

立法會
Legislative Council

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Tel : 3919 3309

Date : 4 June 2018

From : Clerk to the Legislative Council

To : All Members of the Legislative Council

Council meeting of 6 June 2018

**Amendments to Guangzhou-Shenzhen-Hong Kong Express Rail Link
(Co-location) Bill**

The Second Reading debate on the above Bill will be resumed at the Council meeting of 6 June 2018. Subject to the Bill receiving Second Reading, the President has given permission for the following Members to move their proposed amendments:

Mover of amendment(s) (set out in the order of receipt)	Number of amendment(s)	Appendix
Dr Hon Fernando CHEUNG	3	1
Hon CHU Hoi-dick	6	2
Hon CHAN Chi-chuen	3	3
Hon Claudia MO	1	4
Hon Gary FAN	2	5
Hon Tanya CHAN	5	6
Hon Dennis KWOK	2	7
Hon Jeremy TAM	1	8
Dr Hon KWOK Ka-ki	1	9

2. As directed by the President, the amendments are attached for Members' consideration.

(Judy TING)
for Clerk to the Legislative Council

Encl.

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

Committee Stage

Amendments to be moved by Dr. the Honourable Fernando CHEUNG Chiu-hung

<u>Clause</u>	<u>Amendment Proposed</u>
7	By deleting subclause (3).
8	By deleting the clause.
New	By adding—

**"Part 4
Miscellaneous**

9. Expiry of this Ordinance

This Ordinance expires at midnight on 30 June 2023."

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

Committee StageAmendments to be moved by the Honourable Eddie CHU Hoi-dick

<u>Clause</u>	<u>Amendment Proposed</u>
1	By deleting subclause (2) and substituting— “(2) This Ordinance comes into operation on a day to be appointed by the Secretary for Transport and Housing by notice published in the Gazette, and expires at midnight on 31 December 2021.” .
1	By deleting subclause (2) and substituting— “(2) This Ordinance comes into operation on a day to be appointed by the Secretary for Transport and Housing by notice published in the Gazette, and expires 5 years after its commencement date.” .
1	By adding— “(3) If any part of this Ordinance is adjudicated in contravention of the Basic Law — (a) this Ordinance ceases to be valid immediately; (b) the Mainland Port Area, as declared by this Ordinance, 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 HKSAR (including jurisdiction of the courts).” .
6	By adding— “(3) When any part of this Ordinance be adjudicated as conflicting with the Basic Law by the Court— (a) the Mainland Port Area is to be regarded as an area lying within Hong Kong but lying outside the Mainland for the purposes of— (i) the application of the laws of the Mainland, and of the laws of Hong Kong, in the Mainland Port Area; and (ii) the delineation of jurisdiction (including jurisdiction of the courts) over the Mainland Port Area; (b) this Ordinance ceases to be valid immediately.” .

Clause

Amendment Proposed

New

By adding—

“(9) Where any part of this Ordinance is determined by the courts to be in contravention of the Basic Law —

- (a) this Ordinance ceases to have force immediately;
- (b) the Mainland Port Area 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, 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.” .

New

By adding—

“(9) If any part of this Ordinance is adjudicated in contravention of the Basic Law —

- (a) this Ordinance ceases to be valid immediately;
- (b) the Mainland Port Area, as declared by this Ordinance, 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 HKSAR (including jurisdiction of the courts).” .

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

Committee Stage

Amendments to be moved by the Honourable CHAN Chi-chuen

<u>Clause</u>	<u>Amendment Proposed</u>
1(2)	By deleting everything after “operation” and substituting “on the 300th day after the day on which this Ordinance is published in the Gazette.”.
2	By adding in alphabetical order— <p style="margin-left: 40px;"><i>“Mainland Authorities Stationed at the Mainland Port Area</i> (內地派駐機構) means immigration inspection authority, customs authority, inspection and quarantine authority, integrated port administration authority and railway police authority stationed by the Mainland at the Mainland Port Area;”.</p>
New	By adding—

“Part 4**Miscellaneous**

9. Offence of persons recognized by the Central People’s Government as officers of the Mainland Authorities Stationed at the Mainland Port Area entering any area outside the Mainland Port Area

Any person recognized by the Central People’s Government as an officer of the Mainland Authorities Stationed at the Mainland Port Area who enters any area outside the Mainland Port Area commits an offence and is liable on conviction on indictment to a fine of \$10,000,000 and to imprisonment for 30 years.

10. Offence of aiding, abetting, counseling or procuring persons recognized by the Central People’s Government as officers of the Mainland Authorities Stationed at the Mainland Port Area to enter any area outside the Mainland Port Area etc.

Any person who aids, abets, counsels or procures, or conspires with another person to aid, abet, counsel or procure any person recognized by the Central People’s Government as an officer of the Mainland Authorities Stationed at the Mainland Port Area to enter any area outside the Mainland Port Area commits an offence and is liable on conviction on indictment to a fine of \$10,000,000 and to imprisonment for 30 years.

11. Offence of obstructing any person who holds a valid permit issued by the HKSAR Government or the Hong Kong operator of the Guangzhou-Shenzhen-Hong Kong Express Rail Link from performing duties and functions under this Ordinance etc.

Any person recognized by the Central People’s Government as an officer of the Mainland Authorities Stationed at the Mainland Port Area who—

- (a) resists or obstructs any person who holds a valid permit issued by the HKSAR Government or the Hong Kong operator of the Guangzhou-Shenzhen-Hong Kong Express Rail Link and who enters the Mainland Port Area or passes through the Mainland Port Area to other places within the West Kowloon Station in the performance of his duties and functions;
- (b) assaults any person who holds a valid permit issued by the HKSAR Government or the Hong Kong operator of the Guangzhou-Shenzhen-Hong Kong Express Rail Link and who enters the Mainland Port Area or passes through the Mainland Port Area to other places within the West Kowloon Station in the

- performance of his duties and functions; or
- (c) intimidates any person who holds a valid permit issued by the HKSAR Government or the Hong Kong operator of the Guangzhou-Shenzhen-Hong Kong Express Rail Link and who enters the Mainland Port Area or passes through the Mainland Port Area to other places within the West Kowloon Station in the performance of his duties and functions,

commits an offence and is liable on conviction on indictment to a fine of \$5,000,000 and to imprisonment for 10 years.

12. Expiry of this Ordinance

- (1) This Ordinance expires at midnight on 30 June 2047.
- (2) If the Mainland Port Area and the Hong Kong Section of the Express Rail Link have not been in operation for 365 days consecutively at any time before midnight on 30 June 2047, this Ordinance expires at midnight on the 365th consecutive day on which the Mainland Port Area and the Hong Kong Section of the Express Rail Link have not been in operation.”.

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

Committee Stage

Amendment to be moved by the Honourable Claudia MO

Clause

Amendment Proposed

- 1(2) By deleting “operation on a day to be appointed by the Secretary for Transport and Housing by notice published in the Gazette.” and substituting “operation on the 365th day after the day on which this Ordinance is passed by the Legislative Council.”.

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

Committee Stage

Amendments to be moved by the Honourable Gary FAN Kwok-wai

<u>Clause</u>	<u>Amendment Proposed</u>
1	In the heading, by deleting “ Short title and commencement ” and substituting “ Short title, commencement and expiry ”.
1	By deleting subclause (2) and substituting— “(2) This Ordinance comes into operation on a day to be appointed by the Secretary for Transport and Housing by notice published in the Gazette, and expires on the day of the termination of operation of the Hong Kong Section of the Express Rail Link.”.

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

Committee Stage

Amendments to be moved by the Honourable Tanya CHAN

Clause

Amendment Proposed

7 By deleting subclause (3).

8(1) (a) In paragraph (a), by deleting “; and” and substituting a full stop.

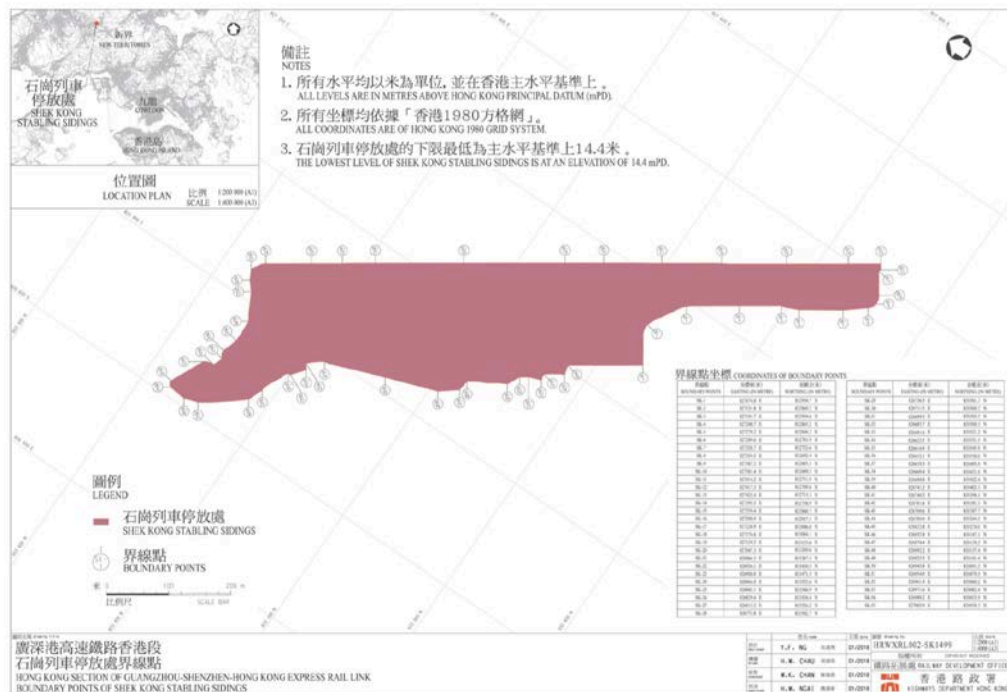
By deleting paragraph (b).

Schedule 3 By deleting the schedule and substituting—

“Schedule 3

[s.2]

Shek Kong Stabling Sidings



圖例
石崗列車停放處
界線點
比例尺
1:200 000

圖例
石崗列車停放處
界線點
比例尺
1:200 000

Schedule 4 By deleting the Schedule.

Schedule 5 By deleting the Schedule.

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

Committee Stage

Amendments to be moved by the Honourable Dennis KWOK Wing-hang

<u>Clause</u>	<u>Amendment Proposed</u>
8(1)(b)	By deleting subparagraph (ii).
New	By adding—

**“Part 4
Miscellaneous**

9. Instruments referred to in the preamble not part of Hong Kong law

To avoid doubt, the instruments referred to in the preamble of this Ordinance do not form part and parcel of the Basic Law or any laws of Hong Kong.”.

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

Committee Stage

Amendment to be moved by the Honourable Jeremy TAM Man-ho

Clause

Amendment Proposed

New

By adding—

**“Part 4
Miscellaneous**

9. This Ordinance as a one-off arrangement

This Ordinance is a one-off arrangement for the purposes of the Hong Kong Section of the Express Rail Link and the 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.”.

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

Committee Stage

Amendment to be moved by Dr the Honourable KWOK Ka-ki

Clause

Amendment Proposed

6

By adding —

“(3) To avoid doubt, the Hong Kong Bill of Rights Ordinance (Cap. 383) remains in force in the Mainland Port Area.”.