort of opinions and queries. I can neither say nor know whether the people are gravely concerned, yet I wonder if the Government has the duty to resolve all the confusions and questions by means of a rational debate? We are all confused at this moment.

Moreover, there are a lot of further questions about "co-location". President, I have just written down 10 questions from the Co-location Concern Group. The first question concerns the judicial confusion in the Mainland port area. I wish to ask for a clarification from the Secretary for Justice. I will read the questions out for everyone here. Why do I do so? It is because I believe government officials have not met the Co-location Concern Group at all, nor have they participated in the meetings or seminars organized by civil groups. They have probably not discussed this before.

So, I hope the Government can explain this today. Like the concept of "reconnect" suggested by me yesterday, the Government is duty bound to promote reconnection with the people. First, regarding the judicial confusion, the first question from the Co-location Concern Group is: as the Government plans to invoke Article 20 of the Basic Law and enter into a cooperation agreement in order to bypass other provisions in the Basic Law, can Article 20 of the Basic Law be overridden actually? I have mentioned such query earlier too. The second question, if "co-location" can be achieved through other alternative proposals, will this result in judicial confusion? The third question, if staff from the Hong Kong side are instructed to perform tasks in the Mainland port area according to Mainland laws under suspicion that such tasks may violating laws in Hong Kong, do they have to follow the instruction? The fourth question, when there is an issue that has something to do with affairs within the responsibility of both the Mainland and the SAR, which side will have the responsibility to handle the issue first and how should such issue be arbitrated? The fifth question, if staff members from the Hong Kong side query that certain issue is not within the responsibility of the Mainland, but the Mainland side insists on dealing with it, what will the Hong Kong Government do? It means if the tenant says that we should handle certain issue in a certain way, then how will the Government, as

the landlord, deal with that issue? Regarding the management of issues relating to the port area, the sixth question asks what will happen if the above questions remain unsolved when XRL commences service under the current proposal? Will the Secretary for Justice please answer the questions concerned in due course, as people are eager to know how things will turn out.

Furthermore, there is the question about border security brought up by us. Presently, some people have suggested the "separate location" proposal. But if such proposal does not work, maybe due to cost efficiency or effectiveness, we will then have to adopt "co-location". In that case, they will ask how the Government can ensure border security. By border security, I mean if suspects in the Mainland fabricate their identities and related documents in order to arrive in West Kowloon by XRL, and apply for courts protection in Hong Kong, will courts in Hong Kong reject their applications because the area has already been leased to the Mainland? What will happen to our international reputation if this is the case? After those people have arrived in Hong Kong ... I can recall the "touch base" policy in effect in Hong Kong when I was young. Of course the policy is no longer valid today, as it was a policy of the colonial government. In this regard, when those people arrive in Hong Kong, if we say that they are deemed as not having crossed the border and reached Hong Kong as the area has been rented to the Mainland, will courts in Hong Kong not handle the applications lodged by them? If so, how will this situation be handled?

One more question about border security. If a pregnant woman from the Mainland is about to give birth to her child on the train platform in West Kowloon, but then she cannot possibly do so as she is in fact still in the Mainland, does it mean that we should get her boarded on the same train back to the Mainland? Even if she takes the same return train back, it will take at least half an hour to get back to the closest hospital in Shenzhen, the University of Hong Kong-Shenzhen Hospital. So, what can we do then? Will she need to deliver the baby on board? Being born on the train, will the newborn baby be entitled to lifelong free XRL journeys? Of course these are issues concerning the boundary. True, the issue relating to "doubly non-permanent resident children" would not have existed if we deal with everyone like this. Of course I am just kidding. However, perhaps the Secretary for Justice can answer such questions which we, without any legal knowledge, do not have a clue. I hope the Secretary for Justice can pay attention to such legal questions arising from the co-location arrangement, regardless of whether these questions are about the Basic Law or border security.

One more problem, can we implement "co-location" in the Mainland instead of in West Kowloon? There are all sorts of opinions regarding this issue, and surely the Government will say this is impracticable. The Professional Commons has prepared 18 slides which clearly illustrate both the "co-location" and the "separate location" proposals. Despite not having studied the slides thoroughly as I have just briefly examined them, I believe the points in them are justifiable. Do we really have to process with the current proposal? Moreover, figures from the Government also predict a rather low number of passengers travelling by XRL to other cities in the Mainland, in which most people will only get off the train in Guangzhou and Shenzhen. Of course, economic efficiency is an issue. If this is the case, will it be practicable to implement "separate location" in Longhua Station or Humen Station, as mentioned before? Even more, Eva CHENG, the former Secretary, said that Futian Station would be another option with its proximity to Hong Kong and leasing land to the Mainland should not be a must. I am not sure if the Secretary for Justice has read those 18 slides which contain many answers to different issues. It is fine if he has not, because the Professional Commons will be very happy to explain the slides to him.

The above are all the queries raised, and these queries will lead to a public perception that "co-location" will undermine the people's confidence towards the Basic Law and "one country, two systems". How about the public polls? Secretary Frank CHAN once said they surveyed the people too, in which the outcome indicated a big support for "co-location". I remember him mentioning this when he spoke. That said, as shown in the documents copied to me from fellow Members, surveys conducted by universities neither studied the people's knowledge about the Government's proposal nor asked if the respondents would consider alternative proposals. On behalf of Members from the Democratic Party, perhaps I can say something for them as they are not present at this moment. The survey conducted by the Democratic Party covered many alternative proposals in which many respondents believed "co-location" should not be the only option with other proposals available. Both sides insist they are right of course, and a consensus is never possible. But the problem is the presence of so many conflicting views in society. I remember Members from the Democratic Party once said that the outcome of their survey indicated a 50% split of opinions in the community, rather than an overwhelming support for the current proposal which has aroused so many queries relating to the Basic Law and other legal issues. In fact, we need some answers from the experts. Under

such circumstances, the Government should take this opportunity to give us a whole picture, but not simply getting the "Three-step Process" done, regardless of our disagreement, while trying to leave the issue aside until the enactment stage. This is the kind of situation we try to avoid. So, I hope the Government can offer an explanation to the people later on, telling them how "co-location" can be carried out properly. It does not matter whether the explanation is given by the Secretary for Justice, the Secretary for Transport and Housing, or any officials responsible for port area security. As the Secretary for Security is not present now, maybe he can explain this to us in due course. Each side had better convince the other with sound arguments, rather than separately stating their own cases. Thank you, President.

MR HOLDEN CHOW (in Cantonese): President, I think we must clearly explain to the television live broadcast audiences of the tactic the opposition camp has been using all the way in its anti-XRL campaign. We can look for the year 2009 in the XRL logbook. In the minutes of meeting on 18 December 2009, we can clearly see that the opposition camp opposed the \$60 billion funding for the XRL project from the very outset. They were doubtful of the XRL project's economic benefits and thus the suitability to spend \$60 billion to build the rail link. During the discussion, there was some coverage on the co-location arrangement, but this was not in great length. At that time, the opposition camp said while Hong Kong was no lack of money, it was not advisable to spend the public coffers on the construction of the \$60 billion XRL. They considered the XRL project a mere waste of Hong Kong's resources. This was their argument.

Now, the opposition camp see that they can use the co-location proposal for overstatements and scaremongering and any purposes they like. They can now scare Hong Kong people into believing that such a proposal would lead to cross-boundary law enforcement. They can also discredit the proposal as damaging the Basic Law. By focusing their efforts on opposing the co-location clearance, they can simply exploit the proposal to scuttle the XRL project altogether. They even throw out a proposal for co-location clearance at the Futian Station. But as Mr CHAN Han-pan explained clearly yesterday, they suddenly put forward this Futian proposal despite the fact that there has never been any discussion with Shenzhen on this option.

Today, I heard once again the argument of the deficiencies in the Government's public consultation work. The opposition Members thus called for a redo of the consultation exercise according to their preferred format. President, if the opposition Members already have a predetermined stance and wish to put an end to the XRL project, no matter how many consultations are to carry out, they will just never change their minds. Actually, will the request for the co-called preferred form of public consultation merely a new tactic or pretext to scuttle the XRL project? This new request for another public consultation comes despite the fact that they are well aware of the scheduled commissioning of the XRL in the third quarter of 2018. Obviously, the request is nothing but seek to scuttle the XRL project.

President, we have just exploded the hypocrisy of the opposition camp. Now, we can see deep down from their hearts they are against the XRL and the Hong Kong-Mainland connection as well. They just seek to cut off the economic and trade exchanges between the two. President, why we are so furious? We will not be so furious if they are honest enough to tell us straight that they are simply anti-XRL from beginning to end. The problem is they just keep on ... they have taken another line recently, declaring that they also approve of the XRL construction. They just dislike the Government's co-location proposal and request the Government to think of some other alternatives, such as co-location clearance at the Futian Station. It does not matter even the Government has never discussed this with its Shenzhen counterpart. All the Government has to do is to follow their suggestion, and to do it right away. President, this is obviously a lie. I am really furious once I hear such kind of arguments.

It is most furious that the Democratic Party itself also takes the XRL. It has also organized XRL tours. It takes the XRL while it opposes the XRL. When its member plays with a stapler¹, he plays tricks. The opposition Members always say Hong Kong people are afraid of the co-location arrangement because of their worries on the cross-boundary law enforcement. This is a wrongful accusation. To be honest, I am more afraid of the stapler now.

¹ A Democratic Party member, Howard LAM reported to the police alleging that he was abducted by unknown Mandarin-speaking men who stapled crosses into his thighs. LAM was later arrested on suspicion of providing false information to mislead the police.

President, I would go back to the most fundamental issue which is the economic benefits of the XRL. Please allow me to illustrate this by an example. Actually, many countries are eager to catch up with the construction of large-scale infrastructures. President, the US President Donald TRUMP announced on 8 June 2017 a plan to overhaul the nation's infrastructure. Of course, I understand that not everyone here will be fond of Donald TRUMP. It does not matter as it is nothing personal. I just want to talk about his policy. The US plan to rebuild its infrastructure is noteworthy. Under the rebuilding plan, the US President is committed to invest US\$200 billion, being only part of the total funding, to overhaul the nation's entire infrastructure, including its roads, airports, and the transport infrastructure. On 15 August, the White House issued another statement, saying that it would comprehensively review the reasons for the continuous delay in infrastructure works. The statement estimates that the typical six-year delay in starting infrastructure projects costs the country up to hundreds of millions US dollar in the economic cost. President, I mainly wish to point out that indeed Hong Kong also needs ongoing upgrade. The purpose of the construction of the XRL is to provide Hong Kong people with a more convenient transport mode so as to enable the city to more effectively integrate with the economies of the Guangdong province and of other Mainland cities.

President, please allow me to raise the last point. As I reviewed the minutes of meeting on 18 December 2009, I found Mr Paul TSE's remark sensible. Please allow me to quote what he had said that day. He said: "I think we have focused too much on whether the \$66.9 billion funding is excessive and if the estimated patronage will make us lose money. President, the focal point of our discussion should rather be Hong Kong's vision in the coming 10 years or beyond. Instead of merely dwelling on the project cost, we should consider how we can expand the Hong Kong consumer market from some 7 million customers originally to 30 million to 40 million customers in a one-hour journey, and further to a market of 80 million customers in additional half an hour travelling time." President, I think his remark is very wise. Sometime, we would need to consider this issue from a macro perspective and look into its economic benefits.

President, I so submit.

MR JAMES TO (in Cantonese): President, last night and this morning, I listened very carefully to the viewpoints aired by colleagues from the pro-establishment camp. I was particularly looking for new or very special viewpoints which warranted discussion.

First of all, many colleagues from the pro-establishment camp have mentioned that high-speed rail is a convenient and speedy option in transportation. In fact, no one will oppose this point of view. What we want is a convenient, speedy and cost-effective option. In President XI's words, the principle of "one country, two systems" should be implemented unswervingly without any deformation or distortion, while the principle of "one country, two systems" should also be respected. This is the option that the Government should aim at.

Over these two days, I have heard quite a new argument which is different from previous arguments. This was mentioned by Dr HO this morning. He says that the issue of West Kowloon Station is in fact related to national defence and foreign affairs. This is a very new viewpoint. I see that some pro-establishment Members are nodding their heads, but they may need to think carefully whether this is true. Dr HO says that the issue of West Kowloon Station is related to national defence and foreign affairs. If this is true, the issue will be outside the scope of our autonomy. In other words, the Government can do whatever it wants. But he did not say so. He may imply that when it is an issue related to national defence and foreign affairs, it will no longer be a simple question of whether a good option can be identified. After listening to his speech, I start to think about what kind of national defence and foreign affairs are involved. He of course did not actually mention national defence, which may be too sensitive to touch upon as highly confidential information is involved. Even if this national defence is really related, there may be a possibility of divulging any state secrets. If this is not related, he may just be giving out false information.

According to him, on diplomatic level, we have to consider how to offer diplomatic courtesy at West Kowloon Station and thus it is a question related to foreign affairs. After listening to this argument, I cannot help wondering whether the co-location arrangement must be implemented at West Kowloon Station even if diplomatic courtesy will be offered there, or whether Mainland laws must be fully enforced there before diplomatic courtesy can only be regarded to have offered. If that is the case, it will be very queer indeed. Take the example of a state leader paying visit to China. If he takes a direct flight to Beijing, there will not be such a problem of course. But if he stops over in Hong Kong, and Hong Kong laws are enforced at the Hong Kong International Airport, can we not offer any diplomatic courtesy to him? In the case of a state leader going to Macao via Hong Kong, we should note that Hong Kong laws are

enforced at the Hong Kong to Macao ferry terminals; or in the case of a state leader going to Zhuhai via Hong Kong, Hong Kong laws are also enforced at the Hong Kong to Zhuhai ferry terminals. Therefore, why does he say that the question concerning West Kowloon Station is one related to foreign affairs, and that full enforcement of Mainland laws is necessary? I really cannot understand. What we have to discuss is a technical problem after all, and I have no other alternatives but to cite some examples in my explanation.

Of course, I feel very sorry that Dr HO may not have a chance to speak again. However, I think it is also fair that there are many pro-establishment Members here who can make a response or even speak outside the Chamber. In my view, this argument is rather new and has never been heard of by the public. It is mentioned because I do not want the public to find our discussion too boring. What I am now discussing is the viewpoint of some pro-establishment Members that there should be full implementation of the Government's arrangement and full enforcement of Mainland laws at West Kowloon Station of Hong Kong, otherwise the foreign affairs problem cannot be resolved.

In regard to the issue of national defence, Dr HO did not particularly mention national defence. For the moment, let us not discuss any questions like whether this location will need the stationing of a very important garrison of the Chinese People's Liberation Army so that they can take control of other places of West Kowloon at any time, or whether Mainland soldiers or strategic commodities can be sent there. If this is really a question of national defence, how come so far the Government has not advanced such an argument or said that this arrangement had to be implemented at West Kowloon Station due to the question of national defence and foreign affairs, or even the instruction from the Central Government? Neither have I heard from anyone working for the Mainland Government that this arrangement must be implemented at West Kowloon Station as national defence and foreign affairs are involved. Hence, I may have attached too much importance to Dr HO's views, or maybe I am just being silly.

Since Dr HO is rather famous in these days—I would like to first declare interest that we studied in the same class for the Postgraduate Certificate in Laws ("PCLL") when we were in our fourth year at university, and so I have to be respectful of my classmate. He has been very famous for his fight against "Hong Kong Independence". I am not sure whether it is because of this that some of his unique views may not be comprehensible to me. If this is really due

to national defence and foreign affairs that the co-location arrangement must be implemented, all considerations in this issue may be different. President, this is the only rather new argument that I have heard of. Since the Guangzhou-Shenzhen-Hong Kong Express Rail Link ("XRL") is now under construction, we would hope that while this project can provide convenient and speedy services, it can also be unswervingly founded without any deformation or distortion on the principle of "one country, two systems" and have this principle fully implemented.

President, the existing arrangement from the Government is truly the worst option of all. Of course, secret discussions were held previously by the Government. It says that a number of discussions have been held. It is also mentioned in the Legislative Council Brief that the Government has thought through but later disproved one or two options mentioned by other people. Nevertheless, Article 20 of the Basic Law is now suddenly mentioned, and Article 20 has never been invoked before. This is about Hong Kong being authorized by the central authorities to reduce its own power. As regards this special issue, should it not be discussed together with the public?

The public are very sensitive to the principle of "one country, two systems". Many people are even worried and sceptical that the co-location arrangement will undermine the implementation of the principle of "one country, two systems". The Government has been operating in a black box for seven years. Although it might be very well-intentioned in the first place, it told the public upon the release of the final arrangement that this is the only option and there will not be any further consultation due to time constraints.

Frankly speaking, the Government has considered many options in the past and there are also many proposals from the community. A colleague even says that I have proposed an option about land leasing. I am sorry, but I would ask him to check clearly. I have not proposed such an option. Please do not falsely accuse me. I have heard of a suggestion about downsizing the area of West Kowloon Station of Hong Kong in an attempt to resolve the technical problems in law. In other words, if the area of West Kowloon Station does not belong to Hong Kong but belong to the Mainland, it will no longer be the property of Hong Kong. If this piece of land is handed over back to the Mainland several decades in advance, all the so-called legal problems will be resolved. As a result, Mainland officers can enforce Mainland laws in that area, whereas Hong Kong will have one less piece of land. Nonetheless, we have to remember that in

order to have this option implemented, we need to have very strong mutual trust and confidence, including confidence in the SAR Government and the Central Government. In my opinion, this option is infeasible if we analyse it from the political point of view.

President, the current option is much worse than any other options, including the option of taking this piece of land out of Hong Kong's property permanently that I just mentioned. It is because the present approach of leasing the plot of land to the Mainland by Hong Kong is not thorough enough. An even worse scenario that I am thinking is that the principle of "one country, two systems" may be used for reunification with Taiwan, but of course, whether this will be successful is another story. Many Chinese institutions may have bought some plots of land in Taiwan. In case anything happens, they will then say that they have already leased the plots of land to China. But if a plot of land in Taiwan is leased to China, can Mainland laws be fully enforced there? Is it possible that the landlord, being a Chinese institution, can have its plot of land leased to China?

Furthermore, our colleague Mr WONG Kwok-kin says that according to Article 7 of the Basic Law, the land within the Hong Kong Special Administrative Region shall be State property. Let us put aside the concept of leasing but concentrate on Article 7 of the Basic Law. Some say that if the land within Hong Kong shall be State property, Mainland laws can be implemented here. This sounds very weird. Does it mean that Mainland laws can be implemented anywhere in Hong Kong, or can be fully implemented in Macao? What is more appalling is that from the Central Authorities' point of view, the island of Taiwan, including Kinmen and Matsu, is from the start the property of the People's Republic of China ("PLC"). Taiwan only rebelled against PLC back then but the island is still the property of PLC. Does it mean that Mainland laws can be implemented there? This matter is too serious. These remarks are based on Article 7 of the Basic Law. Based on the concept that the land within Hong Kong shall be State property, they think that Mainland laws can naturally be implemented here. This is not possible. In Hong Kong, every plot of land demarcated to Hong Kong has been promulgated by the State Council, where the principle of "one country, two systems" enshrined in the Basic Law and the laws of Hong Kong, instead of the Mainland laws, shall be implemented. If you say that only if a certain plot of land is leased back to the Mainland by Hong Kong, Mainland laws can be implemented there, this will be too alarming.

In fact, I have thought through this for a long time. Is it a natural course for the Government, after discussing this issue for a long period of seven years, to efficiently put forward this option without consultation due to time constraints, or is it actually a plan? In other words, there has actually been some progress for the Government, but some people were worried that if this was introduced earlier ... I would imagine what would have happened if this option had been proposed by LEUNG Chun-ying three years ago. Just think about the consequence if this option had been proposed by LEUNG Chun-ying, during his leadership, two, three or four years ago, and it was LEUNG Chun-ying who said, "There is no problem. It will not be harmful to the principle of 'one country, two systems'. Do trust me." Therefore, I think this is a plan. The Central Government is very smart. Back then, it knew that if this option was proposed by LEUNG Chun-ying, it would certainly not be successful. It then waited until 1 July when Mrs Carrie LAM assumed office so that this option could be proposed by a more pleasant-looking Chief Executive. Nonetheless, there are new problems. Mrs Carrie LAM is demonstrating her new style of administration. She said that she would discuss this issue together with the public and respect the public. However, shortly after she has taken office, she started taking a drastic approach. She asked the public to listen to the arguments of the discussions and asked the university students to go online to listen to what the Secretary has said. She is taking this new style and new approach to handle this issue. Besides, the Legislative Council can be regarded as a place representing public opinions, but the democratic camp has now lost a few seats in the Council. Hence, if she says that the passage of this option is even supported by directly elected Members and that public opinions have been represented, she is actually cheating herself. Moreover, if the option is passed within the time limit, she will say that she is being respectful of the Legislative Council as the option is passed after the debate of the Council. If the option cannot be passed within the time limit, she will start the "Three-step Process" herself. Can this be regarded as the new style of administration of our Chief Executive? Her remark on providing 800 000 public rental housing units may not be a slip of tongue, and perhaps this can also reflect her new style of administration.

DR PRISCILLA LEUNG (in Cantonese): President, I speak in support of the co-location proposal of the Government. First, as a Member of the Kowloon West geographical constituency, I welcome the terminus of the Guangzhou-Shenzhen-Hong Kong Express Rail Link ("XRL") to be located in West Kowloon and the co-location arrangement to be able to tie in with the

commissioning of XRL. So, today, I wish to point out the legitimacy of the co-location arrangement which have been distorted or discredited by the public, so that Members can have a thorough discussion.

Many remarks have been made concerning the proposed co-location arrangement. The most talked about is that the proposal is tantamount to ceding Hong Kong land for co-location. This time the opposition has very uncommonly upheld Article 18 and Annex III of the Basic Law regarding the application of national laws in Hong Kong. They were not very enthusiastic about invoking Article 18 in the past, especially when it came to applying national laws in Hong Kong. However, the chosen proposal, no matter which one, is not to be influenced by a debate or an opinion poll.

The co-location arrangement complies with the Constitution of China, the Basic Law and the laws in Hong Kong. This is indisputable. Its legitimacy will not become otherwise after a few rounds of discussion. So, I must tell the public the truth. The co-location arrangement involves the relationship between the Central Government and its local administrative region. It also involves the legislative intent of the Basic Law. And the proposed "Three-step Process" involves a decision to be made by the Standing Committee of the National People's Congress. Any claptrap that seeks to arouse fear in the community cannot conceal the illegitimacy and stupidity of the "ceding Hong Kong land for co-location" theory. We definitely do not accept such fallacious reasoning to cause havoc in the community.

Co-location is an arrangement that involves governments of the two sides. It absolutely will not affect the right to administer which is vested to the SAR Government under "one country, two systems". China has a unitary state structure. It maintains a relationship with the Hong Kong SAR by authorizing power to the latter. This relationship between the Central Government and its local administrative region has been clearly provided in the Basic Law promulgated on the day Hong Kong was returned to China. We are vested with executive, legislative and judicial power. We have been vested with the right to administer Hong Kong under the principle of "one country, two systems". But this does not mean that our country will "cede" the sovereignty to Hong Kong after our reunification with China. It is not like that. All along we are talking about the right to administer Hong Kong. I think Mr James TO knows well what I am talking about. Sovereignty and the right to administer are two different matters. Article 7 talks about the land and the right to administer the

land. They now try to distort this fact and say that giving up the right to administer in the co-location arrangement, especially the judicial right, is tantamount to ceding the land to the Mainland. This is fallacious.

Talking about the co-location arrangement, there are now a few major arguments in Hong Kong and I will explain a few, especially those frequently cited by the opposition. First, they claim that the co-location arrangement violates Article 22 of the Basic Law because no Mainland officers should be allowed to take enforcement actions in areas under Hong Kong jurisdiction. Please do not forget that the enforcement actions referred here mean Mainland officers discharging or enforcing Mainland laws in areas under Hong Kong jurisdiction. But the opposition has been saying that the national laws to be enforced have to be listed in Annex III before they can be applicable to Hong Kong. This is similar to the mechanism that the national anthem law under discussion now has to go through. Perhaps, the opposition thinks that this is the only way to proceed.

In fact, there are many ways to proceed and every one of them can reach the same destination. I have never heard the opposition talk about the issues that arguments concerning Article 18 may involve. In fact, arguments concerning Article 18 may involve more than one national law since we are now talking about customs (such as customs duty), immigration and quarantine ("CIQ") procedures. These may involve over 10 national laws. Even if we decide to list them all into Annex III, I believe the opposition will still refuse to accept this approach.

The opposition proposes the approach adopted between the United States and Canada (i.e. the preclearance model). In fact, I am among the first persons who propose this approach. Under this United States-Canada approach, a Preclearance Act was passed to allow part of the CIQ procedures to be handled by border control officers of another country or jurisdiction. The United States-Canada approach is drafted in great detail. There are arrangements for preclearance officers of the two countries to conduct a body search or detainment. Section 37 of the Act is worth our attention. It provides that no decision made by border control officers of the United States in the Canadian preclearance area is subject to judicial review in Canada. You know, judicial reviews are very popular in Hong Kong.

But the United States-Canada approach is not chosen in the end. In the past one and a half years, I tried every means to communicate with or explain to Mainland officers familiar with this issue. I proposed the preclearance option to them not from a legal point of view, but rather, purely from a political point of view. Many people in Hong Kong, like the opposition, are very headstrong not to accept any government proposal. However, the Mainland officers also pointed out that CIQ procedures involve national safety. Some people in Hong Kong also said that the Central Government would not allow Hong Kong immigration officers to conduct Mainland CIQ procedures. This is especially true having regard to the incidents of booing national anthem, proclaiming independence and Members making use of oath-taking to humiliate their own country and nationality. How could the Central Government have the confidence to authorize such power to Hong Kong immigration officers? In my discussion with the Mainland officers, I was sometimes left speechless to their questions.

The opposition now refuses to accept the juxtaposed control arrangement. Actually, they can consider the United Kingdom-France model. The United Kingdom practices the common law system and France practices the civil law system, but they manage to implement a co-location arrangement. Travellers in railway stations in the United Kingdom can easily complete CIQ procedures involving different legal systems under their co-location arrangement. They are willing to give a reasonable extent of their jurisdiction and their right to administer to the other country's government for the sake of their people.

World-wide experience shows that co-location arrangements are implemented with agreement forged between governments, and these agreements do not involve any cession of land. Do not tell me that the co-location arrangement between the United Kingdom and France is equivalent to ceding their land to each other. No, it is not like that. An easier example for people to understand is consulates. The place where a consulate is located will not become the land of the country the consulate represents two years later. The country may rent another place to set up its consulate. And people entering the consulate should respect the law of that country. This practice is actually very common around the world.

However, when we discussed the United Kingdom-France model and United States-Canada model with the Central Government, they said, and I also agreed, that these were only analogies for reference. We practice "one country,

two systems" here in Hong Kong and we have to consider the models which China has adopted under "one country, two systems", and the most relevant model for consideration is the Shenzhen Bay Port model. We discussed the option between the preclearance model or the juxtaposed control model in 2007. China also considered this issue at that time. In the end, they all chose to believe in Hong Kong and authorized Hong Kong enforcement officers to conduct Hong Kong border clearance in Shenzhen Bay Port using the juxtaposed border control arrangement.

The opposition has been saying that once Mainland officers stepping into the area under Hong Kong jurisdiction in West Kowloon Station, they violate Article 22 of the Basic Law, which prohibits Mainland personnel from enforcing laws in Hong Kong. We have been trying to clarify this with the opposition Members, but they still do not understand it. I do not know if they act like this on purpose or not. Would they please spend more time on reading the information. If the two sides can agree on the jurisdiction and the right to administer of the co-location arrangement, they will each do their part of the CIQ procedures. In other words, Hong Kong border control officers cannot enter the area under Mainland jurisdiction to conduct their CIQ procedures or enforce their laws. They do not have the power and authority to do so anyway. On the other hand, Mainland border control officers also cannot enter the area under Hong Kong jurisdiction to conduct our CIQ procedures. The two sides will do their own part of the procedures. The opposition does not comprehend this mechanism, no matter how hard we have tried to explain to them. They insist on saying that Mainland officers want to enter the area under Hong Kong jurisdiction. If the two sides cannot reach an agreement, their argument may still make sense; but if there is an agreement, it means that the two sides are willing to reach an agreement for the benefit of the people in the two sides. There are many such examples in the world and I cited only two just now as I cannot cite them all today.

So, they should not keep repeating their argument to stir up political fear. This is unfair to the people. I have heard Mr Alan LEONG repeatedly say in forums that he is scared. Why? He explains that he is phobic to politics. I cannot help him to cure his problem. He should rethink why he is so scared. He often cites the case of GUI Minhai, but this case is not caused by the co-location arrangement. I do not know the status of the case now as there may still be many doubts to be cleared. Our discussion today is not about this case anyway. Please think again. The case is irrelevant to the co-location

arrangement. The opposition does not think so. They keep saying that the co-location arrangement may give rise to many such cases. Who told them that? Why do they not honestly tell the whole truth? A straightforward option is laid before us and it is the co-location arrangement. They should not waste any more time.

Then, what should be done? I mentioned the United Kingdom-France model. We may not be able to apply the whole model to our system, but the agreement on this model is written in great detail. For instance, if weapons are involved, the two countries have to notify each other beforehand. They reached the agreement in 2003, which was then revised in 2011. Their agreement is duly put into practice. Why does the opposition have to topple the co-location arrangement? I notice that they all along support the "separate location arrangement". Even the Futian option they put forth recently still follows a separate location mechanism. This option is not in any way beneficial to maximizing the efficiency of the West Kowloon Station of XRL. Besides, they have been saying that the co-location arrangement violates the laws, but the arrangement actually complies with our laws and the Constitution. It is a reasonable arrangement that can bring maximum benefits to the people in Hong Kong and the Mainland, as well as to overseas travellers.

President, I thus absolutely cannot accept the fallacious arguments which the opposition has been using to discredit the co-location arrangement. We have made repeated clarifications. But they keep repeating their arguments. They cannot make fallacious arguments convincing by repeating them 100 times. But I believe we now know that fallacious arguments will collapse by themselves. If they were familiar with the co-location concept and have read the papers, they would not have made the remark just now that the co-location arrangement is tantamount to ceding Hong Kong land to the Mainland. Their cession of land remark is totally against the principle of "one country, two systems".

President, once again I express my support to the proposed co-location arrangement and I hope that the Government can successfully complete the "Three-step Process" and expeditiously complete the XRL and finalize the co-location arrangement for the benefit of the general public. President, I so submit.

MR SHIU KA-CHUN (in Cantonese): President, "Co-location arrangement will only expose Hong Kong to the danger". Dr Priscilla LEUNG has said just now ...

President, I find it necessary to call a quorum.

PRESIDENT (in Cantonese): Will the Clerk please ring the bell to summon Members back to the Chamber.

(While the summoning bell was ringing, THE PRESIDENT'S DEPUTY, MS STARRY LEE, took the Chair)

(While the summoning bell was ringing, a number of Members returned to the Chamber, but some Members have not returned to their seats yet)

DEPUTY PRESIDENT (in Cantonese): Will Members please return to their seats.

Mr SHIU Ka-chun, please continue with your speech.

MR SHIU KA-CHUN (in Cantonese): "Co-location arrangement will only expose Hong Kong to the danger", and "one country, two systems" will be no more once the co-location arrangement is given green light. This is the conclusion we have drawn after talking to members of the public and the kaifongs at our street booths. This is a conclusion based on our understanding of the issue and is by no means one-sided.

Dr Priscilla LEUNG has said just now in her speech that Alan LEONG often misleads the public with heresies by telling people he is so afraid. Well, if feeling so afraid is wrong, then Dr Priscilla LEUNG must have been telling people not to be afraid just now. According to Dr LEUNG, the Guangzhou-Shenzhen-Hong Kong Express Rail Link ("XRL") is as good as *Galaxy Express 999*, some magnificent project that the entire world cherish. The XRL has even been portrayed as Dr SUN Yat-sen's dream by a Member just

now, which is indeed an overstatement. Had it really been as good as *Galaxy Express 999*, then we should not have had any fear since "Grandpa is here". There is hearsay that the pro-establishment Members have been given directions that this motion has to be passed within this week. Or else, additional meetings will be scheduled for Friday or Saturday until it is passed. Now I see why they have no fear. It is all because "Grandpa is here".

Deputy President, Madame ROLAND (Marie-Jeanne ROLAND (1754-1793)) once said: "Oh Liberty! Liberty! What crimes are committed in thy name!" Today, Hong Kong people can change the sentence into this: "Oh XRL! XRL! What crimes are committed in thy name!" Being inconsistent with the Basic Law, the Guangzhou-Shenzhen-Hong Kong Express Rail Link only serves to bring an end to the "one country, two systems", while wasting Hong Kong people's hard-earned money as well as the blood and tears shed by those workers having engaged in its construction. It is a rail road that will only leave Hong Kong with scars. And how much more must Hong Kong people sacrifice indeed for the sake of XRL?

On 20 October 2009, the Hong Kong SAR Government lightly decided to "hard-sell" the proposal of co-location arrangement for XRL, for which almost zero consultation was conducted. Back then in 2010, the clearance of Choi Yuen Tsuen took place to make way for the construction of the Hong Kong Section of the XRL, and its villagers lost their homes as they were forced to move out of the village. Not only were people's homes destroyed, many workers also got injured in accidents relating to the construction of the XRL as a result. According to the figures provided by the Labour Department, more than 600 cases industrial accidents were recorded since the commencement of the construction of the Hong Kong Section of the XRL up to 2015, claiming at least four precious human lives. On 16 January 2010, the funding of as much as \$66.9 billion for the XRL project was approved by the Legislative Council in the midst of controversies. On 11 March 2016, an additional funding of \$19.6 billion was, also in the midst of controversies, approved to make up for the overruns caused by geological problems and prolonged works. The total capital cost for the XRL project is nearly \$87 billion, well, the exact amount should be \$86.42 billion. The Government has yet to officially give thorough replies to the questions raised at this Council in respect of the original funding application as well as all additional funding applications made subsequently, and the issues of clearance, inspections, etc. Moreover, it still fails to allay the public's concern about "one country, two systems" being undermined by the XRL project.

XRL, the world's most expensive high-speed rail link, should not be built in West Kowloon of Hong Kong right from the start. A number of academics remarked that there is no way for the XRL to fully recover its costs. Even though we adopt a pragmatic perspective—the Government often speaks of the need of being pragmatic—and take the Hong Kong Section of the XRL as a fait accompli, that does not mean that the Hong Kong people consider it acceptable to conduct customs, immigration and quarantine ("CIQ") procedures at a town centre in Hong Kong under the co-location arrangement.

Former Secretary for Transport and Housing said in March this year that it was inappropriate to disclose too many details of the co-location arrangement since a number of which still pending finalization by both governments. Back then, he asked Members to exercise more patience with the issue while reassuring them that he would give an account of specific details of the co-location arrangement before the previous term of Government came to an end. Yet, as revealed by media reports, the co-location arrangement in question had already been decided in October 2014.

In February 2016, the Hong Kong and Macao Affairs Office of the State Council had already given to the Hong Kong Government the layout plan for the co-location arrangement, but our Government has been concealing the truth from us and refused to make public as soon as possible the relevant details honestly. It even refused to consult the public as well. According to the paper submitted to this Council on 8 January 2016 by the Department of Justice, the Transport and Housing Bureau and the Highways Department (and I quote), "[S]ince the West Kowloon Terminus of the Hong Kong Section of the XRL is situated in the Kowloon Peninsula, it is certainly within the geographical area of the HKSAR. Even if the co-location of the customs, immigration and quarantine facilities of the HKSAR and the Mainland at the West Kowloon Terminus is implemented, no area within the West Kowloon Terminus will be carved out of the HKSAR's territory." (End of quote) At last, the Government announced this July the implementation of Hong Kong and Mainland CIQ procedures at West Kowloon Station (i.e. the co-location arrangement), under which almost a quarter of the West Kowloon Terminus has been carved out for establishing a Mainland jurisdiction, namely the Mainland port area. Apart from the CIQ procedures, a complete set of Mainland laws will apply in the Mainland port area where jurisdiction will be exercised by the Mainland. This is to tell us that apart from concealing the truth from the outset, our Government even went on to lie to us afterwards. It lied a lot in promoting the co-location arrangement, for example.

It tells us that there are precedents of co-location arrangement, but on the other hand, it says it is impossible for the Mainland to introduce additional clearance facilities and the current proposal of co-location arrangement will not contravene the Basic Law. And so, it is likely that the Government will, I believe, say something like "war is peace" at one occasion while saying "freedom is slavery" and "ignorance is strength" at other occasions as quoted from George Orwell's *1984*. It is hard to tell how many more such messages that have either deviated from facts or revealed only part of the truth will come.

First of all, let me talk about the view that there are precedents of co-location arrangement. Actually, the co-location model adopted at Shenzhen Bay is so much different from that to be implemented at West Kowloon Station and no comparison should be drawn between the two. At Shenzhen Bay, clearance facilities are set up at the border area, but those at West Kowloon Station are located in the town centre. In the case of Shenzhen Bay, certain territory belonging to the Mainland is leased to the HKSAR in accordance with the Mainland laws, thus empowering the Hong Kong Government to enforce the laws of Hong Kong there. However, concerning the case of West Kowloon Station which stands in the town centre, the Basic Law neither gives Hong Kong nor the Mainland any powers to permit Mainland enforcement officers to enforce Mainland laws within Hong Kong's territory. Inevitably, implementation of the co-location arrangement in Hong Kong's town centre must give rise to the issue of enforcing Mainland laws in Hong Kong because it is provided in the Basic Law that national laws other than those on national defence and diplomacy shall not be applied in Hong Kong.

Besides, some people—Dr Priscilla LEUNG has also mentioned just now that co-location arrangement is also adopted by Eurostar, the railway linking up Britain and France—but in that case, passengers travelling from London to Paris must complete all clearance procedures in London before they can board the train, while those travelling from Paris to London must complete all clearance procedures in Paris before boarding the train. Neither will Britain nor France surrender their jurisdiction over their respective train stations to the other country.

Under the co-location arrangement currently proposed by the Government, clearance procedures of both Hong Kong and the Mainland will take place on Hong Kong soil. Moreover, the jurisdiction over the trains at West Kowloon Station will be handed over to the Mainland Government. The sweeping approach taken by the Government in coming up with the proposed co-location

arrangement is basically deceitful, but the Hong Kong Government never makes any effort to clarify the matter. On the contrary, it keeps on misleading the public with advertisements in this regard.

According to Secretary Frank CHAN, the proposed co-location arrangement is the only viable option since it would be totally impossible for the Mainland to rebuild the clearance facilities in order to address Hong Kong people's unreasonable demand. He even asked Mr Andrew WAN to adopt a more realistic stance instead. As a matter of fact, when addressing the queries raised by Members of this Council in 2010 concerning the construction of the XRL, the then Secretary for Transport and Housing Eva CHENG had said that the Government might explore compromise schemes other than the co-location arrangement. And just two months ago, media reports revealed that as shown in the design of the Futian Station in Shenzhen, room was actually earmarked for establishing port areas and clearance facilities there. In fact, there are also the "separate-location model" and the "on-board model" besides the "co-location model", but our Government chose to conceal from us the viability of all options while still maintaining that the co-location arrangement is the only option.

Last but not least, I must talk about the "Basic Law", which guarantees that "one country, two systems" in Hong Kong shall remain unchanged for 50 years. It is stipulated in Article 18 of the Basic Law that national laws shall not be applied in the HKSAR. Furthermore, a detailed description of the boundary of the administrative division of the HKSAR is given in Instrument 11 of Annex III of the Basic Law. Yet, the Hong Kong Government and the pro-establishment camp are, without blushing or showing shortness of breath, just hard-selling the co-location arrangement now purely for its edge in saving a few minutes' time—but there will not be any distinct difference in fact when time is taken into account—in a bid to take forward the implementation of Mainland laws at West Kowloon Station situated in a town centre in Hong Kong. They simply ignore the Basic Law by surrendering Hong Kong's jurisdiction to the Mainland Government. As I have said at the beginning of this piece of speech, the "one country, two systems" will come no more once the co-location arrangement is given green light. I just cannot help wondering: To what extremes will Hong Kong be carried in the name of "Development"? And what extreme measures will the Hong Kong Government take in the name of "XRL"? Our Government can surely keep on concealing from us the whole truth, telling all sorts of lies, ignoring the local constitutional law and the promise of "one country, two systems", and even selling out Hong Kong, but all such acts will only serve to

push Hong Kong backwards instead of driving real progress. Hence, I will absolutely not support such a motion on co-location arrangement, which is moved by the Government and not intended to have legislative effect.

Deputy President, I know many Members may still keep speaking good of the co-location arrangement later in the day, but I am really curious about one thing: Is it really the case that we can neither make nor discuss other suggestions simply because "Grandpa" has already pressed the button? Deputy President, are we supposed to take it for real that it is the only option simply because everybody thinks so?

"Oh Development! Development! What crimes are committed in thy name!" I so submit.

DR CHENG CHUNG-TAI (in Cantonese): Deputy President, a Member of the pro-establishment camp said just now in his speech that SUN Yat-sen would also support the construction of the Guangzhou-Shenzhen-Hong Kong Express Rail Link ("XRL"), and that the construction of XRL would allow for reminiscence of the historical events in Shibi, so on and so forth. I would like to add that SUN Yat-sen's support for the construction of railway is a fact, but SUN Yat-sen has also dedicated his whole life on overthrowing autocratic rule and establishing the Nationalist Government. Does the Member also support the Three Principles of the People?

I only want to point out that given the suspicious circumstances now or to put it in a more lively manner, when the Government is trying to force its way through, Hong Kong people may have no alternative but to accept all these. Therefore, Deputy President, I consider and I am sure it is very obvious to all that the problems relating to the co-location arrangement of XRL are not merely legal issues or issues concerning legal principles. They are also in no way problems involving purely the principle of "one country, two systems", but are in essence political problems reflecting the core issues of the implementation of "one country, two systems" in Hong Kong.

As a matter of fact, we already know since 1997 that the river water and the well water will eventually develop into the present state one day, but it is beyond our imagination that mistakes will be committed so repeatedly and outrageously as far as XRL is concerned. In this connection, I tend to believe some rumours in the city which suggest that there was utterly no plan in 2010 or 2009 for the

alignment of XRL to pass through West Kowloon, and I consider the SAR Government should be held absolutely responsible for this. The then Chief Executive Donald TSANG has a lot to answer for the situation today. Under such circumstances, we can only try our best to right the wrong, but there is nothing we can do if the Government wants to make mistakes after mistakes.

I first have to state my position on the co-location arrangement clearly: I think most of the people of Hong Kong do not really understand what future trouble will the co-location arrangement give rise to, and this is also the greatest difficulty faced by the democratic camp. No matter how many booths we set up on the streets and what publicity efforts we make to promote or explain clearly the arguments involved, members of the public still find them difficult to understand. The same thing also happens to the interpretation of the Basic Law by the Mainland. It is difficult for us to make members of the public understand today what future trouble this will give rise to, and we can only let them feel and experience it for themselves.

How long shall we wait? Just imagine, after the commissioning of XRL and the implementation of the co-location arrangement, the problem of gate-crashing hospital emergency wards by "doubly non-permanent resident pregnant women" to give birth in Hong Kong will be different from what it is today. I have asked at meetings of the Panel on Security that if a pregnant Mainland woman travel to Hong Kong by XRL and is in labour on arriving at the Mainland Port Area within Hong Kong, will she be sent directly on humanitarian grounds to a local hospital for delivery? Or will the agreed arrangement be followed to dial 999 and ask for assistance from the Mainland public security authorities, so that she will be sent back to the Mainland on the same XRL train for delivery? I believe the former arrangement will be adopted. Deputy President, under such circumstances, has the Government ever considered how this practical issue should be handled?

You may argue that it involves the actual handling of such cases, which can be dealt with in a legally lenient or stringent approach, but Hong Kong people have the impression that different degrees of corruption-free and strict practices are adopted at boundary control points of Hong Kong and the Mainland. Hence, will our door be even more wide open and the problem of gate-crashing hospital emergency wards by "doubly non-permanent resident pregnant women" to give birth in Hong Kong will run even more rampant? I am sure not only the legal issues of the co-location arrangement are involved.

Secondly, the matter also involves a problem of actual operations. If one whole floor at a train station located in Hong Kong is designated to set up the Mainland Port Area and rented for use by the Mainland authorities, can Members representing the insurance sector please kindly tell me how should the policies of third party insurance be taken out or how should the relevant insurance arrangements be secured? Has the Government explained in detail what steps should be followed when taking out insurance policies similar to those procured for public organizations or government agencies of Hong Kong? Shall they be regarded as policies taken out by the Hong Kong Government, or will the Mainland Government pay the insurance premium after the policies are taken out by the Hong Kong Government? There are in fact ambiguities in this respect. Members of the insurance sector would of course consider the issue very easy to deal with since these are simple trading transactions, and as a colony in the past, Hong Kong should have accustomed to the situation and should have extensive experience in this regard.

However, I would like to point out that the above examples are only of a trivial nature, and they have not yet touched on an issue which I believe the Hong Kong Government cannot possibly address on its own, that is, the handling of certain goods which are not regulated in Hong Kong but are subject to stringent regulation by the Mainland Government. Hence, if the Mainland authorities are allowed to take actions in the Mainland Port Area in accordance with the Mainland laws, will Hong Kong citizens be caught inadvertently? Conversely, how should we handle cases involving the smuggling of a large amount of Renminbi or huge value of gold? The Government may argue that different approaches will be adopted in different control points to handle such cases, but as far as the Shenzhen Bay Port or other boundary control points are concerned, I do not know if the Security Bureau has maintained specific statistics of the total value of gold exported or imported from the Mainland. Yet, this is something which can actually happen at West Kowloon Station in the future, and the value involved may even be substantial enough for acquiring two luxury flats in the adjoining area in West Kowloon.

Deputy President, I am not considering the issue purely from the perspective of Hong Kong citizens or Hong Kong people, because from the perspective of XI Jinping, it will also be too convenient to transfer illegal "black money" away from China in this way. Deputy President may opine that people engaging in money laundering will not travel by XRL, just like foreign heads of

state visiting Hong Kong will not travel to the Mainland by XRL but will opt for travelling by air, which is much more time-consuming. We all understand that this is a far-fetched analogy, just like the examples which I cited may be considered unrealistic because all the said scenarios have not yet happened.

Therefore, Deputy President, I can cite a lot of different examples to elaborate on all sorts of problems, or even quote different provisions in the Basic Law as cross-reference in my interpretation, but if we continue with this argument here on the various provisions in the Basic Law, we after all have to face the most basic question of whether it will eventually develop into another case which warrants the interpretation of the Basic Law by the National People's Congress. If the answer is positive, it only serves to remind us that the problem concerning the co-location arrangement of XRL has just reflected a loophole already exists in the constitutional system established under the principle of "one country, two systems", that is, who should actually be the one in charge of Hong Kong? The Government can tell us today that the country has every right to recover the land anytime because it actually is the owner of the land. It can also explain that in accordance with the provisions under the Basic Law, this is state-owned land but we can lease it out to the country. What is there left for us to discuss when no one considers such arguments ridiculous? Strictly speaking, there is really nothing left for us to discuss if the arguments can be twisted in such a way, is it not? I am sure you, Deputy President, will also find it ridiculous.

For many years in the past, there have been many absurdities of the whole project, but nobody mentions them today. For example, the selected sites of XRL; the spate of scandals revealed during the construction period; the problem of project delay identified in 2014, which has turned the XRL project into a bottomless abyss, indicated to all of us that there would be repeated occurrences of costs overrun and discouraged the MTR Corporation Limited from accepting the business deal. The Government then explained that the delay was caused by only one or two major problems, such as the damage of retaining wall due to heavy rainfall and tunnel boring machine breakdown due to flooding, and that the costs overrun was caused by the relatively complicated geological condition in West Kowloon. Although Prof Anthony CHEUNG, the then Secretary for Transport and Housing, said that we should give the matter the benefit of the doubt, he also expressed shock at the situation and said that he was surprised. However, after the occurrence of all these problems, the Government has only submitted two reports, and no official should be held responsible and step down.

These are really absurd, but the people of Hong Kong have accepted them, and I can only say in my speech today that we should not be so forgetful. Moreover, speaking so much on these issues will only upset ourselves because as I have already mentioned yesterday, it makes us feel that we are suffering from dementia.

Why should we speak repeatedly on the issues then? Apart from the Deputy President, I myself am also fed up with speaking repeatedly on the subject, but this is a problem affecting not only this generation of Hong Kong people. Every generation of Hong Kong people will have to face the following problem: Is the Chinese Government free to do whatever it wants as long as it is happy? If the answer is positive, we have to admit that Hong Kong is just a rented place, the Hong Kong Government is a caretaker government, and this Council is also a caretaker legislature. The way forward should then be very simple, and we should each try our very best to make as much money as we can.

However, if the principle of "one country, two systems" will really be undermined to such an extent, writers of some articles about "one country, two systems" cannot help but reckon or question that if the national bank (that is, the People's Bank of China) considers that there is a serious outflow of Renminbi in some places of Hong Kong, will Hong Kong Government be asked to designate certain areas for the establishment of Chinese banks, so that Renminbi exchange services can be strictly provided within those areas? This is not an idea of mine, and I am just citing what is suggested in some news reports. This may be an even more unimaginable or absurd idea, but I just want to point out that we cherish Hong Kong so much because our earnings here are expressed in Hong Kong dollars, is that right? If this can no longer be done and the principle of "one country, two systems" goes bankrupt, the operation of our free market will also be impeded, and the next generation can no longer enjoy what we have in Hong Kong today. Hence, the whole issue can have very far-reaching implications, and it will be difficult for us to imagine what other future trouble it will give rise to. When all of us think that it concerns only the interpretation of legal provisions or the Basic Law, we have in fact been made to bear many undesirable consequences of such legal interpretations.

If we do not implement the co-location arrangement, how should we deal with the XRL project? Deputy President, the train speed in the Hong Kong Section of XRL will in fact be comparable to that of electric multiple units, and no matter how we brag about its efficiency, we still have to interchange to other routes on arriving at Shenzhen, so please do not deceive the people. We still

have to interchange to other routes if we wish to travel to places other than Shenzhen, and hence the crux of the problem does not lie in the economic benefits to be brought about by the implementation of the co-location arrangement or the number of visitors who will come to Hong Kong. We can deceive no one with such arguments, and should just put a stop to all these discussions because they will only give members of the public the impression that we are talking nonsense.

Why should we speak repeatedly on these senseless issues? Deputy President, please try to understand that after going through the whole script of my speech, I can only draw my conclusion with the following sentence: the damage to be done by the co-location arrangement is irreversible and fatal. If a comparison has to be made, although it may not be appropriate, the interpretation of the Basic Law made by the Mainland back then in respect of the issue of right of abode can perhaps be used as an example, from which we can identify the reasons for the complete failure of Hong Kong's population policy today. Yet, can Article 22 and Article 24 of the Basic Law be amended now to take back the powers to vet and approve One-way Exit Permit applications?

When Carrie LAM said that a ceiling of 800 000 units could be introduced for the provision of public rental housing, she has made no mention of the fact that there are 150 immigrants entering Hong Kong for settlement each day from the Mainland on One-way Permit. This is the reason why our population has been growing ceaselessly. If land resources are really so limited, when can we put an end to the policy on One-way Permit? It leaves no room for discussion because everything has been stipulated in the Basic Law, and just like the issue of right of abode, it will only lead to endless social problems once a precedent has been set.

Therefore, it is my conclusion that the co-location arrangement is a fatal mistake. Some people may ask how should we deal with the XRL project or other related issues? In fact, it is not uncommon that our money has been dumped into the sea, so what is the problem of leaving the railway idle? This is my personal view. I so submit.

DR PIERRE CHAN (in Cantonese): Deputy President, in regard to the motion on "Taking forward the follow-up tasks of the co-location arrangement at the West Kowloon Station of the Guangzhou-Shenzhen-Hong Kong Express Rail Link", the stances of both sides in the debate are very clear. However, I notice

that many people that I know cannot get the whole picture about the Guangzhou-Shenzhen-Hong Kong Express Rail Link ("XRL"), as they mainly understand the issue through reading commentaries and news reports. Through the speech today, I would like to explain the question of XRL to the public as well as to the fellow doctors and dentists of my industry: Why do we have a heated discussion here? Why do some people say that there are cost and time overruns in the project? Is there sufficient consultation on the co-location arrangement? What are the points of argument on the co-location arrangement?

If the fellow doctors of my industry and the public want to learn more information, I suggest that they can read three papers for some basic information: The first is the press release from the Government on 25 July 2017 on the announcement of the co-location arrangement; the second is the Government's publicity leaflet on the co-location arrangement which is also illustrated with some nice pictures; and the third is the background brief prepared by the Legislative Council Secretariat for the special meeting on 3 August 2017 (LC Paper No. CB(4)1488/16-17) which is more clearly and objectively written.

First of all, why would there be cost and time overruns in the XRL project? In fact, we have to turn back to 2000 when the Government started to suggest the construction of XRL, which was called the Regional Express Line then. In 2005, it was decided that the terminus of this line in Hong Kong would be built in West Kowloon. In 2007, the Chief Executive announced that the Hong Kong Section of XRL to be constructed would be one of the ten major infrastructural projects. In 2008, the Chief Executive-in-Council decided to invite the MTR Corporation Limited ("MTRCL") to undertake the further planning and designing work on the Hong Kong Section of XRL. In 2009, the Government submitted a funding application to the Finance Committee ("FC") of the Legislative Council so that the project could commence in 2009 and be commissioned in 2015. Back then, the project cost was estimated to be \$66.8 billion on the paper. After holding four meetings, the FC of the Legislative Council approved the funding application in January 2010.

According to the original plan, the project would be commissioned in 2015. Nevertheless, in December 2015, the Government submitted an additional funding application in the amount of \$19.6 billion to the Public Works Subcommittee so as to pay for the extra project cost. In accordance with the LC Paper No. CB(4)243/16-17(09), MTRCL advised that the major causes of project delay included unforeseen site conditions, issues relating to tunnel boring machines, project design variations, low production rates and labour shortage.

The above is mentioned in the paper. With the project cost jumping from \$66.8 billion to over \$84 billion, XRL has already become the most expensive high-speed rail ("HSR") link in the globe. And its commissioning date is postponed from 2015 to the third quarter of 2018.

In my opinion, MTRCL should of course be responsible for the entire case, because it is entrusted with the construction of the project and is in control of the capital and the construction time. I am thinking if an employee in Hong Kong tells the boss that he cannot meet the working deadline, what consequences he will be facing. I believe that he may not be able to work there any longer. However, I still sincerely hope that MTRCL can have the XRL project commissioned in the third quarter of 2018.

Secondly, is there sufficient consultation on the co-location arrangement? The Government delivered its first explanation on the co-location arrangement on 25 July 2017. On the same day, the Chief Executive-in-Council endorsed the arrangement and suggested that the co-location arrangement could be implemented at West Kowloon Station through the "Three-step Process". I actually only learned the co-location arrangement on 25 July 2017 formally in the Legislative Council. During these three months, I know that the Government has come to the Legislative Council twice to openly give an account of the co-location arrangement, one in the afternoon of 3 August at the special House Committee meeting, and the other one on 8 August at the joint panel meeting of the Panel on Transport, the Panel on Security and the Panel on Administration of Justice and Legal Services. And then, during the Legislative Council meeting last Wednesday, the Government moved a non-legally binding motion. Is there sufficient consultation on the arrangement? I think it is in fact a matter of opinion. This is also one of the controversial issues, while other issues include: What will be the cost-effectiveness of XRL, will it be making a profit or losing money? Will it be convenient? Can it save time? Is the co-location arrangement in line with or in contravention of the Basic Law? How can the problem of conducting customs, immigration and quarantine ("CIQ") procedures be resolved? Is it a political incident?

XRL or national HSR, which can bring passengers to various major cities in the Mainland, can bring great convenience to passengers indeed. By 2020 in particular, national HSR network can cover 80% of the major cities in the country and it will further expand in the years to come. However, how to resolve the CIQ problem is also one of the controversial issues. Because of the principle of "one country, two systems", travellers between Hong Kong and the Mainland, no

matter they are Hong Kong people, Mainland people or foreigners, must go through the CIQ procedures. The XRL station in Hong Kong, however, is only one of the many HSR stations in the nation. When passengers take HSR in the Mainland to travel to various Mainland cities, they do not need to go through any immigration procedures, and hence it is unnecessary to set up control points in these Mainland cities. If it is only for the immigration needs of the passengers travelling to and from Hong Kong that a control point has to be set up at every HSR station for conducting immigration procedures, no matter from the economic or efficiency point of view, the feasibility of this measure is questionable indeed.

The Government thus proposes to set up a Mainland Port Area and implement the co-location arrangement at the West Kowloon Station of XRL, in order to cope with the absence of control point at HSR stations in the Mainland. In my view, this is reasonable to a certain extent. However, the setting up of a Mainland Port Area at the West Kowloon Station of XRL will involve the enforcement of Mainland laws in Hong Kong by Mainland enforcement officers, and this is in fact a sensitive issue. After all, Hong Kong and the Mainland are implementing two sets of totally different laws respectively. Will this arrangement contravene the Basic Law? I believe that this issue is under discussion by many people.

Let us look at the Basic Law. It provides that Hong Kong enjoys a "high degree of autonomy", except for matters relating to defence and foreign affairs as well as other matters outside the limits of the autonomy of the Hong Kong Special Administrative Region ("HKSAR"). Article 16 specifies that the HKSAR shall be vested with executive power. It shall, on its own, conduct the administrative affairs of the Region. Article 18 provides that the laws in force in the HKSAR shall be the laws previously in force in Hong Kong and the laws enacted by the legislature of the Region. National laws shall not be applied in the HKSAR except for those listed in Annex III to this Law. Article 19 provides that the HKSAR shall be vested with independent judicial power, including that of final adjudication. Article 22 specifies that no department of the Central People's Government and no province, autonomous region, or municipality directly under the Central Government may interfere in the affairs which the HKSAR administers on its own.

The Government insists that the implementation of the co-location arrangement at the West Kowloon Station of XRL is not a contravention of the Basic Law. The Government's approach is that the legal problems can be

resolved through a "Three-step Process": Step One, the Mainland and HKSAR are to reach a Co-operation Arrangement in relation to the implementation of the co-location arrangement; Step Two: the Standing Committee of the National People's Congress ("NPC") approves and endorses the Co-operation Arrangement by making a Decision; and Step Three: both sides implement the arrangement pursuant to their respective procedures. Local legislation will be involved for the case of Hong Kong.

The Government has the following legal basis: Since the Government is authorized by NPC, pursuant to Article 20 of the Basic Law, to set up a Port Area for the Mainland by way of a lease at a certain area of West Kowloon which will be administered by the Mainland authorities concerned, that Port Area will therefore no longer belong to the HKSAR and will not be subject to the jurisdiction under the laws of HKSAR. The Government quotes the example of the Shenzhen Bay Port which is regarded as a precedent: A certain land site of Shenzhen is leased to Hong Kong as a Hong Kong Port Area for carrying out immigration control and the enforcement of Hong Kong laws. However, there are still queries from some people. For instance, they say that Article 20 is for granting more power of autonomy to HKSAR instead of taking away certain power of autonomy from HKSAR. Some media also say that in 2007, the Government undertook that Article 20 of the Basic Law would not be used to reduce the rights of the HKSAR. After listening to the above, I want to ask whether the co-location arrangement is in line with or in contravention of the Basic Law.

Even though the Government has legal basis to implement the co-location arrangement, how is the arrangement going to be implemented? Is it necessary for Mainland laws to be fully enforced in the Mainland Port Area, and is it necessary to restrict the powers of the law enforcement officers from the Mainland? These are the matters of concern of not a few members of the public. Besides, according to the prediction of the Government, the destination of 80% of the XRL travellers departing from Hong Kong is either Shenzhen or Guangzhou. Some people say that there are far more long-haul trains running between Shenzhen or Guangzhou and other places in the Mainland than running between Hong Kong and other places in the Mainland. Thus, one of the arguments is that most of the passengers travelling to or from Hong Kong will have to change to another route in Guangzhou or Shenzhen. It thus slightly goes against the claim that implementing the co-location arrangement at Hong Kong's West Kowloon Station of XRL will bring the greatest convenience to travellers and is the most cost-effective option. In the view of some people, since most of the passengers

will have to change to another route in Shenzhen or Guangzhou, it will be equally convenient and cost-effective to implement the co-location arrangement in Shenzhen or Guangzhou. After all, the West Kowloon Station of XRL is situated at a prime urban location. If that land site of 100 000 sq m reserved as a Mainland Port Area can be used for commercial purpose, it can also bring huge profits. In regard to these views either for or against the arrangement, they are also sensible. Should they also be considered by the Government? The public and I would want to know the answer. After the previous discussions and consultation, the public are still unable to fully grasp the pros and cons of the co-location arrangement.

In my view, this option involves the Basic Law and is related to significant issues like the high degree of autonomy of HKSAR, and thus the whole issue is a political incident. If the Government thinks that the co-location arrangement is fair, reasonable and lawful, it should conduct a public consultation. After the Government announced the co-location arrangement in July, the Hong Kong Institute of Asia-Pacific Studies of The Chinese University of Hong Kong consulted an opinion poll in August and 724 people were successfully surveyed. Among them, 55% supported the co-location arrangement while 29% were against it. However, two months later, the Democratic Party carried out a telephone survey on 1 053 respondents, and the figures on both sides were rather close, with 42.8% of respondents against the arrangement which was slightly higher than 41.5% of respondents supporting it. This shows that the co-location arrangement is still controversial.

This week, I will send my working report to my fellow doctors and dentists. It will contain a questionnaire on the co-location arrangement, which is available in Chinese/English printed and electronic versions. Please be noted about that and give me a reply.

Deputy President, the new Chief Executive emphasizes a new style of governance and reconciliation of conflicts. But a long-standing and effective way of governance is to conduct public consultations and practically listen to public opinions with respect to some policies of significance. I so submit.

MR CHAN KIN-POR (in Cantonese): Deputy President, a Member has just brought up the issue of insurance. In fact, for insurance, like "co-location", there is nothing to worry about. The section of Express Rail Link ("XRL") operation within Hong Kong's territory will be managed by the MTR Corporation Limited

who will procure third-party insurance under which the people will be protected. While the Mainland authorities will manage the Mainland Port Area and be responsible for any injuries to passengers caused by negligence. That said, governments normally do not have to procure third-party insurance. I hope I have answered Member's question. This is simple indeed, and we do not have to worry at all.

The opposition camp has two original sins which blind them to the advantages brought by "co-location", disregarding the people's feelings and views. In order to stop the motion on the co-location arrangement, the opposition camp has raised two arguments trying to justify their rejection. Their first original sin is that the opposition camp has never thought of travelling by XRL as its members are generally barred from entering the Mainland, or are not interested in going to the Mainland. As they are not going to take the XRL, how can they possibly understand the needs of those who will travel frequently by XRL, and approach the issue pragmatically from the passengers' perspective? The people believe that "co-location" is absolutely necessary. Anyone not planning to take the XRL will never understand this. For their second original sin, members of the opposition camp fear that they will be arrested in the Mainland Port Area in West Kowloon. In this respect, many people relay to me that there is nothing to worry if one is upright. They wonder why the opposition Members are fearful of this. Even if the opposition Members are truly afraid, they can still travel to the Mainland by other means. They can indeed make their own choices, but why do they have to force the public to give up "co-location"? As the fear is unique to them, what makes the opposition Members believe that a normal citizen will share such fear? In fact, they are all out of touch with the general public.

Apart from the original sins, the opposition camp is narrow-minded in their refusal to acknowledge the people's acceptance to "co-location". They have misled the public in two ways. First, they advocate the so-called proposal to set up customs and clearance facilities in the Futian Station instead ("Futian proposal"). This is simply a proposal fancied by the opposition camp. In fact, the formulation of any checkpoint proposal requires communication between governments of the two places, yet the Mainland government does not intend to tie in with this at all. Even if everyone in Hong Kong supports this proposal, how can the opposition camp realize such an unrealistic scheme? How long will it take to realize this proposal, three years, five years or never? Will the opposition camp please give an account of this?

Second, after introducing such an unrealistic Futian proposal, they go on to mislead the public by conducting a survey on their own. They then claim that most people support the Futian proposal and reject the co-location arrangement. It is just ridiculous to see them doing their own survey to support their own proposal. This will not make them more credible. Maybe we can get back to some more credible surveys done by trustworthy universities like the University of Hong Kong ("HKU") and The Chinese University of Hong Kong ("CUHK"). The survey done by HKU clearly showed that 53% of the respondents supported the co-location arrangement, while 34% rejected it. Likewise, according to the CUHK survey, 55% of the respondents supported the "co-location" and 29% of them rejected it. Both surveys have expressly demonstrated the genuine opinion among the public in which most of the people do support the "co-location" proposal. Members can never act against the people, therefore I call for the opposition camp to stop opposing "co-location" and spend time on other practical issues instead.

I can foresee a personal attack on me later on, claiming that automatically elected legislators are "Members with zero vote". By saying such words, it not only reflects their ignorance but also their poor quality. Members from functional constituencies are elected in accordance with the laws of Hong Kong. Though opposition Members, dissatisfied with this election system, always attempt to discredit Members returned by functional constituencies, most people in Hong Kong are smart that they will focus on Members' performance in the Council and their achievements for Hong Kong as a whole. Indeed, it is reasonable to assess a legislator by these criteria. While accusing others as "Members with zero vote", the opposition Members have largely achieved nothing on the basis of these criteria. So, I hope these underachievers can first look at themselves before criticizing other automatically elected Members in future.

By checking the proceedings in this Council, the public will notice that many Members from functional constituencies are diligently fulfilling their duties and supporting the entire Council. I quote one example and the people will know. Despite having a stake in portfolios involving hundreds of millions of dollars in each move, Mr Christopher CHEUNG opts not to make money in the financial market, but shoulder his responsibility as a legislator and stay in the Council. The meeting would have been adjourned otherwise, right? He always tells me—I mean sometimes, he tells me how much money he has lost after missing a certain investment opportunity. The smile on his face when sharing the experience with me just reflected how much he cared about the Council and

Hong Kong, in despite of the significant amount of money involved in his investments. So, I hope people can respect Members from functional constituencies. There are more examples indeed. For instance, as a Senior Counsel, Mr Martin LIAO chooses to be present in this Chamber instead of earning a fine income in private practice in the legal profession. There are too many examples that I cannot possibly list them all lest I will help the filibuster. I simply hope the public can appreciate the enormous social contributions made by Members from functional constituencies. Thank you.

DEPUTY PRESIDENT (in Cantonese): Does any other Member wish to speak?

DR HELENA WONG (in Cantonese): Deputy President, a few pro-establishment Members said earlier that we seemed not getting the picture, and that they wondered why we refused to support such a good Express Rail Link ("XRL") system. Deputy President, I speak against the motion put by the HKSAR Government to the Legislative Council on "Taking forward the follow-up tasks of the co-location arrangement at the West Kowloon Station of the Guangzhou-Shenzhen-Hong Kong Express Rail Link".

Though the Government's motion contains only a few sentences, it asks for the Council's support for the HKSAR Government to reach a Co-operation Arrangement with the Central Government on the "Three-step Process" of the co-location arrangement; after the details of the Co-operation Arrangement are concluded, the Standing Committee of the National People's Congress ("NPCSC") will take the second step to approve the decision; finally, the proposal will return to the Legislative Council to take the third step, the enactment of local legislation. The motion merely covers these few steps. But what actually is the meaning behind? The most terrible thing is that they will first start the "Three-step Process" in the Mainland, deciding every detail there before returning to the Legislative Council for the enactment of local legislation. So, basically, the motion is most terrible or shameful in the sense that the Government simply does not bother to give Hong Kong people a chance to take part in public consultation or engagement or to raise their opinions. Moreover, it ignores the Legislative Council's function to conduct meaningful discussion on the Co-operation Arrangement.

As I pointed out last time I spoke, the Hong Kong Bar Association simply was unable to give any reply regarding the "Three-step Process" of "co-location"

even if it wished to, because no details had been offered at all. The situation would have been better if the Government had published the details for discussion in society at first, coupled with public consultation and hearings in order to heed Hong Kong people's concerns, before continuing the procedures in Beijing and subsequently enacting local legislation in Hong Kong. However, the Government now asks the Legislative Council to support a motion with no details. As a Member elected by the people in West Kowloon, I feel like writing a blank cheque if I support the Government's motion, which will effectively allow the Secretary for Justice and Secretary for Transport and Housing to negotiate with Beijing holding the cheque in hand, letting them write any amount on it. No matter how much the Government brags about the XRL proposal, how can I support the motion when no details are given whatsoever? We cannot issue such a blank cheque, or support such a motion without any details.

Furthermore, the Government merely treats the Legislative Council as a rubber stamp. I have repeatedly criticized the Secretary for Justice and SAR Government for adopting the "Three-step Process" as we can only enact local legislation when the procedures reach the final step. Provided that NPCSC will have made a decision in the previous step, under the existing constitutional system, what kind of room will be left for the legislature in Hong Kong to reject or even override the decision made by the senior body, that is, NPCSC? As they will not present the issue to the Legislative Council until after concluding the second step, I would like to ask what kind of legislature we are in the eyes of the Government, apart from a rubber stamp? The Government can just say that we are even worse than a rubber stamp. In fact, I cannot think of any other possible answer.

So, why are we rejecting or raising so many opinions? We are reasonable indeed. If the Government follows this practice from now on and tramples the legislature as if it is a rubber stamp, in which the enactment of local legislation will only commence after NPCSC's discussion, there will be no room for us to raise any queries and introduce any amendments. But, if the Government tells us now that there is actually a fourth step after the "Three-step Process", that after enacting the local legislation the Secretary for Justice will relay on behalf of the Bills Committee of the Hong Kong legislature our alternative views on the provisions, say, views about textual improvements or some other concerns, and further discuss the issues with Beijing, the Central People's Government and NPCSC, and subsequently seek their approval for the amendments; if, after the "Three-step Process", there is a fourth or even a fifth step, and after the legislature in Hong Kong completes the scrutiny, the Government will ask the Mainland if

the provisions can be amended further; and suppose we can have a final step in Hong Kong in which we can discuss any feedback from Mainland about our amendments, the entire situation will be different and no filibuster is needed now. The scene today would not have happened if the Government had not stripped us of our power in conducting serious discussion, as well as in enacting and amending legislation.

The "Three-step Process" puts the enactment of local legislation at the last stage, denying us the chance to override any previous decisions. Unless the Government tells me that this is actually not the case, I will not be too happy to listen to the Secretary for Justice's explanation on the "Three-step Process" of "co-location" later on. So, Deputy President, I do have a reason to reject this motion. After reading the Government's paper ...

(As many Members were leaving the Chamber, Mr CHAN Chi-chuen stood up)

DR HELENA WONG (in Cantonese): Deputy President, it looks like they are going to take a break.

DEPUTY PRESIDENT (in Cantonese): Dr Helena WONG, please hold on. Mr CHAN Chi-chuen, what is your point?

MR CHAN CHI-CHUEN (in Cantonese): Deputy President, I request a headcount.

DEPUTY PRESIDENT (in Cantonese): Will the Clerk please ring the bell to summon Members back to the Chamber.

(After the summoning bell had been rung, a number of Members returned to the Chamber)

DEPUTY PRESIDENT (in Cantonese): Dr Helena WONG, please continue with your speech.

DR HELENA WONG (in Cantonese): Deputy President, just now I spoke against the motion moved by the Government on the "Three-step Process" to implement the co-location arrangement and now I am going to talk about the problems concerning the Guangzhou-Shenzhen-Hong Kong Express Rail Link ("XRL"). The paper provided by the Government lists out many benefits brought by XRL, some direct and some indirect, such as enhancing people's mobility and saving time. Deputy President, I do not intend to argue about those benefits. I can see that by telling us these benefits, the pro-establishment camp or the Government is trying to convince us that since XRL is so good that we should tentatively accept the "Three-step Process" proposal.

Deputy President, we are not arguing whether XRL will bring us more convenience, save us more time and help promote exchanges and commercial activities between the people of the two places. We are not discussing the issue in this respect. The biggest controversy now, at least from the perspective of the Democratic Party, is that the "Three-step Process" to implement the co-location arrangement is related to a constitutional problem concerning the Basic Law. The paper also talks about the Basic Law and I also mentioned in my first speech that if Members attached importance to Articles 18, 19 and 22 of the Basic Law, they should raise the present doubts reasonably.

Deputy President, may I remind everyone, especially those who are watching the live broadcast on television or listening to the radio broadcast, we have raised a number of doubts about the "Three-step Process" to implement the co-location arrangement because we believe the proposal is in breach of the Basic Law. Article 18 of the Basic Law stipulates that national laws shall not be applied in Hong Kong except for those listed in Annex III to the Basic Law, which include, as everyone knows, the laws about the national flag and national emblem, as well as the law on the national anthem, the legislative process of which will likely commence in Hong Kong soon. Moreover, not all laws can be incorporated into Annex III and applied in Hong Kong because the laws listed in Annex III shall be confined to those relating to defence and foreign affairs as well as other matters outside the limits of the autonomy of the Hong Kong SAR. Article 18 stipulates that national laws shall not be applied in Hong Kong but the "Three-step Process" to implement the co-location arrangement now proposed by the Government will introduce national laws into Hong Kong. Anyone who enters the Mainland Port Area through the underground level of the West Kowloon Station will be subject to the national laws of China, including the

criminal law. Obviously, this is a breach of Article 18 of the Basic Law which stipulates that national laws shall not be applied in Hong Kong.

Article 19 of the Basic Law stipulates that Hong Kong shall be vested with independent judicial power, but it is a shame that the present arrangement will deprive Hong Kong of the jurisdiction over the Mainland Port Area in the XRL West Kowloon Station.

Article 22 of the Basic Law is a provision formulated to show respect for the principles of "one country, two systems" and "Hong Kong people ruling Hong Kong". It stipulates that "[n]o department of the Central People's Government and no province, autonomous region, or municipality directly under the Central Government may interfere in the affairs which the Hong Kong Special Administrative Region administers on its own in accordance with this Law." If there is a need for departments of the Central Government, provinces, or for provinces, autonomous regions, or municipalities directly under the Central Government to set up offices in the Hong Kong SAR, the Mainland staff of these offices or other Mainland personnel who come to Hong Kong must abide by the laws of the Hong Kong SAR. Hence, this provision clearly stipulates that Mainland government offices and their personnel shall not interfere in the affairs which the Hong Kong SAR administers on its own in accordance with the Basic Law.

There is a clear demarcation of the scopes of "Hong Kong people ruling Hong Kong" and also "one country, two systems", which is, the Mainland administers its own affairs in accordance with its own rules and laws. By the same token, the judicial power and jurisdiction of the Hong Kong SAR are also clearly defined. All offices set up in the Hong Kong SAR by the Central Government, and the Mainland personnel of these offices shall abide by the laws of the Hong Kong SAR. However, under the "Three-step Process" to implement the co-location arrangement, the Government allows Mainland officials to perform duties in the Mainland Port Area inside the West Kowloon Station. Mainland officials are allowed to perform duties in the border check point, without having to abide by the laws of Hong Kong and laws of Hong Kong will not be applied in that area. They only need to abide by the laws of the Mainland, which is obviously a breach of Article 22 of the Basic Law.

From the outset we started discussing whether XRL should be built to the near completion of the construction works—the Government hopes that XRL will be commissioned in the third quarter next year—we have been arguing about this point as it is related to a constitutional problem. The question is not about how much travel time XRL can save or how much convenience it can bring to those travelling to the Mainland for recreational purpose; these are not the crux of the problem. The crux of the problem we want to discuss is that the framework set down by the Basic Law, including "one country, two systems", "a high degree of autonomy" and "Hong Kong people ruling Hong Kong", will be destroyed by the Government's "Three-step Process" to implement the co-location arrangement. The proposal is going to open a crack.

The legal sector has been discussing how the Government should explain whether the co-location arrangement has violated the Basic Law, so as to convince the Legislative Council to endorse the arrangement. The Government finally comes up with a lousy idea of applying Article 20 of the Basic Law as if it has hit the jackpot. Deputy President, Article 20 is rather simple, consisting of only one sentence, "[t]he Hong Kong Special Administrative Region may enjoy other powers granted to it by the National People's Congress, the Standing Committee of the National People's Congress or the Central People's Government." It stipulates that the Central Authorities can grant other powers to Hong Kong, without specifying what the other powers are. The Governments of both places are now racking their brains, trying to invoke Article 20 to request the National People's Congress or the Standing Committee of the National People's Congress to authorize the Secretaries of Departments and Directors of Bureaux of the Hong Kong SAR to take away certain powers from us, and then cede a piece of land in the underground floor of the West Kowloon Station as the Mainland Port Area which no longer belongs to Hong Kong and be ruled by Hong Kong. I describe it a lousy idea because the Government is basically amending the Basic Law, giving it a new interpretation.

First, generally speaking, granting others power is empowerment, giving more power to others. However, the Government has reversed the provision from granting more power to slashing its own power and then ceding a piece of land in Hong Kong. This is exactly what the Government has done. Nevertheless, can Article 20 of the Basic Law be invoked in this way? I think the Government is playing foul, instead of delegating power it has slashed its own power and ceded part of Hong Kong's territory. Even if the Government invokes the provision in such a way, there is a constitutional problem, which is,

among the many provisions in the Basic Law, the Government now invokes Article 20 but the "Three-step Process" is in breach of Articles 18, 19 (*The buzzer sounded*) ... and 22 that I have mentioned ...

DEPUTY PRESIDENT (in Cantonese): Dr Helena WONG, your speaking time is up. Please stop speaking.

MR ANDREW WAN (in Cantonese): Deputy President, I speak in opposition to the motion moved by the Government regarding the co-location arrangement for the Guangzhou-Shenzhen-Hong Kong Express Rail Link ("XRL"). During the discussion, our colleagues have focused on three aspects, namely the Government's handling of the whole incident, the legal point of view, as well as the benefits of XRL, the most discussed issue in the community. In other words, is the proposal worth implementing?

Before commenting on these topics, I would like to respond to Mr HO Kai-ming's question. He asked me this morning why I also travelled by high-speed rail. I found this question extremely absurd. Some members of the public are greatly worried and have asked me to put a question to the pro-establishment Members on their behalf. Mr HO Kai-ming and I had an argument because I said there was a problem with his logic and he could not see where the problem was. A colleague just mentioned that Mr HO Kai-ming studied philosophy. I am really surprised as he did not even know about fallacy, the most fundamental philosophical concept, and asked us instead. Confusing proposition, drawing wrong analogy, substituting ideas and concepts are all frequently used tactics. He argued with me just now and said he had read the whole book written by LEE Tin-ming (李天命). In the book, LEE Tin-ming talks about the argument of a blind debater and Mr HO Kai-ming fits every description of it. He has all those characteristics.

When Mr CHAN Han-pan brought up that point, my colleagues in the districts or people in the community were very worried. But I have no expectations of him as this is not the first time he said something like that. There are only three possibilities why he made such remarks. Deputy President, I do not know what kind of motives he has and I would not speculate. First, owing to his intelligence level, he could not figure it out; second, being

ignoramus, he was not aware of a logical fallacy; and third, which is the most likely, he deliberately made that remark.

I would like to commend Mr WONG Ting-kwong, the President's party member, for his honesty. During the intermission a few hours ago, he said to me, "Man, it is not right for you to do so. You are gaining double benefits. If you are against XRL, you should not travel by it." He finally pointed out the salient point. I am not surprised. This is the logic of the Chinese Communists and local communists. If we think according to the western logic, we will not be able to understand them. According to the logic of the Mainland, members of the Hong Kong Alliance in Support of Patriotic Democratic Movements in China cannot go to the Mainland as they are against the Mainland regime for its despotic rule. Hence, they should not go to the Mainland. That is their ideology.

Members in the community are very worried, and some of them indeed do not endorse the views of the pro-establishment camp. I guess they also know that owing to the distribution of votes, even though the pro-establishment camp holds more seats in the Legislative Council, close to 60% of Hong Kong people support the pan-democrats instead of the local communists and royalists. Then does it mean that these people also cannot go to the Mainland? Does their criticism against us hold water, that is, people who support the viewpoints of the pan-democrats should not go to the Mainland or travel by XRL? This kind of remarks is absolutely absurd. I worry about Dr Helena WONG, as her speech reminded me of her comments about tainted food in the Mainland. According to their theory, she should not eat non-staple foods produced in the Mainland. Since Dr Helena WONG has criticized the vegetables, hairy crabs and Chinese herbal medicine produced in the Mainland, she should not eat all of them. Is it logical then? People who have enrolled in high-speed rail tour groups are very worried, fearing that they would be driven off the train after arriving in the Mainland. All such arguments are illogical.

Why do the pro-establishment Members make such remarks? Perhaps they are unable to speak the truth and so they have to make such paradoxical accusations against us. They can only make a comparison with false analogy or switch concepts. Can they say that Hong Kong people who oppose the co-location arrangement at the West Kowloon Station have no right to go to China or travel by XRL? Such arguments are absolutely laughable.

No matter what, Deputy President, seeing that you are quite tolerant, I would like to tell you that my following response is very important because if their arguments hold water, it will affect the public's impression about the reasons put forward by us when we debate the co-location arrangement at the West Kowloon Station. They may even misunderstand our argument. That is why I must clarify.

As regards the Government's proposal to implement the co-location arrangement at the West Kowloon Station, Deputy President, many colleagues have criticized the Government for being high-handed and unreasonable, withholding information, not giving the full picture or even concealing some of the facts to purposely mislead the public. When the Government submitted information to the Legislative Council in 2009, Eva CHENG, the then Secretary for Transport and Housing, promised that if the co-location arrangement could not be implemented eventually, the arrangements of "on-board clearance" and "separate location" could still be considered. We have repeatedly talked about these facts in the past few days and I do not understand why the pro-establishment colleagues still cannot recollect or do not understand. Even former Secretary Anthony CHEUNG who just departed from office, i.e. the predecessor of Secretary Frank CHAN, also told the Legislative Council that the arrangement was not finalized yet. Oddly, soon after the assumption of office of the incumbent Government, it said that the arrangement was finalized long ago, even before 2015. Which version is genuine?

In my last speech, I briefly mentioned my dissatisfaction with Secretary Frank CHAN's handling of the matter. Let us elaborate further. I am dissatisfied with his attitude toward the proposal of implementing the co-location arrangement at the Futian Station in Shenzhen. I had refuted him previously at certain meetings, pointing out that implementing the co-location arrangement at the Futian Station truly complied with the mode of the Shenzhen Bay Port, but not so if the co-location arrangement was implemented at the West Kowloon Station in Hong Kong. I wonder why he was so angry when he answered my question. He even asked if we wanted to have the Futian Station Building demolished. As a matter of fact, apart from Elsie LEUNG, no one has ever said they wanted to have the building demolished. I would like to remind the pro-establishment colleagues that no one other than Elsie LEUNG said that the Futian Station Building might as well be demolished. None of us has ever said such a thing.

Hong Kong people are very pragmatic. They always look for ways to solve problems. They also want to see if they can achieve real effects at a lower cost instead of sacrificing the rule of law and "one country, two systems" in Hong Kong. That is why we propose to implement the co-location arrangement at the Futian Station in Shenzhen. I wonder if the Secretary purposely concealed certain facts from us or he just did not have the full picture because he is new to the office. If he has a chance to respond later on, I hope that he will tell us why he once asked us if we wanted to have the Futian Station Building demolished for redevelopment. In fact, one floor in that building has already been reserved for customs and immigration clearance. Why not use that floor? When was the decision not to use the place made? Can the place be used again? Why can't we discuss these issues? Since the arrangement is possible in terms of hardware and technology, I am totally bewildered by the Government's response.

Of course, the Government has made another point, which is the time factor. The Government always claims that it takes 48 minutes to reach Guangzhou South, yet that is not the city centre of Guangzhou. Mr Jeremy TAM has also mentioned this point. People with different views have also argued over this point. Anyway, if the Government thinks that the benefit will be less if the co-location arrangement is implemented at the Futian Station, may I ask how the benefit is calculated? As I recall, we have asked the Government this question some 20 times, either in this Chamber or at various other meetings, and members of the public have also asked the Secretary this question dozens of times according to my estimate. Am I right, Secretary? But the Secretary has never given us any answer. He only said that there was no point to backtrack. The Secretary has to tell us why that proposal is not feasible. The Secretary does not even tell us how the benefit is calculated but keeps sending out messages to mislead the public. I consider this is an irresponsible act.

Deputy President, some colleagues mentioned public consultation just now. Honestly, we consider ourselves very fair. We did not say we had the public's overwhelming support. Some colleagues have said their functional constituencies or their sectors support the Government's co-location arrangement. I will not query their claims. But will they honestly tell me how many voters there are in their constituencies or sectors? A few ten thousand people? A few thousand people? And how many had responded to their questions? It is a known fact that the coverage of their survey is inadequate and hence the result is partial. Therefore, may I ask them not to generalize your result, using data to their advantage to set forth their argument.

Deputy President, the result of an opinion poll conducted by the Democratic Party was a draw. We are very fair. According to the information I have in hand, 43% of the respondents were against or strongly against the Government's proposal, while 41.5% respondents strongly supported it. Taking into account the error factor, from the statistical point of view, the result is a draw, with the numbers of those in favour and those against the proposal approximately the same.

From another perspective, this proposal has stirred up great controversy in society. Under such circumstances, I believe that any responsible government will not firmly refuse to take into account the opposing views of more than 40% of the public. As I have said, those people may only oppose the implementation of the co-location arrangement at the West Kowloon Station. They may not oppose the construction of XRL. Secretary, they may also find travelling by high-speed rail convenient and agree that it has benefits. You may also be aware that when people protested against the construction of XRL back then, the whole community was faced with another dispute. But you should not wrongly think that the two groups of people are identical. Some people might object to the construction of XRL back then but since it has been constructed now, they think it would not do any harm to take a ride. Some others support the construction of XRL but oppose implementing the co-location arrangement at the West Kowloon Station. Is that right, Secretary? In that case, should the Government conduct a comprehensive public consultation before making a decision? Instead of having a heated debate in this Council, the Government should resolve the problem in a pragmatic manner.

Deputy President, as not much time is left, I will skip the legal issues as some colleagues have already talked about them. I wish to talk about the statistics as Hong Kong people are most concerned about efficiency. According to the Government, if the co-location arrangement is not implemented at the West Kowloon Station, the benefits will be greatly reduced. Carrie LAM and all her Directors of Bureaux make the same remark when they promote the proposal.

According to the statistics and the Government's estimates, when XRL is commissioned in 2018, the daily number of passengers will be 109 200, among them 67 500 will travel between Hong Kong and Shenzhen, 4 800 between Hong Kong and Humen in Dongguan, and 18 300 between Hong Kong and Guangzhou South. They are all short-haul passengers, with only 18 600 being long-haul

passengers. In the worst case scenario, that is, if the co-location arrangement is not implemented at the West Kowloon Station but at the Futian Station, 18 600 passengers, about 17% of all passengers, will be affected. Short-haul passengers represent 83% and they will all get off in the vicinity of Futian. I do not understand why some colleagues ignore this fact and deliberately leave those figures out, only stressing time and again that Hong Kong's competitive edge will be affected and that the benefits of the entire XRL will be greatly reduced. The fact is, there will be some impacts, but they will be insignificant. We must consider the cost. Should we pay the price of losing the rule of law and "one country, two systems", and violating the Basic Law just to provide convenience for only 3% of the 648 800 passengers travelling between China and Hong Kong on a daily basis? Is it worth the cost? Secretary, you can release these figures and let people do their own calculation. Why do you not mention the statistics but only stress the 40-odd-minute journey time?

Just now some colleague described the high-speed rail as invincible. The high-speed rail surely has certain advantages but if we look really close, we can see that it is a very peculiar means of transport. If the journey is too short, the benefits will be limited; likewise if the journey is very long, the benefits will also be limited. For very short journeys, people prefer other means of transport. Many colleagues said just now that XRL would benefit everyone in Hong Kong. Let me tell you that this is not the case. For New Territories residents, particularly those living in the North District, they will not benefit from XRL. According to the above statistics, over 80% of the passengers are short-haul passengers who go to Guangzhou, Shenzhen or other places in the Guangdong Province. If one goes to those places from the northern part of the New Territories, it is far better for them to go by car than travel on short-haul routes than going south to the West Kowloon Station first and then turn north again.

There is one other point worth mentioning, some say that Hong Kong will not become a transportation hub if the co-location arrangement is not implemented at the West Kowloon Station, and our competitiveness ranking in the whole country will be greatly lowered. Deputy President, I find such a saying most absurd. In fact, the Government makes the same remark concerning the construction of the three-runway system. To be honest, the long-haul services of high-speed rail have little appeal. People going to Shanghai and Beijing prefer taking planes to travelling by high-speed rail. Hence, XRL is only beneficial to short-haul passengers.

More absurdly, Hong Kong is situated in the south of Futian. To put it bluntly, Hong Kong is at the end of the route. No passengers from the Mainland will come all the way to Hong Kong to take a long-haul train back to other places in the Mainland, because they must pass through Shenzhen. Will anyone be so stupid? That is simply unreasonable. Deputy President, I think our arguments have lost the focus. The pro-establishment camp very often ignores the real situation and data. They only smear the opposition colleagues based on their political position and they also mislead the public. If people only a little attention to the basic information and data, they will arrive at a totally different conclusion.

I so submit. Thank you, Deputy President.

(Mr CHAN Han-pan stood up)

DEPUTY PRESIDENT (in Cantonese): Mr CHAN Han-pan, do you wish to raise a point of order in accordance with Rule 38(3) of the Rules of Procedure ("RoP")?

MR CHAN HAN-PAN (in Cantonese): Yes, Deputy President. I wish to make clarification under RoP. Just now, Mr Andrew WAN—please do not leave the Chamber, Mr WAN—I want to clarify because Mr WAN said that with my intelligence level, I would not understand why he organized the high-speed rail tour groups.

DEPUTY PRESIDENT (in Cantonese): Mr CHAN Han-pan, please hold on. I believe you intend to explain the part of your previous speech which has been misunderstood. According to RoP 38(3), you may explain some part of your speech which has been misunderstood, but I remind you that when speaking you shall not introduce new matter. Please continue.

MR CHAN HAN-PAN (in Cantonese): Alright, no problem, Deputy President. Mr Andrew WAN has misunderstood what I meant earlier. He said that with my intelligence level, I would not understand why he organized high-speed rail tour groups. In fact, he was not present at the meeting yesterday and he had not

listened to my speech. Yesterday, I said that as Mr WU Chi-wai doubted the benefits of high-speed rails, he could ask Mr Andrew WAN why he had organized many high-speed rail tour groups. If high-speed rail had not brought benefits, how could Mr WAN organize four-day tour groups to Anhui at a charge of only \$3,888?

DEPUTY PRESIDENT (in Cantonese): Mr CHAN Han-pan, you can only explain the part which has been misunderstood, please finish your speech as soon as possible.

MR CHAN HAN-PAN (in Cantonese): What I meant at that time was that Mr WU could ask Mr WAN why he could organize high-speed rail tour groups to Anhui and Wangshan at a charge of only \$3,888.

DEPUTY PRESIDENT (in Cantonese): Mr CHAN, you have already given your explanation. Please do not introduce new matter.

MR CHAN HAN-PAN (in Cantonese): Deputy President, Mr WAN mentioned earlier that residents in his district were very worried after listening to my speech. However, yesterday I did not speak with the intent to raise concerns; I was only inviting Mr WU to make enquiries with Mr WAN.

DEPUTY PRESIDENT (in Cantonese): Mr CHAN Han-pan, please hold on. According to RoP 38(3), you may only explain the part of your previous speech which has been misunderstood, but shall not introduce new matter. You have already given your explanation, please do not introduce new matter.

MR STEVEN HO (in Cantonese): Mr CHAN Han-pan, take it easy. We should be glad that we speak after Dr Helena WONG and Mr Andrew WAN. Mr LAM Cheuk-ting has urged us for evidence. Sure, no problem. But our evidence will not be Filet-O-Fish or staples. Instead, I want to read out the headlines of some leaflets. Members of the public, please listen.

As I remember, six months ago, I mentioned that activities such as "Free rice cooker for tour groups" and "Lucky draw for a television set" were organized. I also have the impression that some high-speed rail tours were held. Let me first read out the headlines of these two leaflets: "Happy Dragon Boat Festival, Healthy rice dumplings for elders" and "Free rice for elders, good luck in New Year". There is a photo of Emily LAU in this leaflet, entitled "Dragon Boat Festival with love and care, get free rice dumplings". This one is the leaflet of Mr Jeremy TAM entitled "Free mooncakes for kaifongs". Although these leaflets are not directly related to XRL, I am using them to demonstrate to Hong Kong people the art of double-talk of the pan-democratic Members. I have glanced through many leaflets of the pan-democrats. It is true that they have not held any vegan feasts. Therefore, even though they often tease us about offering "snake banquets, vegan feasts, mooncakes and rice dumplings", we cannot make fun of them in the same way as "vegan feasts" is absent in their list. Yet, "snake banquets, mooncakes and rice dumplings" does not roll off the tongue. Maybe "snake banquets, chicken feasts, mooncakes and rice dumplings" suit them better.

The pan-democratic Members may complain that they do not follow what I am saying after listening for so long. Let me tell them now. An issue raised by the pro-democracy camp must be out of good intention; but an issue raised by the pro-establishment camp must harbour evil intention. If a proposal is made by the democrats, it will be legitimate; if the same proposal is made by the Government, it will be illegitimate. How is this logic derived? We must ask Mr James TO.

Mr TO repudiated in July his own remarks made on 8 March. In March, he said that "in the long run, it will be legally and technically feasible for Hong Kong to designate some land in the West Kowloon Station to the Mainland Government for the implementation of the co-location arrangement". However, later in July, he pointed out that this practice was not feasible and said, "The proposal of applying the Mainland laws in the Mainland Port Area is 'weird' and is in violation of Article 18 of the Basic Law." At present, all opposition Members are taking this line, right? I have not misinterpreted the logic, have I? As I said just now, the proposal raised by the pro-democracy camp is legitimate while the proposal raised by the Government is illegitimate. The logic is crystal clear. Some people, including Ms Tanya CHAN ... I know Ms Tanya CHAN has always shown grave concern over the Guangzhou-Shenzhen-Hong Kong Express Rail Link ("XRL") issues. She even shaved her head to show her

objection to the XRL project in the past. But some people in support of the XRL project also shaved their heads. Hence, there were people from both the supporting and opposition camps who had shaved their heads.

I wish Hong Kong people could clearly see that the opposition camp has only got two arguments today. First, is the co-location arrangement in line with the Basic Law? They said that many legal practitioners consider the arrangement illegitimate. If this is the case, they should first seek Mr James TO's advice. After all, he has been a lawyer for years, right? Then, how about the Democratic Party? It holds seven seats in the Legislative Council. As Mr James TO said in March that the co-location arrangement was in line with the Basic Law, theoretically, the Democratic Party should have thrown its support to this arrangement. Is that right? Mr James TO—if I remember correctly—won the super District Council election with some two thirds of the vote, showing that he has a sufficiently broad support base among the people. Also, he is a veteran in the legislature. He ranks first on the precedence list of Members and should have a good understanding of the Council procedures. This is my first point.

Turning to the second point, I have to quote the contents of a few leaflets again. The question raised earlier is whether the co-location arrangement is in line with the Basic Law. This is basically not a problem as the Democratic Party once considered the arrangement legitimate. Now, let us look at these leaflets. This one promoted a three-day high-speed rail tour to Sanjiang, Liuzhou and Guilin in Guangxi from 25 to 27 December 2016. The selected hotels were of quasi-five-star standard. The prices were \$1,850 for adults and \$1,650 for children aged 3 to 9 (all inclusive). Insurance with coverage of \$100,000 was also included.

Here is another high-speed rail tour: a five-day trip to Huangguoshu Waterfall in Guizhou. It was organized in 2015, a bit far back. The all-inclusive prices were \$3,498 for adults and \$ 2,998 for children below 9 years of age (if no additional bed was required). Travel insurance with coverage of \$100,000 was also included. Single rooms were available at an extra cost of \$600 per person for 4 nights.

The third tour was organized by Mr Andrew WAN. It so happened that all these tours were organized by Members of the Democratic Party. Since they are so brilliant and noble, and have done such a good job in serving the community and winning so many seats, their services in districts will cover

naturally all aspects of daily needs, including food and travelling. The high-speed rail tour organized by Mr Andrew WAN was very attractive. It was a 4-day Christmas tour to Huangshan, Anhui, a world cultural and natural heritage site. The all-inclusive prices were \$3,888 for adults and \$3,688 for children, and 4-day comprehensive insurance was available at an extra cost of \$92.

Why did I quote so many leaflets? I do not mean to stop Mr Andrew WAN from taking high-speed rail because of his anti-XRL stance. I have no such intention. I just want to point out, since Mr Andrew WAN or other members of the Democratic Party are so familiar with high-speed rail or the situation in the Mainland, and the Democratic Party should have some knowledge of national affairs after its dialogue with the Liaison Office of the Central People's Government in the Hong Kong SAR during the constitutional reform in 2010, they should educate Mr HUI Chi-fung, who has just spoken on the Mainland legal system. I have already talked about the issue of the Basic Law, and now, I am going to talk about the different legal systems of the two places. Mr HUI just asked whether a person wearing clothes with words "Vindicating the 4 June Incident" would be arrested when he went through customs at the West Kowloon Station, given that the authority concerned was a totalitarian government. However, when the Democratic Party organizes so many high-speed rail tours and takes the initiative to enter the Mainland's jurisdiction, how come its members are not afraid of being arrested? Can you understand that? Secretary for Security, he will find you should anything happen to him in the Mainland.

My above illustration has addressed the two concerns raised by the democrats. Is the co-location arrangement in violation of the Basic Law? Go and ask Mr James TO. He said "no" in March. Is the Mainland legislation so terrifying? Go and ask the Democratic Party. What will happen if Hong Kong fails to deal with the co-location arrangement properly? Then, as described by Mr Andrew WAN, we will have to ...

(Dr Helena WONG stood up)

DEPUTY PRESIDENT (in Cantonese): Mr Steven HO, please hold on. Dr Helena WONG, what is your point of order?

DR HELENA WONG (in Cantonese): Just now, Mr Steven HO picked on Members of the Democratic Party time and again in his speech. We have already clarified our stance, and I have pointed out in my earlier speech, that the co-location arrangement and the "Three-step Process" proposed by the Government are in breach of the Basic Law. Hence, the Democratic Party has never supported the Government's proposal for the co-location arrangement at the West Kowloon Station ...

DEPUTY PRESIDENT (in Cantonese): Dr Helena WONG, this is not a point of order. Mr Steven HO, please continue.

MR STEVEN HO (in Cantonese): Do not blame me if you feel aggrieved. I am only reading out the contents of the leaflets. The heading of this news article reads: "James TO's two-faced comments exposed". It was reported in the article that Mr James TO said on 8 March that, "In the long run, it will be legally and technically feasible for Hong Kong to designate some land in the West Kowloon Station to the Mainland Government for the implementation of the co-location arrangement." I do not trump up the allegation.

According to the same article, Mr James TO, however, remarked on 25 July: "The proposal to apply the Mainland laws in the Mainland Port Area is 'weird' and is in violation of Article 18 of the Basic Law. I really fail to see any legal justification for the Government to make such a proposal." I am really confused. Hong Kong people are also confused by his contradictory remarks.

I was talking about the high-speed rail tour organized by Mr Andrew WAN earlier on. Regarding the issue of the two jurisdictions, if Hong Kong fails to deal with the co-location arrangement properly, people who join the high-speed rail tours will have to get up at 6:00 am to catch a train departing at 10:00 am, as described by Mr Andrew WAN in his leaflet.

Thirdly, I would like to talk about the economic benefits. The Government has actually provided us with lots of relevant figures. I remember that a few years ago before I joined the Legislative Council, I showed my support to the XRL project outside the Legislative Council Building. As we all know, the figures provided by the Government at that time might not be completely correct as they were just estimates. However, as in the case of the construction

of the Mass Transit Railway at that time, had we ever imagined that the capacity of trains will reach capacity today? Of course not.

Man creates opportunities. We should not reject the XRL project simply based on its relevant budgets and estimates. Instead, we should make it successful by giving full play to the enterprising spirit of Hong Kong people and the spirit of the Lion Rock. Without the co-location arrangement, passengers will have to get off the train to go through customs at Futian as suggested by the opposition camp. If it is the case, why do we need a consultation? Even Uncle CHAN living next door knows this suggestion will not work. When one third or one quarter of passengers get off the train to go through customs, in case someone is detained on suspicion of carrying heroin through customs, should his companions wait for him? Even if the powder is later found to be washing powder, he has already missed his high-speed train. What should he do?

In this debate, Members have talked about many issues. For example, Mr Michael TIEN spoke on the feasibility of the separate-location arrangement yesterday. For the issue of consultation, one may just listen to the speech given by Mr CHAN Han-pan yesterday, saving the trouble of visiting news.gov.hk. As regards the relevant legal issues, one may ask Mr Holden CHOW; Dr Priscilla LEUNG also gave an impressive speech earlier. It is my wish that the democrats will stop wasting the time of Hong Kong people and stop wasting my time. Thank you, Deputy President.

MR LAU KWOK-FAN (in Cantonese): Deputy President, my speech will also be brief. I think Mr Steven HO might not be doing his work adequately as the picture he showed us is too small and Members of the Democratic Party might not be able to see it clearly. Therefore, I have made a larger picture showing the news headline in *HK01*, which reads "Co-location not against the Basic Law. James TO: Hong Kong can designate part of the land at West Kowloon Station to the Mainland". Evidently, the Democratic Party said in March that the implementation of the co-location arrangement in Hong Kong was not against the Basic Law. It does not matter if Dr Helena WONG does not trust the Government but she should trust her fellow party member Mr James TO.

I will not only talk about the headline, I will also briefly quote the contents of this news article to refute Mr Andrew WAN. Mr James TO said that Hong Kong people still hope to implement the co-location arrangement so as to obtain the greatest interests from the construction of the Guangzhou-Shenzhen-Hong

Kong Express Rail Link ("XRL"). This proves that they also agree that the implementation of the co-location arrangement in Hong Kong will provide the greatest benefits and is the best proposal. Therefore, the Futian or Shenzhen North proposal just mentioned by Members is not the best choice for Hong Kong people. To be honest, even if there are supporting facilities at Futian, we as Legislative Council Members in Hong Kong must fight for the best proposal for Hong Kong and also the implementation of the co-location arrangement in Hong Kong, right?

I think the logic put forward by Mr HUI Chi-fung just now is rather strange. He asked what should be done if a member of the public, wearing a T-shirt with words "vindicating 4 June incident" was arrested in the Mainland Port Area of the West Kowloon Station. I think these are puerile remarks. Are you saying that this person dare wear a T-shirt with words "vindicating 4 June incident" at the Shenzhen Bay control point? Without the co-location arrangement, will he put on a T-shirt with words "vindicating 4 June incident" when he boards a train at the West Kowloon Station and changes his clothes when the train is drawing close to Shenzhen? These are clearly puerile behaviours, just like a child asking another child not to step into his boundary, yet he quietly puts his foot in another child's territory. We should not take such actions. How can they often contradict themselves? Dr Helena WONG took a glance just now, did she want to take a closer look? She can take a closer look.

Deputy President, I do not want to spend too much time speaking because the picture tells the truth and is worth a thousand words. I so submit. Thank you.

DEPUTY PRESIDENT (in Cantonese): Does any other Member wish to speak?

DR CHIANG LAI-WAN (in Cantonese): Deputy President, some Honourable colleagues have talked about the Democratic Party and I might as well join them. Honestly, although Dr Helena WONG and I opposed each other at the Kowloon West election forum, we usually would not attack or hurt each other. I am a very sincere person but I am not sure about Dr Helena WONG's personality. Even though she sometimes seems "a bit silly", she is really frank and straightforward ...

(Dr Helena WONG stood up)

DEPUTY PRESIDENT (in Cantonese): Dr CHIANG Lai-wan, please hold on. Dr Helena WONG, what is your point of order?

DR HELENA WONG (in Cantonese): I ask Dr CHIANG Lai-wan to withdraw her offensive remark.

DEPUTY PRESIDENT (in Cantonese): Dr Helena WONG, do you think the expression "a bit silly" is an offensive remark?

DR HELENA WONG (in Cantonese): I ask Dr CHIANG Lai-wan to withdraw her offensive remark.

DEPUTY PRESIDENT (in Cantonese): Dr Helena WONG, I would like to make things clear first. Do you mean that Dr CHIANG has made an offensive remark in using the expression "a bit silly" just now?

DR HELENA WONG (in Cantonese): Yes, Dr CHIANG did not say she was "a bit silly" just now; she said I was "a bit silly". This is an offensive remark and I want to ask her to withdraw it. I hope all of us can present objective facts during debates, without engaging in personal attacks.

DEPUTY PRESIDENT (in Cantonese): Dr CHIANG, have you said that Dr WONG is "a bit silly"? Are you willing to withdraw your remark?

DR CHIANG LAI-WAN (in Cantonese): Deputy President, I have just said that she is not "a bit silly", but I now withdraw this remark because I suspect that she may also be "a bit deaf."

(Dr Helena WONG stood up)

DEPUTY PRESIDENT (in Cantonese): Dr CHIANG, please hold on. Dr Helena WONG, what is your point?

DR HELENA WONG (in Cantonese): Deputy President, a point of order. I request to suspend the meeting so as to review the video recordings and listen to the remarks that Dr CHIANG Lai-wan made just now. I ask her to withdraw her remark.

DEPUTY PRESIDENT (in Cantonese): Dr CHIANG Lai-wan has already indicated that she is willing to withdraw her remark. Dr CHIANG, please continue to speak.

DR CHIANG LAI-WAN (in Cantonese): Deputy President, I am willing to withdraw the remark. I am willing to withdraw all those remarks that she wants me to withdraw.

(Dr Helena WONG was talking while standing)

DEPUTY PRESIDENT (in Cantonese): Dr WONG, Dr CHIANG has already indicated that she is willing to withdraw the relevant remark.

DR CHIANG LAI-WAN (in Cantonese): Deputy President, I have always been a very accommodating person, so I withdraw all the relevant remarks.

(Dr Helena WONG continued to talk while standing)

DEPUTY PRESIDENT (in Cantonese): Dr CHIANG Lai-wan, please hold on. Dr Helena WONG, what is your point of order?

DR HELENA WONG (in Cantonese): A point of order. Deputy President, I think that you do not clearly know which remark Dr CHIANG Lai-wan has just indicated to withdraw. Please get a clearer idea first.

DEPUTY PRESIDENT (in Cantonese): Dr WONG, I know very clearly which remark Dr CHIANG Lai-wan has just indicated to withdraw.

DR HELENA WONG (in Cantonese): But other Members do not have a clear idea. The remark she made earlier in her speech is different from the remark that she is willing to withdraw. Deputy President, as Chairman of the Democratic Alliance for the Betterment and Progress of Hong Kong, you are now suspected of being partial to a member of your party. I ask you to deal with the matter fairly.

DEPUTY PRESIDENT (in Cantonese): Dr Helena WONG, I have already asked Dr CHIANG Lai-wan and she has indicated that she is willing to withdraw the remark that Dr Helena WONG is "a bit silly".

Dr CHIANG, are you willing to withdraw this remark?

(Dr CHIANG Lai-wan nodded to indicate agreement)

DEPUTY PRESIDENT (in Cantonese): Things are now clear. Dr CHIANG, please continue with your speech.

DR CHIANG LAI-WAN (in Cantonese): I hope Dr Helena WONG will calm down. Deputy President, I have already made the following remark. I just said that Dr Helena WONG seemed "a bit silly"; if this remark hurts Dr Helena WONG, I am willing to withdraw my remark.

Deputy President, I will continue to speak. Recently, there have been dissenting voices in this Chamber. Members of the Democratic Party oppose the motion on the co-location arrangement and support the motion for adjournment of debate. Why is this so? I believe Members have just heard some colleagues mentioning that the Democratic Party strongly supported the construction of the Guangzhou-Shenzhen-Hong Kong Express Rail Link ("XRL") in the past. I have looked up the relevant papers and found that, at a Legislative

Council meeting in 2005, Mr Albert HO asked the Government, on behalf of the Democratic Party, to discuss with the Mainland government as soon as possible about how to promote cooperation between the Mainland and Hong Kong and perfect the transport networks between both places, thereby enabling a smoother flow of visitors and goods, and he also requested the expeditious construction of the regional express link connecting Guangzhou and Western Kowloon, shortening the travelling time between the two places to only half an hour. He put forward a number of proposals in this regard, including the implementation of co-location of clearance arrangement within the territory of Hong Kong. These were the remarks he made at a Legislative Council meeting in November 2005.

My assistant told me that "within the territory" means departure at Lok Ma Chau and entry at the border at the Huanggang Control Point. To me this is not a co-location arrangement but a separate-location arrangement. I am not sure if Members from the Democratic Party are muddled, changeable or forgetful. Perhaps the Democratic Party has backtracked on their remarks made previously. Anyway, I think they should remember what they said ...

(Dr Helena WONG stood up again)

DEPUTY PRESIDENT (in Cantonese): Dr CHIANG Lai-wan, please hold on.

DR HELENA WONG (in Cantonese): I seek elucidation because Dr CHIANG Lai-wan has made irresponsible comments and done the Democratic Party injustice. The Democratic Party has never supported the "Three-step Process" to implement the co-location arrangement and I ask Dr CHIANG to withdraw her remark.

DEPUTY PRESIDENT (in Cantonese): Dr Helena WONG, please stop speaking. This is not a point of order.

(Dr Helena WONG was talking while standing)

DEPUTY PRESIDENT (in Cantonese): Under Rule 39 of the Rules of Procedure, if a Member seeks elucidation of some matters raised by another Member in the course of his/her speech, the Member wishing to interrupt should wait until he/she has been called by the President and the Member speaking has the right to choose to continue to speak or elucidate immediately.

Dr Helena WONG, do you seek elucidation of the matter raised by Dr CHIANG Lai-wan or do you have a point of order?

DR HELENA WONG (in Cantonese): Deputy President, you should not allow Members to make irresponsible comments and do other Members injustice by saying that they support the Government's proposal. So, I must clarify that the Democratic Party has never supported the "Three-step Process" to implement the co-location arrangement, which is tantamount to ceding part of the territory.

DEPUTY PRESIDENT (in Cantonese): Dr WONG, please stop speaking. This is not a point of order. If you want to give explanations, please raise your hand to indicate your intention to speak after the Member has finished speaking.

(Dr Helena WONG was talking while standing)

DEPUTY PRESIDENT (in Cantonese): Dr WONG, please sit down first; I cannot allow a Member to stand up to speak about matters other than a point of order.

(Dr Helena WONG continued to talk while standing, Mr CHU Hoi-dick stood up)

DEPUTY PRESIDENT (in Cantonese): Dr WONG, please sit down, I will let Mr CHU Hoi-dick raise a point of order first. Mr CHU Hoi-dick, what is your point of order?

MR CHU HOI-DICK (in Cantonese): Deputy President, I request a headcount.

DEPUTY PRESIDENT (in Cantonese): Will the Clerk please ring the bell to summon Members back to the Chamber.

(While the summoning bell was ringing, THE PRESIDENT resumed the Chair)

(After the summoning bell had been rung, a number of Members returned to the Chamber)

PRESIDENT (in Cantonese): In light of the current progress of the meeting, I think this Council can finish dealing with the motion on the co-location arrangement today. After dealing with this motion, this Council will not deal with the next item of business to facilitate preparations to be made by Members and public officers.

According to established practice, if I think that this Council can finish dealing with the motion on the co-location arrangement at around 10:00 pm today, I will adjourn the meeting after this Council has finished dealing with the motion.

DR CHIANG LAI-WAN (in Cantonese): President, I would like to talk about some legal issues. I think opposition Members have misleadingly said these few days that the co-location arrangement ran counter to Articles 22 and 18 of the Basic Law. We must be fair; why have they not referred to Article 7 before referring to these two articles? As we all know, Article 7 of the Basic Law stipulates that the land within the Hong Kong Special Administrative Region ("SAR") shall be State property and the Government of the Hong Kong Special Administrative Region ("the SAR Government") shall be responsible for management. On this premise, it can be said that all powers in Hong Kong belong to the State. Recently, State President XI Jinping has also made it clear that the State exercises overall jurisdiction over Hong Kong. Therefore, under "a high degree of autonomy", the SAR Government is only responsible for managing matters within the autonomy of Hong Kong.

Some Members have also referred to Article 18 of the Basic Law, saying that the co-location arrangement will affect laws implemented in Hong Kong as if Mainland laws were implemented in Hong Kong. I must respond to these

fallacies. It is clear to all that Article 18 stipulates that "[l]aws listed in Annex III to this Law shall be confined to those relating to defence and foreign affairs as well as other matters outside the limits of the autonomy of the Region as specified by this Law". The arrangement for Mainland immigration procedures to be conducted at the West Kowloon Station will not fall within the jurisdiction of SAR. How does this violate Article 18 of the Basic Law?

Some Members have also mentioned that Article 22 of the Basic Law stipulates that "[n]o department of the Central People's Government and no province, autonomous region, or municipality directly under the Central Government may interfere in the affairs which the Hong Kong Special Administrative Region administers on its own in accordance with this Law". Will the completion of the Mainland's clearance procedures interfere in the affairs of Hong Kong? This is not something that Hong Kong administers on its own. In this respect, I think many viewpoints put forward by the opposition camp in recent years have really misled the public and created a sense of horror, which scared Hong Kong people into thinking that if the Mainland rented certain places in Hong Kong, Hong Kong as a whole might later be rented out. Why did they make such remarks? We all know that such things would not happen. Hong Kong has already returned to the Motherland in 1997; if the return does not include land, what else does it include? Does the return only include the people? They should make reasonable remarks.

Moreover, let me advise the opposition Members. As Members, we must always be concerned about the public, be practical, seek truth from facts and take the public's interests into account. Only in this way will we not let those who elected us down.

As we all know, different media or academic institutions have conducted a number of opinion polls on the proposed co-location arrangement and the results showed that most people supported this proposal. The results of a telephone survey conducted by The Chinese University of Hong Kong showed that 55% of the respondents supported the Government's proposal. The results of an opinion poll conducted by the University of Hong Kong as commissioned by *Ming Pao* showed that 52.7% of the respondents supported the Government's proposal and 33.9% opposed it. Excluding some respondents who said they would not never take high-speed rail or go north in their life, the vast majority of the remaining respondents supported the implementation of the co-location arrangement at the West Kowloon Station.

President, I understand that some opposition Members do not like to travel to the Mainland and they resist Mainlandization, so they oppose the construction of XRL and the proposed immigration arrangements. However, they opposed simply for the sake of opposing and they have not taken into account the needs of most Hong Kong people who frequently travel to the Mainland. Since they will not take high-speed rail, they will not let others choose a convenient proposal. This is indeed a selfish act. Therefore, I hope that opposition Members will abandon the concepts of politicizing and opposing everything and support the Government's motion. They should conscientiously do something favourable to the economic development of Hong Kong and for the convenience of the public.

I so submit. Thank you, President.

PRESIDENT (in Cantonese): Does any other Member wish to speak?

(No Member indicated a wish to speak)

PRESIDENT (in Cantonese): Does any public officer wish to speak?

(Mr CHU Hoi-dick indicated his intention to speak)

PRESIDENT (in Cantonese): Mr CHU Hoi-dick, please speak.

MR CHU HOI-DICK (in Cantonese): President, my apologies. I need to get a stand for holding my scripts first.

Honourable colleagues, I wish to discuss the motion on "Taking forward the follow-up tasks of the co-location arrangement at the West Kowloon Station of the Guangzhou-Shenzhen-Hong Kong Express Rail Link" from a more macro perspective.

First, as some pro-democracy colleagues have just mentioned, they were actually not opposed to the Hong Kong section of the Guangzhou-Shenzhen-Hong Kong Express Rail Link ("XRL"). Rather, they considered the co-location arrangement to be problematic. However, I

personally have doubts about XRL or other similar economic infrastructure projects. I call upon the President and all Members present to review the development of the West Kowloon project. During the tenure of former Chief Executive TUNG Chee-hwa, the West Kowloon Cultural District had been incorporated into a large-scale real estate development project. Subsequently, after former Chief Executive Donald TSANG had assumed office, the project had its Chinese name changed from West Kowloon Cultural, Recreational and Arts District (西九龍文娛藝術區) to West Kowloon Cultural District (西九文化區), facilitating land speculation with a cultural concept. After that, the Government has gone even further by implementing the construction of XRL. At present, the very area in West Kowloon appears to be a strange amalgamation of real estate, vested interests and economic infrastructure put together by the Hong Kong Government in the 21st century.

This strange amalgamation points to a core issue, namely the reinforcement of vested interests in the current society. As people with vested interests would not share their wealth with the general public, the disparity between the rich and the poor would be further aggravated. In the meantime, from a holistic perspective, I wish to take a step back from the "Three-step Process" currently put forward by the Government, and talk about a larger "Three-step Process" at the national level first. I have to start with the 1980s. What was China's strategy toward Hong Kong under its overall national strategy? According to China's first strategy put forward by former state leader DENG Xiaoping for developing Shenzhen in the 1980s, Shenzhen and Hong Kong would complement each other in their developments ...

PRESIDENT (in Cantonese): Mr CHU Hoi-dick, you have digressed from the question. The Council is now debating on the motion on the co-location arrangement. Please speak on the question. You may discuss other issues on other occasions of the Legislative Council if you wish to do so.

MR CHU HOI-DICK (in Cantonese): President, I have not digressed. As I am opposed to the co-location arrangement, I have to present my arguments first. I hope you would let me continue with my speech.

The large-scale "Three-step Process" comprises the following: the first step is DENG Xiaoping's strategy to develop the entire Pearl River Delta region and

the Guangdong Province, which requires Hong Kong to work closely with; the second step can be considered as a medium-scale strategy, namely the construction of the new boundary control point at Liantang, Lok Ma Chau Spur Line, Shenzhen Bay Bridge, Hong Kong-Zhuhai-Macao Bridge ... and XRL after 1997 ...

PRESIDENT (in Cantonese): Mr CHU Hoi-dick, I have just reminded you that you have digressed from the question. If you once again fail to focus your speech on the question, I will discontinue your speech. Please return to the question.

MR CHU HOI-DICK (in Cantonese): ... and the cross-boundary infrastructure project of XRL. Among the various cross-boundary infrastructure projects, it is believed that the construction cost of XRL is the second highest after the Hong Kong-Zhuhai-Macao Bridge. This strategy aims to integrate Hong Kong and the Pearl River Delta region by means of infrastructure. We have now reached the third step under the two major strategies. Some people may assume that it would be logical to launch the co-location arrangement. However, I would hereby put forward a fairly different view: the co-location arrangement was not an inevitable option when XRL was proposed in 2008.

I will now discuss the nature of the issue first. Many colleagues have just characterized the co-location arrangement of XRL as an economic issue, but I disagree for the following reasons: first, former Secretary for Transport and Housing Eva CHENG had previously suggested that XRL would never get abandoned even the co-location arrangement was not implemented; second, in fact, the Mainland Government had already made preparation at the Futian Station; and third, non-government surveys conducted in the past year or so found that the co-location arrangement has not been considered an economic issue.

In fact, the co-location arrangement is indeed a political issue. The co-location arrangement was not an option at the initial stage of the XRL project. It was only after some changes had surfaced in the past few years that this political decision was made.

Members from different political parties and groupings would endorse DENG Xiaoping's grand strategy: developing Shenzhen, the Pearl River Delta

Region and the Guangdong Province; promote capitalism in China; and foster the integration between Hong Kong and the Pearl River Delta Region by means of various cross-boundary infrastructure projects after 1997. In spite of our endorsement of this strategy, we should not support "the third step" proposed under the current situation. In other words, we should not support the political decision behind the co-location arrangement since it runs counter to another major strategy of the Chinese Government on Hong Kong, which I will talk about later. Obviously, China plays a role in the development of the politics and other systems of Hong Kong in terms of "hardware" and sometimes "software".

To explain this issue, it is necessary for us to revisit the term "remain true to our original aspiration" in a speech recently delivered by State President XI Jinping. In addition to urban and economic development, the second grand strategy also involves institutional development. To understand Beijing's "original aspiration", we may refer to the Basic Law, which has set out the basic policies of the Central People's Government on Hong Kong. For instance, according to the Basic Law, except for foreign and defence affairs which are the responsibilities of the Central People's Government, the Hong Kong Special Administrative Region shall be vested with executive, legislative and independent judicial power, including that of final adjudication. In addition, after the establishment of the Hong Kong Special Administrative Region ("SAR"), the judicial system previously practised in Hong Kong (that is the common law, equity law, ordinances, subsidiary legislation, and customary law) shall be maintained except for those changes consequent upon the vesting in the courts of the Hong Kong Special Administrative Region of the power of final adjudication. Before these basic principles were incorporated into the Basic Law, they had already been set out clearly in the Joint Declaration of the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the People's Republic of China on the Question of Hong Kong ("the Joint Declaration") signed by China and the United Kingdom. Quite a number of colleagues from the pro-democracy camp have been patiently reiterating these basic principles. In fact, the basic principles set out in both the Basic Law and the Joint Declaration have one feature in common, namely that Beijing has conferred the right to self-defence on Hong Kong, which is tantamount to a handgun. In addition to preserving the existing system before Hong Kong's reunification, Beijing has also hoped that the local system would continue to develop in a positive direction, which would not only benefit Hong Kong itself, but would also be conducive to promoting China's institutional development.

From this perspective, both the Hong Kong SAR Government and the Legislative Council have special responsibilities. Mr CHAN Kin-por has just said that the pro-establishment camp would safeguard and prop up the legislature. I do not oppose this argument. Members have to remain seated in the Chamber for a long time, and could only squeeze in some rest for 15 minutes every hour during the ringing of the quorum bell. They would inevitably get tired. However, in my opinion, the connotation of "safeguarding the legislature" merits further in-depth discussion. As to the problem we are facing now, upon completion of the XRL infrastructure, Beijing has made a special political decision on its immigration arrangements with a view to defying its previous principles and policies on Hong Kong, a practice consistent with China's current political development.

There were two very special scenes at the just-concluded 19th National Congress of the Communist Party of China in Beijing. First, when XI Jinping asked if any delegates would vote against or abstain from voting on the amendments to the Party Constitution, there was a complete silence at the Congress, followed by a unanimous vote in favour of the amendments. Second, the delegates to the Party Congress have appeared to be strongly influenced by North Korea. A Party delegate claimed that he could not have enough of XI Jinping's speech after listening to it for three and a half hours, and he had to study it for another three and a half hours at home. The current political atmosphere has evolved from the previous centralization of powers to personality cult and centralization of political powers, a trend which has been increasingly serious after XI Jinping came to power in 2012. Why is it necessary for the co-location arrangement to be implemented at the West Kowloon Station? Prior to 2012, Hong Kong had been given more space for discussion. This is precisely a result of the change in the political atmosphere in China, rendering it necessary for the Central Government to change its policy on Hong Kong.

I hope that all pro-establishment colleagues, irrespective of their party and grouping, would give a serious thought to the fact that we are neither Beijing nor XI Jinping's subordinates. Elected by Hong Kong people, we are political representatives speaking on their behalf. We should consider this question: Despite our endorsement of the basic principles set out in the Basic Law and the Joint Declaration, since something has apparently gone wrong with Beijing at present, should we, as representatives of Hong Kong people, simply do nothing to stop this trend from entering Hong Kong? As everyone knows, the trend I am referring to is the assimilation of Hong Kong's legislature to the National People's

Congress. Given Beijing's assimilation to North Korea, will Members still believe that Hong Kong can further enhance its institutional strengths so as to create a positive impact on Hong Kong even when the basic principles of the Basic Law and the Joint Declaration are not safeguarded? We should never have this patriotic wishful thinking. Instead, we should never be at the beck and call of Beijing. Beijing's decision on the co-location arrangement is obviously detrimental not only to the basic principles set out in the Basic Law and the Joint Declaration, but also to China itself.

I hope that both Legislative Council Members and public officers, who are making decisions on behalf of Hong Kong people, can think carefully at this critical juncture. Hong Kong people can be broadly categorized into four groups: some highly patriotic people consider themselves Chinese people; many people consider themselves Hong Kong people living in the Chinese territory; some people consider themselves Chinese people living in the Hong Kong territory; and some people only identify themselves as Hong Kong people. Whichever group you belong to, you should also ponder if you are willing to see Hong Kong's political development moving toward "backroom politics", which has been evident throughout the entire process of the co-location arrangement since the launch of XRL in 2008. Had the Legislative Council been relegated to a rubber stamp today, the motion could be sent by officials to Beijing for a clandestine negotiation tomorrow, before it would be submitted to the National People's Congress for deliberation. It is incumbent on us to decide whether we should continue to turn a blind eye to the development of "backroom politics", or we should put aside our political stance and work together to preserve the existing system. Both the pro-democracy camp and the pro-establishment camp have the responsibilities to promote open politics in Hong Kong. Even if we may have a different position from that of Beijing leaders at times, we should understand that the Basic Law overrides XI Jinping.

I hope Members would consider opposing the co-location motion proposed by the Government.

PRESIDENT (in Cantonese): Does any other Member wish to speak?

(No Member indicated a wish to speak)

PRESIDENT (in Cantonese): Secretary for Justice, please speak.

(A Member raised his hand to indicate his intention to speak)

MR CHU HOI-DICK (in Cantonese): Mr Charles Peter MOK requests to speak.

PRESIDENT (in Cantonese): Honourable Members, I have just repeatedly asked if any other Members would wish to speak; and I had carefully examined the floor to ensure that no Members had indicated an intention to speak by raising their hand before I called upon the Secretary for Justice to speak. Secretary for Justice, please speak.

(Some Members talked aloud in their seats)

PRESIDENT (in Cantonese): I have carefully examined the floor just now. Before I called upon the Secretary for Justice to speak, Mr Charles Peter MOK had not raised his hand to indicate his intention to speak.

(Mr CHU Hoi-dick stood up and spoke loudly)

PRESIDENT (in Cantonese): I have indicated that Members who intended to speak may press the "Request to speak" button. Just now I have asked if other Members wished to speak, and I have carefully examined the floor to ascertain that no Members had indicated an intention to speak by raising their hand. Mr CHU, please sit down.

(Mr CHU Hoi-dick remained standing and indicated his intention to raise a point of order)

PRESIDENT (in Cantonese): Mr CHU, what is your point of order?

MR CHU HOI-DICK (in Cantonese): President, I notice that pro-establishment Members raised a number of amendments in relation to the Rules of Procedure ("RoP") yesterday, including amendments to RoP 88.

PRESIDENT (in Cantonese): Mr CHU, you just have to raise your point of order. You are not required to give your arguments on other issues.

MR CHU HOI-DICK (in Cantonese): I now move that members of the press and of the public do withdraw.

PRESIDENT (in Cantonese): As Mr CHU Hoi-dick has moved a motion under RoP 88(1) that members of the press and of the public do withdraw, I will suspend the meeting for 10 minutes to handle the issue.

3:24 pm

Meeting suspended.

3:35 pm

Council then resumed.

PRESIDENT (in Cantonese): Mr CHU Hoi-dick, when you moved the motion just now, you did not, in accordance with the requirement of Rule 88(1) of the Rules of Procedure ("RoP"), specify whether the withdrawal is to be for the remainder of today's meeting or during the consideration of certain business. I now let you state it clearly. I also noted that you mentioned "backroom politics" just now. Are you trying to extend such "backroom politics" to Hong Kong's legislature?

MR CHU HOI-DICK (in Cantonese): President, your mouth is yours, and I have no way to stop you from saying what you want to say. Under RoP 88(1), I move a motion for the withdrawal of members of the press and of the public, specifying

that the withdrawal is to be for the remainder of today's meeting, because according to what you said earlier on, the motion on the co-location arrangement will be disposed of at today's meeting.

Motion under Rule 88(1) of the Rules of Procedure that the members of the press and of the public do withdraw

PRESIDENT (in Cantonese): Mr CHU Hoi-dick, you must specify the scope of application of the motion moved by you before I can deal with it. Mr CHU Hoi-dick has now moved a motion for the withdrawal of members of the press and of the public under RoP 88(1), specifying that the withdrawal is to be for the remainder of today's meeting. I will deal with this motion first.

Under the Legislative Council (Powers and Privileges) Ordinance, generally speaking ...

(Ir Dr LO Wai-kwok stood up)

PRESIDENT (in Cantonese): Ir Dr LO Wai-kwok, what is your point of order?

IR DR LO WAI-KWOK (in Cantonese): As RoP 88(1) has rarely been invoked in this Council, I would like to know what "withdrawal" means. Does it mean that members of the press and of the public must leave the Chamber but can stay in the area outside the Chamber, or that they must leave the Chamber and cannot stay in the area outside the Chamber, not even on the first floor of the Legislative Council Complex?

PRESIDENT (in Cantonese): Ir Dr LO Wai-kwok, I will answer your question in a moment.

Under the Legislative Council (Powers and Privileges) Ordinance, generally speaking, sittings of the Council shall be open to the public. This motion runs counter to the Council's long-standing practice of holding meetings in an open and transparent manner, but I do not want to speculate on Mr CHU Hoi-dick's motive for moving the motion. Given the requirement of RoP 88(1), once the motion is moved, I must propose the question thereon.

Back to the question asked by Ir Dr LO Wai-kwok just now; "withdrawal" means leaving the precincts of the Chamber. In other words, members of the press who are present and members of the public in the public gallery must leave the Chamber.

Before I propose the question on the motion, I must stress that the scope of this debate is very narrow. It is only concerned with why members of the press and of the public must withdraw for the specified period today. Members should speak only from this angle and should not digress from the subject. They should keep their arguments concise and succinct, and may not discuss history or suchlike matters.

(Ms Starry LEE stood up)

PRESIDENT (in Cantonese): Ms Starry LEE, what is your point of order?

MS STARRY LEE (in Cantonese): President, I would like to seek elucidation in respect of what you have said. Given that sittings of the Council shall be open to the public under the Legislative Council (Powers and Privileges) Ordinance, why did you allow this debate, which is contrary to the Ordinance, to be held in this Council? Can you reject it on the grounds of public interest?

PRESIDENT (in Cantonese): The Legislative Council (Powers and Privileges) Ordinance provides that if a Member moves a motion under RoP 88(1) and the motion is passed, members of the press and of the public shall withdraw.

RoP 41(1) provides that a Member shall not introduce matter irrelevant to the subject. RoP 45(1) further provides that a Member shall not persist in irrelevance or tedious repetition of his own or other Members' arguments. If I find that a Member is in breach of these provisions, I will strictly enforce RoP and direct the Member to discontinue his speech.

Mr CHU Hoi-dick, you may now speak on the motion.

(Mr LAM Cheuk-ting stood up)

PRESIDENT (in Cantonese): Mr LAM Cheuk-ting, what is your point of order?

MR LAM CHEUK-TING (in Cantonese): President, just now you mentioned that we, Members, may not discuss history when we speak later on, but in the past, you often reminded us to respect parliamentary traditions. Nonetheless, regardless of whether we are in favour of Mr CHU Hoi-dick's motion, when we refer to parliamentary traditions, we are actually touching on history. President, has your direction rendered our room for debate too narrow?

PRESIDENT (in Cantonese): Mr LAM, this is not a point of order. I have made it clear that it is only because of the special circumstances at present that I permitted Mr CHU to move this motion on this occasion. As a matter of fact, no Member had ever moved such a motion before. RoP of the Legislative Council provide that once the motion is moved, the President shall forthwith propose the question thereon. I therefore had no choice but to permit this motion to be moved at our meeting, but even so, I must point out that the scope of the debate is actually very narrow. Just now I also clearly pointed out the requirements of RoP 41(1) and RoP 45(1). Members, as you are so familiar with RoP, you should fully understand the relevant requirements and the powers conferred on the President by RoP.

(Ms Alice MAK stood up)

PRESIDENT (in Cantonese): Ms Alice MAK, what is your point of order?

MS ALICE MAK (in Cantonese): President, can you elucidate the meaning of "withdrawal of members of the press"? Does such withdrawal also apply to the media's broadcast of the meeting? In other words, does it mean that the media is not allowed to broadcast the proceedings of the meeting if the motion is passed?

PRESIDENT (in Cantonese): If the motion is passed, the remainder of our meeting shall be deemed a closed meeting that no media is allowed to broadcast.

Mr CHU Hoi-dick, you may now speak on the motion.

MR CHU HOI-DICK (in Cantonese): President and Honourable colleagues, yesterday the pro-establishment camp ... President, I request a headcount.

PRESIDENT (in Cantonese): A quorum is present in the Chamber right now. Mr CHU, please continue with your speech.

MR CHU HOI-DICK (in Cantonese): President, at the Council meeting yesterday, we ... President, I request a headcount. May I ask whether a quorum is present in the Chamber now?

PRESIDENT (in Cantonese): A quorum is not present in the Chamber now.

Will the Clerk please ring the bell to summon Members back to the Chamber.

(After the summoning bell had been rung, a number of Members returned to the Chamber)

PRESIDENT (in Cantonese): Mr CHU Hoi-dick, please continue with your speech.

MR CHU HOI-DICK (in Cantonese): President, thank you for allowing this discussion. I am not going to use up my 15-minute speaking time. I just want to draw Members' attention to a few points.

First of all, yesterday all Members received the pro-establishment camp's proposed amendments to the Rules of Procedure ("RoP") in writing, and these include amendments depriving Members of the powers to move motions without notice under RoP 54(4) and RoP 88(1). President, the amendments proposed by our pro-establishment colleagues involve RoP 88(1), which is the rule that I have just invoked. This action taken by them was, in my view, a call to me ...

PRESIDENT (in Cantonese): Mr CHU Hoi-dick, this is not a meeting of the Committee on Rules of Procedure. Please focus your speech on why you moved this motion for the withdrawal of members of the press and of the public.

MR CHU HOI-DICK (in Cantonese): As it would be disrespectful not to answer such a call, I responded by moving this motion under RoP 88(1).

Secondly, regardless of what Members are going to say when they speak later on, I hope that Members, particularly those Honourable colleagues who are deputies to the local people's congresses or the National People's Congress ("NPC") or members of the Chinese People's Political Consultative Conference on the Mainland, can introduce the principles of our existing Legislative Council (Powers and Privileges) Ordinance and RoP to the Mainland, thereby causing all political meetings on the Mainland to be open to the public in accordance with Hong Kong's standards.

Thirdly, President, my motive is very simple: I want to be the first and the last Member to move a motion under RoP 88(1) in the history of the Legislative Council. Our legislature absolutely should not retain and amend RoP 88(1) as proposed by the pro-establishment camp to require that a Member must obtain the President's approval before he can move such a motion. RoP 88(1), RoP 88(2) and RoP 88(3) should be permanently repealed, so that RoP can be more in line with the standards established by the Legislative Council (Powers and Privileges) Ordinance.

Lastly, because I moved this motion, I believe I have been nailed to the pillar of shame for "restricting freedom of speech". A number of Honourable colleagues have just spoken about this outside the Chamber. I very much hope that all Honourable colleagues and members of the public will take a look at the grave situation currently faced by the Legislative Council. What we face is the assimilation of the Legislative Council to NPC, coupled with the attempt by our pro-establishment colleagues to unilaterally amend many provisions of RoP and the Finance Committee Procedure without regard to how this will undermine the powers of Hong Kong people and the whole legislature to monitor the work of the Government. At this critical juncture, pro-democracy Members must withstand the pressure. I hope that Hong Kong people can come forward to defend the

dignity of the Legislative Council, and prevent the royalists from continuing to assimilate the Legislative Council to NPC and harm our legislature ...

(Mr WONG Kwok-kin stood up)

PRESIDENT (in Cantonese): Mr CHU Hoi-dick, please hold on. Mr WONG Kwok-kin, what is your point?

MR WONG KWOK-KIN (in Cantonese): President, may I ask what relevance the contents of Mr CHU Hoi-dick's speech have to the motion for the withdrawal of members of the press and of the public?

PRESIDENT (in Cantonese): I noted that Mr CHU Hoi-dick was elaborating on his motive for moving the motion. I will suspend the meeting for 10 minutes to deal with this matter.

4:01 pm

Meeting suspended.

4:12 pm

Council then resumed.

PRESIDENT (in Cantonese): Mr CHU Hoi-dick moved a motion for the withdrawal of members of the press and of the public under Rule 88(1) of the Rules of Procedure ("RoP"), specifying that the withdrawal is to be for the remainder of today's meeting, but then the contents of his speech were totally irrelevant to this motion, and his motive may not be very pure. Therefore, I now ask Mr CHU Hoi-dick to discontinue his speech.

MR CHU HOI-DICK (in Cantonese): President, can you explain further? I do not understand. You claimed that my motive was impure, and then forbade me to speak ...

PRESIDENT (in Cantonese): Mr CHU, the contents of your speech were totally irrelevant to the motion moved by you. You moved that members of the press and of the public do withdraw for the remainder of today's meeting, but you said nothing about the subject of the motion even after speaking for over five minutes. Moreover, as this is not a meeting of the Committee on Rules of Procedure, you should not talk about the pro-establishment camp's proposal to amend RoP or related matters. Therefore, I must stop you from speaking.

(Mr CHU Hoi-dick remained standing)

MR CHU HOI-DICK (in Cantonese): President, I have spoken for only five minutes. I should have 10 minutes left to speak.

PRESIDENT (in Cantonese): Mr CHU, I have made it clear that I must stop you from speaking because you were digressing and the contents of your speech were irrelevant to the motion.

(Mr LEUNG Yiu-chung stood up)

PRESIDENT (in Cantonese): Mr LEUNG Yiu-chung, what is your point of order?

MR LEUNG YIU-CHUNG (in Cantonese): President, pursuant to which Rule of RoP did you stop Mr CHU Hoi-dick from speaking?

PRESIDENT (in Cantonese): Mr LEUNG, I directed him to discontinue his speech pursuant to RoP 41(1) and RoP 45(1). Dr KWOK Ka-ki, do you wish to speak?

MR LEUNG YIU-CHUNG (in Cantonese): President, these rules do not provide that you may stop a Member from speaking, and you did not give him any prior warning.

PRESIDENT (in Cantonese): I have made my ruling.

(Dr Fernando CHEUNG stood up)

PRESIDENT (in Cantonese): Dr Fernando CHEUNG, what is your point of order?

DR FERNANDO CHEUNG (in Cantonese): President, under RoP, Mr CHU Hoi-dick should have 15 minutes to speak after moving the motion. And he has not finished his speech.

PRESIDENT (in Cantonese): That is right, Dr CHEUNG, but you were not here just now, and I did make it clear that ...

DR FERNANDO CHEUNG (in Cantonese): President, I was always here.

PRESIDENT (in Cantonese): ... the scope of this debate is very narrow. Although I permitted Mr CHU to move this motion, a Member must confine his speech on the motion to the scope of the debate as specified by me, and I cannot allow a Member to speak on other matters during his 15-minute speaking time. Mr CHU had spoken for over five minutes, but he had yet to put forward any arguments relevant to this motion.

DR FERNANDO CHEUNG (in Cantonese): President, I noticed that you did not give him any prior warning.

PRESIDENT (in Cantonese): Dr Fernando CHEUNG, I have made my ruling. No debate may arise on a ruling made by the President.

DR FERNANDO CHEUNG (in Cantonese): President, I am not debating your ruling with you, but ...

PRESIDENT (in Cantonese): Dr CHEUNG, I have dealt with the issue raised by you. Please sit down. Dr KWOK Ka-ki, do you wish to speak?

DR KWOK KA-KI (in Cantonese): President, I hope that you will deal with the points of order raised by Members first.

PRESIDENT (in Cantonese): I have dealt with all the points of order raised by Members.

(Mr Dennis KWOK stood up)

PRESIDENT (in Cantonese): Mr Dennis KWOK, what is your point of order?

MR DENNIS KWOK (in Cantonese): President, just now you said that you stopped him from speaking pursuant to RoP 41(1), but this rule does not provide that you may stop a Member from speaking. You may point out that a Member has digressed, and therefore ask the Member to get back to the subject.

PRESIDENT (in Cantonese): Mr Dennis KWOK, I have already pointed out that I stopped him from speaking pursuant to RoP 41(1) and RoP 45(1), and when I permitted Mr CHU to move this motion, I made it clear that the scope of this debate is very narrow. If a Member has digressed, I must stop the Member from speaking.

MR DENNIS KWOK (in Cantonese): Yes, President, so the correct approach should be to allow the Member to continue with his speech. If what the Member speaks about thereafter is still irrelevant to this motion, you may then stop the Member from speaking, but you may not deprive the Member of the speaking time to which he is entitled.

PRESIDENT (in Cantonese): Mr Dennis KWOK, if you were present, you should be aware that I repeatedly pointed out that RoP 41(1) provides that a Member shall not introduce matter irrelevant to the subject under discussion, and RoP 45(1) further provides that a Member shall not persist in irrelevance or tedious repetition of arguments. I explained these very clearly. I also made it clear that if I found that a Member was in breach of these provisions, I would strictly enforce RoP and direct the Member to discontinue his speech. Do Members still have any other points of order?

(Ms Claudia MO stood up)

PRESIDENT (in Cantonese): Ms Claudia MO, what is your point of order?

MS CLAUDIA MO (in Cantonese): President, I would like to seek elucidation on one point. If a Member's speech is irrelevant to the subject, or he raises tedious or frivolous arguments, you may direct him to discontinue his speech. However, in your ruling just now you referred to impure motives on the part of Mr CHU. I am a bit concerned about this. Why is it that you can speculate on his motive and rule that it is impure?

PRESIDENT (in Cantonese): Ms Claudia MO, I have not speculated, it is Mr CHU Hoi-dick who said so himself.

MS CLAUDIA MO (in Cantonese): President, you have speculated, you said so just now.

PRESIDENT (in Cantonese): Ms MO, Mr CHU Hoi-dick has made it clear himself. If you have paid attention to his speech, you would be clear about this point. You could review the video recording again.

MS CLAUDIA MO (in Cantonese): President, I have paid attention to his speech. May I request reviewing the video recording as I am not aware that he has impure motive.

PRESIDENT (in Cantonese): Ms Claudia MO, I have made my ruling. Please sit down.

(Mr Charles Peter MOK stood up)

PRESIDENT (in Cantonese): Mr Charles Peter MOK, what is your point of order?

MR CHARLES PETER MOK (in Cantonese): President, we are often told that a Member shall not speculate on the motives if another Member, but you just accused a Member of having impure motives. Which Rule of RoP stipulates that the President has the right to speculate on the motive of a Member in delivering a speech?

PRESIDENT (in Cantonese): Mr MOK, I have not made any speculation, as it is Mr CHU who has stated clearly himself, and Members must have heard his words clearly.

MR CHARLES PETER MOK (in Cantonese): You just accused him of having impure motives. Members can review the video recording and listen to the ruling you just made.

PRESIDENT (in Cantonese): If you are unclear about my ruling, please review the video recording.

(Mr Jeremy TAM stood up)

PRESIDENT (in Cantonese): Mr Jeremy TAM, what is your point of order?

MR JEREMY TAM (in Cantonese): President, under RoP 45(1), if a Member persists in tedious repetition of arguments or irrelevance, the President may direct him to discontinue his speech. But what you said just now ...

PRESIDENT (in Cantonese): Mr Jeremy TAM, no debate may arise on the President's ruling. Please sit down.

MR JEREMY TAM (in Cantonese): President, I have not yet finished. Just now you ...

PRESIDENT (in Cantonese): You can put your queries, if any, to me on other occasions.

(Mr Jeremy TAM spoke loudly while standing)

PRESIDENT (in Cantonese): Mr Jeremy TAM, please sit down.

(Mr Jeremy TAM continued to speak loudly while standing)

PRESIDENT (in Cantonese): Mr TAM, please sit down. If you still do not sit down, I will consider your behaviour disorderly.

(Ms Alice MAK stood up)

PRESIDENT (in Cantonese): Ms Alice MAK, what is your point of order?

MS ALICE MAK (in Cantonese): President, given the numerous points of order raised by Members, the text of RoP 44 should probably be printed out and placed on the tables of Members, so as to let them know that the President's decision on a point of order shall be final.

PRESIDENT (in Cantonese): Ms MAK, I have already given a clear explanation. Dr KWOK Ka-ki, please speak.

DR KWOK KA-KI (in Cantonese): I am very confused. I think it is unfair that Mr CHU Hoi-dick was directed to discontinue his speech. President, in his speech he did not ...

PRESIDENT (in Cantonese): Dr KWOK Ka-ki, do you want to speak on this motion?

DR KWOK KA-KI (in Cantonese): Yes, President.

PRESIDENT (in Cantonese): If the contents of your speech are irrelevant to this motion, I must direct you to discontinue your speech.

DR KWOK KA-KI (in Cantonese): President, I now speak on the motion moved by Mr CHU Hoi-dick under Rule 88(1) of the Rules of Procedure ("RoP") that members of the press and of the public do withdraw for the remainder of the meeting.

First, I must hereby make it clear that at this stage, I can hardly endorse the motion moved by Mr CHU Hoi-dick that members of the press and of the public do withdraw. President, why do we need to consider this issue or why do I oppose this motion? All discussions on the co-location arrangement should be observed by members of the press and by the public, so that they will see the ugly

performance of the Government and the pro-establishment camp, as well as how the pro-establishment camp betrays Hong Kong people. For this reason, we oppose the motion moved under RoP 88(1).

During the discussion, neither Frank CHAN nor Rimsky YUEN could put forward any justification to convince members of the public to accept the co-location arrangement, so the public must observe and the press must broadcast the proceedings of the meeting. I believe that members of the public will be able to realize that not consulting their views is no different from asking members of the press to withdraw from the meeting. As the Government does not give members of the public the opportunity to participate in the decision-making process concerning the co-location arrangement, it is actually no different from asking the public to withdraw from the meeting.

For this reason, we insist that members of the public should be allowed to see the ugly performance of the Government, the true colours of the pro-establishment camp in this matter, how they seize on this matter to distort and kowtow, how they trample on Members who oppose the co-location arrangement, and how they turn things from black to white and from white to black. As such, we must certainly oppose the motion moved under RoP 88(1).

President, we can thus see that many practices in the Legislative Council have given rise to great concerns among the public. Two weeks ago the Committee on Rules of Procedure of this Council ...

PRESIDENT (in Cantonese): Dr KWOK Ka-ki, you have digressed from the subject. Please speak on the subject of the debate.

DR KWOK KA-KI (in Cantonese): President, I am speaking on the subject, for this affects public views on the Legislative Council. That said, how can we voice our opposition? Even Members are unable to attend meetings of the Committee on Rules of Procedure, and members of the public are unable to observe the proceedings of the meetings.

(Mr LEUNG Yiu-chung stood up)

PRESIDENT (in Cantonese): Mr LEUNG Yiu-chung, what is your point of order?

MR LEUNG YIU-CHUNG (in Cantonese): President, you have just reminded Dr KWOK Ka-ki that he has digressed from the subject and asked him to get back to the subject of the debate. But why was Mr CHU Hoi-dick not given the same treatment?

PRESIDENT (in Cantonese): Mr LEUNG, no debate may arise on my ruling. Please sit down.

MR LEUNG YIU-CHUNG (in Cantonese): President, I have no intention to debate your ruling, but you should give an explanation to Members.

PRESIDENT (in Cantonese): Mr LEUNG, please sit down. Dr KWOK Ka-ki, do you want to continue with your speech?

DR KWOK KA-KI (in Cantonese): President, I will continue with my speech, but if Mr LEUNG Yiu-chung's question has not been ...

PRESIDENT (in Cantonese): Dr KWOK Ka-ki, if you do not want to continue with your speech, please sit down.

DR KWOK KA-KI (in Cantonese): President, I will continue with my speech.

PRESIDENT (in Cantonese): Dr KWOK Ka-ki, please continue with your speech.

DR KWOK KA-KI (in Cantonese): President, we are now most concerned that a precedent will be set if the press are not allowed to observe the whole process of discussion. Mr CHU Hoi-dick has told us that regardless of whether Members

endorse or oppose the motion today, a precedent will be set anyway, and this will also be an omen. When facing a proposal of the Committee on Rules of Procedure on the parliamentary rights enjoyed by the Legislative Council ...

PRESIDENT (in Cantonese): Dr KWOK Ka-ki, I have already made it clear that this is not a meeting of the Committee on Rules of Procedure. Please focus on discussing why you support or oppose this motion.

DR KWOK KA-KI (in Cantonese): President, I oppose the motion moved under RoP 88(1). I hope that the media and the public can keep observing the proceedings of our meeting, in particular, listening to the ensuing speech of Secretary for Justice Rimsky YUEN. We must listen to the speech of Rimsky YUEN, so as to ascertain how he has forfeited "one country, two systems". Why will a legal professional disregard the Basic Law? Why will a legal professional put Article 22 of the Basic Law ...

PRESIDENT (in Cantonese): Dr KWOK Ka-ki, you have digressed from the subject again.

DR KWOK KA-KI (in Cantonese): President, I oppose the motion moved under RoP 88(1). I hope that members of the public can, in observing the proceeding, see how the Government, particularly Secretary for Justice Rimsky YUEN ...

PRESIDENT (in Cantonese): Dr KWOK Ka-ki, you are repeating your arguments.

DR KWOK KA-KI (in Cantonese): President, I have been discussing the motion moved under RoP 88(1), explaining why I oppose this motion.

PRESIDENT (in Cantonese): But you shall not repeat your arguments.

DR KWOK KA-KI (in Cantonese): President, apart from Rimsky YUEN, Frank CHAN has yet to speak, and we are waiting for such a mighty Secretary to deliver his speech. He has neither conducted any consultation nor attended forums held by students' unions. Yet he told us that consultation has already been held ...

PRESIDENT (in Cantonese): Dr KWOK Ka-ki, I warn you for the last time that you have digressed from the subject.

DR KWOK KA-KI (in Cantonese): President, I have been explaining why I oppose the motion moved under RoP 88(1).

PRESIDENT (in Cantonese): Dr KWOK Ka-ki, you can explain why you oppose the motion moved under RoP 88(1), but you shall not refer to other matters, including the motion on the co-location arrangement. The reason is that the scope of this debate is limited, and you can only explain why you support or oppose the motion that members of the press and of the public do withdraw.

DR KWOK KA-KI (in Cantonese): Okay, President, I will continue to explain why members of the public have to stay and observe the discussions of the Legislative Council meeting. RoP 88(1) empowers the Legislative Council to request, when necessary, the media and the public to leave the Chamber, but for this meeting, I oppose this motion. We particularly cannot endorse such a motion at this meeting on discussing the co-location arrangement which affects all Hong Kong people. President, given the bounden duty of the media and the right to know of members of the public, the media and the public should observe the discussions of the motion on the co-location arrangement, including the speeches of Members who have yet to speak and the replies of government officials.

I particularly believe that members of the public and of the press should be present to listen to the speeches of all officials. I wonder whether only Rimsky YUEN and Frank CHAN will speak in a moment, but I think Secretary for Security John LEE should take the initiative to speak on various matters relating to law enforcement and security. For this reason, I oppose the motion moved

under RoP 88(1). I think all members of the public and of the press should listen to the relevant speeches.

President, RoP 88(1) clearly provides that media organizations are allowed to conduct live broadcast of the proceedings of Legislative Council meetings. This is very important. As Members may have noted, over the past several days, some members of the public have been observing the proceedings of the meeting in the Legislative Council Complex, listening to the speech of every Member. They are concerned about the co-location arrangement, with the hope that Members can, in this motion debate, safeguard "one country, two systems", and safeguard Hong Kong's hard-earned "Hong Kong people ruling Hong Kong". For this reason, we must oppose the motion moved under RoP 88(1), otherwise the public will not be able to watch the live broadcast of the Legislative Council meeting, and they will not be able to see the true colours of the pro-establishment camp or listen to such indecent speech.

President, I oppose the motion moved under RoP 88(1) ...

(Mr WONG Kwok-kin stood up)

MR WONG KWOK-KIN (in Cantonese): President, Dr KWOK Ka-ki is repeating his arguments.

PRESIDENT (in Cantonese): Mr WONG Kwok-kin, I will deal with the matter raised by you. Please sit down. Dr KWOK Ka-ki, please continue with your speech.

DR KWOK KA-KI (in Cantonese): President, I think we should not casually invoke RoP 88(1), a provision only to be invoked under very special circumstances. President, while I do not know under what circumstances the Legislative Council may need to invoke that provision, we must seriously discuss this motion under RoP.

Mr CHU Hoi-dick moved this motion probably because he is concerned about the many events that have happened over the past few days. I wonder

how various media organizations, particularly those controlled by red capitalists, will interpret the discussions over the past several days if the Legislative Council meeting is not broadcast live. We know that various pro-democracy Members who oppose the co-location arrangement have been constantly smeared over the past few days.

I think the Legislative Council is duty-bound to enable members of the public to watch the live broadcast of the proceedings of the meeting, listen to the speech of every Member, and learn how pro-democracy Members, for the sake of Hong Kong people, insist on refusing to pass the wrong proposal on the co-location arrangement, and upholding "one country, two systems". All these are very important. If we fail to insist on allowing the participation of members of the press and of the public, and enabling them to listen to the speech of every Member, the public will fail to understand how many fallacious arguments are raised in the whole process of discussion, how many absurdities are quoted, how many remarks are made in which effect is taken for cause, and how many actions are taken to erode and even betray Hong Kong's "one country, two systems".

I oppose the motion moved under RoP 88(1), for the reason that although pro-democracy Members are in the minority in the Legislative Council despite getting the majority votes, we still strive to safeguard "one country, two systems" for the public when voting on various proposals. We still hope that members of the public will see that we uphold "one country, two systems" for Hong Kong people, and oppose motions that are not in compliance with the Basic Law, including not allowing such an important foundation as Article 22 of the Basic Law to be shaken easily.

I oppose the motion moved under RoP 88(1), for the reason that in a long period of time that ensues, we will still be affected by today's discussion and voting. The Government is seeking to take advantage of the discussion in the Legislative Council to package this unpopular motion on the co-location arrangement ...

PRESIDENT (in Cantonese): Dr KWOK Ka-ki, I warn you for the last time that you have digressed from the subject.

DR KWOK KA-KI (in Cantonese): President, I again oppose the motion moved under RoP 88(1), for if this motion is passed today, members of the public will be deprived of their right to know. More importantly, President, this will ...

PRESIDENT (in Cantonese): Dr KWOK Ka-ki, you are again repeating your arguments. Please sit down.

MS CLAUDIA MO (in Cantonese): I am very afraid of "backroom politics", and any form of censorship on the press is unacceptable. However, I am surprised today that Mr CHU Hoi-dick moved a motion under Rule 88(1) of the Rules of Procedure ("RoP"). I believe he has done so with a good intention and I hope that the public can have sharp eyes and ears. *(Some Members spoke in their seats)*

(Some Members made noises in their seats)

(Dr KWOK Ka-ki stood up)

DR KWOK KA-KI (in Cantonese): President, a point of order. Many Members did not show respect when other Members of this Council were speaking; they made noises while Ms Claudia MO was speaking. Please exercise your power as President and ask them not to improperly interrupt the speech of another Member.

PRESIDENT (in Cantonese): Will Members please keep quiet. Ms Claudia MO, please continue.

MS CLAUDIA MO (in Cantonese): Thank you, President. Will Members please keep quiet. If someone thinks press censorship can keep the mouth of the masses shut, he is wrong. I will give an example ...

PRESIDENT (in Cantonese): Ms MO, let me remind you that you have digressed from the subject. I have reminded Members time and again that they shall only speak on whether they support or oppose the motion moved by

Mr CHU Hoi-dick that members of the press and of the public do withdraw. Please focus your speech on this motion and do not digress.

MS CLAUDIA MO (in Cantonese): Alright. I oppose the motion moved under RoP 88(1). Let me give an example. A Member said today that the motion sought to "remove" members of the press; who said that they would be removed? The word used in RoP is "withdraw", i.e. no one shall be driven away and no one shall make such an order. However, RoP 88(2) provides that the President may at any time order members of the press and of the public to withdraw. Why did Members not propose to abolish this autocratic rule but criticized RoP 88(1) instead? Isn't this bizarre?

Let me illustrate why I oppose RoP 88(1). The reason is that press censorship can hardly be effective. People should not have the idea that once censorship is imposed on the press, everyone will live in the dark and they can make reports which "consist of 80% on the bright side and 20% on the dark side"? This cannot be done. In the evening two days ago, the Foreign Correspondents' Club, Hong Kong held a reception for foreign diplomats in Hong Kong, one of the VIPs was Carrie LAM ...

PRESIDENT (in Cantonese): Ms Claudia MO, I am warning you again that you have digressed. Members should speak on the subject under discussion instead of other things which happened two days ago. Please focus your speech on this motion.

MS CLAUDIA MO (in Cantonese): I am illustrating why I oppose RoP 88(1). The VIP was Carrie LAM. Someone asked her what she thought about same-sex marriage, and she said, "I am a Catholic". A reporter from RTHK News raised a number of issues including an open society ...

PRESIDENT (in Cantonese): Ms Claudia MO, I am warning you for the last time that you have digressed.

MS CLAUDIA MO (in Cantonese): She answered, "Not many people in Hong Kong listen to the English Channel of RTHK. The organizer of the event made it clear that what was said would be "off the record". The reporters had not reported, but someone spoke out. These are what I call the mouth of the masses.

PRESIDENT (in Cantonese): Ms Claudia MO, I have already made the final warning, but you have digressed again. Please stop speaking.

MS CLAUDIA MO (in Cantonese): You have not warned me for the last time; why did you stop me from speaking?

PRESIDENT (in Cantonese): I have reminded you many times, but you have digressed repeatedly. Please sit down.

MS CLAUDIA MO (in Cantonese): I have not finished speaking.

PRESIDENT (in Cantonese): Ms MO, you have digressed repeatedly. Please stop speaking.

MR CHAN CHI-CHUEN (in Cantonese): President, first of all, I have to thank Mr CHU Hoi-dick ...

(Ms Claudia MO yelled while standing and tapped on the bench)

PRESIDENT (in Cantonese): Ms Claudia MO, if you do not sit down and stop speaking, I will regard your conduct disorderly.

MS CLAUDIA MO (in Cantonese): What will you do if my conduct is disorderly? Will you order me to withdraw? Or will you order me to be removed?

PRESIDENT (in Cantonese): Ms Claudia MO, please sit down and stop speaking.

MR CHAN CHI-CHUEN (in Cantonese): President, I am speaking now and you cannot say that I am not speaking.

President, first of all, I have to thank Mr CHU Hoi-dick for moving this motion under Rule 88(1) of the Rules of Procedure ("RoP"). Although eventually I may not vote in support of the motion, I believe that members of the public and of the press who oppose the implementation of the co-location arrangement at the West Kowloon Station will understand the good intention of Mr CHU Hoi-dick.

President, having been a Member of the Legislative Council for five years, I have never invoked RoP 88(1), nor have I seen other Members do so. I have not considered the original intent of this rule before. People say that I am a "filibuster expert" and Dr CHIANG Lai-wan calls me a "filibuster freak". Although I have fought in the "wars" of the budget debates for five years, I have never invoked RoP 88(1). A reporter asked me whether I was aware of this rule, or whether I only became aware of this rule after the pro-establishment Members submitted their proposed amendments yesterday ...

PRESIDENT (in Cantonese): Mr CHAN Chi-chuen, I have made it clear earlier that this debate has a very narrow scope. Please withhold what you are discussing now at the meeting of the Committee on Rules of Procedure. Please focus your speech on this motion.

MR CHAN CHI-CHUEN (in Cantonese): President, I have not started to deliver the introduction of my speech. RoP 88(1) provides for the withdrawal of members of the press and of the public. Thus, I hope that when Members speak later, they can use the correct wording. Do not use words such as "to be driven away", "to be expelled" or "to be invited". According to *Erskine May: Parliamentary Practice*, it is the "exclusion of the public from the galleries" ...

(Mr Steven HO indicated his wish to raise a point of order)

MR CHAN CHI-CHUEN (in Cantonese): President, does Mr Steven HO wish to raise a point of order?

PRESIDENT (in Cantonese): Mr CHAN Chi-chuen, please continue.

MR CHAN CHI-CHUEN (in Cantonese): But Mr HO wishes to raise a point of order.

PRESIDENT (in Cantonese): Mr Steven HO, what is your point of order?

MR STEVEN HO (in Cantonese): President, Dr KWOK Ka-ki has earlier reminded Members not to interrupt the speech of another Member. We are listening to the Member's speech attentively.

PRESIDENT (in Cantonese): I have noticed that many Members cannot do what they have asked others to do. Nonetheless, I will again urge Members to keep quiet until they are called upon by me to speak.

MR CHAN CHI-CHUEN (in Cantonese): President, up till now, I cannot support this motion. First, the Council meetings should safeguard and respect the right to know of members of the public and of the press. As for the remaining procedure of the meeting, the Secretary of Department and Directors of Bureaux will respond, after which the motion will be put to vote. If the motion is passed, I do not know whether the speeches of public officers will be made public, and whether the voting of each Member and the voting results will be announced publicly. President, you can explain to us when you have the chance to do so. If this motion is passed, will the contents of our discussion and the voting results be made known to the public? If so, some people may actually support the motion because they do not want the motion on the co-location arrangement to get passed. If the final voting results will not be made known, Carrie LAM cannot tell Beijing that the motion has the support of Members of the Legislative Council.

Nevertheless, after consideration, I think members of the public and of the press should stay in the Chamber to witness the most critical process of such a motion which involves significant public interests, including the replies of the Government and the voting results of Members. It will not be desirable if the voting results are to be published later. Initially, I did not know if the live broadcast and the transmission of signals would also be stopped. The President then indicated that the transmission of signals would be stopped. If so, it will do no good to members of the public and of the press, and the Legislative Council will be criticized for engaging in black-box operation.

After Mr CHU Hoi-dick moved this motion, pro-establishment Members immediately left the Chamber and went outside to make comments, and made a mountain out of a molehill. If pro-establishment Members do not oppose the motion, it will be passed, and of the motion really has no significant impact on them. If the motion is passed, will Mr CHU Hoi-dick be turned into an eternal sinner? If members of the press and of the public are "driven away"—I should not use this term—if they are to "disappear" or "withdraw", even though the transmission of signals shall continue, there will not be adequate monitoring of the Legislative Council. Why should reporters be present even when there is transmission of live-broadcast signals? The reason is that the cameras will only capture the Member who is speaking, but the behaviour of other Members who are not speaking in the Chamber should also be subject to public monitoring. In the past, Members—and not only pro-establishment Members—were found sleeping at meetings. The case of a Member using his iPad to watch certain photos was exposed due to public and press monitoring. Today, I saw some Members eating sneakily in the Chamber, but I will not name them because that is not the main point of my speech. The President cannot clearly see what all Members are doing and the cameras will only shoot the Member who is speaking. Thus, if members of the press and of the public can monitor the proceedings in the galleries and do their part, the right to know of the public can be realized to its fullest. Even public officers shall be monitored. Public officers may sometimes browse tourism websites during a meeting. If members of the public and of the press can stay in the galleries, sometimes they may capture footage of a Member playing video games and that is also very important.

Second, does Mr CHU Hoi-dick move the motion under RoP 88(1) to ensure that certain confidential information or document will not be made public? For example, Secretary for Justice Rimsky YUEN may tell us some strictly confidential information later, hence it is necessary to immediately hold the

meeting behind closed doors and ask members of the press and of the public to withdraw. Nevertheless, the motion moved by Mr CHU Hoi-dick is not legally binding, and it does not involve any confidential documents or figures. The Government may have such information, but it will not provide to us. In the end, it will not disclose figures showing the benefits of Guangzhou-Shenzhen-Hong Kong Express Rail Link to convince Members to support its motion. The entire motion on the co-location arrangement only involves the interpretation of the Basic Law and the laws, but not confidential documents. Thus, I think it is not necessary ...

PRESIDENT (in Cantonese): Mr CHAN Chi-chuen, you have digressed from the subject. Please focus your speech on this motion.

MR CHAN CHI-CHUEN (in Cantonese): President, I have finished with this point and I will make another point.

The third reason why I cannot support the motion under RoP 88(1) is that I am worried that it will set a bad precedent. Pro-establishment Members and the Government will eventually have the same right to invoke this rule. Today, Mr CHU Hoi-dick moved this motion because of the non-binding motion on the co-location arrangement. Regardless of whether he has intended to initiate a debate or upset Carrie LAM's plan, he has set a bad precedent because the Government can also exercise the same right in the future. The Government can also invoke RoP 88(1) one day and that will be disastrous.

I understand that some pro-establishment Members have proposed to amend RoP 88, but have not proposed to abolish it altogether. That is baffling. If I continue to speak on this point, the President will stop me. I think the Committee on Rules of Procedure should hold open meetings and in fact, any committee should hold open meetings as far as possible. However, why has the Member acted in contravention and requested the final stage of deliberation on such an important motion to be held behind closed doors to the exclusion of members of the public and of the press? Please remember that according to RoP 10(3), the Government enjoys the same power as Members. In other words, the Government may, in the future, ask members of the public and of the press to withdraw from meetings of the Legislative Council, the committee of the whole Council and the panels. Certainly, Mr CHU Hoi-dick now moved this motion before the amendment of RoP and Members may invoke this rule at

meetings of the Finance Committee and of the panels and if they do so, I will say the same thing. This two-edged sword is really very dangerous. If this bad precedent is set, the Government and pro-establishment Members may follow suit and they may request to have a closed meeting for any discussion. If that happens, meetings in Hong Kong will be even worse than those of the National People's Congress.

Finally, I would like to remind Mr CHU Hoi-dick, the mover of this motion, he should have 15 minutes to speak in reply, if my understanding is correct. If not, the President can correct me. Since Mr CHU became a Member of this Council, he has been strenuously fighting for Members' and the public's right to know. He has all along submitted many written questions at meetings of the Finance Committee, the Establishment Subcommittee, the Public Works Subcommittee as well as recently the Committee on Rules of Procedure, in the hope that the Government will provide more information to the public so as to increase the Government's transparency ...

PRESIDENT (in Cantonese): Mr CHAN Chi-chuen, you have digressed from the subject.

MR CHAN CHI-CHUEN (in Cantonese): I understand. I will finish my speech after making a couple of remarks. If the motion moved by Mr CHU is passed, pro-establishment Members will keep attacking him and I think Members understand what will happen in the future.

I so submit.

MR CHARLES PETER MOK (in Cantonese): President, first of all, I would like to thank Mr CHU Hoi-dick. Today, it is the first time that he moved a motion under Rule 88(1) of the Rules of Procedure ("RoP"), and probably the first time in the history of the Legislative Council that such a motion is moved. From the debates just conducted, one can realize that it really took a lot of courage to move this motion. I have great respect for Mr CHU after listening to his earlier speech in which he honestly stated his reasons for moving the motion. Unfortunately, owing to his honesty, he could not continue with his speech.

President, I speak against the motion moved under RoP 88(1). However, before today, or even up till today, many Members may still not know what RoP 88(1) is about. President, you can rest assured that I am not going to elaborate on this rule. Such Members include a number of colleagues who wrote to the Committee on Rules of Procedure yesterday for amending RoP 88(1). Yet, I notice that, to this day, they still do not know what this provision or this rule is about.

President, freedom of the press, freedom of expression and the right to know are, in my view, the most important principles guiding Hong Kong. To the Legislative Council, Hong Kong's economy and society, these principles are surely of vital importance. As remarked by some Members earlier on, in many cases, these principles play a major role in exposing the problems of the Council, and I support the enactment of law to provide for an access to information. In order to uphold these principles, our Council meetings must be held openly. I, therefore, will not support the motion moved under RoP 88(1). I am sure the public will query what we are doing ... President, may I request a headcount?

PRESIDENT (in Cantonese): Will the Clerk please ring the bell to summon Members back to the Chamber.

(After the summoning bell had been rung, a number of Members returned to the Chamber)

PRESIDENT (in Cantonese): Mr Charles Peter MOK, please continue with your speech.

MR CHARLES PETER MOK (in Cantonese): President, just now, I indicated my objection to the motion moved by Mr CHU Hoi-dick under RoP 88(1). Why did Mr CHU move this motion? In my opinion, Mr CHU's intention is a factor which merits consideration in deciding whether or not to support his motion.

First of all, I am pretty sure ... President, I am not speculating on the motives of Mr CHU Hoi-dick, though I think he will not mind. I am just guessing the cause of his move. The first possibility is that someone taught him to do so. Who taught him? Honourable colleagues of the pro-establishment

camp are laughing. Maybe they are the people behind the scene. If their requests made to the Committee on Rules of Procedure had not come to light last night, many Honourable colleagues might not have known that ...

PRESIDENT (in Cantonese): Mr Charles Peter MOK, you have digressed from the subject. Please speak on the motion.

MR CHARLES PETER MOK (in Cantonese): Okay, I will speak on the subject. Firstly, I believe someone has made Mr CHU Hoi-dick believed that he must move this motion today. Secondly, according to Mr CHU, his request for the withdrawal of members of the press and of the public under RoP 88(1) should apply to the remaining items on the agenda. In other words, the motion has something to do with the remaining items on the agenda today. Maybe Mr CHU has "knelt down" before the Government. Previously, the Government has turned down our repeated requests for information on various areas concerning the co-location arrangement. I am not sure if this is due to confidentiality of the information or other reasons. However, at this stage, we are about to vote. The Government has even expressly said that the voting must be done tonight. Is it possible that Mr CHU calls for a closed meeting in the hope that the Government will be willing to provide us with information, which has been withheld for the possible reason of confidentiality, after the withdrawal of all members of the public and of the media?

If Mr CHU really thinks so, it will be hard for me to side with him as his move amounts to "kneeling down" before the Government, accepting that it can refuse to provide information for confidentiality reason. I do not know if Mr CHU has negotiated with the Administration, leading him to think that the Administration will be willing to provide information behind closed-doors and hence, he went ahead and moved this motion.

As I said earlier, holding closed-door meeting runs counter to our long-standing principles. If the Government only agrees to provide information to us clandestinely and not in front of the media, I think, in principle, a closed meeting should not be held for this reason. If this is the real reason, I will oppose the motion moved under RoP 88(1).

I also wonder if Mr CHU plans to obtain information from the Government by this means first, and then discloses to the public after closed-door deliberations. Perhaps, he intends to have a closed meeting with the Government first and, upon our perusal and discussion, discloses the information if Members agree and the Government feels at ease to do so. However, if Mr CHU really thinks so, he is too naïve ...

(Mr Paul TSE stood up)

PRESIDENT (in Cantonese): Mr Charles Peter MOK, please hold on. Mr Paul TSE, what is your point of order?

MR PAUL TSE (in Cantonese): President, I would like to raise a point of order under RoP 41(5), which is about speculating on a Member's motives to speak.

PRESIDENT (in Cantonese): Mr Charles Peter MOK, please speak on the motion.

MR CHARLES PETER MOK (in Cantonese): President, I have been speaking on the motion and have not repeated my points.

PRESIDENT (in Cantonese): Mr MOK, you are speculating on the motives of Mr CHU Hoi-dick's speech.

MR CHARLES PETER MOK (in Cantonese): Frankly speaking, I have not made any speculation on the motives of Mr CHU Hoi-dick. I am just pondering the reasons why a Member moved a motion under RoP 88(1) today. Besides, I do not think Mr CHU will mind my speculation here. But, in fact, I am not speculating. I am just analysing the whole incident.

President, in principle, our meetings should be conducted under the sun. It is also important for the media and the press to have the right to report. As a matter of fact, Article 27 of the Basic Law clearly stipulates that "Hong Kong

residents shall have freedom of speech, of the press and of publication". I do not think the Legislative Council should override the Basic Law. Also, as suggested by some Members earlier on, the Basic Law is supreme and its status is even higher than that of XI Jinping. Furthermore, I also think that if the motion is passed today, it will set a bad precedent. I therefore do not support Mr CHU Hoi-dick's motion.

However, I think it is not a bad thing if the President allows us to discuss for some time. At least, we can show to the public that we will not comment whether it is right or wrong to amend or invoke RoP, regardless of the justifications ... As a matter of fact, we have reviewed some literature, noting that it is common for parliaments to ...

PRESIDENT (in Cantonese): Mr Charles Peter MOK, this is my last warning to you. You have digressed from the subject.

MR CHARLES PETER MOK (in Cantonese): ... President, I must point out that in many parliaments, denying entry of members of the public or of the press is often a filibuster tactic. It has been clearly stated in the literature. As the President rules that I have digressed and must stop, I can only make the last point. When a parliament is plagued by unfairness, filibuster is the last resort of the minority; but now, even this means will be taken away. I can only keep my fingers crossed for Hong Kong, and I wish the public would understand that we are now facing the tyranny of the majority.

President, I am not going to exhaust my 15 minutes of speaking time. Last but not least, I would like to point out that RoP 88(1) is a rule which has never been invoked. Nevertheless, when this rule was drawn up years ago, the situation at that time might be completely different from that at present. Back then, the proceedings could be kept confidential after the withdrawal of members of the public and of the press, but nowadays, things have changed. That was why some Members asked the President at the beginning of the debate whether this rule also applied to reporters behind the black glass and organizations conducting live broadcast. The President replied in the affirmative. But what if some Members do live webcast here? In view of this, I think this rule is flawed and I will not support the motion moved under RoP 88(1) today. As this

provision is already outdated, the best way to deal with it is to delete it completely.

President, as promised, I will not exhaust my 15 minutes of speaking time. Lastly, I oppose Mr CHU Hoi-dick's motion moved under RoP 88(1).

MR LEUNG CHE-CHEUNG (in Cantonese): President, I was greatly surprised upon learning that Mr CHU Hoi-dick moved a motion under Rule 88(1) of the Rules of Procedure ("RoP"). I was also very surprised to hear several pan-democratic Members thank Mr CHU for moving such a motion and then oppose that motion. Such a motion constitutes a breach of the tradition of this Council to allow members of the press and of the public to learn about the discussions at the Legislative Council meetings. When moving this motion, Mr CHU said his act was unprecedented. I think he moved the motion entirely for the purpose of wasting this Council's time and stalling its progress. For such an important issue as the co-location arrangement, how can we not let the public know? That is my reason for opposing Mr CHU's motion moved under RoP 88(1). Thank you, President.

PRESIDENT (in Cantonese): The subject of this debate is very simple, which is whether members of the press and of the public should withdraw and whether the withdrawal is to be applied for a specified length of time. The debate has conducted for over an hour but many Members are still waiting for their turn to speak. If I allow all Members to speak, the debate will have to carry on for several hours. I notice that Members have been digressing from the subject and keep repeating their arguments.

In fact, starting from last week's meeting up till 4:00 pm today, this Council has met for a total of 36 hours, and the time spent on discussing a number of motions relating to procedural issues has amounted to as much as 18 hours, of which almost four hours were spent on 19 headcounts. Besides, 19 headcounts were also made in other sessions of the meeting, taking up about 4 hours and 15 minutes. As much as two thirds of the total meeting time was spent on those procedures. Excluding the time spent on headcounts, the actual debate time on the motion on the co-location arrangement moved by the Secretary was less than nine hours.

As we all know, there are still many outstanding items on the agenda of this Council. I notice that some Members have publicly stated that they intended to stall, through this motion, the deliberation of the motion on the co-location arrangement. I must point out that in accordance with the judgment handed down by the Court of Final Appeal ("CFA") and the Court of Appeal, Members do not have the constitutional right to filibuster during the proceedings of the Council. As the President of the Legislative Council, if I allow Members to speak incessantly on this motion, the Legislative Council will not be able to resume the handling of other items on the agenda. I must strike a right balance between respecting Members' right to speak and the normal operation of the Legislative Council.

Hence, I have decided to set a time limit for this debate. The debate will end after 30 minutes, and then I will put the question on the motion to vote.

To make the best use of the Council's time, will Members please keep their speeches precise, do not digress from the subject and do not repeat their arguments; otherwise, I will enforce the Rules of Procedure in a much stricter manner and stop the Member concerned from speaking.

(Mr Charles Peter MOK stood up)

PRESIDENT (in Cantonese): Mr Charles Peter MOK, what is your point of order?

MR CHARLES PETER MOK (in Cantonese): President, under which rule of RoP did you make your ruling? Besides, is there a precedent for the President to set a time limit in the midst of a debate? Under the current circumstances, even if we must finish dealing with the motion on the co-location arrangement today, as you have announced that this meeting will not be adjourned until tonight, there should be sufficient time to deal with the relevant procedures.

PRESIDENT (in Cantonese): In accordance with Article 72 of the Basic Law and the judgment handed down by CFA, I must, as the President of the Legislative Council, strike a right balance between Members' right to speak and the normal operation of the Legislative Council.

MR CHARLES PETER MOK (in Cantonese): I only wish to understand the information in this regard. According to your knowledge, are there any precedents for reference when you made this ruling?

PRESIDENT (in Cantonese): Mr MOK, there are precedents for this ruling. You may ask me or the Secretariat for the information on other occasions.

(Dr Fernando CHEUNG stood up)

PRESIDENT (in Cantonese): Dr Fernando CHEUNG, what is your point of order?

DR FERNANDO CHEUNG (in Cantonese): Just now, I listened very attentively when you made the ruling. When you explained the ruling, you quoted from the Basic Law and the court's judgment and said that Members were not allowed to filibuster. Since you mentioned about filibustering, did it mean that you were speculating on the motives of Members? As the President should not speculate on Members' motives, you should not disallow Members to express their views freely on your assumption that certain Members will filibuster.

PRESIDENT (in Cantonese): Dr Fernando CHEUNG, if you had paid attention to my remarks, you should have learnt what I said. I said that it has come to my notice that some Members have publicly stated that they would, through this motion, stall the deliberation of the motion on the co-location arrangement. I also pointed out that CFA made it very clear in its judgment that Members did not have the constitutional right to filibuster. I was only quoting from the judgment of CFA; I was not saying that Members filibustered.

(Mr CHAN Chi-chuen stood up)

MR CHAN CHI-CHUEN (in Cantonese): President, who were the Members you were referring to? Please state clearly. "Members" should represent all Members because pro-establishment Members have also pressed the "Request to speak" button.

PRESIDENT (in Cantonese): Mr CHAN Chi-chuen, I have made the ruling. Please sit down.

(Mr CHU Hoi-dick stood up)

PRESIDENT (in Cantonese): Mr CHU Hoi-dick, what is your point of order?

MR CHU HOI-DICK (in Cantonese): President, is the time limit set by you inclusive of my speech in reply?

PRESIDENT (in Cantonese): Yes, you will have time to speak in reply.

MR CHU HOI-DICK (in Cantonese): President, so how are you going to deal with the situation? Can you clarify the relevant arrangement?

PRESIDENT (in Cantonese): I will first ask Mr KWONG Chun-yu to speak. If his speech is brief, I will then call upon other Members to speak in turn, otherwise I will not invite any other Member to speak and you will have 15 minutes to speak in reply. Mr KWONG Chun-yu, please speak.

MR KWONG CHUN-YU (in Cantonese): President, eight Members have already spoken ...

(Mr Alvin YEUNG stood up)

PRESIDENT (in Cantonese): Mr Alvin YEUNG, what is your point of order?

MR ALVIN YEUNG (in Cantonese): President, I hope you will clarify again, has the arrangement to set a time limit for the debate struck a right balance between Members' right to speak and the normal operation of the Legislative Council?

PRESIDENT (in Cantonese): If you had paid attention to what I said, I had already explained twice, please sit down.

MR ALVIN YEUNG (in Cantonese): Sorry, President, I just want you to clarify. As your ruling today will set a precedent for the Legislative Council, can you clearly inform Members of the rationale for setting the time limit for the debate at 30 minutes?

PRESIDENT (in Cantonese): I have explained clearly just now, and this is not the first time this Council set a time limit for a debate.

MR ALVIN YEUNG (in Cantonese): President, can you explain the rationale to convince Members to accept the arrangement of setting a time limit in the midst of a debate, especially when the President did not set any time limit at the outset?

PRESIDENT (in Cantonese): Mr YEUNG, this is not a point of order. I have made a ruling and the President's ruling is not subject to any debate. Please sit down.

(Dr Fernando CHEUNG stood up)

PRESIDENT (in Cantonese): Dr Fernando CHEUNG, what is your point of order?

DR FERNANDO CHEUNG (in Cantonese): President, I know that you have made a ruling and I have no intention to challenge it. However, you suddenly announced to set a time limit for this motion in the midst of the debate, and before that I have already pressed the "Request to speak" button. Therefore, I expect to have 15 minutes' speaking time. According to the established practice of this Council, the President will give notice and you should at least allow ...

PRESIDENT (in Cantonese): Dr Fernando CHEUNG, this is not a point of order.

DR FERNANDO CHEUNG (in Cantonese): You should at least allow Members who have pressed the "Request to speak" button before you announced the ruling to speak for 15 minutes.

PRESIDENT (in Cantonese): Dr Fernando CHEUNG, I have made a ruling.

(Mr Dennis KWOK stood up)

PRESIDENT (in Cantonese): Mr Dennis KWOK, what is your point of order?

MR DENNIS KWOK (in Cantonese): President, I have just looked up Rule 36(5) of the Rules of Procedure ("RoP") which specifies that Members can make a speech lasting 15 minutes. Of course, an extension is also possible with permission from the President. Why did you make a ruling to deprive Members of their 15 minutes' speaking time all of a sudden? Furthermore, I want to highlight that the debate of this motion actually started less than half an hour ago and a number of Members, including me, have already pressed the "Request to speak" button. Your ruling has reduced the time and opportunity of Members to speak and thus contravened RoP.

PRESIDENT (in Cantonese): Mr Dennis KWOK, I have already made a ruling. Please sit down.

(Mr Andrew WAN stood up)

PRESIDENT (in Cantonese): Mr Andrew WAN, what is your point of order?

MR ANDREW WAN (in Cantonese): President, I also have a similar query, but I am not going to repeat the questions of other Members.

PRESIDENT (in Cantonese): Mr Andrew WAN, please raise your point of order. If you have queries on other issues, you can talk to me or the Secretariat on other occasions.

MR ANDREW WAN (in Cantonese): President, I have not finished. I now put a specific question to you. Just now, you said that Members who have spoken were repeating the arguments and so ...

PRESIDENT (in Cantonese): This is not a point of order. Please sit down.

MR ANDREW WAN (in Cantonese): President, I have not finished, how do you know I am not going to raise a point of order? Can you be fairer? You should at least look impartial even if you are a corrupt referee.

PRESIDENT (in Cantonese): You should point out under which rule of RoP you raised your point of order.

MR ANDREW WAN (in Cantonese): President, may I ask how you can tell that Members who are going to speak will repeat the arguments previously made by other Members? Do you have a crystal ball?

(Mr Andrew WAN talked aloud while standing)

PRESIDENT (in Cantonese): Mr Andrew WAN, if you continue to vociferate recklessly without my permission, I would regard such behaviour as grossly disorderly.

(Dr CHENG Chung-tai stood up)

PRESIDENT (in Cantonese): Dr CHENG Chung-tai, what is your point of order?

DR CHENG CHUNG-TAI (in Cantonese): President, I also want to raise a point of order. You seemed to have explained your ruling just now, but the crux is, since you can make such a ruling, why would pro-establishment Members bother to move to amend RoP? With just one remark, you can suddenly set the time limit for the debate on the motion to 30 minutes, but this is a contravention of RoP.

PRESIDENT (in Cantonese): Dr CHENG, this is not a point of order. Please sit down.

DR CHENG CHUNG-TAI (in Cantonese): It is evident to all that this move is simply out of order.

PRESIDENT (in Cantonese): This is not a point of order. Please sit down.

(Mr HUI Chi-fung stood up)

PRESIDENT (in Cantonese): Mr HUI Chi-fung, what is your point of order?

MR HUI CHI-FUNG (in Cantonese): President, according to RoP, Members will have 15 minutes to speak on the motion. Since I expected the motion to go on for the next couple of hours, I had therefore not pressed the "Request to speak" button. But then right before I pressed the "Request to speak" button, you announced the ruling that Members were not allowed to speak on the motion beyond the time limit for the debate. For those who have been listening to the speeches of other Members and have yet to press the "Request to speak" button, this is absolutely unfair. Regardless of whether your intention is to "cut off the filibuster", the ruling made by you is actually an abuse of the President's power.

PRESIDENT (in Cantonese): Mr HUI Chi-fung, this is not a point of order.

MR HUI CHI-FUNG (in Cantonese): Is there any precedent case of "cutting off the filibuster" within such a short period of time?

PRESIDENT (in Cantonese): Mr HUI Chi-fung, this is not a point of order and a ruling has been made.

MR HUI CHI-FUNG (in Cantonese): I want you to answer my question. Is there any precedent case of "cutting off the filibuster" in this way? President, the fact that the time limit for the debate has been significantly shortened to half an hour is an abuse of power. Mr Andrew LEUNG, you are abusing your power, so please withdraw your ruling. President, do you know that you are abusing your power? You have deprived Members of their room, time and opportunity to debate. President, do you know that you are abusing power? Will you please withdraw your ruling? You are absolutely abusing your power and depriving Members of their time for debate.

PRESIDENT (in Cantonese): Mr HUI Chi-fung, please sit down.

(Mr Alvin YEUNG stood up)

PRESIDENT (in Cantonese): Mr Alvin YEUNG, what is your point of order?

MR ALVIN YEUNG (in Cantonese): President, I just want you to clarify one point. The case of CFA cited by you just now only deals with the Committee stage where Members can speak for an unlimited number of times ...

PRESIDENT (in Cantonese): Mr Alvin YEUNG, I have made a ruling and my ruling is not subject to any debate.

MR ALVIN YEUNG (in Cantonese): President, I just want to help you elucidate your ruling.

PRESIDENT (in Cantonese): If you want to seek elucidation, you can come to me on another occasion.

MR ALVIN YEUNG (in Cantonese): President, this is a matter of the President's authority. Therefore, I hope that the President can have a clear concept and handle the relevant precedent cases carefully.

PRESIDENT (in Cantonese): Mr Alvin YEUNG, please sit down. Mr KWONG Chun-yu, do you wish to speak?

(Mr CHU Hoi-dick stood up)

MR KWONG CHUN-YU (in Cantonese): President, a Member still wants to raise a point of order.

PRESIDENT (in Cantonese): Mr CHU Hoi-dick, what is your point of order?

MR CHU HOI-DICK (in Cantonese): President, just now you mentioned the Basic Law and the ruling of CFA, does it mean that your ruling is not made under RoP? Which rule of RoP empowers you to make the relevant ruling?

PRESIDENT (in Cantonese): Mr CHU, this is not a point of order. Please sit down.

MR CHU HOI-DICK (in Cantonese): President, under which rule of RoP did you make the ruling that limits the time for debate to 30 minutes? President, under which rule of RoP did you make the relevant ruling?

PRESIDENT (in Cantonese): Mr CHU Hoi-dick, please sit down.

MR CHU HOI-DICK (in Cantonese): President, why didn't you explain the rule under which you ...

PRESIDENT (in Cantonese): I have made a ruling and my ruling is not subject to any debate.

MR CHU HOI-DICK (in Cantonese): Is it RoP 91 or RoP 92?

PRESIDENT (in Cantonese): Mr CHU, please sit down.

(Mr SHIU Ka-chun stood up)

PRESIDENT (in Cantonese): Mr SHIU Ka-chun, what is your point of order?

MR SHIU KA-CHUN (in Cantonese): President, I have pressed the "Request to speak" button. I am going to speak and have prepared a speaking note. My question is, if you do not allow me to speak, can I submit my speaking note in writing to you according to RoP?

PRESIDENT (in Cantonese): Mr SHIU, this is not a point of order. If you have any views, you may talk to the press or members of the public on another occasion.

MR SHIU KA-CHUN (in Cantonese): President, I asked if I could submit my speaking note to you.

PRESIDENT (in Cantonese): Mr KWONG Chun-yu, please speak.

(Mr LAM Cheuk-ting stood up)

MR KWONG CHUN-YU (in Cantonese): President, a Member wants to raise a point of order.

PRESIDENT (in Cantonese): Mr LAM Cheuk-ting, what is your point of order?

MR LAM CHEUK-TING (in Cantonese): President, I noticed that whenever a Member mentioned any rule of RoP, just as what Mr Dennis KWOK did earlier on, you replied that a ruling was made and it was not subject to any debate. In that case, what is the use of RoP? Noting that you can recklessly chair a meeting at your own wish, we might as well discard RoP! How can you be so ridiculous! Can you give us some justifications? Apart from that repeated response, you have also directed Members to seek enquires from the Secretariat. Can you state your rationale?

PRESIDENT (in Cantonese): Mr LAM Cheuk-ting, this is not a point of order, please stop speaking.

MR LAM CHEUK-TING (in Cantonese): I am raising a point of order, but you refused to deal with it. What is this if this is not a point of order?

PRESIDENT (in Cantonese): What you raised is not a point of order. Please sit down. Mr KWONG Chun-yu, do you wish to speak?

MR KWONG CHUN-YU (in Cantonese): President, I speak on the motion on "withdrawal of members of the press and of the public" moved under Rule 88(1) of the Rules of Procedure ("RoP"). The simplest way to avoid digressing from the subject is to consider how much impact the withdrawal of members of the press and of the public will bring.

Just now, some Honourable colleagues stated that this Council has been having debates under the sun over a long time. If members of the press are ordered to withdraw ...

(A mobile phone was ringing in the public gallery)

PRESIDENT (in Cantonese): Mr KWONG, please hold on. Will the person in the public gallery turn off his mobile phone?

MR KWONG CHUN-YU (in Cantonese): Alright. Thank you, President. President, I have just referred to the motion on "withdrawal of members of the press and of the public". We certainly have to be very cautious and I strongly oppose this motion because members of the press play a very important role in Hong Kong as they disclose to the public the debates and important things that happened in this Council.

The fourth power refers to the fourth kind of political power other than the executive, legislative and judicial powers, which generally refers to the power of the news media to monitor the Government. Without the monitoring by the fourth power and the assistance of the news media, many incidents in Hong Kong would not have been disclosed and it will be difficult to continue to uphold the role of the Legislative Council.

So, I oppose this motion moved by Mr CHU Hoi-dick under RoP 88(1). The subject of the motion is "withdrawal of members of the press and of the public"; what does the press refer to? We all know that the press refers to the mass media which focuses on reporting news, and it can be subdivided into the print media, the mass media, newspapers and magazines ...

PRESIDENT (in Cantonese): Mr KWONG Chun-yu, you have digressed from the subject.

MR KWONG CHUN-YU (in Cantonese): I have not digressed from the subject, President; I am expounding on the subject. President, as you have interrupted me, I have to repeat, the print media, the mass media, newspapers and magazines, and the broadcast media; they are all important. I have found a Legislative Council paper on the Guidelines and Arrangements for Media Representatives in the Legislative Council Complex.

I would like to draw Honourable colleagues' attention to a very important point. Before ordering members of the press and of the public to withdraw under RoP 88(1), we should first consider the rights of reporting that the Legislative Council had previously given to members of the press. As

mentioned in the above paper, the policy of the Legislative Council Commission is to facilitate news organizations to cover and report Legislative Council news in the Legislative Council Complex. As we all know, one of the most important measures is that reporters and media representatives performing reporting duties in the Legislative Council Complex are provided with an admission pass, though members of the public watching television broadcast may not be aware of that. They can perform reporting duties in the Legislative Council Complex with the admission pass and they are given certain powers.

The paper also shows that the Hong Kong Special Administrative Region ...

PRESIDENT (in Cantonese): Mr KWONG Chun-yu, please hold on. I have already said that, in this debate, Members can only discuss whether they support the motion on "withdrawal of members of the press and of the public", and they should not speak on reporting and other matters. So, please speak on this motion. If you continue to repeat your arguments, I will ask you to stop speaking.

MR KWONG CHUN-YU (in Cantonese): President, I understand that. I now move a motion under RoP 40(1) that the debate on the motion on "withdrawal of members of the press and of the public" moved by Mr CHU Hoi-dick under RoP 88(1) be now adjourned.

PRESIDENT (in Cantonese): Mr KWONG, you have moved a procedural motion.

MR KWONG CHUN-YU (in Cantonese): President, please make a ruling cautiously.

PRESIDENT (in Cantonese): In my view, after a Member has moved a motion under RoP 88(1), the Council must conduct a debate immediately on whether members of the press and of the public should withdraw from the Chamber at the time specified in the motion.

If this debate is adjourned, the effect is that the Council will not be able to decide whether the persons concerned should withdraw from the Chamber. I think this violates the intent of RoP 88(1). Therefore, I do not approve the motion for adjournment of debate.

MR KWONG CHUN-YU (in Cantonese): President, I think the motion moved by Mr CHU Hoi-dick is unreasonable, so I move a motion to adjourn the debate; what is the problem?

PRESIDENT (in Cantonese): Mr KWONG, I have already made a ruling. Please continue to speak.

(Mr HUI Chi-fung stood up)

MR HUI CHI-FUNG (in Cantonese): President, a point of order. Please state which rule of RoP you have based on in not accepting Mr KWONG Chun-yu's motion for adjournment of debate.

PRESIDENT (in Cantonese): Mr HUI, we are now dealing with RoP 40(1) and I have already explained that clearly.

MR HUI CHI-FUNG (in Cantonese): You have only said that you do not approve the motion.

PRESIDENT (in Cantonese): I have already explained that clearly, please sit down.

MR HUI CHI-FUNG (in Cantonese): Can you please tell me which rule of RoP empowers the President not to approve a Member's motion to adjourn the substantive debate?

PRESIDENT (in Cantonese): Mr HUI, this is a question about proceedings.

MR HUI CHI-FUNG (in Cantonese): President, I really have to say that you have seriously abused your powers today, completely restricting Members' room for debate and freedom of speech and setting a very bad precedent for this Council. Please do not abuse your powers any more.

PRESIDENT (in Cantonese): Mr HUI, this is not the first time I exercise this power of the President and there are precedents. Please sit down.

MR HUI CHI-FUNG (in Cantonese): In dealing with the substantive motion moved by Mr CHU Hoi-dick and the procedural motion moved by Mr KWONG Chun-yu, you have not proposed justifications or abided by RoP. The abuse of powers is really excessive and serious.

PRESIDENT (in Cantonese): Mr HUI, this is not a point of order, please stop speaking immediately.

(Mr CHAN Chi-chuen stood up)

PRESIDENT (in Cantonese): Mr CHAN Chi-chuen, what is your point of order?

MR CHAN CHI-CHUEN (in Cantonese): President, please explain whether the motion moved under RoP 88(1) is a procedural or substantive motion.

PRESIDENT (in Cantonese): That is a procedural motion, please sit down. Mr KWONG Chun-yu, please continue with your speech.

MR KWONG CHUN-YU (in Cantonese): President, a point of order. President, I am now reading RoP 40(1), which states that "[a] Member who has risen to speak on a question in the Council may move without notice that the

debate be now adjourned. Thereupon the President shall propose the question on that motion."

President, I have moved a motion to adjourn the debate' under that rule, I do not understand why you do not allow me to move a motion that the debate on the unreasonable motion moved by Mr CHU Hoi-dick be now adjourned.

PRESIDENT (in Cantonese): I have already made a ruling, please continue to speak.

MR KWONG CHUN-YU (in Cantonese): President, I now continue to speak.

(Some Members were talking in their seats)

PRESIDENT (in Cantonese): Mr KWONG, please hold on. Some Members have just asked me to remind other Members not to talk in their seats and I also ask these Members to respect the requests they just made.

(Mr LAM Cheuk-ting stood up)

PRESIDENT (in Cantonese): Mr LAM Cheuk-ting, what is your point of order?

MR LAM CHEUK-TING (in Cantonese): President, this Council is now debating the motion ordering members of the media and of the public to withdraw and RoP 40(1) stipulates that a Member may move without notice that the debate be now adjourned. President, can you justify your ruling? This is similar to what happened during a football match, a player at the back who has not touched another player in the front has been accused of butting in and tripping over the player in the front.

PRESIDENT (in Cantonese): I have made it clear that I will not approve the motion moved under RoP 40(1) to adjourn the debate. If you have any query, you may wish to discuss with me or the Secretariat on other occasions.

(Mr LEUNG Yiu-chung stood up)

PRESIDENT (in Cantonese): Mr LEUNG Yiu-chung, what is your point of order?

MR LEUNG YIU-CHUNG (in Cantonese): You cannot say this is a query. It is not a query. You should indicate which rule of RoP you have based on in making the ruling to disallow a Member to move a motion to adjourn the debate.

PRESIDENT (in Cantonese): Mr LEUNG Yiu-chung, this is not a point of order.

MR LEUNG YIU-CHUNG (in Cantonese): You cannot make a ruling arbitrarily.

PRESIDENT (in Cantonese): Mr LEUNG Yiu-chung, this is not a point of order.

MR LEUNG YIU-CHUNG (in Cantonese): You should point out to Members which rule of RoP you have based on in making the ruling.

PRESIDENT (in Cantonese): I have already explained that clearly.

MR LEUNG YIU-CHUNG (in Cantonese): You have never accounted for this point. Which rule of RoP have you based on in making the ruling?

PRESIDENT (in Cantonese): If you had listened carefully to what I just explained, you should have known that I had already given an explanation. But if you had not attentively ...

MR LEUNG YIU-CHUNG (in Cantonese): I have definitely listened carefully to the explanation you just gave. Which rule of RoP have you based on in making the ruling?

(Mr SHIU Ka-chun stood up)

PRESIDENT (in Cantonese): Mr SHIU Ka-chun, what is your point of order?

MR SHIU KA-CHUN (in Cantonese): President, you called my name incorrectly. My name pronounced in Cantonese is Siu6 Gaa1 "Zeon1", not Siu6 Gaa1 "Zeon3".

PRESIDENT (in Cantonese): I just said Siu6 Gaa1 "Zeon1", not Siu6 Gaa1 "Zeon3".

MR SHIU KA-CHUN (in Cantonese): You just said Siu6 Gaa1 "Zeon3", I want to review the video recording.

PRESIDENT (in Cantonese): I just said Siu6 Gaa1 "Zeon1". If you have any question, you can review the video recording.

MR SHIU KA-CHUN (in Cantonese): I ask to review the video recording because I heard that you just said Siu6 Gaa1 "Zeon3".

PRESIDENT (in Cantonese): You can review the video recording outside the Chamber.

MR SHIU KA-CHUN (in Cantonese): President, where should I review the video recording?

PRESIDENT (in Cantonese): You can check with the Secretariat.

MR SHIU KA-CHUN (in Cantonese): President, which Secretariat staff should I check with?

PRESIDENT (in Cantonese): What is your point of order?

MR SHIU KA-CHUN (in Cantonese): President, how should I ask the Secretariat for a review of the video recording?

PRESIDENT (in Cantonese): This is not a point of order.

(Mr HUI Chi-fung stood up and indicated his wish to raise a point of order)

PRESIDENT (in Cantonese): Mr HUI Chi-fung, what is your point of order?

MR HUI CHI-FUNG (in Cantonese): I have gone through RoP 40(1) and other rules again and again. When a Member moves a motion for adjournment of debate under RoP 40(1), I cannot find any rule of RoP that gives you the power not to approve the motion. RoP 40(1) specifies that "the President shall move the question on that motion" ...

PRESIDENT (in Cantonese): The President's ruling is not subject to debate, please sit down.

MR HUI CHI-FUNG (in Cantonese): Which rule of RoP have you based on in making the ruling? Please propose the question on the motion to adjourn the debate immediately.

PRESIDENT (in Cantonese): Mr HUI, please sit down. Mr KWONG Chun-yu, do you wish to continue to speak?

MR HUI CHI-FUNG (in Cantonese): President, you have yet to answer my question.

PRESIDENT (in Cantonese): I have answered your question, please sit down.

MR HUI CHI-FUNG (in Cantonese): President, you have yet to answer my question.

PRESIDENT (in Cantonese): Please sit down.

MR HUI CHI-FUNG (in Cantonese): President, please answer my question. Which rule of RoP have you based on ...

PRESIDENT (in Cantonese): Mr HUI Chi-fung, I am warning you for the last time. If you still do not sit down, I will regard your conduct as grossly disorderly. Mr KWONG Chun-yu, do you wish to continue to speak?

(Mr HUI Chi-fung was talking loudly while standing)

PRESIDENT (in Cantonese): Mr HUI Chi-fung, please sit down. If you still do not sit down, I have no choice.

(Mr HUI Chi-fung was still talking loudly while standing)

PRESIDENT (in Cantonese): Mr HUI Chi-fung, please leave the Chamber.

(Security staff came forward to help Mr HUI Chi-fung leave the Chamber. In the meantime, a number of Members walked towards Mr HUI intending to hinder security staff from helping him leave the Chamber, and they shouted loudly)

PRESIDENT (in Cantonese): The meeting is now suspended.

5:36 pm

Meeting suspended.

6:49 pm

Council then resumed.

(Mr HUI Chi-fung had not left the Chamber, security staff stood near Mr HUI and a number of Members surrounded them and shouted repeatedly, "Andrew LEUNG, abuse of power, shameful!")

PRESIDENT (in Cantonese): Will Members please return to their seats.

(A number of Members had still not returned to their seats and some Members were talking loudly)

PRESIDENT (in Cantonese): Will Members please return to their seats.

(A number of Members had still not returned to their seats)

PRESIDENT (in Cantonese): If Members do not return to their seats, the meeting cannot proceed further. I ask Members again to return to their seats.

(A number of Members had not returned to their seats and they shouted repeatedly, "abuse of power, shameful!")

ADJOURNMENT OF MEETING

PRESIDENT (in Cantonese): As the meeting cannot proceed further, I now adjourn the meeting.

Adjourned accordingly at 6:50 pm.