

立法會
Legislative Council

LC Paper No. CB(2)1233/16-17
(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 Wednesday, 29 March 2017, at 9:00 am
in Conference Room 2A 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 MA Fung-kwok, SBS, JP
Hon Kenneth LEUNG
Hon Andrew WAN Siu-kin
Dr Hon Junius HO Kwan-yiu, JP
Hon LAM Cheuk-ting
Hon YUNG Hoi-yan

Member absent : Hon Alvin YEUNG

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

Staff in attendance : Miss Flora TAI
Assistant Secretary General 2

Mr Timothy TSO
Senior Assistant Legal Adviser 1

Miss Joyce CHAN
Assistant Legal Adviser 1

Mr Raymond LAM
Senior Council Secretary (2) 7

Miss Michelle TANG
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 concerning the requirement of disclosing personal pecuniary interest.

I. Proposed major areas of study

(LC Paper Nos. CB(2)1078/16-17(01) and IN03/16-17)

2. Members continued to discuss the proposed major areas of study of the Select Committee and agreed that individual members should submit their respective proposed amendments to the proposed major areas of study for consideration at the next meeting.

II. Proposed work plan

(LC Paper No. CB(2)1078/16-17(02))

3. Members endorsed the proposed work plan of the Select Committee.

III. Proposed indexing system for Select Committee papers

(LC Paper No. CB(2)904/16-17(05))

4. Members endorsed the proposed indexing system for Select Committee papers.

5. There being no other business, the meeting ended at 10:18 am.

**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 Wednesday, 29 March 2017, at 9:00 am
in Conference Room 2A of the Legislative Council Complex**

Time marker	Speaker	Subject(s)/Discussion	Action Required
000149 - 000204	Chairman	Members' attention being drawn to the requirement in Rule 83A of the Rules of Procedure.	
Proposed major areas of study			
000205 - 000239	Chairman	Recapitulation of members' discussion on the proposed major areas of study at the meeting on 3 March 2017.	
000240 - 011703	Chairman Mr Kenneth LEUNG Mr LAM Cheuk-ting Dr Junius HO Deputy Chairman Dr Priscilla LEUNG Mr Andrew WAN Mr WONG Kwok-kin Mr MA Fung-kwok Ms YUNG Hoi-yan SALA1 Clerk	Mr Kenneth LEUNG's views that: (a) the proposed major areas of study only served as guidelines for the Select Committee and were not part of the terms of reference ("TOR") of the Select Committee; (b) regarding item I(e) of the proposed major areas of study (Appendix to LC Paper No. CB(2)1078/16-17(01)), the source of the copy of the agreement entered into between Mr LEUNG Chun-ying and UGL Limited in 2011 ("UGL Agreement") available in the public domain was dubious. Consideration should be given to obtaining a copy of the UGL Agreement which was signed and executed by the relevant parties; and (c) item I(e) of the proposed major areas of study could be revised as "whether the Term had been subsequently modified in any way". Mr LAM Cheuk-ting's views that: (a) it was the practice of the Secretariat to prepare proposed major areas of study for all previous select committees; (b) the proposed major areas of study was within the scope of the Select Committee's TOR; (c) item I(e) of the proposed major areas of study was not redundant, as it was reported	

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		<p>that Mr LEUNG Chun-ying had claimed that he had added in handwritten form "provided that such assistance does not create any conflict of interest" under "Additional Commitments" of the UGL Agreement; and</p> <p>(d) if the Select Committee was to conduct its work without any major areas of study, it would deviate from the practice of all previous select committees.</p> <p>Dr Junius HO's views that:</p> <p>(a) the Select Committee's TOR provided sufficient guidance on the scope of study. The proposed major areas of study were redundant;</p> <p>(b) regarding item I of the proposed major areas of study, there was no need to study the background of the UGL Agreement;</p> <p>(c) the Select Committee should instead draw up a list of relevant documents and a list of witnesses to be invited; and</p> <p>(d) the Secretariat should provide members with relevant reference materials listed in the information note prepared by the Research Office of the Legislative Council ("LegCo") Secretariat (LC Paper No. IN03/16-17).</p> <p>The Chairman's remarks that:</p> <p>(a) the lists of information to be obtained and witnesses to be invited were matters to be considered by the Select Committee at a future meeting;</p> <p>(b) a footnote had been inserted to item I(d) of the proposed major areas of study to advise readers that in respect of the quoted text appearing in item I(d), the original text 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 UGL Agreement (Appendix II to IN03/16-17) for the authentic version; and</p>	

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		<p>(c) the work of the Select Committee was bound by its TOR.</p> <p>The Deputy Chairman's views that:</p> <p>(a) item I(e) of the proposed major areas of study was redundant and might be construed as implying that there might be forgery and/or fraud involved in respect of the UGL Agreement, which was an issue outside the scope of the Select Committee's TOR;</p> <p>(b) the Chinese translation for "referee and adviser" in item I(d) of the Chinese version the Appendix to LC Paper No. CB(2)1078/16-17(01)) should be revised to "諮詢人"; and</p> <p>(c) the handwritings under "Additional Commitments" in Appendix II to IN03/16-17 should be quoted in item I(d) of the proposed major areas of study.</p> <p>Dr Priscilla LEUNG's views that:</p> <p>(a) consideration could be given to providing the original English text "referee" and "adviser" in brackets in conjunction with the Chinese translation in the Chinese version of the proposed major areas of study; and</p> <p>(b) the question of forgery and/or fraud in connection with the UGL Agreement was outside the scope of the Select Committee's TOR.</p> <p>Mr Andrew WAN's views that:</p> <p>(a) he could not see why item I(e) of the proposed major areas of study could be construed as implying that there might be forgery and/or fraud involved in respect of the UGL Agreement; and</p> <p>(b) without any major areas of study, it would be difficult for the Select Committee to determine the information to be obtained.</p> <p>Mr WONG Kwok-kin's view that it would be more desirable for members to discuss how the proposed major areas of study should be</p>	

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		<p>revised, before a decision was taken, if necessary, on whether to adopt the proposed major areas of study.</p> <p>Mr MA Fung-kwok's suggestion that members be invited to submit their respective proposed amendments to the proposed major areas of study for consideration at the next meeting.</p> <p>Ms YUNG Hoi-yan's views that it was necessary to:</p> <p>(a) ascertain whether the copy of the purported UGL Agreement in Appendix II to IN03/16-17 was the same as the UGL Agreement ultimately signed and executed by the relevant parties; and</p> <p>(b) first examine whether there was an agreement between Mr LEUNG Chun-ying and UGL Limited and if so, to obtain a copy of the agreement from the relevant parties.</p> <p>SALA1's remark that the information note entitled "The UGL Incident" (LC Paper No. IN03/16-17) was prepared by the Research Office of the LegCo Secretariat for members' reference. Appendix II to the information note was only a copy of the purported UGL Agreement available on the Internet and it was not provided by a relevant party. In the course of the Select Committee's inquiry, it would be necessary to examine whether or not there was such an agreement and if so, to obtain a copy of the agreement from the relevant parties.</p> <p>Clerk's remarks that:</p> <p>(a) according to paragraph 11 of the Practice and Procedure of the Select Committee, which had been endorsed at the meeting on 3 March 2017, the Select Committee should focus its work on the areas of study, which might be subsequently amended if necessary having regard to the Select Committee's TOR. The Secretariat thus prepared the proposed major areas of study in a bid to assist the Select Committee in taking forward its work in a structured manner. Without any major areas of study, there might be difficulties in determining the</p>	

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		<p>information to be obtained and the witnesses to be invited;</p> <p>(b) the information note entitled "The UGL Incident", which was prepared by the Research Office of the LegCo Secretariat, only aimed to provide background information for members' reference. Appendix II to the information note was a copy of the purported UGL Agreement which was available in the public domain and it was not a document obtained from any relevant party;</p> <p>(c) in respect of the reference materials listed in the information note, some were media reports which were for reference only; and</p> <p>(d) the information note contained hyperlinks to the respective webpages of the reference materials and members would be provided with the hardcopy of relevant reference materials upon request.</p> <p>Members agreed that individual members should submit their respective proposed amendments to the proposed major areas of study for consideration at the next meeting.</p>	
Proposed work plan			
011704 - 011800	Chairman	Endorsement of the proposed work plan of the Select Committee as set out in LC Paper No. CB(2)1078/16-17(02).	
Proposed indexing system for Select Committee papers			
011801 - 011826	Chairman	Endorsement of the proposed indexing system for Select Committee papers as set out in LC Paper No. CB(2)904/16-17(05).	
011827 - 011947	Chairman	Closing remarks	