

Transcript of remarks at press conference on Co-location Arrangement of Hong Kong Section of Guangzhou-Shenzhen-Hong Kong Express Rail Link (with photo)

The Chief Executive, Mrs Carrie Lam; the Secretary for Justice, Mr Rimsky Yuen, SC; the Secretary for Transport and Housing, Mr Frank Chan Fan; and the Acting Secretary for Security, Mr Sonny Au, held a press conference this afternoon (December 27) on the decision of the Standing Committee of the National People's Congress on approving 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. Following is the transcript of remarks at the press conference:

Reporter: Mrs Lam, well seven years ago, we heard from the Government that there will be a backup plan, well, that is having separate check points in both Mainland and Hong Kong. But then, today, only one proposal got passed by the NPC (National People's Congress) Standing Committee. Do you see this as the SAR (Special Administrative Region) Government's incapability to grant Hong Kong as more alternative plans and options? And Mr Yuen, before you leave the SAR (Government), it's glad to have you in this, probably one of the last PCs (press conferences) with us. Well, it's indeed the case that we are now calling the West Kowloon Station a Mainland Port Area, but we all know, how do you convince Hong Kong people that it is suddenly becoming a Mainland Port Area and it's no longer under SAR's territory and therefore, well, the Government is now proposing that Article 18 is no longer applicable in this site? How is the Government not moving the goalposts and not changing the game rules in the middle of the game? Thank you.

Chief Executive: Let me address the first question. Well, it is true that the Express Rail Link (XRL) Hong Kong Section, as a project, was conceived some 10 years ago. And as you have heard from Mr Li Fei and Mr Huang Liuquan, discussions between the Hong Kong Special Administrative Region (HKSAR) Government and the Mainland authorities have been going on for a very long time, more than five or six years. So in the process, various options have been looked at, deliberated and even debated between the two sides. But it is very clear, as I have said in my opening remarks and this clarity is not just a view of the Government but a view of the majority of people in Hong Kong, that in order for this 26-kilometre Hong Kong Section of the XRL to achieve its highest benefits in terms of the economy, in terms of social interactions and travelling convenience, one has to go for co-location, that is passengers on this high-speed rail have to go through both the Mainland and the Hong Kong clearance in one go at one place, and that is the West Kowloon Station. So especially over the last five months, society has deliberated and debated very extensively and we have also heard views from the public and looked at results of opinion surveys that people generally have accepted that co-location is the best arrangement. So what we are now sitting here to share with you is the legal basis to enable us to move forward to achieve co-location arrangement at the West Kowloon Station. So of course, having gone through this process and with the support of the people of Hong Kong and the non-binding motion passed by the Legislative Council, the NPCSC (National People's Congress Standing Committee) is giving us this legal basis to support the co-location arrangement. So there is really no question of going for various legal options because this is the best option that we have come up with.

Secretary for Justice: On my part, thank you for your kind introduction but I am not going to comment whether this is my last press conference. On the questions raised by you, I

think it would be pertinent to look at the preamble to the Decision. It actually makes the point very clearly that the establishment of the Mainland Port Area at the West Kowloon Station will not change, first of all, the administrative boundary of the HKSAR. I think this is important. It stresses that it will not change the administrative boundary of the HKSAR. In other words, it will not change the territorial boundary of Hong Kong. Secondly, it would not affect the rights and freedoms of the Hong Kong residents. Thirdly, it also very pertinently pointed out that the setting up of the port at the West Kowloon Station would not affect the high autonomy enjoyed by Hong Kong. Therefore, there is no question of moving the goalpost. In fact, if one looks at the past precedence of the model adopted by the Shenzhen Bay area, it is a very similar situation. In that case, there is also no change of the territorial or administrative boundary of Hong Kong. We are also using the same deeming provision that we are using or proposing now for the West Kowloon Station. Therefore, again, if I may stress, there is absolutely no question of moving the goalposts. Thank you.

Reporter: Mr Yuen, can you explain to the Hong Kong people that, since there is no provision in the Basic Law to accommodate the co-location arrangement, is the legal basis of the arrangement based solely on the decision made by NPCSC this afternoon? Also, in the co-location co-operation arrangement that was published today by the Hong Kong Government, there is no mention of the details of the land lease, or the rental and the period of land lease. Can you give more details on that matter? Thank you.

Secretary for Justice: On the legal basis, I think one should appreciate that in fact right from the start, we stressed that this is the "Three-step Process" which provides the entire legal basis. And this is the reason why we emphasised from day one that the importance of each of the three steps in question. And I would repeat what I said just now in

explaining the importance of the Co-operation Arrangement, the importance of the Decision made by the NPCSC today and the local legislation to be introduced at the third stage. And what the NPCSC Decision does, in terms of providing legal backing, is the approval of the Co-operation Arrangement entered into between Hong Kong and the Guangdong Province. And it also confirms in no uncertain term that the Co-operation Arrangement and therefore the co-location arrangement to be implemented at the West Kowloon Station pursuant to the Co-operation Arrangement, is consistent with, first of all, the Constitution of the PRC (People's Republic of China), and also secondly, consistent to the Basic Law of the HKSAR.

Chief Executive: As far as the second question is concerned, the Co-operation Arrangement signed on November 18 between the HKSAR and Guangdong on behalf of the Mainland authorities, basically is to set out the co-location arrangement. There are a lot of follow-up work to do in order to commission the high-speed rail in the third quarter of next year, including the aspects that you mentioned, that is how are the Mainland authorities going to use the Mainland Port Area, the duration of the use of that area, the charges that they are going to pay for the use of that area. These will be followed up between the two authorities separately. On our part, it will be led by the Transport and Housing Bureau. Actually I may just add that other follow-up work will include also discussions between the HKSAR Government and the China Railway Corporation on the destinations of the high-speed rail from the West Kowloon Station, on the fares to be charged and also on co-operation between the two railway operating bodies, that is the Mass Transit Railway Corporation on our side, and the China Railway Corporation on the other side. So, there are still many issues that we need to address while we will press ahead with the local legislative process.

Reporter: I have a few questions. I want to ask you, do you

think the public concerns won't be able to be addressed if the decision is simply based on the approval from the NPCSC, rather than any specific clauses from the Basic Law? And I also noticed that Mr Yuen, you also particularly mentioned the Basic Law Article 20, I would like to ask initially why Article 20 was used as one of the proposals when discussing the arrangement? And also, following up on the rental arrangement, we know that currently Hong Kong has to pay around like \$7 million in the Shenzhen Bay Area in renting the port. So, for Mainland, how much does the Mainland Government has to pay for the (Mainland) Port Area in the West Kowloon terminus? Thank you.

Chief Executive: Well, as far as the rental issue, as I have just replied to the other question earlier on, this is a matter to be discussed between the HKSAR Government and the Mainland authorities, so right now I cannot give you a straight answer. But of course whatever the sum of money, it has to be reasonable and appropriate, given the circumstances of this situation.

As far as your first question about public concerns, I have to say that in the last five months or so, since we have announced adopting a "Three-step Process" to provide a strong legal basis for implementing co-location arrangement at the West Kowloon Station, surveys after surveys indicated that people are in support of this arrangement. So, I think one would appreciate that for the community at large, they want to see this Hong Kong Section of XRL bringing the highest level of convenience to the passengers travelling on the XRL. They want to be assured that doing the co-location arrangement is legal, is constitutional, and I think we have met all these expectations through the first step of signing the Co-operation Arrangement, and now the second step with the decision made by the highest legal authority in China, that is the National People's Congress Standing Committee. But we will still go back to the Legislative Council for the

local legislation. So, these three steps should provide all the necessary assurance to address any public concern. The more that I have heard from the people of Hong Kong now is they are concerned whether we are able to commission the railway on time in the third quarter of next year, and this is a target that we will work very hard at in order to achieve.

The second question about BL (Basic Law) (Article) 20 again.

Secretary for Justice: In addition to the second question, I think in a way, I have already answered your question in my previous answer to other questions. We have studied many different options in the past few years when we considered which way is the way to implement the co-location (arrangement). Lawyers being lawyers, our professional habit is we would leave no stone unturned. This is one of the reasons. The other reason is, of course, when we look at Shenzhen Bay, there is also the question of authorisation. Therefore, it is not unnatural for the study to include, among other options, the option of Article 20 of the Basic Law. And the rest, as I answered earlier, is after repeated studies and listening to the views of different sectors of people in Hong Kong, the final decision today made by the NPCSC is that the way they proposed is believed to be the more appropriate approach.

(Please also refer to the Chinese portion of the transcript.)

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