

立法會
Legislative Council

LC Paper No. CB(1)55/14-15(01)

Ref : CB1/HS/1/13

**Subcommittee to Prepare for the Operation of the Select Committee
on the Petition Presented at the Council Meeting of 25 June 2014**

Meeting on 21 October 2014

Proposed terms of reference of the Select Committee

Purpose

This paper invites members to consider the proposed terms of reference ("TOR") of the Select Committee on the Petition presented at the Council meeting of 25 June 2014 ("the Select Committee").

Background

2. At the Council meeting of 25 June 2014, Hon WU Chi-wai and Hon Charles Peter MOK presented a petition in connection with the delay in the construction of the Hong Kong section of the Guangzhou-Shenzhen-Hong Kong Express Rail Link (**Appendix I**). The request of Hon Charles Peter MOK for the petition to be referred to a select committee was supported by 21 Members who rose in their places. The petition has thus been referred to a select committee under Rule 20(6) of the Rules of Procedure.

3. At the House Committee meeting on 4 July 2014, Members agreed to appoint a subcommittee to undertake preparatory work for the operation of the Select Committee, including drawing up recommendations on the TOR to reflect the substance of the petition, the membership size and the nomination procedure in respect of the Select Committee.

4. The 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 ("the Select Committee on Timothy TONG") is the first select committee formed pursuant to the referral by the Council of the petition presented to it under Rule 20(6) of RoP. The scope of its work is defined by the substance of the petition. The TOR of the six select committees formed since the First Legislative Council is set out in **Appendix II** for the reference of members.

5. The Subcommittee is invited to make recommendation to the Select Committee on the proper approach to consider the matters set out in the petition referred to the latter by the Council at its meeting of 25 June 2014. Should the Subcommittee recommend to the Select Committee that the latter should follow the approach of the Select Committee on Timothy TONG, it could put forward that as a recommendation, and propose the draft TOR for adoption. Should the Subcommittee consider that there are other steps that the Select Committee should take for the purpose of considering the petition, it would be a matter for the Subcommittee to recommend accordingly. What these steps might be is subject to the requirement that they are properly considered as follow up actions in relation to the matters set out in the petition in response to the request made by the petitioners.

Proposed terms of reference

6. Should the Subcommittee recommend to the Select Committee that the latter should follow the approach of the Select Committee on Timothy TONG, the following proposed TOR for the Select Committee, with reference to the TOR of the Select Committee on Timothy TONG, are drawn up for members' consideration –

"The terms of reference of the Select Committee, which reflect the substance of the petition jointly presented by Hon WU Chi-wai and Hon Charles Peter MOK at the Council meeting of 25 June 2014 and referred to the Select Committee under Rule 20(6) of the Rules of Procedure, are as follows -

To inquire into the background of and reasons for the delay of the construction of the Hong Kong section of the Guangzhou-Shenzhen-Hong Kong Express Rail Link ("the project delay"), as announced by the Government and MTR Corporation Limited ("the Corporation") on 15 April 2014, and related issues, including the performance and accountability of the Government and the Corporation relating to the project

delay and whether they have deliberately covered up the project delay; and to make recommendations on how the Government can enhance the supervision of the construction of new railway projects and strengthen the governance of the Corporation in delivering railway projects in the future."

Proposed name for the Select Committee

7. It is recommended that the following name for the Select Committee be adopted:

Select Committee to Inquire into the Background of and Reasons for the Delay of the Construction of the Hong Kong section of the Guangzhou-Shenzhen-Hong Kong Express Rail Link

Advice sought

8. Members are invited to consider the proposed TOR in paragraph 6 above and the proposed name for the Select Committee in paragraph 7 above.

Council Business Division 1
Legislative Council Secretariat
20 October 2014

呈
香港特別行政區
立法會主席及全體議員

附錄I
Appendix I

(只備中文本)
(in Chinese only)

呈請書
(根據議事規則第 20 條提交)

今年四月，政府及香港鐵路有限公司(“港鐵公司”)宣佈廣深港高速鐵路(“高鐵”)香港段未能如期於 2015 年完成及通車。其後政府及港鐵公司披露的資料顯示，港鐵公司及政府早於去年已得悉高鐵香港段或未能如期完工，然而從未向公眾及立法會交代。資料亦顯示，政府有關部門對港鐵公司的監督及港鐵公司的內部管治及工程監督存有漏洞。由於當初政府向立法會申請撥款近 670 億元進行高鐵工程，故此立法會有必要跟進事件，追究相關政府官員及港鐵在高鐵香港段工程延誤一事中的責任，並保障公帑運用。

儘管政府已宣佈成立三人的獨立專家小組，而港鐵亦委任一個由獨立非執行董事組成的委員會，以檢討有關事件。然而，政府已表明獨立專家小組不會追究相關官員或港鐵責任。而港鐵基於本身利益，亦令公眾難以信任港鐵提交的報告能夠全面反映事件，從而無法讓公眾了解政府部門及港鐵公司在事件中應承擔的責任。

因此，我們懇請各位議員支持此呈請書，以確保公帑用得其所，讓公眾了解高鐵工程延誤上所出現的問題的原委及有關事宜，包括運輸及房屋局、路政署及其他政府部門在高鐵香港段工程延誤一事中有否妥善履行監督責任、有否蓄意隱瞞公眾或涉及其他瀆職行為，以及港鐵在高鐵工程延誤一事上的失責行為及責任，並根據調查的結果，就日後政府監管新鐵路項目的興建及如何加強對港鐵的管治及有關事宜作出建議。

呈請人：胡志偉 莫乃光 李卓人 何秀蘭 張國柱 張超雄 梁耀忠
葉建源 梁繼昌 梁家傑 湯家驊 毛孟靜 郭家麒 陳家洛
郭榮鏗 馮檢基 劉慧卿 何俊仁 涂謹申 單仲偕 黃碧雲
李國麟 范國威

2014 年 6 月 18 日

Terms of reference of the select committees appointed since the First Legislative Council

Select committees authorized under section 9(2) of the Legislative Council (Powers and Privileges) Ordinance (Cap. 382)

Name of select committee	Time of formation	Terms of reference
Select Committee to inquire into the circumstances leading to the problems surrounding the commencement of the operation of the new Hong Kong International Airport at Chek Lap Kok since 6 July 1998 and related issues	1998-1999	To inquire into the circumstances leading to the problems surrounding the commencement of the operation of the new Hong Kong International Airport at Chek Lap Kok since 6 July 1998 and related issues
Select Committee on Building Problems of Public Housing Units	2000-2001	To inquire into the building problems in the production of public housing units having regard to the circumstances surrounding the incidents in Tin Chung Court, Shatin Area 14B Phase 2, Tung Chung Area 30 Phase 3 and Shek Yam Estate Phase 2, and based on this to identify positive recommendations for a complete overhaul of the overall policies and system of public housing, which should include examining whether the Housing Authority should be reorganized, split or abolished, so as to raise the quality of public housing
Select Committee to inquire into the handling of the Severe Acute Respiratory Syndrome outbreak by the Government and the Hospital Authority	2003-2004	To inquire into the handling of the Severe Acute Respiratory Syndrome outbreak by the Government and the Hospital Authority in order to examine the performance and accountability of the Government and the Hospital Authority and their officers at policy-making and management levels in that regard

Name of select committee	Time of formation	Terms of reference
Select Committee to Inquire into Matters Relating to the Post-service Work of Mr LEUNG Chin-man	2008-2009	To inquire into the vetting and approval for Mr LEUNG Chin-man, former Permanent Secretary for Housing, Planning and Lands (Housing) and Director of Housing, to take up post-service work with New World China Land Limited and other real estate organizations, and whether there was any connection between such work and the major housing or land policies which Mr LEUNG had taken part in their formulation or execution and decisions which he had made pursuant to such policies while serving as Director of Buildings, Permanent Secretary for Housing, Planning and Lands (Housing) and Director of Housing, that had given rise to any potential or actual conflict of interest, as well as related matters, and based on the results of the above inquiry, to make recommendations on the policies and arrangements governing post-service work of directorate civil servants and other related matters
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	2011-2012	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

Select committee formed pursuant to Rule 20(6) of Rules of Procedure

Name of select committee	Time of formation	Terms of reference
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	2012-2013	<p>The terms of reference of the Select Committee, which reflect the substance of the petition jointly presented by Hon Dennis KWOK and Hon Cyd HO at the Council meeting of 8 May 2013 and referred to the Select Committee under Rule 20(6) of the Rules of Procedure, are as follows –</p> <p>To inquire into whether the official duty visits, entertainment, and the bestowing and receipt of gifts by Mr Timothy TONG during his tenure as Commissioner of the Independent Commission Against Corruption are commensurate with his official capacity and the values of probity and integrity advocated by the Independent Commission Against Corruption, and how the Independent Commission Against Corruption provided information related to the above matters to the Finance Committee of the Legislative Council.</p>