

Ref: CB4/SC/12

**Select Committee to Inquire into Matters Relating to
Mr Timothy TONG's Duty Visits, Entertainment, and
Bestowing and Receipt of Gifts during his Tenure as
Commissioner of the Independent Commission Against Corruption**

**Extract from the minutes of the closed meeting which contains
the proceedings on consideration of the report of
the Select Committee held on Monday, 23 June 2014, at 10:15 am
in Conference Room 4 of the Legislative Council Complex**

Members present : Hon IP Kwok-him, GBS, JP (Chairman)
Hon James TO Kun-sun
Hon CHAN Hak-kan, JP
Dr Hon Priscilla LEUNG Mei-fun, SBS, JP
Hon WONG Kwok-kin, BBS
Hon Paul TSE Wai-chun, JP
Hon Kenneth LEUNG
Hon Dennis KWOK
Hon CHUNG Kwok-pan
Hon Tony TSE Wai-chuen

Members absent : Hon Cyd HO Sau-lan (Deputy Chairman)
Hon WONG Yuk-man
Ir Dr Hon LO Wai-kwok, BBS, MH, JP

Clerk in attendance : Ms Anita SIT
Chief Council Secretary (4)1

Staff in attendance : Mr Kelvin LEE
Assistant Legal Adviser 1

Ms Wendy JAN
Senior Council Secretary (4)6

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II. Consideration and endorsement of the report of the Select Committee paragraph by paragraph

(LC Paper No. -- Draft report of the Select Committee)
CB(4)832/13-14(01)

4. In accordance with Rule 79(7) of the Rules of Procedure, the question that the Chinese text of the draft report, LC Paper No. CB(4)832/13-14(01), be adopted as the Chairman's report and be read a second time paragraph by paragraph, was proposed, put and agreed to.

Part I - Chapter 1

5. Paragraphs 1.1 to 1.5 read and agreed to.

6. Paragraphs 1.6 and 1.7 read and agreed to.

Part I - Chapter 2

7. Paragraph 2.1 read and agreed to.

8. Paragraphs 2.2 to 2.5 read and agreed to.

9. Paragraphs 2.6 and 2.7 read and agreed to.

10. Paragraphs 2.8 to 2.10 read and agreed to.

11. Paragraphs 2.11 to 2.13 read and agreed to.

12. Paragraphs 2.14 and 2.15 read and agreed to.

13. Paragraph 2.16 read and agreed to.

14. Paragraphs 2.17 and 2.18 read and agreed to.

15. Paragraphs 2.19 to 2.28 read and agreed to.
16. Paragraphs 2.29 and 2.30 read and agreed to.

Part II - Chapter 3

17. Paragraphs 3.1 and 3.2 read and agreed to.
18. Paragraph 3.3 read and agreed to.
19. Paragraph 3.4 read and agreed to.
20. Paragraphs 3.5 to 3.8 read and agreed to.

Part II - Chapter 4

21. Paragraph 4.1 read and agreed to.
22. Paragraphs 4.2 to 4.5 read and agreed to.
23. Paragraph 4.6 read and agreed to.
24. Paragraphs 4.7 and 4.8 read and agreed to.
25. Paragraphs 4.9 to 4.11 read and agreed to.
26. Paragraph 4.12 read, amended and agreed to.
27. Paragraph 4.13 read and agreed to.
28. Paragraphs 4.14 and 4.15 read and agreed to.
29. Paragraph 4.16 read and agreed to.
30. Paragraphs 4.17 and 4.18 read and agreed to.
31. Paragraph 4.19 read and agreed to.
32. Mr Dennis KWOK proposed to amend paragraph 4.20 by adding "高度" before "關注" and adding "，沒有盡忠職守，履行廉政專員的責任" at the end. Members expressed diverse views on the proposal. The Chairman put the proposal to vote. The proposal was negated. Paragraph 4.20 read and agreed to.

33. Paragraphs 4.21 and 4.22 read and agreed to.
34. Paragraphs 4.23 and 4.24 read and agreed to.
35. Mr Tony TSE proposed to amend paragraph 4.25 by adding "重要" before "準則", whereas Mr Kenneth LEUNG proposed, as a substitute for Mr TSE's proposed amendment, to add "，或有關職務對履行公署使命及／或職能大有裨益" after "絕對需要". Members expressed diverse views on the proposals.
36. The Chairman put Mr Tony TSE's proposal to vote. The proposal was carried. As Mr Tony TSE's proposal was carried, Mr Kenneth LEUNG's proposal was not put to vote. Paragraph 4.25 read, amended and agreed to.
37. Paragraph 4.26 read and agreed to.
38. Paragraphs 4.27 and 4.28 read and agreed to.
39. Paragraph 4.29 read and agreed to.

Part II - Chapter 5

40. Paragraphs 5.1 to 5.3 read and agreed to.
41. Paragraphs 5.4 to 5.9 read and agreed to.
42. Paragraph 5.10 read, amended and agreed to.
43. Paragraph 5.11 read and agreed to.
44. Paragraph 5.12 read, amended and agreed to.
45. Paragraphs 5.13 to 5.23 read and agreed to.
46. Paragraphs 5.24 to 5.27 read and agreed to.
47. Paragraphs 5.28 and 5.29 read and agreed to.
48. Paragraphs 5.30 to 5.32 read and agreed to.
49. Paragraphs 5.33 to 5.35 read and agreed to.

50. Mr Dennis KWOK proposed to amend paragraph 5.36 by adding "，並予以譴責" at the end. Members expressed diverse views on the proposal. The Chairman put the proposal to vote. The proposal was negatived. Paragraph 5.36 read and agreed to.

51. Paragraph 5.37 read and agreed to.

52. Paragraph 5.38 read and agreed to.

53. Mr CHUNG Kwok-pan proposed to amend paragraph 5.39 by substituting "令人質疑此等安排亦不符合廉署嚴肅的形象" for "令他們質疑廉署人員對廉署嚴肅的職務是否有正確的認知。再者，此等安排亦不符合廉署的形象"。 The Chairman put the proposal to vote. The proposal was carried.

54. Mr Dennis KWOK then proposed to amend paragraph 5.39 by adding "，破壞廉署的形象，令廉署的聲譽蒙污" at the end. Members expressed diverse views on the proposal. The Chairman put the proposal to vote. The proposal was negatived.

55. Paragraph 5.39 read, amended and agreed to.

56. Mr Dennis KWOK proposed to amend paragraph 5.40 by adding "，亦有可能損害廉署的形象" after "信心". Members expressed diverse views on the proposal. The Chairman put the proposal to vote. The proposal was negatived. Paragraph 5.40 read and agreed to.

Part II - Chapter 6

57. Paragraphs 6.1 and 6.2 read and agreed to.

58. Paragraphs 6.3 and 6.4 read and agreed to.

59. Paragraph 6.5 read and agreed to.

60. Paragraphs 6.6 to 6.9 read and agreed to.

61. Paragraph 6.10 read, amended and agreed to.

62. Paragraph 6.11 read and agreed to.

63. Paragraph 6.12 read, amended and agreed to.

64. Paragraph 6.13 read, amended and agreed to.
65. Paragraphs 6.14 and 6.15 read and agreed to.
66. Paragraph 6.16 read and agreed to.
67. Paragraph 6.17 read, amended and agreed to.
68. Paragraph 6.18 read and agreed to.
69. Paragraphs 6.19 to 6.21 read and agreed to.

Part II - Chapter 7

70. Paragraphs 7.1 to 7.4 read and agreed to.
71. Paragraphs 7.5 to 7.7 read and agreed to.
72. Paragraphs 7.8 and 7.9 read and agreed to.
73. Paragraphs 7.10 to 7.13 read and agreed to.
74. Paragraphs 7.14 to 7.18 read and agreed to.
75. Paragraphs 7.19 and 7.20 read and agreed to.
76. Paragraph 7.21 read, amended and agreed to.
77. Paragraphs 7.22 to 7.24 read and agreed to.

Part II - Chapter 8

78. Paragraphs 8.1 and 8.2 read and agreed to.
79. Paragraph 8.3(a) read, amended and agreed to.
80. Paragraph 8.3(b) and (c) read and agreed to.
81. Paragraph 8.3(d) and (e) read and agreed to.
82. Paragraph 8.3(f) read, amended and agreed to.
83. Paragraph 8.3(g) read and agreed to.

84. Paragraph 8.3(h) read, amended and agreed to.
85. Paragraph 8.3(i) read and agreed to.
86. Paragraph 8.3(j) read and agreed to.
87. Paragraph 8.3(k) read, amended and agreed to.
88. Paragraph 8.4 read and agreed to.
89. Paragraph 8.5 read and agreed to.
90. Paragraph 8.6(a) read, amended and agreed to.
91. Paragraph 8.6(b) and (c) read and agreed to.
92. Paragraph 8.6(d) read and agreed to.
93. Paragraph 8.6(e) read and agreed to.
94. Paragraphs 8.7 to 8.9 read and agreed to.

Part III - Chapter 9

95. Paragraphs 9.1 and 9.2 read and agreed to.
96. Paragraphs 9.3 to 9.8 read and agreed to.
97. Paragraph 9.9 read and agreed to.
98. Paragraphs 9.10 to 9.16 read and agreed to.
99. Paragraphs 9.17 to 9.19 read and agreed to.
100. Paragraphs 9.20 to 9.22 read and agreed to.
101. Paragraph 9.23 read, amended and agreed to.
102. Paragraphs 9.24 to 9.27 read and agreed to.
103. Mr Dennis KWOK proposed to amend paragraph 9.28 by substituting "初期" for "這次" and by substituting "提供不盡不實的答覆" for "未能提供完整詳盡的答覆". Members expressed diverse views on the

proposal. The Chairman put the proposal to vote. The proposal was negatived. Paragraph 9.28 read and agreed to.

104. Paragraph 9.29 read and agreed to.

105. Regarding the proposed amendments made by members that were negatived by the Select Committee, members agreed that footnotes would be added to the relevant paragraphs to reflect the proposed amendments.

Acknowledgement

106. The acknowledgement read and agreed to.

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Council Business Division 4
Legislative Council Secretariat
2 July 2014

Ref: CB4/SC/12

**Select Committee to Inquire into Matters Relating to
Mr Timothy TONG's Duty Visits, Entertainment, and
Bestowing and Receipt of Gifts during his Tenure as
Commissioner of the Independent Commission Against Corruption**

**Extract from the minutes of the closed meeting which contains
the proceedings on consideration of the report of
the Select Committee held on Monday, 23 June 2014, at 6:30 pm
in Conference Room 4 of the Legislative Council Complex**

Members present : Hon IP Kwok-him, GBS, JP (Chairman)
Hon Cyd HO Sau-lan (Deputy Chairman)
Hon James TO Kun-sun
Dr Hon Priscilla LEUNG Mei-fun, SBS, JP
Hon Paul TSE Wai-chun, JP
Hon Dennis KWOK
Hon CHUNG Kwok-pan
Hon Tony TSE Wai-chuen

Members absent : Hon CHAN Hak-kan, JP
Hon WONG Kwok-kin, BBS
Hon WONG Yuk-man
Hon Kenneth LEUNG
Ir Dr Hon LO Wai-kwok, BBS, MH, JP

Clerk in attendance : Ms Anita SIT
Chief Council Secretary (4)1

Staff in attendance : Mr Kelvin LEE
Assistant Legal Adviser 1

Ms Wendy JAN
Senior Council Secretary (4)6

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II. Consideration and endorsement of the report of the Select Committee paragraph by paragraph

(LC Paper No. -- Draft report of the Select Committee)
CB(4)832/13-14(01)

3. The Chairman referred members to a letter from the Deputy Chairman tabled at the meeting, in which the Deputy Chairman proposed the following amendments to the Chairman's report:

- (a) to add "然而，湯顯明在聆訊中確認：若他認為有關安排(啤酒大賽、唱卡啦OK等活動)對該次活動有好處，他會批准。" at the end of paragraph 5.38;
- (b) paragraph 5.39 to be substituted by "相比之下，現任專員白韞六先生因跨國、跨境調查取證等事宜與外國駐港領事及外交部駐港人員每年一次會面，以自助午餐形式進行，更符合廉署清廉形象，而前任專員與使節會面的晚宴聯誼活動安排並不恰當，可能會給予宴請的賓客和公眾負面的觀感，令他們質疑廉署人員對廉署嚴肅的職務是否有正確的認知。";
- (c) to add "而湯先生在聆訊期間，多番迴避題問，雖然他確認他在非經常的一次性大型活動有主導角色，卻以主觀印象或記憶模糊為理由，沒有向委員會詳述超乎常態的聯誼活動安排的決策過程，委員會認為湯先生並非誠實可信的證人。" at the end of paragraph 8.3 (f); and
- (d) to add "相比之下，現任專員白韞六先生以自助午餐形式接觸外國及外交部駐港人員，較符合廉政公署的廉潔形象。" after the sentence "或會影響公眾對廉署及湯先生作為專員秉公處理涉及內地官員的貪污案件的信心。" at paragraph 8.3 (g).

4. The Chairman said that since the Select Committee had completed the consideration of Chapters 1 to 9 of the report paragraph by paragraph at the last meeting held in the morning of the same day, it would not be appropriate for the Select Committee to revisit those chapters at the current meeting for consideration of the Deputy Chairman's proposed amendments. Members expressed diverse view on the matter. Mr James TO moved a motion "That the Deputy Chairman's proposed amendments be considered by the Select Committee". The Chairman put the motion to vote. Members requested a division.

The following members voted in favour of the motion:

Mr James TO and Mr Dennis KWOK.
(2 members)

The following members voted against the motion:

Dr Priscilla LEUNG, Mr Paul TSE, Mr CHUNG Kwok-pan and Mr Tony TSE.
(4 members)

5. The Chairman declared that two members voted for and four members voted against Mr James TO's motion. He declared that Mr James TO's motion was negated.

6. Members then continued the consideration of the report.

Abbreviations

7. The list of abbreviations read and agreed to.

Appendices

8. Appendices 1 to 44 to the report read and agreed to.

Lists of written evidence/documents

9. Lists of written evidence/documents read, amended and agreed to.

Table of contents

10. Table of contents read and agreed to.

Others

11. Mr Dennis KWOK said that since a number of his proposed amendments to the report had been negated by the Select Committee, he would consider writing to the Chairman after the meeting to set out the reasons for proposing such amendments. He asked whether the Select Committee would incorporate his letter in the report of the Select Committee. After discussion, members agreed that the letter from Mr Dennis KWOK would be circulated to members, and subject to members' views after circulating the letter, it would be incorporated into the report as an appendix.

12. The Chairman advised that the Select Committee had completed the consideration and endorsement of the report (Chinese version) paragraph by paragraph. The question that the Chairman's report, as amended, be adopted as the Select Committee's report was proposed, put and agreed to.

13. Members agreed to authorize the Chairman and the Secretariat to make textual and editorial amendments to the report, if necessary. The Chairman said that members should notify the Clerk if they had any suggested revisions to the English version of the report.

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Council Business Division 4
Legislative Council Secretariat
2 July 2014