

立法會

Legislative Council

LC Paper No. CB(2)503/16-17(01)

Ref : CB2/HS/3/16

Subcommittee to Prepare for the Operation of the Select Committee on the Petition Presented at the Council Meeting of 2 November 2016

Meeting on 5 January 2017

Proposed terms of reference and name of the Select Committee

Purpose

This paper invites members to consider the proposed terms of reference ("TOR") and name of the Select Committee on the Petition Presented at the Council Meeting of 2 November 2016 ("the Select Committee").

Background

2. At the Council meeting of 2 November 2016, Hon Kenneth LEUNG and Hon Andrew WAN jointly presented a petition in connection with the receipt of payments by Mr LEUNG Chun-ying from the Australian firm UGL Limited and related issues (**Appendix I**). The request of Hon Andrew WAN for the petition to be referred to a select committee was supported by 28 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 ("RoP").

3. At the House Committee meeting on 11 November 2016, Members agreed to appoint a subcommittee to undertake preparatory work for the operation of the Select Committee, including making recommendations on TOR of the Select Committee to reflect the substance of the petition, the membership size, and the procedure for nominating and electing its Chairman, Deputy Chairman and members for appointment by the President.

4. Since the First Legislative Council, two select committees had been formed pursuant to the referral by the Council of the petition presented to it under RoP 20(6). TORs of these two select committees, which encompassed the subject matters of the respective petitions, are set out in **Appendix II** for members' reference.

Proposed terms of reference

5. The following proposed TOR of the Select Committee 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 Kenneth LEUNG and Hon Andrew WAN at the Council meeting of 2 November 2016 and referred to the Select Committee under Rule 20(6) of the Rules of Procedure, are as follows:

To inquire into matters relating to Mr LEUNG Chun-ying's signing of an agreement with the Australian firm UGL Limited in 2011 ("UGL Agreement") and his receipt of payments amounting to £4 million from UGL Limited ("Payments") in connection with the UGL Agreement after assuming the office of Chief Executive, including whether he had complied with the declaration requirements under Article 47 of the Basic Law and the system of declaration of interests by Members of the Executive Council, whether the UGL Agreement had given rise to any conflict of interests on the part of Mr LEUNG as the Chief Executive, and whether the Payments were taxable under the laws of Hong Kong."

Proposed name of the Select Committee

6. It is recommended that the following be adopted as the name of the Select Committee:

"Select Committee to Inquire into Matters Relating to the Agreement between Mr LEUNG Chun-ying and the Australian firm UGL Limited"

Advice sought

7. Members are invited to consider the proposed TOR in paragraph 5 above and the proposed name of the Select Committee in paragraph 6 above.

Council Business Division 2
Legislative Council Secretariat
29 December 2016



呈
香港特別行政區
立法會主席及全體議員

呈請書
(根據議事規則第 20 條提交)

澳洲媒體於 2014 年 10 月 8 日報導，行政長官梁振英在 2011 年參選特首期間，與澳洲企業 UGL 簽訂秘密協議，收取該企業 400 萬英鎊秘密費用，並於在任期間分兩期收取有關款項。

但事件發生至今，仍有不少疑團仍未解開，包括為何行政長官沒有根據《基本法》第 47 條，透過終審法院首席法官及行政會議利益申報制度，就協議或所收取款項作出申報；協議條款內涉及的酬勞及為商業機構提供服務，會否與行政長官的身份構成利益衝突；以及協議內訂明的酬金中，有那些屬於應繳稅項目。但行政長官及政府當局一直未有提交充足資料，向公眾詳細交待。因此，立法會有必要繼續跟進事件。

我們懇請各位議員支持，在立法會轄下成立一個專責委員會，調查上述事宜。

呈請人：

梁繼昌
尹兆堅

2016 年 10 月 14 日

Terms of reference of select committees formed pursuant to Rule 20(6) of the Rules of Procedure

Name of select committee	Time of formation	Terms of reference
<p>1. 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</p>	<p>2012-2013</p>	<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>

Name of select committee	Time of formation	Terms of reference
2. 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	2014-2015	<p>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 –</p> <p>To inquire into the background of and reasons for the incident of 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") in 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 for the future 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 and on related issues.</p>