

立法會

Legislative Council

LC Paper No. CB(2)1232/16-17
(These minutes have been cleared
with the Chairman)

Ref : CB2/SC/16

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

Minutes of meeting held on Friday, 3 March 2017, at 4:30 pm in Conference Room 3 of the Legislative Council Complex

Members present : Hon Paul TSE Wai-chun, JP (Chairman)
Hon Holden CHOW Ho-ding (Deputy Chairman)
Dr Hon Priscilla LEUNG Mei-fun, SBS, JP
Hon WONG Kwok-kin, SBS, JP
Hon Kenneth LEUNG
Hon Alvin YEUNG
Hon Andrew WAN Siu-kin
Dr Hon Junius HO Kwan-yiu, JP
Hon LAM Cheuk-ting
Hon YUNG Hoi-yan

Member absent : Hon MA Fung-kwok, SBS, JP

Clerk in attendance : Miss Josephine SO
Chief Council Secretary (2) 2

Staff in attendance : Mr Timothy TSO
Senior Assistant Legal Adviser 1

Miss Joyce CHAN
Assistant Legal Adviser 1

Action

Mr Kari CHU
Chief Council Researcher 2

Mr Raymond LAM
Senior Council Secretary (2) 7

Mr YU Chun-ho
Senior Council Researcher 8

Mr Roger CHUNG
Council Secretary (2) 2

Miss Emma CHEUNG
Legislative Assistant (2) 2

Action

The Chairman drew members' attention to Rule 83A of the Rules of Procedure ("RoP") concerning the requirement of disclosing personal pecuniary interest and RoP 84 concerning a member's voting or withdrawal in case of direct pecuniary interest.

I. Confirmation of the terms of reference of the Select Committee
(LC Paper No. CB(2)904/16-17(01))

2. Members confirmed the terms of reference ("TOR") of the Select Committee to Inquire into Matters about the Agreement between Mr LEUNG Chun-ying and the Australian firm UGL Limited ("the Select Committee"), as set out in paragraph 4 of the paper.

II. Proposed practice and procedure of the Select Committee
(LC Paper No. CB(2)904/16-17(02))

3. Members endorsed the proposed practice and procedure of the Select Committee, as set out in the Appendix to the paper.

III. Proposed major areas of study
(LC Paper Nos. CB(2)904/16-17(03) and IN03/16-17)

Clerk

4. Members requested the Secretariat to revise the proposed major areas of study of the Select Committee as set out in the Appendix to LC Paper No. CB(2)904/16-17(03) in the light of the following comments expressed by members:

Action

- (a) whether or not an agreement signed/executed by both Mr LEUNG Chun-ying and UGL Limited ("UGL") existed in the first place;
- (b) item I(c) should be subsumed under and merged with item III(e);
- (c) item III(b) and (c) should be moved to the earlier part of the Appendix and be placed under item I; and
- (d) a footnote should be inserted to the originally numbered item III(b) to advise that the original text of the sentence quoted was in English and the text in Chinese was a translated version, and that readers should refer to the original English text as it appeared in the copy of the purported agreement between Mr LEUNG and UGL (Appendix II to IN03/16-17) for the authentic version.

5. Dr Junius HO requested putting on record his views that the proposed major areas of study prepared by the Secretariat were redundant and it would not be appropriate for the Select Committee to work in accordance with and be bound by any paper other than the endorsed TOR of the Select Committee. He strongly objected to the adoption of the proposed major areas of study by the Select Committee. As some members considered otherwise, Dr HO requested that a vote be taken on his proposal of not adopting the said paper, i.e. the Appendix to LC Paper No. CB(2)904/16-17(03).

(At the suggestion of Dr Priscilla LEUNG and with the agreement of members, the Chairman ordered that the meeting be suspended for five minutes to enable members to discuss the proposal of Dr Junius HO to take a vote on the matter. The meeting was suspended at 6:15 pm and resumed at 6:23 pm.)

6. Members agreed that decision on the question of whether a vote should be taken on Dr Junius HO's proposal to not adopt the proposed major areas of study be deferred to the next meeting.

7. Owing to time constraints, members agreed and the Chairman directed that discussion on the remaining two items, i.e. "Proposed work plan" and "Proposed indexing system for Select Committee papers" be deferred to the next meeting.

Action

(Post-meeting note: The next meeting of the Select Committee was scheduled for Wednesday, 29 March 2017, from 9:00 am to 10:30 am.)

8. There being no other business, the meeting ended at 6:27 pm.

Council Business Division 2
Legislative Council Secretariat
20 April 2017

**Proceedings of meeting of the
Select Committee to Inquire into Matters about the Agreement
between Mr LEUNG Chun-ying and the Australian firm UGL Limited
on Friday, 3 March 2017, at 4:30 pm
in Conference Room 3 of the Legislative Council Complex**

Time marker	Speaker	Subject(s)/Discussion	Action Required
000109 - 000214	Chairman Mr LAM Cheuk-ting	Members' attention being drawn to the requirements in Rules 83A and 84 of the Rules of Procedure.	
Confirmation of the terms of reference of the Select Committee			
000215 - 000314	Chairman	Confirmation of the terms of reference ("TOR") of the Select Committee to Inquire into Matters about the Agreement between Mr LEUNG Chun-ying and the Australian firm UGL Limited ("the Select Committee") as set out in paragraph 4 of LC Paper No. CB(2)904/16-17(01).	
Proposed practice and procedure of the Select Committee			
000315 - 000542	Chairman Deputy Chairman	Deputy Chairman's question and the Chairman's explanation of paragraph 8 of the Appendix to LC Paper No. CB(2)904/16-17(02). Endorsement of the proposed practice and procedure of the Select Committee as set out in the Appendix to LC Paper No. CB(2)904/16-17(02).	
Proposed major areas of study			
000543 - 002330	Chairman Deputy Chairman Mr Kenneth LEUNG Mr LAM Cheuk-ting Mr Andrew WAN Dr Junius HO Dr Priscilla LEUNG Mr Alvin YEUNG SALA1 Clerk	Deputy Chairman and Dr Junius HO considered that it was not necessary for the Select Committee to adopt the proposed major areas of study (LC Paper No. CB(2)904/16-17(03)), as the Select Committee's TOR had provided sufficient guidance on the areas of inquiry. Dr HO's view that the scope of the proposed major areas of study was broader than that of the Select Committee's TOR. Mr Alvin YEUNG's view that members should point out which specific part(s) in the proposed major areas of study was outside the scope of the Select Committee's TOR. Clerk's explanation that the proposed major areas of study, which were based on the Select Committee's TOR, were prepared to facilitate the Select Committee's inquiry.	

Time marker	Speaker	Subject(s)/Discussion	Action Required
		<p>Mr Kenneth LEUNG's and Mr LAM Cheuk-ting's view that the proposed major areas of study had not exceeded the scope of the Select Committee's TOR.</p> <p>SALA1's remarks that:</p> <p>(a) as was the practice of previous select committees, the Secretariat prepared the proposed major areas of study to facilitate the Select Committee's work; and</p> <p>(b) the work of the Select Committee was bound by its TOR. In its course of work, the Select Committee could determine whether any specific area of study was within or outside the scope of the Select Committee's TOR.</p> <p>Mr LAM Cheuk-ting's question on whether the Secretariat had prepared proposed major areas of study for previous select committees and the Clerk's affirmative reply.</p> <p>Dr Priscilla LEUNG's view that the Select Committee should examine the proposed major areas of study in more detail.</p> <p>Mr Andrew WAN's question regarding whether the agreement in Appendix II to LC Paper No. IN03/16-17 was the final agreement signed by relevant parties and the Chairman's response that relevant parties would be invited to produce the final agreement to the Select Committee.</p>	
002331 - 005721	Chairman Dr Priscilla LEUNG Mr LAM Cheuk-ting Deputy Chairman Mr Alvin YEUNG Mr WONG Kwok-kin Ms YUNG Hoi-yan Dr Junius HO Mr Andrew WAN Mr Kenneth LEUNG SALA1	<p>Discussion on item I in the Appendix to the paper on proposed major areas of study (LC Paper No. CB(2)904/16-17(03)).</p> <p>View of Dr Priscilla LEUNG and Deputy Chairman that the phrase "as per the terms of the UGL Agreement" in item I(c) should be deleted. Mr WONG Kwok-kin's view that the phrase should be revised.</p> <p>View of Mr LAM Cheuk-ting, Mr Andrew WAN, Mr Alvin YEUNG and Mr Kenneth LEUNG that the phrase "as per the terms of the UGL Agreement" in item I(c) should be retained.</p>	

Time marker	Speaker	Subject(s)/Discussion	Action Required
		<p>Dr Junius HO's view that the proposed major areas of study prepared by the Secretariat were redundant and it would not be appropriate for the Select Committee to work in accordance with and be bound by any paper other than the endorsed TOR of the Select Committee.</p> <p>SALA1's remarks that:</p> <p>(a) the proposed major areas of study, which were based on the Select Committee's TOR, aimed to facilitate the Select Committee's work; and</p> <p>(b) deletion of the phrase "as per the terms of the UGL Agreement" in item I(c) could have the effect of broadening the scope of the inquiry.</p> <p>Ms YUNG Hoi-yan's suggestion that:</p> <p>(a) item I(c) should be subsumed under and merged with item III(e); and</p> <p>(b) item III(b) and (c) should be moved to the earlier part of the Appendix and be placed under item I.</p> <p>Deputy Chairman's suggestion that:</p> <p>(a) item I(b) and (c) should be subsumed under item III; and</p> <p>(b) item I(c) should be subsumed under and merged with item III(e).</p> <p>The Secretariat was requested to revise the proposed major areas of study, as set out in the Appendix to LC Paper No. CB(2)904/16-17(03), in the light of the above comments expressed by members.</p>	Clerk
005722 - 010922	Chairman Dr Priscilla LEUNG Mr LAM Cheuk-ting Mr Andrew WAN Deputy Chairman Mr Kenneth LEUNG Mr Alvin YEUNG	<p>Discussion on item II in the Appendix to the paper on proposed major areas of study (LC Paper No. CB(2)904/16-17(03)).</p> <p>Dr Priscilla LEUNG's view that item II(d) was redundant.</p> <p>Mr LAM Cheuk-ting and Mr Andrew WAN's view that item II(d) was not redundant.</p>	

Time marker	Speaker	Subject(s)/Discussion	Action Required
		Views of Deputy Chairman, Mr Kenneth LEUNG and Mr Alvin YEUNG on whether the details of declarations made by the Chief Executive to the Chief Justice of the Court of Final Appeal under Article 47 of the Basic Law were confidential.	
010923 - 012945	Chairman Deputy Chairman Mr LAM Cheuk-ting Mr Alvin YEUNG Dr Priscilla LEUNG Mr Kenneth LEUNG Mr Andrew WAN SALA1	<p>Discussion on items III and IV in the Appendix to the paper on proposed major areas of study (LC Paper No. CB(2)904/16-17(03)).</p> <p>Views of Deputy Chairman, Mr LAM Cheuk-ting, Mr Alvin YEUNG on whether there was a need to revise the Chinese translation for "referee and adviser" in item III(b) of the Chinese version of LC Paper No. CB(2)904/16-17(03) to "諮詢人".</p> <p>Dr Priscilla LEUNG's suggestion that the original English text "referee" and "adviser" could be quoted in brackets after the relevant Chinese text in the Chinese version of item III(b).</p> <p>Chairman's remarks that:</p> <p>(a) the Chinese version of item III(b) was based on the Official Record of Proceedings of the Council meeting of 5 November 2014; and</p> <p>(b) a footnote could be inserted to the originally numbered item III(b) to advise that the original text of the sentence quoted was in English and the text in Chinese was a translated version, and that readers should refer to the original English text as it appeared in the copy of the purported agreement between Mr LEUNG and UGL Limited (Appendix II to IN03/16-17) for the authentic version.</p> <p>Deputy Chairman's suggestion of quoting in item III(c) the manuscript under "Additional Commitments" in Appendix II to LC Paper No. IN03/16-17. Mr Kenneth LEUNG's and Mr Andrew WAN's objection to the suggestion.</p> <p>SALA1's remark that item III(c) included all forms of subsequent modifications, including</p>	

Time marker	Speaker	Subject(s)/Discussion	Action Required
		<p>the manuscript under "Additional Commitments" in Appendix II to LC Paper No. IN03/16-17.</p> <p>The Secretariat was requested to revise the proposed major areas of study, as set out in the Appendix to LC Paper No. CB(2)904/16-17(03), in the light of the above comments expressed by members.</p>	Clerk
012946 - 014621	<p>Chairman Dr Junius HO Mr Kenneth LEUNG Mr LAM Cheuk-ting Deputy Chairman Mr WONG Kwok-kin Mr Alvin YEUNG Dr Priscilla LEUNG Clerk</p>	<p>Dr Junius HO's request for putting on record his views that the proposed major areas of study prepared by the Secretariat were redundant and it would not be appropriate for the Select Committee to work in accordance with and be bound by any paper other than the endorsed TOR of the Select Committee. He strongly objected to the adoption of the proposed major areas of study by the Select Committee.</p> <p>Chairman's remark that the proposed major areas of study only aimed at facilitating the Select Committee's work.</p> <p>Mr Alvin YEUNG's question on whether it was the practice of the Secretariat to prepare a list of proposed major areas of study for previous select committees and the Clerk's affirmative reply.</p> <p>Views of Dr Junius HO, Mr Kenneth LEUNG, Mr LAM Cheuk-ting and Deputy Chairman regarding whether the proposed major areas of study were redundant and whether a vote should be taken on Dr Junius HO's proposal to not adopt the Appendix to LC Paper No. CB(2)904/16-17(03).</p> <p>Dr Priscilla's suggestion and members' agreement that the meeting be suspended for about five minutes to enable members to discuss the proposal of Dr Junius HO to take a vote on the matter.</p>	
Break			
015432 - 015847	<p>Chairman Mr WONG Kwok-kin Deputy Chairman Clerk</p>	<p>Proposed extension of meeting time by 15 minutes.</p> <p>Mr WONG Kwok-kin and Deputy Chairman's suggestion and members' agreement that</p>	

Time marker	Speaker	Subject(s)/Discussion	Action Required
		<p>decision on the question of whether a vote should be taken on Dr Junius HO's proposal to not adopt the proposed major areas of study would be deferred to the next meeting.</p> <p>Members' agreement that discussion on the remaining two items, i.e. "Proposed work plan" and "Proposed indexing system for Select Committee papers" be deferred to the next meeting.</p>	

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