

立法會 *Legislative Council*

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Paper for the House Committee meeting on 2 November 2018

Report of the Subcommittee on Guangzhou-Shenzhen-Hong Kong Express Rail Link (Co-location) Ordinance (Commencement) Notice

Purpose

This paper reports on the deliberations of the Subcommittee on Guangzhou-Shenzhen-Hong Kong Express Rail Link (Co-location) Ordinance (Commencement) Notice ("the Subcommittee").

Background

2. The Hong Kong Section ("HKS") of the Guangzhou-Shenzhen-Hong Kong Express Rail Link ("XRL") is a 26 kilometres long underground rail corridor running from West Kowloon in Hong Kong to Shenzhen, where it connects to the Mainland Section of XRL. It provides high-speed rail service between the Hong Kong West Kowloon Station ("WKS") and 44 Mainland destinations. The HKS of the XRL has formally commenced operation on 23 September 2018.

Guangzhou-Shenzhen-Hong Kong Express Rail Link (Co-location) Ordinance

3. The Guangzhou-Shenzhen-Hong Kong Express Rail Link (Co-location) Bill ("the Bill") was passed by the Legislative Council ("LegCo") on 14 June 2018, and was published in the Gazette as the Guangzhou-Shenzhen-Hong Kong Express Rail Link (Co-location) Ordinance (Cap. 632) ("the Ordinance") on 22 June 2018. The Ordinance implements the co-location arrangement at the WKS which comprises the establishment of the Mainland Port Area ("MPA"), and passengers can complete clearance procedures of both Hong Kong and the Mainland at the WKS successively.

4. Under section 1(2) of the Ordinance, it is provided that the Ordinance comes into operation on a day to be appointed by the Secretary for Transport and Housing ("STH") by notice published in the Gazette.

The Commencement Notice

5. The Administration has advised in a paper provided to the Panel on Transport ("Panel") of LegCo in August 2018 that upon detailed discussions with the Mainland, STH decided to appoint 4 September 2018 as the day on which the Ordinance comes into operation to dovetail with the commencement of operation of the HKS of the XRL on 23 September 2018. The Guangzhou-Shenzhen-Hong Kong Express Rail Link (Co-location) Ordinance (Commencement) Notice ("Commencement Notice") was published in the Gazette on 31 August 2018 and tabled before LegCo on 10 October 2018 in accordance with the statutory procedures.

The Subcommittee

6. At the House Committee meeting held on 5 October 2018, Members agreed to form a subcommittee to study the Commencement Notice. Under the Chairmanship of Hon Mrs Regina IP LAU Suk-ye, the Subcommittee has held one meeting with the Administration to examine the Commencement Notice. The membership list of the Subcommittee is in **Appendix I**.

Deliberations of the Subcommittee

Implementation of the Ordinance in advance of the commencement of operation of the HKS of the XRL

7. Pointing out that the Ordinance came into operation on 4 September 2018, i.e. 19 days earlier than the commencement of operation of the HKS of the XRL on 23 September 2018, Hon CHAN Chi-chuen has enquired whether the 19-day period was requested by the Mainland authorities. He is also concerned about the nature of the "requisite materials", as mentioned in the Administration's paper (LC Paper No. CB(4)90/18-19(02)), that have to be delivered to the MPA only after the Ordinance comes into operation.

8. The Administration advises that personnel of both the Mainland and Hong Kong authorities needs time to familiarize themselves with the relevant operational procedures prior to the commissioning of the HKS of the XRL with a view to ensuring a smooth operation of the MPA. The Administration adds that the final preparatory work conducted by the Mainland personnel includes the testing of clearance facilities at the MPA.

9. Hon James TO and Hon AU Nok-hin are dissatisfied that the Commencement Notice has already taken effect before LegCo has the opportunity to apply the negative vetting procedure in relation to the Commencement Notice, which brought the Ordinance into operation. Hon James TO further remarks that normally, the Administration will brief LegCo Members on the preparedness of all relevant parties and stakeholders concerned before bringing a piece of legislation into operation.

10. The Administration has explained that it fully respects the rights of LegCo to exercise its power and function in scrutinizing legislation. The Administration has indeed informed the Bills Committee on Guangzhou-Shenzhen-Hong Kong Express Rail Link (Co-location) Bill ("the Bills Committee") during the course of scrutiny that the HKS of the XRL would be commissioned in September 2018, therefore the Ordinance has to come into operation before the scheduled commissioning date of the HKS of the XRL (i.e. during summer recess of LegCo). The Administration has further pointed out that section 1(2) of the Ordinance clearly provides that the Ordinance comes into operation on a day to be appointed by STH by notice published in the Gazette. Furthermore, prior to the gazettal of the Commencement Notice on 31 August 2018, the Administration issued on 30 August 2018 an information paper titled "Right to Use and Commissioning Arrangements of the West Kowloon Station Mainland Port Area" (LC Paper No. CB(4)1518/17-18(01)) to the Panel setting out relevant arrangements, which was provided for Members' information at the Panel meeting held on 31 August 2018.

Impact of the decision of the Court in the judicial review proceedings ("JR proceedings") on the co-location arrangement and the Commencement Notice

11. Hon Tanya CHAN and Hon CHAN Chi-chuen are concerned about the legal consequences that might arise in respect of the implementation of the co-location arrangement under the Ordinance and the Commencement Notice and how the operation of the MPA would be affected in case the co-location arrangement is successfully challenged in subsequent JR proceedings.

12. The Administration has responded that the HKSAR Government is confident that the co-location arrangement is in compliance with the Constitution of the People's Republic of China ("PRC") and the Basic Law. Since the JR proceedings are ongoing, the Administration explains that it is not appropriate to comment any further at this stage.

Other issues of concern regarding the operations at the WKS after the commencement of the operation of XRL

Administration and operation of the MPA

13. A number of members including Dr Hon KWOK Ka-ki, Hon Tanya CHAN, Hon Jeremy TAM and Hon CHAN Chi-chuen are concerned about the administration and operation of the MPA, including the number of Mainland personnel stationed in the MPA, duties that they carry out in the MPA, whether they will stay overnight in the MPA and the respective departments that they belong to.

14. The Administration advises that it is important to station sufficient staff at the MPA with a view to ensuring a smooth and safe operation thereat. The design of the MPA can accommodate up to 600 personnel at any time to carry out duties there. As the implementation of customs, immigration and quarantine matters in the MPA is under the Mainland's jurisdiction, it is not necessary for the Mainland to inform the HKSAR of the relevant operational arrangements therein, including the number of Mainland personnel stationed at the MPA.

15. The Administration further explains that in accordance with Article 6 of 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", only immigration inspection authority, customs authority, inspection and quarantine authority, integrated port administration authority and railway police authority of the Mainland would station their personnel to perform duties and functions in the MPA in accordance with the laws of the Mainland ("Mainland Authorities Stationed at the MPA"). They have no enforcement powers outside the MPA, and they are required to remain inside the MPA at all times. The Administration also stresses that while the Mainland Authorities Stationed at the MPA do not stay overnight at the MPA after completion of their duties, certain officers in particular those from immigration inspection and customs authorities are required to work overnight at the MPA to conduct relevant clearance procedures for the staff of MTR Corporation Limited ("MTRCL") and its contractors, who may have to carry out maintenance and cleansing work at the MPA at night time.

16. Hon Tanya CHAN and Hon CHU Hoi-dick have expressed concern that there is no mechanism for the Hong Kong side to cross-check the daily number of inbound and outbound passengers passing through the MPA with the relevant Mainland authorities. The Administration explains that the situation at the WKS is no different from other land boundary control points. As per a member's request, the Administration has provided to the Subcommittee in writing the daily number of inbound and outbound passengers with a breakdown of such information by Hong Kong residents and non-Hong Kong residents since the HKS of the XRL commenced operation on 23 September 2018 up to 25 October 2018 (**Appendix II**).

Baggage size limit and ticket purchase arrangements

17. Some members including Dr Hon Priscilla LEUNG, Hon Jeffrey LAM and Hon YIU Si-wing are concerned about the baggage size limit imposed by MTRCL. Members pointed out that some southbound passengers were permitted to carry oversized baggage to board XRL trains bound for Hong Kong, and they urged for less stringent enforcement of the baggage size limit by MTRCL so as to attract more people, especially the elderly, to use XRL trains. The Administration advises that while there are restrictions on baggage size and maximum weight of baggage, there is no limit on the number of pieces of baggage that the passengers can carry with them. The Administration takes note of members' concern and will follow up this matter with MTRCL and China Railway Corporation ("CR") to cater for the passengers' needs.

18. A number of members including Hon Tony TSE, Ir Dr Hon LO Wai-kwok and Hon YIU Si-wing have expressed concern about the ticket purchase arrangements. Hon YIU suggests offering fare concession to passengers during non-peak hours with a view to increasing the patronage of the XRL.

19. In response to members' view that the current ticket collection procedures adopted at the WKS are too complicated and that e-ticket should be introduced, the Administration advises that it has been discussing relevant matters with MTRCL and CR on various fronts, such as enhancing the ticketing arrangements and offering of concession fare to passengers during non-peak hours, with a view to improving the passengers' experiences in using the XRL. Besides, the Administration advises that it will discuss with CR on the integration of Hong Kong and the Mainland ticketing websites as well as the introduction of e-tickets as well.

Others

20. In response to Hon James TO's enquiry on cases where passengers at the MPA sought emergency medical assistance, the Administration has also provided information in writing in respect of (i) the number of case(s) involved and (ii) the name of hospital to which the passenger(s) concerned was/were delivered for treatment (**Appendix II**).

21. Mr Jeremy TAM has sought information on the remedial actions taken to tackle the water seepage problem at the WKS arising from Super Typhoon Mangkhut. The Administration's reply is in **Appendix II**.

22. In conclusion, the Chairman advises that members can further follow-up on the above issues relating to the operation of the XRL with the corresponding Panels/Subcommittees if necessary.

Recommendation

23. The Subcommittee did not raise any objection to the Commencement Notice and will not propose any amendment to it.

Advice sought

24. Members are invited to note the deliberations of the Subcommittee.

Council Business Division 4
Legislative Council Secretariat
30 October 2018

Appendix I

Subcommittee on Guangzhou-Shenzhen-Hong Kong Express Rail Link (Co-location) Ordinance (Commencement) Notice

Membership List

Chairman	Hon Mrs Regina IP LAU Suk-ye, GBS, JP
Members	Hon James TO Kun-sun Hon Abraham SHEK Lai-him, GBS, JP Hon Tommy CHEUNG Yu-yan, GBS, JP Hon Jeffrey LAM Kin-fung, GBS, JP Hon WONG Ting-kwong, GBS, JP Hon CHAN Kin-por, GBS, JP Dr Hon Priscilla LEUNG Mei-fun, SBS, JP Hon WONG Kwok-kin, SBS, JP Hon Paul TSE Wai-chun, JP Hon Michael TIEN Puk-sun, BBS, JP Hon Frankie YICK Chi-ming, SBS, JP Hon YIU Si-wing, BBS Hon MA Fung-kwok, SBS, JP Hon Charles Peter MOK, JP Hon CHAN Chi-chuen Hon CHAN Han-pan, BBS, JP Hon LEUNG Che-cheung, SBS, MH, JP Hon Alice MAK Mei-kuen, BBS, JP Dr Hon KWOK Ka-ki Hon KWOK Wai-keung, JP Hon Christopher CHEUNG Wah-fung, SBS, JP Dr Hon Fernando CHEUNG Chiu-hung Dr Hon Elizabeth QUAT, BBS, JP Hon Martin LIAO Cheung-kong, SBS, JP Hon POON Siu-ping, BBS, MH Ir Dr Hon LO Wai-kwok, SBS, MH, JP Hon Alvin YEUNG

Hon CHU Hoi-dick
Dr Hon Junius HO Kwan-yiu, JP
Hon HO Kai-ming
Hon Holden CHOW Ho-ding
Hon Wilson OR Chong-shing, MH
Hon YUNG Hoi-yan
Hon CHAN Chun-ying, JP
Hon Tanya CHAN
Hon CHEUNG Kwok-kwan, JP
Hon LUK Chung-hung, JP
Hon Jeremy TAM Man-ho
Hon AU Nok-hin
Hon Vincent CHENG Wing-shun, MH
Hon Tony TSE Wai-chuen, BBS

(Total : 42 Members)

Clerk Ms Sophie LAU

Legal Adviser Miss Joyce CHAN

Government response

The Administration was requested to provide up to 25 October 2018:

- (a) Daily no. of inbound and outbound passengers with a breakdown of such information by Hong Kong residents and non-Hong Kong residents since the Hong Kong Section of Guangzhou-Shenzhen-Hong Kong Express Rail Link commenced operation on 23 September 2018**

Based on the information from the Immigration Department, the passenger traffic at the control point at the West Kowloon Station ("WKS") of the Guangzhou-Shenzhen-Hong Kong Express Rail Link ("XRL") from 23 September to 25 October 2018 is tabulated at Annex I.

- (b) Information in respect of cases where passengers at the West Kowloon Station Mainland Port Area felt unwell and were delivered to hospitals in Hong Kong, including (i) the number of passengers involved and (ii) the name of hospital which the passenger concerned was delivered to for treatment**

Based on the information from the Security Bureau, since the commissioning of the Hong Kong Section of the XRL, there was one case related to passenger in the WKS Mainland Port Area being conveyed to hospital by ambulance. There was only one passenger involved, whom was conveyed to the Queen Elizabeth Hospital for treatment.

- (c) Remedial actions taken and relevant photos (if any) to tackle the water seepage problem at the West Kowloon Station arising from Super Typhoon Mangkhut**

During the strike of Super Typhoon Mangkhut on Hong Kong on 16 September 2018, the MTR Corporation Limited ("MTRCL") stationed staff at the WKS throughout the period. The WKS was in general in

normal conditions during the typhoon, with only minor dripping at isolated locations from the station ceiling and the pedestrian subway connecting the MTR Austin Station (relevant photos at **Annex II**). Rectification works were carried out by the staff immediately.

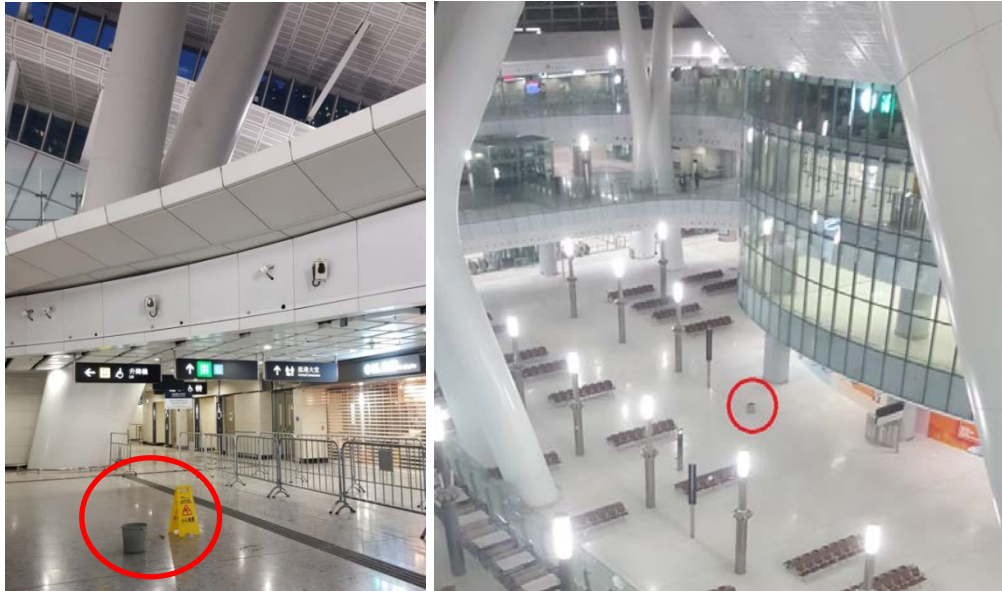
Similar to the routine maintenance arrangements of other railway stations, MTRCL staff inspect the WKS on a regular basis and perform maintenance when necessary as early as possible to ensure that the station remains in good conditions.

Transport and Housing Bureau
29 October 2018

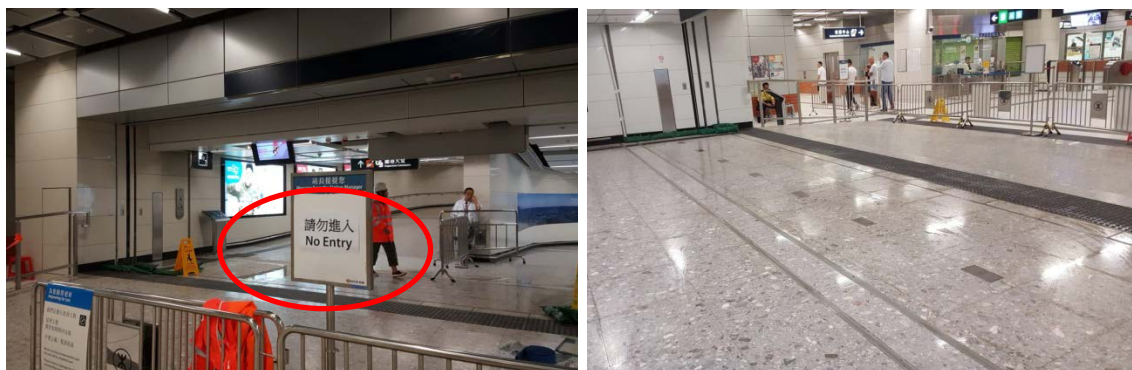
Passenger traffic at the control point at the WKS of the XRL

Date	Arrival				Departure				Total
	Hong Kong residents	Mainland visitors	Other visitors	Arrival total	Hong Kong residents	Mainland visitors	Other visitors	Departure total	
2018/9/23	10,170	31,377	987	42,534	10,552	22,094	564	33,210	75,744
2018/9/24	3,791	14,815	635	19,241	5,517	20,808	897	27,222	46,463
2018/9/25	12,589	9,861	569	23,019	7,388	6,850	563	14,801	37,820
2018/9/26	6,553	13,528	879	20,960	5,564	9,497	664	15,725	36,685
2018/9/27	5,533	12,841	917	19,291	5,565	10,899	619	17,083	36,374
2018/9/28	5,773	13,515	1,042	20,330	9,145	11,406	621	21,172	41,502
2018/9/29	5,639	16,357	1,276	23,272	13,974	10,357	547	24,878	48,150
2018/9/30	8,521	23,567	1,273	33,361	9,967	9,569	514	20,050	53,411
2018/10/1	15,404	42,931	936	59,271	4,263	14,225	485	18,973	78,244
2018/10/2	6,507	41,253	960	48,720	3,489	23,131	717	27,337	76,057
2018/10/3	4,480	36,757	788	42,025	4,231	27,875	777	32,883	74,908
2018/10/4	4,350	33,277	728	38,355	5,125	31,381	838	37,344	75,699
2018/10/5	4,559	32,567	777	37,903	6,504	34,767	846	42,117	80,020
2018/10/6	4,609	23,560	719	28,888	7,667	36,232	909	44,808	73,696
2018/10/7	7,349	11,399	619	19,367	5,950	26,528	1,215	33,693	53,060
2018/10/8	5,709	9,492	596	15,797	6,484	12,120	1,015	19,619	35,416
2018/10/9	5,245	10,422	651	16,318	6,142	10,084	955	17,181	33,499
2018/10/10	5,485	11,064	821	17,370	6,322	9,801	976	17,099	34,469
2018/10/11	5,479	11,045	862	17,386	6,178	9,689	894	16,761	34,147
2018/10/12	6,133	14,589	1,275	21,997	9,527	11,830	1,009	22,366	44,363
2018/10/13	5,816	25,263	1,378	32,457	12,107	20,280	1,286	33,673	66,130
2018/10/14	10,436	16,893	1,251	28,580	7,200	20,417	2,809	30,426	59,006
2018/10/15	6,606	11,499	1,038	19,143	7,032	10,756	2,585	20,373	39,516
2018/10/16	5,445	10,891	1,093	17,429	8,593	11,263	2,094	21,950	39,379
2018/10/17	9,731	8,974	1,650	20,355	9,684	7,547	1,406	18,637	38,992
2018/10/18	6,718	13,260	2,108	22,086	6,330	10,376	1,130	17,836	39,922
2018/10/19	6,985	16,152	2,626	25,763	9,489	11,882	1,140	22,511	48,274
2018/10/20	6,543	26,585	2,189	35,317	10,289	20,312	1,423	32,024	67,341
2018/10/21	11,638	17,383	1,524	30,545	6,112	20,206	1,944	28,262	58,807
2018/10/22	6,728	12,806	1,234	20,768	6,590	11,634	2,630	20,854	41,622
2018/10/23	5,777	11,991	1,289	19,057	6,122	11,800	1,985	19,907	38,964
2018/10/24	6,082	11,404	1,490	18,976	6,771	10,793	1,475	19,039	38,015
2018/10/25	6,178	13,120	1,896	21,194	7,614	10,401	1,138	19,153	40,347

**Photos of the WKS
during the strike of Super Typhoon Mangkhut on Hong Kong
on 16 September 2018**



Minor dripping was found at B1 and B3 Levels (as circled in red) of the WKS, with rectification completed subsequently.



Minor dripping was also found at the pedestrian subway connecting the station with the MTR Austin Station (as circled in red), with rectification completed on the same day (photo on the right).