

立法會
Legislative Council

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Tel : 3919 3300

Date : 24 November 2017

From : Clerk to the Legislative Council

To : All Members of the Legislative Council

Council meeting of 6 December 2017

Motions under Articles 73(5) and 73(10) of the Basic Law

The President has given permission for the following Members to move the attached 12 motions under Articles 73(5) and 73(10) of the Basic Law at the above meeting:

<u>Mover</u>	<u>Motion</u>
Hon Jeremy TAM	Appendices 1 and 5
Dr Hon Fernando CHEUNG	Appendix 2
Hon Kenneth LEUNG	Appendices 3 and 6
Hon Tanya CHAN	Appendix 4
Hon James TO	Appendices 7 and 8
Hon WU Chi-wai	Appendix 9
Hon HUI Chi-fung	Appendices 10 and 11
Hon KWONG Chun-yu	Appendix 12

2. The President has directed that the motions be printed in the terms in which they were handed in.

(Dora WAI)
for Clerk to the Legislative Council

Encl.

**Motion under Articles 73(5) and 73(10) of the Basic Law of
the Hong Kong Special Administrative Region of
the People's Republic of China
to be moved by Hon Jeremy TAM
at the Council meeting of 6 December 2017**

Wording of the Motion

That, pursuant to Articles 73(5) and 73(10) of the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China, this Council summons the Secretary for Transport and Housing to attend before the Council on 10 January 2018 to produce all relevant papers, books, records or documents, and to testify or give evidence in relation to the clearance arrangement of the Guangzhou-Shenzhen-Hong Kong Express Rail Link ("XRL") (details as particularized in the Schedule to this motion).

Schedule

Details of the documents to be produced, testimony and evidence to be given by the Secretary are particularized as follows:

1. According to the announcement of the Shenzhen City Planning Bureau, the Government of the Hong Kong Special Administrative Region started to discuss the clearance arrangement of XRL with the Mainland government departments in as early as 2008, and considerations were given to implementing the co-location arrangement in Futian, or the separate-location arrangement in Futian and Hong Kong. The Secretary shall submit to this Council all information papers, minutes of meetings and agreements in relation to the discussion of the clearance arrangement of XRL with the Mainland government departments, including but not limited to the options being discussed and the justifications and reasons for giving up such options subsequently; and
2. Submit all other documents in relation to the above-mentioned matters.

2017年12月6日的立法會會議
張超雄議員根據《中華人民共和國香港特別行政區基本法》
第七十三條第(五)項及第七十三條第(十)項
動議的議案

議案措辭

本會根據《中華人民共和國香港特別行政區基本法》第七十三條第(五)項及第七十三條第(十)項，傳召懲教署署長及懲教署助理署長(行動)於2018年1月31日及2018年2月7日到立法會席前，就懷疑有在囚人士被懲教署人員施以酷刑和其他殘忍、不人道或有辱人格的待遇或處罰作證及出示所有相關的文據、簿冊、紀錄或文件。

**Motion under Articles 73(5) and 73(10) of the Basic Law of
the Hong Kong Special Administrative Region of
the People's Republic of China
to be moved by Dr Hon Fernando CHEUNG
at the Council meeting of 6 December 2017**

Wording of the motion

That, pursuant to Articles 73(5) and 73(10) of the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China, this Council summons the Commissioner of Correctional Services and the Assistant Commissioner of Correctional Services (Operations) to attend before the Council on 31 January 2018 and 7 February 2018 to testify and to produce all relevant papers, books, records or documents in relation to suspected torture and other cruel, inhuman or degrading treatment or punishment inflicted by any officer of the Correctional Services Department on the prisoners.

**Motion under Articles 73(5) and 73(10) of the Basic Law of
the Hong Kong Special Administrative Region of
the People's Republic of China
to be moved by Hon Kenneth LEUNG
at the Council meeting of 6 December 2017**

Wording of the Motion

That, pursuant to Articles 73(5) and 73(10) of the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China, this Council summons the Commissioner of Police to attend before the Council on 24 January 2018 and 31 January 2018 to testify in relation to the Police's purchase of vehicles equipped with water cannon for operational purposes and to produce all relevant papers, books, records or documents in respect of the following matters:

- (1) the performance of the vehicles equipped with water cannon purchased by the Police;
- (2) the force of the stream of water shot from the water cannons installed on the vehicles purchased by the Police and its impact on human body;
and
- (3) the guidelines and precautions on the use of the vehicles equipped with water cannon by the Police.

**Motion under Articles 73(5) and 73(10) of the Basic Law of
the Hong Kong Special Administrative Region of
the People's Republic of China
to be moved by Hon Tanya CHAN
at the Council meeting of 6 December 2017**

Wording of the Motion

That, pursuant to Articles 73(5) and 73(10) of the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China, this Council summons the Chief Secretary of Administration ("Chief Secretary") and the Permanent Secretary for Home Affairs ("Permanent Secretary") to attend before the Council on 24 January 2018 to produce all relevant papers, books, records or documents, and to testify or give evidence in relation to the West Kowloon Cultural District Authority ("WKCD")'s agreement with the Beijing Palace Museum signed on 29 June 2017 regarding the building of the Hong Kong Palace Museum in the West Kowloon Cultural District (details as particularized in the Schedule to this motion).

Schedule

Details of the documents to be produced, testimony and evidence to be given by the Chief Secretary and the Permanent Secretary are particularized as follows:

1. In regard to the announcement made by the then Chief Secretary on the cooperation between WKCD and the Beijing Palace Museum on 23 December 2016, the Chief Secretary and the Permanent Secretary are required to produce all relevant documents regarding the meetings and discussions with the Beijing Palace Museum on the building of the Hong Kong Palace Museum in the West Kowloon Cultural District, including the letters, information papers and agreement documents (other than those already provided to the Legislative Council);
2. In June 2016, WKCD directly appointed ROCCO Design Architects Limited at the consultancy fee of \$4.5 million to provide pre-development consultancy services regarding the use of the P46/47 site. In this connection, the Chief Secretary and the Permanent Secretary are required to produce all relevant documents regarding the appointment of the said firm, including the letters, contracts, minutes of meetings and information papers (other than those already provided to the Legislative Council);
3. In July 2015, WKCD entered into a consultancy contract with Waters Economics Limited regarding a review of the use of multi-purpose venues. In this connection, the Chief Secretary and the Permanent Secretary are

required to produce the consultancy contract and the consultancy report (other than those already provided to the Legislative Council);

4. In January 2016, WKCDA entered into a consultancy contract with Ernst & Young Transactions Limited regarding a commercial viability study of developing a multi-purpose venue to be used for performance, meeting and exhibition purposes. In this connection, the Chief Secretary and the Permanent Secretary are required to produce the consultancy contract and the consultancy report (other than those already provided to the Legislative Council);
5. In October 2015, WKCDA set up a 5-member core team to explore the feasibility of building a Hong Kong Palace Museum in the West Kowloon Cultural District. In this connection, the Chief Secretary and the Permanent Secretary are required to produce all relevant documents regarding the core team, including the dates of meetings, meeting documents and minutes of meetings;
6. In early 2016, the 5-member core team on the Hong Kong Palace Museum consulted three senior members of the WKCDA Board on the feasibility of building a Hong Kong Palace Museum. In this connection, the Chief Secretary and the Permanent Secretary are required to produce all relevant documents regarding the consultation meetings, including the dates of meetings, meeting documents and minutes of meetings; and
7. To provide all other related documents and records in respect of the above matters.

**Motion under Articles 73(5) and 73(10) of the Basic Law of
the Hong Kong Special Administrative Region of
the People's Republic of China
to be moved by Hon Jeremy TAM
at the Council meeting of 6 December 2017**

Wording of the Motion

That, pursuant to Articles 73(5) and 73(10) of the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China, this Council summons the Secretary for Transport and Housing and the Director-General of Civil Aviation ("the persons concerned") to attend before the Council on 10 January 2018 to testify or give evidence in relation to the construction of the third runway at the Hong Kong International Airport ("HKIA") and the new Air Traffic Management System ("new ATMS") (details as particularized in the Schedule to this motion).

Schedule

Details of testimony and evidence to be given by the persons concerned are particularized as follows:

1. In relation to the construction of the third runway at HKIA, the Civil Aviation Department of Hong Kong ("CAD"), the Civil Aviation Administration of China and the Civil Aviation Authority of Macao established the Tripartite Working Group and signed the "Pearl River Delta Region Air Traffic Management Planning and Implementation Plan (Version 2.0)" ("the Plan") in 2007. As the Plan is crucial to whether the third runway can achieve the greatest effect, the persons concerned shall submit to this Council the original version of the Plan and testify before this Council.
2. AutoTrac III, the new ATMS developed by Raytheon, an American company and procured by CAD, is the key component in determining whether HKIA and the Third-runway System would be able to cope with the air traffic demand in future. The persons concerned shall submit to this Council the contract signed with Raytheon, the terms and agreements on maintaining and upgrading the new ATMS, as well as the present enforcement of the terms or agreements; and testify before this Council.

2017年12月6日的立法會會議
梁繼昌議員根據《中華人民共和國香港特別行政區基本法》
第七十三條第(五)項及第七十三條第(十)項
動議的議案

議案措辭

本會根據《中華人民共和國香港特別行政區基本法》第七十三條第(五)項及第七十三條第(十)項，傳召警務處處長於2018年1月10日及2018年1月17日到立法會席前，就警方於2014年9月26日至12月15日期間就處理“雨傘運動”而進行的行動作證及出示所有與此事宜相關的文據、簿冊、紀錄或文件。

**Motion under Articles 73(5) and 73(10) of the Basic Law of
the Hong Kong Special Administrative Region of
the People's Republic of China
to be moved by Hon Kenneth LEUNG
at the Council meeting of 6 December 2017**

Wording of the Motion

That, pursuant to Articles 73(5) and 73(10) of the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China, this Council summons the Commissioner of Police to attend before the Council on 10 January 2018 and 17 January 2018 to testify and to produce all relevant papers, books, records or documents in relation to the operations conducted by the Hong Kong Police Force in response to the “Umbrella Movement”, which occurred during the period from 26 September to 15 December 2014.

2017年12月6日的立法會會議
涂謹申議員根據《中華人民共和國香港特別行政區基本法》
第七十三條第(五)項及第七十三條第(十)項
動議的議案

議案措辭

本會根據《中華人民共和國香港特別行政區基本法》第七十三條第(五)項及第七十三條第(十)項，傳召運輸及房屋局局長及海事處處長於2018年1月24日到立法會席前，就調查南丫島附近撞船事故，接受立法會議員的質詢，並出示運輸及房屋局完成的內部調查報告，以及作證和提供證據。

**Motion under Articles 73(5) and 73(10) of the Basic Law of
the Hong Kong Special Administrative Region of
the People's Republic of China
to be moved by Hon James TO
at the Council meeting of 6 December 2017**

Wording of the Motion

That, pursuant to Articles 73(5) and 73(10) of the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China, this Council summons the Secretary for Transport and Housing and the Director of Marine to attend before the Council on 24 January 2018 to answer questions from Members of the Council, to produce the internal investigation report conducted by the Transport and Housing Bureau, and to testify or give evidence in relation to the investigation of the Vessel Collision Incident near Lamma Island.

2017年12月6日的立法會會議
涂謹申議員根據《中華人民共和國香港特別行政區基本法》
第七十三條第(五)項及第七十三條第(十)項
動議的議案

議案措辭

本會根據《中華人民共和國香港特別行政區基本法》第七十三條第(五)項及第七十三條第(十)項，傳召行政長官辦公室主任於2018年1月10日到立法會席前，就2017年12月行政長官向中央人民政府述職事宜，出示所有相關的文據、簿冊、紀錄或文件，以及作證和提供證據。

**Motion under Articles 73(5) and 73(10) of the Basic Law of
the Hong Kong Special Administrative Region of
the People's Republic of China
to be moved by Hon James TO
at the Council meeting of 6 December 2017**

Wording of the Motion

That, pursuant to Articles 73(5) and 73(10) of the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China , this Council summons the Director of the Chief Executive's Office to attend before the Council on 10 January 2018 to produce all relevant papers, books, records or documents and to testify or give evidence in relation to the Chief Executive's duty visit to the Central People's Government in December 2017.

**Motion under Articles 73(5) and 73(10) of the Basic Law of
the Hong Kong Special Administrative Region of
the People's Republic of China
to be moved by Hon WU Chi-wai
at the Council meeting of 6 December 2017**

Wording of the Motion

That, pursuant to Articles 73(5) and 73(10) of the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China, this Council summons the Secretary for Commerce and Economic Development to attend before the Council on 10 January 2018 to produce all relevant papers, books, records or documents, and to testify or give evidence in relation to the operation and development of the Hong Kong Disneyland Resort (details as particularized in the Schedule to this motion).

Schedule

Details of the documents to be produced, testimony and evidence to be given are particularized as follows:

1. Main agreements signed by the Government and The Walt Disney Company, and the amended agreements made thereafter; the agreements must include but not be limited to the management, licences of intellectual property rights, shareholders' rights and obligations, loan arrangements, etc.;
2. The annual Independent Auditor's Report and Audited Financial Statements of the Hong Kong Disneyland Management Limited and Hongkong International Theme Parks Limited since their establishment, their Articles of Association, and all documents of meetings of the Boards of Directors and subsidiary committees, including but not limited to minutes;
3. Agreements and financial evaluation reports and documents concerning the previous expansion projects of the Hong Kong Disneyland Resort; and
4. Research reports on the operation and development of the Hong Kong Disneyland Resort by various institutions commissioned by the Government.

2017年12月6日的立法會會議
許智峯議員根據《中華人民共和國香港特別行政區基本法》
第七十三條第(五)項及第七十三條第(十)項
動議的議案

議案措辭

本會根據《中華人民共和國香港特別行政區基本法》第七十三條第(五)項及第七十三條第(十)項，傳召財政司司長於2018年2月7日到立法會席前，出示所有與政府在2015至2017年期間就決定不再全數寬免電動私家車首次登記稅及將寬免額上限設定為97,500元的相關文據、簿冊、紀錄或文件，以及作證和提供證據。

**Motion under Articles 73(5) and 73(10) of the Basic Law of
the Hong Kong Special Administrative Region of
the People's Republic of China
to be moved by Hon HUI Chi-fung
at the Council meeting of 6 December 2017**

Wording of the Motion

That, pursuant to Articles 73(5) and 73(10) of the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China, this Council summons the Financial Secretary to attend before the Council on 7 February 2018 to produce all relevant papers, books, records or documents prepared during the period from 2015 to 2017 and to testify or give evidence in relation to the Government's decision to cease the First Registration Tax full waiver for electric private cars and cap such a waiver at \$97,500.

2017年12月6日的立法會會議
許智峯議員根據《中華人民共和國香港特別行政區基本法》
第七十三條第(五)項及第七十三條第(十)項
動議的議案

議案措辭

本會根據《中華人民共和國香港特別行政區基本法》第七十三條第(五)項及第七十三條第(十)項，傳召發展局局長於 2018 年 3 月 21 日到立法會席前，就發展局調查中區警署建築群已婚督察宿舍大樓部分樓層倒塌事故，接受立法會議員的質詢，並出示所有相關的文據、簿冊、紀錄或文件，以及作證和提供證據。

**Motion under Articles 73(5) and 73(10) of the Basic Law of
the Hong Kong Special Administrative Region of
the People's Republic of China
to be moved by Hon HUI Chi-fung
at the Council meeting of 6 December 2017**

Wording of the Motion

That, pursuant to Articles 73(5) and 73(10) of the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China, this Council summons the Secretary for Development to attend before the Council on 21 March 2018 to answer questions from Members of the Council, to produce all relevant papers, books, records or documents and to testify or give evidence in relation to the Development Bureau's investigation into the collapse of portion of Married Inspectors' Quarters Building at Central Police Station Compound.

2017 年 12 月 6 日的立法會會議
鄺俊宇議員根據《中華人民共和國香港特別行政區基本法》
第七十三條第(五)項及第七十三條第(十)項
動議的議案

議案措辭

本會根據《中華人民共和國香港特別行政區基本法》第七十三條第(五)項及第七十三條第(十)項，傳召運輸及房屋局局長於 2018 年 3 月 21 日到立法會席前，就運輸及房屋局關於 2017 年 2 月列車縱火事件進行的商討，接受立法會議員的質詢及出示所有相關的文據、簿冊、紀錄或文件，包括香港鐵路有限公司於 2017 年 4 月 25 日向政府提交的《列車縱火事件高級別檢討委員會報告》，並就此作證及提供證據。

**Motion under Articles 73(5) and 73(10) of the Basic Law of
the Hong Kong Special Administrative Region of
the People's Republic of China
to be moved by Hon KWONG Chun-yu
at the Council meeting of 6 December 2017**

Wording of the Motion

That, pursuant to Articles 73(5) and 73(10) of the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China, this Council summons the Secretary for Transport and Housing to attend before the Council on 21 March 2018 to answer questions from Members of the Council, to produce all relevant papers, books, records or documents, including the Executive Review Panel Report on Arson Incident submitted by the MTR Corporation Limited to the Government on 25 April 2017, and to testify or give evidence in relation to the deliberations of the Transport and Housing Bureau concerning the MTR Arson Incident which occurred on 10 February 2017.