

(English translation for reference only)

**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**

To realize the inter-connection and mutual access of high-speed rail transport facilities between the Hong Kong Special Administrative Region (“HKSAR”) and the Mainland, promote exchanges between the people of as well as economic and trade interactions between the two places, foster the realization of complementary advantages and collaborative development of the two economies, and fully unleash the benefits and efficiency of the Hong Kong Section of the Guangzhou-Shenzhen-Hong Kong Express Rail Link, the Mainland and the HKSAR, after consultation, have reached the following arrangement for the establishment of a port at the West Kowloon Station of the Guangzhou-Shenzhen-Hong Kong Express Rail Link for implementing co-location arrangement:

Chapter 1 Establishment of Port

Article 1 Both sides agree to establish a port at the West Kowloon Station of the HKSAR to implement co-location arrangement whereby both sides will, in accordance with their respective laws, exercise exit and entry regulation, including immigration inspection, customs regulation, and inspection and quarantine measures etc., on departing and arriving persons travelling between the Mainland and the HKSAR, as well as their personal belongings and luggage.

The West Kowloon Station Port comprises the Hong Kong Port Area and the Mainland Port Area. The Hong Kong Port Area is to be established by the HKSAR and be subject to its jurisdiction in accordance with the laws of the HKSAR and managed as a cross-boundary restricted area. The Mainland Port Area is to be established by the Mainland and be subject to its jurisdiction in accordance with this Co-operation Arrangement and the laws of the Mainland, and the port administration system is to be implemented thereat.

(English translation for reference only)

Article 2 The Mainland Port Area comprises the designated areas on B2 and B3 levels, the platform areas on B4 level as well as the relevant connecting passageways at the West Kowloon Station, and includes the Mainland Clearance Area and back office, the waiting hall for departing passengers, station platforms and the connecting passageways and escalators. Details of the area of the Mainland Port Area are set out in the **Annex**.

The train compartments of trains in operation on the Guangzhou-Shenzhen-Hong Kong Express Rail Link within the HKSAR (including trains which are in motion, stationary and during embarkation or disembarkation) are also regarded as part of the Mainland Port Area.

Save for the above-mentioned areas and high-speed rail train compartments which are included in the Mainland Port Area, all other operating areas and facilities of the Hong Kong Section of the Guangzhou-Shenzhen-Hong Kong Express Rail Link (including the Shek Kong Stabling Sidings, railway tracks and tunnels) do not form part of the Mainland Port Area.

The Mainland Port Area will be made available by the HKSAR to the Mainland for use and for exercising jurisdiction in accordance with this Co-operation Arrangement. The acquisition of the right to use the areas of the Mainland Port Area, the duration and the fees (including the fees for repairs and maintenance of relevant buildings and structures and related facilities in the Mainland Port Area) etc. will be provided for in a contract to be entered into by the two sides.

Article 3 The establishment of the Mainland Port Area does not affect construction rights, rights relating to the performance of construction work, service concession, operation as well as regulation of the Hong Kong Section of the Guangzhou-Shenzhen-Hong Kong Express Rail Link; nor does it affect the rights and benefits regarding assets (including relevant lands as well as movable or immovable assets on these lands) and facilities pertaining to the Hong Kong Section of the Guangzhou-Shenzhen-Hong Kong Express Rail Link. The HKSAR will continue to handle these matters in accordance with the laws of the HKSAR and exercise jurisdiction over these matters in accordance with this Co-operation Arrangement.

Chapter 2 Delineation of Jurisdiction over the Mainland Port Area

Division One – Matters under the Jurisdiction of the Mainland

Article 4 With effect from the date of commissioning of the Mainland Port Area, except for the matters provided for in Article 3 and Article 7 of this Co-operation Arrangement, the Mainland will exercise jurisdiction (including jurisdiction of the courts) over the Mainland Port Area in accordance with this Co-operation Arrangement and the laws of the Mainland.

In handling those matters which are subject to the jurisdiction of the Mainland as set out in the preceding paragraph, for the purposes of the application of the laws of the Mainland and the laws of the HKSAR and the delineation of jurisdiction (including jurisdiction of the courts), the Mainland Port Area will be regarded as being situated in the Mainland.

Article 5 Mainland immigration inspection authority, customs authority and inspection and quarantine authority will apply regulation in respect of cross-boundary transport vehicles to the trains, and perform relevant immigration inspection, customs regulation and inspection and quarantine procedures in the Mainland Port Area.

Article 6 Immigration inspection authority, customs authority, inspection and quarantine authority, integrated port administration authority and railway police authority stationed by the Mainland (“Mainland Authorities Stationed at the Mainland Port Area”) will perform duties and functions in the Mainland Port Area in accordance with the laws of the Mainland. They shall not enter any area outside the Mainland Port Area to enforce the law, and have no law enforcement powers outside the Mainland Port Area.

Division Two – Matters under the Jurisdiction of the HKSAR

Article 7 The HKSAR exercises jurisdiction (including jurisdiction of the courts) over the following matters in accordance with the laws of the HKSAR:

(English translation for reference only)

1. the performance of duties and functions or matters related to the performance of duties and functions by designated personnel, i.e. holders of valid permit issued by the HKSAR Government or the Hong Kong operator of the Guangzhou-Shenzhen-Hong Kong Express Rail Link who enter the Mainland Port Area or pass through the Mainland Port Area to other places within the West Kowloon Station to carry out duties and functions. Save as stated above, these personnel should comply with the laws of the Mainland inside the Mainland Port Area and be subject to regulation by the Mainland Authorities Stationed at the Mainland Port Area;
2. matters relating to the standards of, and the duties, responsibilities and liabilities concerning, the construction, insurance and design, repair and maintenance of buildings and structures and related facilities (including fire safety; storage facilities of dangerous goods; lifts; escalators; plumbing installations; installations relating to waste and wastewaters; public address systems; ventilation; electricity and energy efficiency etc.), other than facilities and equipments provided by the Mainland Authorities Stationed at the Mainland Port Area themselves or exclusively used by them in carrying out duties and functions pursuant to this Co-operation Arrangement;
3. matters relating to the carrying on of business, related insurance and tax affairs of the Hong Kong operator of the Guangzhou-Shenzhen-Hong Kong Express Rail Link and service provider(s), as well as the tax affairs and employment-related obligations, rights and benefits, protection and insurance of their staff members. Service provider(s) referred to above does not include a provider of services to the Mainland Authorities Stationed at the Mainland Port Area or to the Mainland operator of the Guangzhou-Shenzhen-Hong Kong Express Rail Link, where such service provider does not carry on business in any area of the HKSAR outside the Mainland Port Area;
4. matters relating to the regulation and monitoring of the operational safety of the railway system of the Hong Kong

(English translation for reference only)

Section of the Guangzhou-Shenzhen-Hong Kong Express Rail Link, as well as matters relating to environmental regulation and control;

5. unless the parties by agreement indicate otherwise (whether such agreement is made in writing, orally or by conduct), matters pertaining to the contractual or other legal relationships of a civil nature among the following bodies or individuals in the Mainland Port Area: the Hong Kong operator of the Guangzhou-Shenzhen-Hong Kong Express Rail Link, contractor(s) of construction works of the West Kowloon Station, material or service provider(s), staff member(s) of the above bodies, and passenger(s) of the Guangzhou-Shenzhen-Hong Kong Express Rail Link;
6. matters under the responsibility of the Hong Kong operator of the Guangzhou-Shenzhen-Hong Kong Express Rail Link as provided for in the Guangzhou-Shenzhen-Hong Kong Express Rail Link Operating Co-operation Agreement (including any subsequent amendment or supplementary agreement thereto) made between the Hong Kong operator and the Mainland operator of the Guangzhou-Shenzhen-Hong Kong Express Rail Link.

Article 8 The HKSAR is responsible for the management of the railway transport service at the West Kowloon Station. The relevant Mainland and HKSAR bodies are to separately agree on the management system of the railway transport service after consultation, which should include the following:

1. the HKSAR is to implement a passenger real-name ticket sales system and conduct real-name inspection on high-speed rail passengers (including the Hong Kong Section of the Guangzhou-Shenzhen-Hong Kong Express Rail Link);
2. the HKSAR is to perform security checks on high-speed rail passengers who enter the West Kowloon Station for departure from the HKSAR.

Chapter 3 Exit and Entry Regulation of Passengers of the Hong Kong Section of the Express Rail Link

Article 9 Passengers bound for the HKSAR, before leaving the Mainland Port Area, are to be regarded as being present in the Mainland and be subject to exit regulation by the Mainland immigration inspection authority, customs authority and inspection and quarantine authority in accordance with the laws of the Mainland. If they comply with the laws of the Mainland, they will be permitted to leave the Mainland in accordance with law. If they contravene the laws of the Mainland, the said Mainland authorities will take corresponding legal measures according to the actual circumstances of the case and in accordance with law.

Article 10 Passengers bound for the Mainland, upon entering the Mainland Port Area, are to be regarded as being present in the Mainland and be subject to entry regulation by the Mainland immigration inspection authority, customs authority and inspection and quarantine authority in accordance with the laws of the Mainland. If they comply with the laws of the Mainland, they will be permitted to enter the Mainland in accordance with law. If they contravene the laws of the Mainland, the said Mainland authorities will take corresponding legal measures according to the actual circumstances of the case and in accordance with law.

Chapter 4 Liaison and Coordination Mechanism and Mechanism for Handling Emergencies

Article 11 Both sides agree to set up a port liaison and coordination mechanism to enhance communication and co-operation in the areas of clearance coordination, joint combat against smuggling, upholding law and order, fire safety, as well as counter-terrorism and anti-riot measures etc., to ensure the safe, smooth and efficient operation of the Mainland Port Area and its effective regulation.

Article 12 Both sides agree to set up a mechanism for handling emergencies and to draw up emergency plans together to assist the Mainland in handling sudden or emergency incidents which may occur in the Mainland

(English translation for reference only)

Port Area in the course of operation, including sudden occurrences of public health incidents, major water and electricity supply incidents, terrorist attacks, fire incidents, incidents of serious violence, hazardous chemicals or explosives incidents, outbreak of communicable diseases, nuclear, biological and chemical incidents, outbreak of animal or plant diseases, abnormalities in train operations etc. Both sides also agree to put in place a liaison officer system for the above purposes and to communicate and regularly arrange joint drill exercises.

At the request of the Mainland Authorities Stationed at the Mainland Port Area and with their authorization, relevant HKSAR personnel may assist in conducting relevant activities in the Mainland Port Area for the purposes of rendering assistance in handling sudden or emergency incidents. They enjoy the protection, exemptions and immunities which they would have enjoyed if they had been subject to the laws of the HKSAR, as well as the protection, exemptions and immunities pursuant to the laws of the Mainland.

Article 13 Both sides agree to formulate and sign a collaborative implementation plan for the operation and management of the West Kowloon Station Port in accordance with the principles established under this Co-operation Arrangement. The plan will prescribe the details of their collaboration in the operation and management of the West Kowloon Station Port.

Article 14 Both sides agree that in conducting any activity and in handling relevant matters in the Mainland Port Area, reasonable care will be exercised in accordance with the principles laid down in this Co-operation Arrangement and any other relevant agreement, so as to ensure the safety of persons and property in the Mainland Port Area. If one side breaches this requirement resulting in damage or loss to the other side, the former is to assume responsibility, including making reasonable compensation, and to make appropriate arrangements through consultations.

Chapter 5 Supplementary Provisions

Article 15 Both sides agree to resolve the disputes arising in the course of

(English translation for reference only)

the implementation of this Co-operation Arrangement through consultations, in the spirit of mutual co-operation, mutual support as well as mutual understanding.

Article 16 Matters which are not fully addressed in this Co-operation Arrangement may be expressly provided for by means of supplementary agreement(s) to be signed between the two sides after consultation and reaching consensus.

If this Co-operation Arrangement needs to be amended as a result of any change in the conditions of operation or regulation of the West Kowloon Station Port or for any other reason, the two sides must, after consultation and reaching consensus, sign a written document and submit it to the Central People's Government for approval.

Article 17 This Co-operation Arrangement will be reported to the Central People's Government for submission to the Standing Committee of the National People's Congress, and will come into effect upon approval by the latter. Thereafter, this Co-operation Arrangement is to be implemented by the relevant Mainland authorities and the HKSAR pursuant to their respective legal procedures (which, in the case of the HKSAR, include the enactment of local legislation).

This Co-operation Arrangement is signed on 18 November 2017 in Hong Kong in 8 originals, with each side holding 4 originals.

Signatory of the Mainland:

Signatory of the HKSAR:

MA Xingrui

Carrie LAM

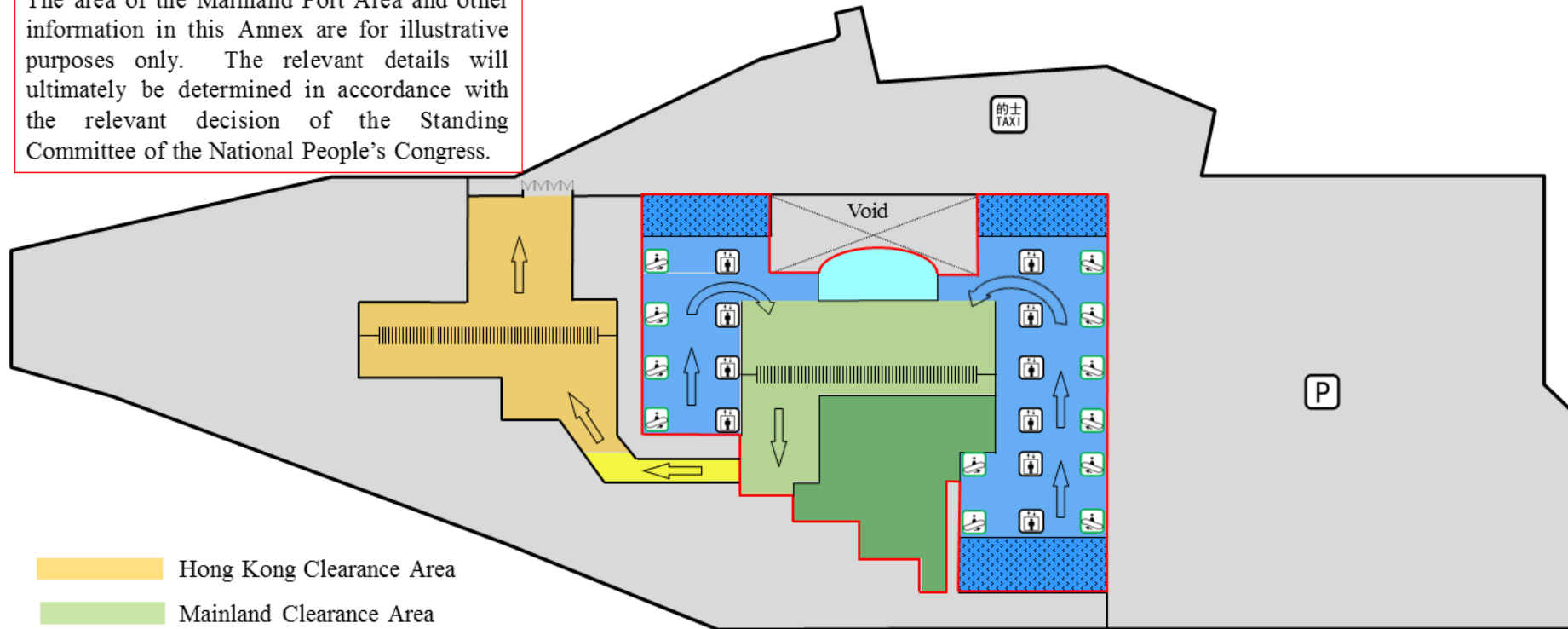
(Governor of Guangdong Province)


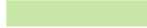


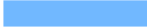


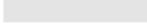


(Chief Executive of the HKSAR)







(English translation for reference only)

Annex B2 Arrival Level of the West Kowloon Station

The area of the Mainland Port Area and other information in this Annex are for illustrative purposes only. The relevant details will ultimately be determined in accordance with the relevant decision of the Standing Committee of the National People's Congress.



-  Hong Kong Clearance Area
-  Mainland Clearance Area
-  Back office of the Mainland
-  Passenger corridor between clearance areas
-  Corridors for arriving passengers
-  Corridors for arriving passengers (reserved area)
-  Waiting hall for departing passengers (from B3)
-  Other areas of the station
-  Boundary of Mainland Port Area
-  Route of arriving passengers

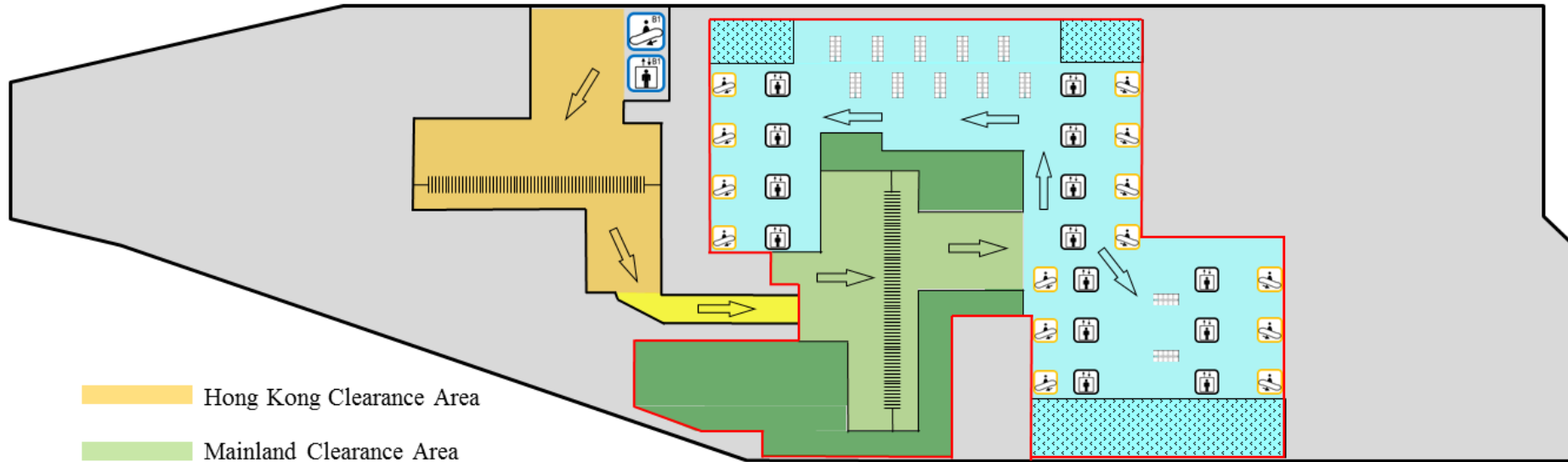
-  Immigration channels/counters
-  Gates
-  Escalators from B4 to B2
-  Lifts
-  Taxi stand
-  Public car park






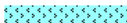









Note:

Upon operation of the Hong Kong Section of the Guangzhou-Shenzhen-Hong Kong Express Rail Link, additional platforms may need to be commissioned in the West Kowloon Station to accommodate more train services. The reserved area refers to the parts on B2 Arrival Level which will be added accordingly.

(English translation for reference only)

B3 Departure Level of the West Kowloon Station



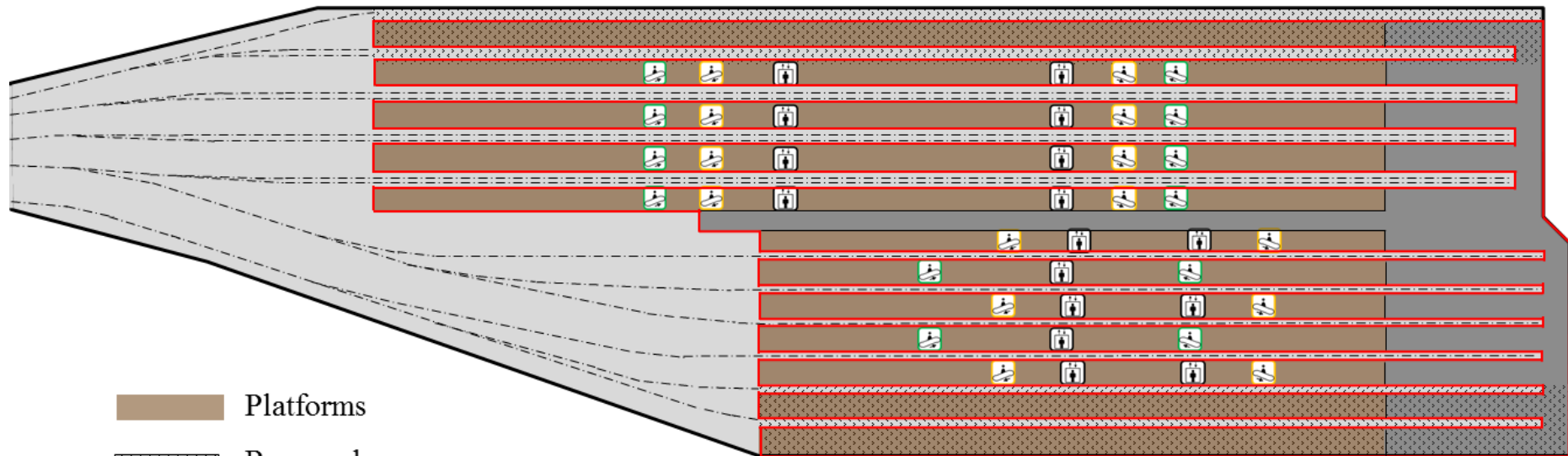
-  Hong Kong Clearance Area
-  Mainland Clearance Area
-  Back office of the Mainland
-  Passenger corridor between clearance areas
-  Waiting hall for departing passengers
-  Waiting hall for departing passengers (reserved area)
-  Other areas of the station
-  Boundary of Mainland Port Area
-  Route of departing passengers
-  Immigration channels/counters
-  Escalators from B1 to B3
-  Lift from B1 to B3
-  Escalators from B3 to B4
-  Lifts
-  Seats





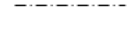




Note:

Upon operation of the Hong Kong Section of the Guangzhou-Shenzhen-Hong Kong Express Rail Link, additional platforms may need to be commissioned in the West Kowloon Station to accommodate more train services. The reserved area refers to the parts on B3 Departure Level which will be added accordingly.

(English translation for reference only)

B4 Platform Level of the West Kowloon Station



-  Platforms
-  Reserved area
-  Other areas of the station
-  Back-up passageways and sites for platforms
-  Tracks
-  Boundary of Mainland Port Area
-  Escalators from B4 to B2
-  Escalators from B3 to B4
-  Lifts

Note:

Upon operation of the Hong Kong Section of the Guangzhou-Shenzhen-Hong Kong Express Rail Link, additional platforms may need to be commissioned in the West Kowloon Station to accommodate more train services. The reserved area refers to the positions of the additional platforms.