

立法會
Legislative Council

LC Paper No. CB(4)332/14-15
(These minutes have been
cleared with the Chairman)

Ref: CB4/SC/13

**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**

**Minutes of the first meeting held on
Tuesday, 9 December 2014, at 2:30 pm
in Conference Room 2A of the Legislative Council Complex**

- Members present** : Hon Martin LIAO Cheung-kong, SBS, JP (Chairman)
Hon Tony TSE Wai-chuen, BBS (Deputy Chairman)
Hon CHAN Kam-lam, SBS, JP
Hon Claudia MO
Hon Michael TIEN Puk-sun, BBS, JP
Hon Frankie YICK Chi-ming
Hon WU Chi-wai, MH
Hon Gary FAN Kwok-wai
Hon Charles Peter MOK, JP
Hon CHAN Han-pan, JP
Hon TANG Ka-piu, JP
Ir Dr Hon LO Wai-kwok, BBS, MH, JP
- Member absent** : Hon LEE Cheuk-yan
- Clerk in attendance** : Ms Sophie LAU
Chief Council Secretary (4)6
- Staff in attendance** : Mr Stephen LAM
Senior Assistant Legal Adviser 2

Mr Matthew LOO
Assistant Secretary General 4

Ms Macy NG
Senior Council Secretary (4)6

Ms Emily LIU
Legislative Assistant (4)6

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The Select Committee deliberated (Index of proceedings attached in **Appendix**).

2. The Chairman drew members' attention to the requirements in Rules 83A and 84 of the Rules of Procedure ("RoP") of the Legislative Council ("LegCo") concerning personal pecuniary interest to be disclosed and voting in case of direct pecuniary interest respectively. The meeting also agreed that despite the absence of provisions of RoP on disclosure of non-pecuniary interests, members who wished to declare non-pecuniary interests should write to the Chairman to declare such interests.

3. The Chairman declared that he was at present an independent non-executive director of Hang Lung Group ("HLG"). AP World Limited, a non-wholly owned subsidiary company of HLG, had engaged in a property development project, namely, The Harbourside, jointly with MTR Corporation Limited ("MTRCL") in 1999.

4. Mr TANG Ka-piu and Mr CHAN Han-pan declared that they were holding some shares of MTRCL. Mr Charles MOK declared that he used MTR for commuting.

I. Proposed practice and procedure for the Select Committee
(LC Paper No. -- Paper on proposed practice and procedure
CB(4)216/14-15(01) prepared by the Legislative Council
Secretariat)

5. At the invitation of the Chairman, the Clerk said that the procedures of select committees were regulated by RoP and the relevant provisions of the Legislative Council (Powers and Privileges) Ordinance (Cap. 382), in so far as they were applicable. It was also an established practice that at the outset and in the course of their operation, select committees would, for

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operational needs and in the interest of fair conduct of business, determine and establish their own sets of practice and procedure. The Clerk then briefed members on the proposed practice and procedure of the Select Committee ("P&P") set out in the Appendix of LC Paper No. CB(4)216/14-15(01). She said that the proposed P&P was modeled on the one adopted by the previous select committees, in particular 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, because both Select Committees were concerned with a petition referred to each Select Committee respectively under Rule 20(6) of RoP.

6. Referring to paragraph 4 of the proposed P&P, the Chairman drew members' attention to the need to complete the work of the Select Committee before the prorogation of the Fifth LegCo as otherwise the Select Committee would be dissolved according to RoP upon prorogation.

7. Members after discussion endorsed the proposed P&P for the Select Committee as set out in LC Paper No. CB(4)216/14-15(01).

II. Proposed major areas of study

(LC Paper No. CB(4)216/14-15(02)	-- Paper on proposed major areas of study prepared by the Legislative Council Secretariat
LC Paper No. IN01/14-15	-- Paper on concerns about the Delay of the Construction of the Hong Kong section of the Guangzhou-Shenzhen-Hong Kong Express Rail Link prepared by the Research Office of the Legislative Council Secretariat (information note))

8. At the invitation of the Chairman, the Clerk briefed members on the proposed major areas of study of the Select Committee which were drawn up based on the terms of reference of the Select Committee. Mr WU Chi-wai asked whether independent experts would be engaged to assist the investigation work of the Select Committee in respect of some technical aspects. Assuming that witnesses in overseas accepted the Select Committee's invitation to give evidence, he asked whether such evidence could be taken via video conferencing. Mr WU also opined that the Select Committee should not simply accept the findings in the two reports issued by

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the Independent Board Committee established by MTRCL and the report to be issued by the Independent Expert Panel set up by the Government to review the project delay in the Hong Kong Section of the Guangzhou-Shenzhen-Hong Kong Express Link, and should have its own judgement.

9. Senior Assistant Legal Adviser 2 ("SALA2") advised that the endorsed P&P did not disallow the Select Committee to use video conferencing to receive evidence from a witness. Members agreed that the Select Committee should revisit the matter when the relevant witnesses currently overseas had agreed to the Select Committee's invitation of giving evidence at hearings.

10. On Mr WU Chi-wai's enquiry about the engagement of experts/consultants to assist the work of the Select Committee, SALA2 advised that there was precedent case that consultants were engaged to assist the work of a Select Committee. However, he drew members' attention to paragraph 3(e) of the endorsed P&P that the cost of the proceedings should be kept within reasonable bounds. Assistant Secretary General 4 added that the 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 had commissioned a five-person consultancy team from a local university to assist members on the technical aspects of the Flight Information Display System installed at the airport. After discussion, members agreed to consider the need to engage relevant experts when circumstances arose on specific issue(s) in the course of carrying out the work of the Select Committee.

11. Members endorsed the proposed major areas of study of the Select Committee as set out in LC Paper No. CB(4)216/14-15(02).

Clerk

12. Members noted that the Clerk would draw up a list of documents to be obtained from the relevant bodies and a list of witnesses to be invited for consideration by members. Members also noted that the lists could be revised as appropriate in the light of the work of the Select Committee.

III. Proposed work plan

(LC Paper
CB(4)216/14-15(03)

No. -- Paper on proposed work plan prepared by the Legislative Council Secretariat)

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13. At the invitation of the Chairman, the Clerk briefed members on the proposed work plan. She said that the work of the Select Committee was proposed to be divided into three main stages, i.e. preparation, obtaining evidence and drafting and finalization of the report, and that the Select Committee should target to complete its work by April 2016. Members endorsed the proposed work plan as set out in LC Paper No. CB(4)216/14-15(03).

14. Members agreed that sufficient time should be allowed as far as possible for conducting hearings so that witnesses would not be required to come time and again to give evidence at the hearings.

IV. Proposed indexing system for Select Committee papers

(LC	Paper	No. -- Paper on proposed indexing
CB(4)216/14-15(04)		system for Select Committee
		papers prepared by the
		Legislative Council Secretariat)

15. At the invitation of the Chairman, the Clerk briefed members on the proposed indexing system for the papers of the Select Committee.

16. Mr WU Chi-wai expressed concern that MTRCL might classify a lot of documents as confidential and this might affect the investigation work of the Select Committee. In response, SALA2 advised that the Select Committee might make reference to paragraphs 21 to 24 of the endorsed P&P which set out the handling of requests for classifying documents as confidential and the handling of information contained in classified documents or obtained at closed hearings. He pointed out that if requests were made by witnesses for classifying certain information or documents as confidential, the Select Committee should consider carefully the circumstances of each case and the justifications provided. However, it was important to note that the Select Committee did not have power to order any person to produce any documents.

17. Members endorsed the proposed indexing system of papers for the Select Committee as set out in LC Paper No. CB(4)216/14-15(04). Members noted that the indexing system could be updated where necessary in the course of the work of the Select Committee.

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V. Any other business

18. Members noted that the next meeting of the Select Committee was tentatively scheduled for Monday, 12 January 2015 at 10:45 am. Depending on the nature of the discussion, the next meeting would be held as a closed meeting.

19. There being no other business, the meeting ended at 3:23 pm.

Council Business Division 4
Legislative Council Secretariat
9 January 2015

**Proceedings of the first meeting of the 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
on Tuesday, 9 December 2014, at 2:30 pm
in Conference Room 2A of the Legislative Council Complex**

Time marker	Speaker	Subject	Action Required
000302 – 000549	Chairman Mr TANG Ka-piu Mr CHAN Han-pan Mr CHAN Kam-lam Mr Charles Peter MOK	Declaration of interests	
I. <u>Proposed practice and procedure for the Select Committee</u> [LC Paper No. CB(4)216/14-15(01)]			
000550 – 001149	Chairman Clerk	(a) Brief introduction by the Clerk; and (b) Endorsement of the proposed practice and procedure.	
II. <u>Proposed major areas of study</u> [LC Paper No. CB(4)216/14-15(02)] [LC Paper No. IN01/14-15]			
001150 – 003242	Chairman Clerk Mr CHAN Kam-lam Mr CHAN Han-pan Mr WU Chi-wai Senior Assistant Legal Adviser 2 ("SALA2") Deputy Chairman Mr TANG Ka-piu Assistant Secretary General 4	(a) Brief introduction by the Clerk; (b) Discussion on whether the proposed major areas of study would cover the investigation on how the works schedule was determined; and the Administration's monitoring on MTR Corporation Limited ("MTRCL") in the implementation of the project; (c) Discussion on whether independent experts should be engaged to assist the investigation work of the Select Committee in respect of some technical aspects; (d) Discussion on whether video conferencing would be arranged if witnesses currently overseas agreed to provide evidence at the hearing(s); (e) Mr WU Chi-wai's remark that the Select Committee should not regard the content of those reports issued by the independent committee/panel of MTRCL or the Administration as facts;	

Time marker	Speaker	Subject	Action Required
		(f) Endorsement of the proposed major areas of study; and (g) Agreement that the Clerk would draw up a list of documents to be obtained from the relevant bodies and a list of witnesses to be invited to give evidence at the hearing(s).	The Clerk to draw up the relevant lists
III. <u>Proposed work plan</u> [LC Paper No. CB(4)216/14-15(03)]			
003243 – 003938	Chairman Clerk Deputy Chairman Mr CHAN Kam-lam Mr WU Chi-wai	(a) Brief introduction by the Clerk; (b) Discussion on the arrangement of hearings and meetings held before and after the hearings; and (c) Endorsement of the proposed work plan.	
IV. <u>Proposed indexing system for Select Committee papers</u> [LC Paper No. CB(4)216/14-15(04)]			
003939 – 005307	Chairman Clerk Mr WU Chi-wai SALA2 Mr CHAN Kam-lam Deputy Chairman Mr Gary FAN	(a) Brief introduction by the Clerk; (b) Discussion on the handling of classified documents provided by the relevant bodies; (c) Discussion on paper prefix for documents provided by units other than the Administration and MTRCL, as well as the handling of press reports; and (d) Endorsement of the proposed indexing system.	
V. <u>Any other business</u>			
005308 – 005343	Chairman	Date of next meeting	