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Your Ref : CB2/SC/11
 Our Ref : PS/96363-5/12

30 April 2012

Select Committee
 Legislative Council Complex
 1 Legislative Council Road
 Central
 Hong Kong

By Email and By Hand

Attn: Mr Raymond Lam
Clerk to Select Committee

Dear Sirs,

Re: Select Committee to Study Mr LEUNG Chun-ying's Involvement as a Member of the Jury in the West Kowloon Reclamation Concept Plan Competition and Related Issues

We act for Mr Leung Chung-ying ("Mr Leung") and we have been handed a copy of the draft verbatim transcript for the hearing on 21 April 2012 together with your letter of 25 April 2012. Your letter requested Mr Leung to return the 'draft verbatim transcript' before 2 May 2012 together with his proposed corrections, if any. You further added that proposed corrections, if any, should be limited to editorial inaccuracies or matters of fact which do not materially alter the general sense of an answer ("Restrictions").

The document you presented to Mr Leung is not exactly a verbatim transcript of the proceeding on 21 April 2012 as the transcriber has used his/her own interpretation in rewording the questions and answers, using more formal Chinese instead of colloquial Puntí dialect in the transcription, also changes have been rendered to some of the sentence structure, making the text perhaps more readable.

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That with respect is not the purpose of a verbatim transcript which should be a 'word for word' record in respect of what had been said by the person. The 'word for word' transcription is a common practice adopted by the Police, the ICAC, the Courts and even the Law Society in its disciplinary proceedings when doing verbatim reports. If a transcription involves the transcriber's own interpretations, reorganization of verbal expressions and sentence structure, the transcription is inaccurate and in our view not usable as a verbatim transcription of the proceeding.

While we appreciate that the current method of transcription may be the practice of the Select Committee, we are unable to render corrections as there will be changes to almost all the passages under review, which is not the task intended for Mr Leung to undertake. Also the proposed corrections may go beyond the Restrictions set out in your letter.

For the reasons abovementioned, we are returning the document for your further actions. We also return as requested a note to you signed by Mr Leung dated 26 April 2012.

For the same reason abovementioned, we are returning the draft verbatim transcript for 20 March 2012 for your further actions.

Yours faithfully,

SIT, FUNG, KWONG & SHUM

Encl.



中華人民共和國香港特別行政區
Hong Kong Special Administrative Region of the People's Republic of China



立法會
LEGISLATIVE COUNCIL

來函檔號 YOUR REF :
本函檔號 OUR REF : CB2/SC/11
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圖文傳真 FACSIMILE : 2840 0269
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By Email and By Hand

9 May 2012

SIT, FUNG, KWONG & SHUM
18/F Gloucester Tower
The Landmark
11 Pedder Street
Central
Hong Kong

Dear Sirs,

**Select Committee to Study Mr LEUNG Chun-ying's
Involvement as a Member of the Jury
in the West Kowloon Reclamation Concept Plan Competition
and Related Issues**

**Draft verbatim transcripts of the Select Committee hearings
on 20 March and 21 April 2012**

On the instruction of the Chairman of the Select Committee, I reply to your letter of 30 April 2012 concerning the captioned draft verbatim transcripts sent to Mr LEUNG Chun-ying for comments.

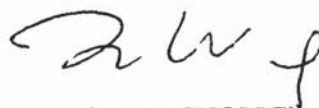
You may note that pursuant to paragraph 3(a) of the Practice and Procedure of the Select Committee ("P&P"), the practice and procedure of the Select Committee should be fair and seen to be fair, especially to parties whose interests or reputation may be affected by the proceedings of the Select Committee. Against such background, paragraphs 35 to 38 of P&P prescribe matters relating to minutes of proceedings of the Select Committee. As regards the issues raised in your letter, paragraph 36 of P&P is particularly in point. The paragraph provides that "[m]inutes of evidence, usually in the form of a verbatim transcript, are kept for each meeting at which witnesses are examined. Relevant parts of the draft transcript are forwarded to the person or body giving

evidence for sight and correction, if any, before incorporated into the minutes of evidence". The principle of fairness is enshrined in the process of providing the witness, in this circumstance, Mr LEUNG, with the relevant parts of the draft transcript for correction. It does not appear that the "restrictions" referred to in your letter would limit Mr LEUNG in any manner in his proposing corrections to the captioned draft verbatim transcripts.

You may also note that without prejudice to the authenticity of the evidence given, the Select Committee has followed the practice of using written Chinese instead of Punti dialect in the verbatim transcripts of its hearings in order to make the written record more readable. You may agree that the nature of the proceedings of hearings of the Select Committee is different from that of the court or disciplinary tribunal. The word for word transcription in judicial or quasi-judicial setting may not be suitably transplanted to the parliamentary setting of proceedings of the Select Committee.

However, if Mr LEUNG is minded to make a request, with reasons, to the Select Committee to provide a copy of word-for-word verbatim transcripts of the captioned hearings in Punti dialect for comments, such request will be submitted to the Select Committee for consideration.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'T Wong', written in a cursive style.

(Thomas WONG)
Clerk to Select Committee

c.c. Chairman of the Select Committee



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Your Ref : CB2/SC/11

11 May 2012

Our Ref : PS/96363-5/12

Select Committee

Legislative Council Complex

1 Legislative Council Road

Central

Hong Kong

By Email and By Hand

Attn: Mr Thomas Wong

Clerk to Select Committee

Dear Sirs,

Re: Select Committee to Study Mr LEUNG Chun-ying's Involvement as a Member of the Jury in the West Kowloon Reclamation Concept Plan Competition and Related Issues

Draft Verbatim transcripts of the Select Committee hearings on 20 March and 21 April 2012

Thank you for your letter dated 9 May 2012. We now understand the practice of the Select Committee in the keeping of minutes of evidence and the Select Committee takes the view that 'the word for word transcription in judicial or quasi-judicial setting may not be suitably transplanted to the parliamentary setting of proceedings of the Select Committee'. We appreciate the current practice of using written Chinese instead of Punti dialect in verbatim transcripts of its hearings is 'to make the written record more readable'.

Our letter of 30 April 2012 did not suggest that the Select Committee will have to change its practice just for the current Study. Also our letter of 30 April 2012 did not request the Select Committee to produce a word for word verbatim report for Mr Leung.

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@ CHARTERED ARBITRATOR 特許仲裁員



薛 馮 鄺 岑 律 師 行

SIT, FUNG, KWONG & SHUM

The sole purpose of our above letter was to inform you that it would not be possible for us on behalf of Mr Leung to render meaningful 'corrections' if the document was meant to be a verbatim transcript when it was not prepared as a verbatim transcript. For us and Mr Leung, as all the hearings have been video-taped and the videos have been very helpfully uploaded onto your website, it is not really necessary for us to have a verbatim transcript be that 'word for word' or in the present 'more readable' format in order for us or Mr Leung to maintain a record of what the witnesses had said at the hearings.

In the event the draft report of the Select Committee shall refer to specific questions and answers that are relevant to Mr Leung, Mr Leung wishes that those passages reflecting the questions and answers in the draft report will be transcribed word for word and that he will have an opportunity to review them to ensure their accuracy.

We think this may be a more sensible and less cumbersome approach than to produce a word for word verbatim transcript now for the whole Study which, we have to emphasize again, has never been our or Mr Leung's request.

We hope the above suggestion is useful.

Yours faithfully,

SIT, FUNG, KWONG & SHUM