

**Guangzhou-Shenzhen-Hong Kong Express Rail Link (Co-location) Bill  
Debate arrangement**

- Object of the Bill :**
- (a) To declare an area as the West Kowloon Station Mainland Port Area;
  - (b) to provide that a train compartment of a passenger train in operation on the Hong Kong Section of the Guangzhou-Shenzhen-Hong Kong Express Rail Link is to be regarded as part of the West Kowloon Station Mainland Port Area;
  - (c) to provide that the West Kowloon Station Mainland Port Area is to be regarded as an area lying outside Hong Kong but lying within the Mainland for certain purposes; and
  - (d) to make supplementary provisions for certain rights and obligations and related matters and for the interpretation of certain documents in relation to rights and obligations.

<b>Debate : Clauses with no amendments and clauses with amendments proposed by 9 Members*</b>	<b>- Clauses 1 to 8, New Heading of Part 4, new clauses 9 to 12, and Schedules 1 to 5</b>
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Joint debate on the original clauses and the amendments thereto.

Please refer to the **Annex** for gist of the **24 amendments** proposed by 9 Members on the following matters:

- (a) commencement and expiry dates of the enacted Ordinance (i.e. the Bill upon enactment as Ordinance);
- (b) introduction of offence provisions and expiry date of the enacted Ordinance;
- (c) application of the Hong Kong Bill of Rights Ordinance (Cap. 383) to the Mainland Port Area;
- (d) specifying that the Co-operation Arrangement between the Mainland and the Hong Kong Special Administrative Region on the Establishment of the Port at the West Kowloon Station of the Guangzhou-Shenzhen-Hong Kong Express Rail Link for Implementing Co-location Arrangement and the Decision of the Standing Committee of the National People's Congress made on 27 December 2017 do not form part of Basic Law or any laws of Hong Kong;
- (e) specifying that the enacted Ordinance is a one-off arrangement; and
- (f) amending or deleting the savings provision in clause 7 (and the related Schedules 4 and 5) and the provision on interpretation of future documents in relation to rights and obligations in clause 8.

\*9 Members are : **Dr Hon Fernando CHEUNG, Hon CHU Hoi-dick, Hon CHAN Chi-chuen, Hon Claudia MO, Hon Gary FAN, Hon Tanya CHAN, Hon Dennis KWOK, Hon Jeremy TAM and Dr Hon KWOK Ka-ki**  
(set out in LC Paper No. CB(3) 656/17-18 issued on 4 June 2018)

**24 admissible amendments proposed by Members  
to the Guangzhou-Shenzhen-Hong Kong Express Rail Link (Co-location) Bill**

**(A) 11 amendments – Expiry and / or commencement date of the enacted Ordinance (i.e. the Bill enacted as an Ordinance)**

Member	Gist of amendments	Amendment(s)
<b>Hon Gary FAN</b>		
(Hon Gary FAN's 1st and 2nd amendments)	To amend clause 1(2) to provide that the enacted Ordinance: (a) <b>comes into operation</b> on a day to be appointed by the Secretary for Transport and Housing ("STH"); and (b) will <b>expire</b> on the day of the termination of operation of the Hong Kong Section of the Guangzhou-Shenzhen-Hong Kong Express Rail Link ("XRL"); and to make corresponding changes to the heading of clause 1.	<b>LC Paper No. <u>CB(3) 656/17-18</u></b>
<b>Hon CHU Hoi-dick</b>		
(Hon CHU Hoi-dick's 1st amendment)	To amend clause 1(2) to provide that the enacted Ordinance: (a) <b>comes into operation</b> on a day to be appointed by STH; and (b) will <b>expire</b> at midnight on 31 December 2021.	<b>LC Paper No. <u>CB(3) 656/17-18</u></b>
(Hon CHU Hoi-dick's 2nd amendment)	To amend clause 1(2) to stipulate that the enacted Ordinance: (a) <b>comes into operation</b> on a day to be appointed by STH; and (b) will <b>expire</b> 5 years after its commencement date.	<b>LC Paper No. <u>CB(3) 656/17-18</u></b>
(Hon CHU Hoi-dick's 3rd amendment)	To add new subclause (3) to clause 1 to provide that if any part of the enacted Ordinance is adjudicated to be in contravention of the Basic Law ("BL"): (a) the enacted Ordinance <b>ceases to be valid immediately</b> ; and (b) the Mainland Port Area ("MPA") is to be regarded as an area lying within Hong Kong but lying outside the Mainland, and over which Hong Kong exercises jurisdiction in accordance with the laws of the Hong Kong Special Administrative Region ("HKSAR") (including jurisdiction of the courts).	<b>LC Paper No. <u>CB(3) 656/17-18</u></b>

Member	Gist of amendments	Amendment(s)
(Hon CHU Hoi-dick's 4th amendment)	To add new subclause (3) to clause 6 to provide that when any part of the enacted Ordinance is adjudicated as conflicting with BL by the Court: (a) the MPA is to be regarded as an area lying within Hong Kong but lying outside the Mainland, and (b) the enacted Ordinance <b>ceases to be valid immediately</b> .	<b>LC Paper No. <u>CB(3) 656/17-18</u></b>
(Hon CHU Hoi-dick's 5th amendment) (New clause)	To add new clause 9 to provide that where any part of the enacted Ordinance is determined by the courts to be in contravention of BL: (a) the enacted Ordinance <b>ceases to have force immediately</b> ; (b) the MPA ceases to be regarded as an area lying outside Hong Kong but lying within the Mainland for any purpose, but shall be regarded as an area lying within Hong Kong; and (c) to avoid doubt, the law of Hong Kong applies in the designated area for all matters and any court, tribunal or magistrate in Hong Kong has jurisdiction to hear and determine any cause or matter, civil or criminal, in relation to any such matter as if this Ordinance had not been passed.	<b>LC Paper No. <u>CB(3) 656/17-18</u></b>
(Hon CHU Hoi-dick's 6th amendment) (New clause)	To add new clause 9 to provide that if any part of the enacted Ordinance is adjudicated to be in contravention of BL: (a) the enacted Ordinance <b>ceases to be valid immediately</b> ; and (b) the MPA is to be regarded as an area lying within Hong Kong but lying outside the Mainland, and over which Hong Kong exercises jurisdiction in accordance with the laws of HKSAR (including jurisdiction of the courts).	<b>LC Paper No. <u>CB(3) 656/17-18</u></b>
<b>Dr Hon Fernando CHEUNG</b>		
(Dr Hon Fernando CHEUNG's 3rd amendment) (New clause)	To add new clause 9 to provide that the enacted Ordinance will expire at midnight on 30 June 2023.	<b>LC Paper No. <u>CB(3) 656/17-18</u></b>
<b>Hon CHAN Chi-chuen</b>		
(Hon CHAN Chi-chuen's 1st amendment)	To amend clause 1(2) to change <b>the commencement date</b> of the enacted Ordinance to the 300th day after the day on which the enacted Ordinance is published in the Gazette.	<b>LC Paper No. <u>CB(3) 656/17-18</u></b>
<b>Hon Claudia MO</b>		
(Hon Claudia MO's amendment)	To amend clause 1(2) to change <b>the commencement date</b> of the enacted Ordinance to the 365th day after the day on which the enacted Ordinance is passed by the Legislative Council.	<b>LC Paper No. <u>CB(3) 656/17-18</u></b>

**(B) 1 amendment – Introduction of offence provisions and expiry date of the enacted Ordinance**

Member	Gist of amendments	Amendment(s)
<b>Hon CHAN Chi-chuen</b>		
(Hon CHAN Chi-chuen's 3rd amendment) (New clause)	To add new Part 4 (new clauses 9 to 12) to: (a) introduce offence provisions relating to the personnel of the Mainland Authorities Stationed at the MPA; and (b) provide that (i) the enacted Ordinance <b>expires</b> at midnight on 30 June 2047; and (ii) if the MPA and the Hong Kong Section of XRL have not been in operation for 365 days consecutively at any time before midnight on 30 June 2047, the enacted Ordinance <b>expires</b> at midnight on the 365th consecutive day on which the MPA and the Hong Kong Section of XRL have not been in operation.	LC Paper No. <b><u>CB(3) 656/17-18</u></b>

**(C) 1 amendment – Application of the Hong Kong Bill of Rights Ordinance (Cap. 383) to the MPA**

Member	Gist of amendments	Amendment(s)
<b>Dr Hon KWOK Ka-ki</b>		
(Dr Hon KWOK Ka-ki's amendment)	To add new subclause (3) to clause 6 to provide that to avoid doubt, the Hong Kong Bill of Rights Ordinance (Cap. 383) remains in force in the MPA.	LC Paper No. <b><u>CB(3) 656/17-18</u></b>

**(D) 7 amendments – Amending or deleting the savings provision in clause 7 (and the related Schedules 4 and 5) and the provision on interpretation of future documents in relation to rights and obligations in clause 8**

Member	Gist of amendments	Amendment(s)
<b>Dr Hon Fernando CHEUNG</b>		
(Dr Hon Fernando CHEUNG's 1st amendment)	To delete clause 7(3) which makes provision for determining the geographical scope for specified rights or obligations in the context of the MPA being regarded as an area lying outside Hong Kong but lying within the Mainland.	LC Paper No. <b><u>CB(3) 656/17-18</u></b>
(Dr Hon Fernando CHEUNG's 2nd amendment)	To delete clause 8 which contains provisions for the interpretation of certain future documents in relation to rights and obligations (other than a right acquired or accrued, or an obligation incurred, before the commencement date) if the document contains a reference to Hong Kong or part of Hong Kong to describe the geographical scope for the right or obligation.	LC Paper No. <b><u>CB(3) 656/17-18</u></b>

<b>Member</b>	<b>Gist of amendments</b>	<b>Amendment(s)</b>
<b>Hon Tanya CHAN</b>		
(Hon Tanya CHAN's 1st amendment)	To delete clause 7(3) which makes provision for determining the geographical scope for specified rights or obligations in the context of the MPA being regarded as an area lying outside Hong Kong but lying within the Mainland.	<b>LC Paper No.</b> <b><u>CB(3) 656/17-18</u></b>
(Hon Tanya CHAN's 2nd amendment)	To delete clause 8(1)(b) which relates to interpretation of certain future documents in relation to rights and obligations.	<b>LC Paper No.</b> <b><u>CB(3) 656/17-18</u></b>
(Hon Tanya CHAN's 4th amendment)	To consequentially delete Schedule 4 which specifies orders for clause 7(3)(a).	<b>LC Paper No.</b> <b><u>CB(3) 656/17-18</u></b>
(Hon Tanya CHAN's 5th amendment)	To consequentially delete Schedule 5 which specifies pre-existing Court order for clause 7(3)(c).	<b>LC Paper No.</b> <b><u>CB(3) 656/17-18</u></b>
<b>Hon Dennis KWOK</b>		
(Hon Dennis KWOK's 1st amendment)	To delete clause 8(1)(b)(ii) which relates to interpretation of certain future documents in relation to rights and obligations.	<b>LC Paper No.</b> <b><u>CB(3) 656/17-18</u></b>

**(E) 1 amendment – Specifying that the Decision and the Co-operation Arrangement do not form part of BL or any laws of Hong Kong**

<b>Member</b>	<b>Gist of amendments</b>	<b>Amendment(s)</b>
<b>Hon Dennis KWOK</b>		
(Hon Dennis KWOK's 2nd amendment) (New clause)	To add new Part 4 (new clause 9) to provide that to avoid doubt, the Co-operation Arrangement and NPCSC's Decision referred to in the Preamble of the enacted Ordinance do not form part and parcel of BL or any laws of Hong Kong.	<b>LC Paper No.</b> <b><u>CB(3) 656/17-18</u></b>

**(F) 1 amendment – Specifying that the enacted Ordinance is a one-off arrangement**

<b>Member</b>	<b>Gist of amendments</b>	<b>Amendment(s)</b>
<b>Hon Jeremy TAM</b>		
(Hon Jeremy TAM's amendment) (New clause)	To add new Part 4 (new clause 9) to provide that the enacted Ordinance is a one-off arrangement for the purposes of the Hong Kong Section of XRL and West Kowloon Station, and will not apply to the customs clearance, immigration control and quarantine of any other railway or any railway in the future.	<b>LC Paper No.</b> <b><u>CB(3) 656/17-18</u></b>

**(G) 2 amendments – Other matters including changing the colour used to signify Shek Kong Stabling Sidings and adding a definition**

<b>Member</b>	<b>Gist of amendments</b>	<b>Amendment(s)</b>
<b>Hon Tanya CHAN</b>		
(Hon Tanya CHAN's 3rd amendment)	To amend Schedule 3 to change the colour used to signify Shek Kong Stabling Sidings.	<b>LC Paper No. <u>CB(3) 656/17-18</u></b>
<b>Hon CHAN Chi-chuen</b>		
(Hon CHAN Chi-chuen's 2nd amendment)	To add the definition of "Mainland Authorities Stationed at the Mainland Port Area" to clause 2.	<b>LC Paper No. <u>CB(3) 656/17-18</u></b>