

CONFIDENTIAL

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LC Paper No. CB(3) 1172/98-99

Ref. : CB(3)/SE/Airport/Con/3B

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

**Minutes of the 60th meeting (closed meeting)
held on Saturday, 23 January 1999 at 9:00 am
in Conference Room B of the Legislative Council Building**

Members present : Hon Mrs Selina CHOW LIANG Shuk-ye, JP (Chairman)
Dr Hon Raymond HO Chung-tai, JP (Deputy Chairman)
Hon Edward HO Sing-tin, JP
Hon LEE Wing-tat
Hon Margaret NG
Hon MA Fung-kwok
Hon Ambrose CHEUNG Wing-sum, JP
Hon SIN Chung-kai
Hon LAU Kong-wah
Hon Emily LAU Wai-hing, JP
Hon CHOY So-yuk

Members absent : Hon Christine LOH
Hon CHAN Kam-lam (away from Hong Kong)

Clerk in attendance : Miss Salumi CHAN
Chief Assistant Secretary (3)(SC)

Staff in attendance : Mr Jimmy MA, JP
Legal Adviser

Mr LAW Kam-sang, JP
Deputy Secretary General

Mr Ray CHAN
Assistant Secretary General 3

Mr Stephen LAM
Assistant Legal Adviser 4

Mr Matthew LOO
Senior Assistant Secretary (3)(SC)1

Ms Joanne MAK
Senior Assistant Secretary (3)(SC)2

I. Consideration of the draft report of the Select Committee
(LC Paper No. CB(3) 1167/98-99)

The Chairman advised that members' suggestions on the draft of the report of the Select Committee had been incorporated, and the full text of the English version of the latest draft was tabled at the meeting.

2. Members considered the amendments and, with some further amendments, agreed to the text. The Select Committee also authorized the Clerk to make necessary editorial adjustments to the text. The Chairman would clear the adjustments.

3. In accordance with Rule 79(7) of the Rules of Procedure, the question that the English version of the draft report tabled at the meeting, as amended, be adopted as the Chairman's report and be read a second time paragraph by paragraph, was proposed, put and agreed to.

4. ***Paragraphs 1.1 to 1.15*** proposed, put and agreed to.

5. ***Paragraphs 2.1 to 2.12*** proposed, put and agreed to.

6. **Paragraphs 3.1 to 3.9** proposed, put and agreed to.
7. **Paragraphs 4.1 to 4.40** proposed, put and agreed to.
8. **Paragraph 4.41** proposed. Mr Edward HO moved to delete all the words after the first sentence and gave his reasons. Ms Margaret NG and Ms Emily LAU spoke on the amendment respectively. Question on Mr Edward HO's amendment proposed and put. Mr Edward HO claimed a division. The Chairman ordered the Committee to divide.
9. Following the casting of votes, the Chairman stated that Mr Edward HO was in favour of the amendment and that Dr Raymond HO, Mr LEE Wing-tat, Ms Margaret NG, Mr Ambrose CHEUNG, Mr SIN Chung-kai, Mr LAU Kong-wah, Ms Emily LAU and Ms CHOY So-yuk were against. Mr MA Fung-kwok abstained. The Chairman declared that the amendment was negatived. Paragraph 4.41 put and agreed to.
10. **Paragraph 4.42** proposed. Mr Edward HO moved to delete the paragraph for the same reasons that had already been given. Question on Mr Edward HO's amendment proposed and put. Mr Edward HO claimed a division. The Chairman ordered the Committee to divide.
11. Following the casting of votes, the Chairman stated that Mr Edward HO was in favour of the amendment and that Dr Raymond HO, Mr LEE Wing-tat, Ms Margaret NG, Mr Ambrose CHEUNG, Mr SIN Chung-kai, Mr LAU Kong-wah, Ms Emily LAU and Ms CHOY So-yuk were against. Mr MA Fung-kwok abstained. The Chairman declared that the amendment was negatived. Paragraph 4.42 put and agreed to.
12. **Paragraph 4.43** proposed, put and agreed to.
13. **Paragraph 4.44** proposed. Mr Edward HO moved to delete the paragraph for the same reasons that had already been given. Question on Mr Edward HO's amendment proposed, put and negatived. Paragraph 4.44 put and agreed to.
14. **Paragraph 4.45** proposed, put and agreed to.

15. **Paragraph 4.46** proposed. Mr Edward HO moved to delete the paragraph for the same reasons that had already been given. Question on Mr Edward HO's amendment proposed, put and negatived. Paragraph 4.46 put and agreed to.

16. **Paragraph 4.47** proposed. Mr Edward HO moved to delete the paragraph for the same reasons that had already been given. Question on Mr Edward HO's amendment proposed, put and negatived. Paragraph 4.47 put and agreed to.

17. **Paragraph 4.48** proposed. Mr Edward HO moved to delete all the words after the first sentence for the same reasons that had already been given. Question on Mr Edward HO's amendment proposed, put and negatived. Paragraph 4.48 put and agreed to.

18. **Paragraphs 4.49 to 4.197** proposed, put and agreed to.

19. **Paragraphs 5.1 to 5.173** proposed, put and agreed to.

20. **Paragraphs 6.1 to 6.54** proposed, put and agreed to.

21. **Paragraphs 7.1 to 7.17** proposed, put and agreed to.

22. Ms CHOY So-yuk moved to add **two new paragraphs after paragraph 7.17**, as follows:

“ The fact that ADSCOM had bypassed the AA Chairman and Vice-Chairman and dealt with the AA Management directly has led to partial breakdown of communication between ADSCOM and AA Board which leadership is essential especially when dealing with critical issues. Such lack of communication could have been one of the factors that led to AA Board's inability to discharge their duties effectively.

Knowing the incapacibilities of AA Management, ADSCOM failed to take effective measures to ensure that AA Board should replace AA senior executives.”

23. Question on Ms CHOY's amendment proposed and put. Ms Emily LAU claimed a division. The Chairman ordered the Committee to divide.

24. Following the casting of votes, the Chairman stated that Dr Raymond HO, Mr MA Fung-kwok, Mr LAU Kong-wah and Ms CHOY So-yuk, were in favour of the amendment and that Mr Edward HO, Mr LEE Wing-tat, Ms Margaret NG, Mr Ambrose CHEUNG, Mr SIN Chung-kai and Ms Emily LAU were against. The Chairman declared that the amendment was negated.

25. *Paragraphs 7.18 to 7.24* proposed, put and agreed to.

26. *Paragraph 7.25* proposed. Mr Edward HO moved to delete the words "in so far as"; to delete the words "failed to lead ADSCOM to fully assess the readiness of the new airport before deciding on a July airport opening date and, having so decided" and replace with ", having decided the July airport opening date"; and to delete the words "she remains responsible". Question on Mr HO's amendment proposed, put and negated.

27. Mr LEE Wing-tat moved to add, at the end of paragraph 7.25, "The Select Committee thinks that Mrs CHAN should be criticized for failing to ensure the smooth and efficient operation of the new airport on AOD.". Question on Mr LEE Wing-tat's amendment proposed and put. Ms Emily LAU claimed a division. The Chairman ordered the Committee to divide.

28. Following the casting of votes, the Chairman stated that Dr Raymond HO, Mr LEE Wing-tat, Mr MA Fung-kwok, Mr SIN Chung-kai, Mr LAU Kong-wah, Ms Emily LAU and Miss CHOY So-yuk were in favour of the amendment and that Mr Edward HO, Ms Margaret NG and Mr Ambrose CHEUNG were against. The Chairman declared that the amendment was passed.

29. Ms Margaret NG said that the Select Committee had discussed in detail at its previous meetings whether or not to recommend in its report specific sanctions and had decided by a majority vote not to include sanctions. She considered that the result of the division on the amendment to paragraph 7.25 went against the spirit of the agreement and she could not associate herself with the report.

30. The Chairman confirmed that there was such an agreement. Mr LAU Kong-wah said he was not aware of the agreement as he had not attended that particular meeting at which the agreement was reached. Nevertheless, he was prepared to respect the agreement reached by the Select Committee.

31. Some of the members who had voted for Mr LEE Wing-tat's amendment to paragraph 7.25 clarified that they remained of the view that the report should not recommend sanctions. However, their understanding of Mr LEE's amendment was that it did not make such a recommendation. After further discussion, with members' agreement, the Chairman suspended the meeting.

32. When the meeting resumed, the Chairman concluded that it was clear that members had different understanding of Mr LEE's amendment to paragraph 7.25. Some members had supported the amendment based on the understanding that it did not constitute a sanction which they did not wish to recommend in the report.

33. Mr LEE Wing-tat stated that he had clearly informed members at previous meetings that all of his proposed amendments to the draft report contained his views on how those persons identified as responsible for the chaos on AOD should be sanctioned, and he had provided details of his proposed amendments to members. He had not changed his mind.

34. With the agreement of all the members present, the Chairman moved the motion that "Mr LEE Wing-tat's amendment to paragraph 7.25 constitutes a sanction against Mrs Anson CHAN."

35. Question on the Chairman's motion proposed, put and agreed to.

36. Dr Raymond HO moved the motion "That the Select Committee's decision on the amendment to paragraph 7.25 proposed by Mr LEE Wing-tat be rescinded, as it was clearly in contradiction with the agreement reached earlier by members, as set out in Section E in Chapter 7 of the draft report". Question on the motion proposed and put. Dr Raymond HO claimed a division. The Chairman ordered the Committee to divide.

37. Following the casting of votes, the Chairman stated that Dr Raymond HO, Mr Edward HO, Ms Margaret NG, Mr MA Fung-kwok, Mr Ambrose CHEUNG, and Mr LAU Kong-wah were in support of the motion and that Mr LEE Wing-tat, Mr SIN Chung-kai, Ms Emily LAU and Miss CHOY So-yuk were against. The Chairman declared that the motion was carried.

38. The original paragraph 7.25 put and agreed to.

39. ***Paragraphs 7.26 to 7.33*** proposed, put and agreed to.

40. ***Paragraph 7.34*** proposed. Dr Raymond HO moved to delete the paragraph and gave his reasons. Question on Dr Raymond HO's amendment proposed and put. Dr Raymond HO claimed a division. The Chairman ordered the Committee to divide.

41. Following the casting of votes, the Chairman stated that Dr Raymond HO was in favour of the amendment and that Mr Edward HO, Mr LEE Wing-tat, Ms Margaret NG, Mr MA Fung-kwok, Mr SIN Chung-kai, Mr LAU Kong-wah, Ms Emily LAU and Ms CHOY So-yuk were against. The Chairman declared that the amendment was negatived.

42. Mr LEE Wing-tat moved to add, at the end of the paragraph, "The Select Committee thinks that Mr KWONG should be reprimanded.". Question on Mr LEE Wing-tat's amendment proposed and put. Ms Emily LAU claimed a division. The Chairman ordered the Committee to divide.

43. Following the casting of votes, the Chairman stated that Mr LEE Wing-tat, Mr SIN Chung-kai and Ms Emily LAU were in favour of the amendment and that Dr Raymond HO, Mr Edward HO, Ms Margaret NG, Mr MA Fung-kwok, and Mr LAU Kong-wah were against. The Chairman declared that the amendment was negatived. Paragraph 7.34 put and agreed to.

44. ***Paragraphs 7.35 and 7.36*** proposed, put and agreed to.

45. **Paragraph 7.37** proposed. Ms CHOY So-yuk moved to add “Although CPM/NAPCO was present in most ADSCOM meetings and could have flagged up personally,” before “ Mr LAM, as D/NAPCO, should not”. Question on Ms CHOY’s amendment proposed and put. Ms CHOY So-yuk claimed a division. The Chairman ordered the Committee to divide.

46. Following the casting of votes, the Chairman stated that Dr Raymond HO, Mr MA Fung-kwok, Mr LAU Kong-wah and Ms CHOY So-yuk were in favour of the amendment and that Mr Edward HO, Mr LEE Wing-tat, Ms Margaret NG, Mr SIN Chung-kai, and Ms Emily LAU were against. The Chairman declared that the amendment was negatived. Paragraph 7.37 put and agreed to.

47. **Paragraphs 7.38 to 7.47** proposed, put and agreed to.

48. **Paragraph 7.48** proposed. Mr LEE Wing-tat moved to add, at the end of the paragraph, “The Select Committee thinks that Mr KWOK should be severely reprimanded.”. Question on Mr LEE Wing-tat’s amendment proposed and put. Ms Emily LAU claimed a division. The Chairman ordered the Committee to divide.

49. Following the casting of votes, the Chairman stated that Mr LEE Wing-tat, Mr SIN Chung-kai and Ms Emily LAU were in favour of the amendment and that Dr Raymond HO, Mr Edward HO, Ms Margaret NG, Mr MA Fung-kwok, Mr LAU Kong-wah and Ms CHOY So-yuk were against. The Chairman declared that the amendment was negatived. Paragraph 7.48 put and agreed to.

50. **Paragraphs 7.49 to 7.69** proposed, put and agreed to.

51. **Paragraph 7.70** proposed. Mr LEE Wing-tat moved to add, at the end of the paragraph, “The Select Committee thinks that the non-government members of the AA Board have failed to effectively supervise the AA Management to ensure the smooth and efficient operation of the new airport on AOD. They should be invited to step down.”. Question on Mr LEE Wing-tat’s amendment proposed and put. Ms Emily LAU claimed a division. The Chairman ordered the Committee to divide.

52. Following the casting of votes, the Chairman stated that Mr LEE Wing-tat, Mr SIN Chung-kai and Ms Emily LAU were in favour of the amendment and that Dr Raymond HO, Mr Edward HO, Ms Margaret NG, Mr MA Fung-kwok, Mr LAU Kong-wah and Ms CHOY So-yuk were against. The Chairman declared that the amendment was negated. Paragraph 7.70 was put and agreed to.

53. ***Paragraphs 7.71 to 7.73*** put, proposed and agreed to.

54. ***Paragraph 7.74*** proposed. Mr LEE Wing-tat proposed to add, at the end of the paragraph, “The Select Committee thinks that Mr WONG is unfit to be Chairman/AA and should be invited to step down.”. Question on Mr LEE Wing-tat’s amendment proposed and put. Ms Emily LAU claimed a division. The Chairman ordered the Committee to divide.

55. Following the casting of votes, the Chairman stated that Mr LEE Wing-tat, Mr SIN Chung-kai and Ms Emily LAU were in favour of the amendment and that Dr Raymond HO, Mr Edward HO, Ms Margaret NG, Mr MA Fung-kwok, Mr LAU Kong-wah and Ms CHOY So-yuk were against. The Chairman declared that the amendment was negated. Paragraph 7.74 put and agreed to.

56. ***Paragraphs 7.75 to 7.97*** put, proposed and agreed to.

57. ***Paragraph 7.98*** proposed. Mr LEE Wing-tat moved to add, at the end of the paragraph, “The Select Committee thinks that Dr TOWNSEND should be severely reprimanded.”. Question on Mr LEE Wing-tat’s amendment proposed and put. Ms Emily LAU claimed a division. The Chairman ordered the Committee to divide.

58. Following the casting of votes, the Chairman stated that Mr LEE Wing-tat, Mr SIN Chung-kai and Ms Emily LAU were in favour of the amendment and that Dr Raymond HO, Mr Edward HO, Ms Margaret NG, Mr MA Fung-kwok, Mr LAU Kong-wah and Ms CHOY So-yuk were against. The Chairman declared that the amendment was negated. Paragraph 7.98 put and agreed to.

59. ***Paragraphs 7.99 to 7.116*** proposed, put and agreed to.

60. **Paragraph 7.117** proposed. Mr LEE Wing-tat moved to add, at the end of the paragraph, “The Select Committee thinks that Mr OAKERVEE should be severely reprimanded.”. Question on Mr LEE Wing-tat’s amendment proposed and put. Ms Emily LAU claimed a division. The Chairman ordered the Committee to divide.

61. Following the casting of votes, the Chairman stated that Mr LEE Wing-tat, Mr SIN Chung-kai and Ms Emily LAU were in favour of the amendment and Dr Raymond HO, Mr Edward HO, Ms Margaret NG, Mr MA Fung-kwok and that Mr LAU Kong-wah were against. The Chairman declared that the amendment was negatived. Paragraph 7.117 was put and agreed to.

62. **Paragraphs 7.118 to 7.126** put, proposed and agreed to.

63. **Paragraph 7.127** proposed. Mr LEE Wing-tat moved to add, at the end of the paragraph, “The Select Committee thinks that Mr HEED’s contract should not be renewed.”. Question on Mr LEE Wing-tat’s amendment proposed and put. Ms Emily LAU claimed a division. The Chairman ordered the Committee to divide.

64. Following the casting of votes, the Chairman stated that Mr LEE Wing-tat, Mr SIN Chung-kai and Ms Emily LAU were in favour of the amendment and that Dr Raymond HO, Mr Edward HO, Ms Margaret NG, Mr MA Fung-kwok, and Mr LAU Kong-wah were against. The Chairman declared that the amendment was negatived. Paragraph 7.127 put and agreed to.

65. **Paragraphs 7.128 to 7.134** proposed, put and agreed to.

66. **Paragraph 7.135** proposed. Mr LEE Wing-tat moved to add, at the end of the paragraph, “The Select Committee thinks that Mr CHATTERJEE’s contract should not be renewed.”. Question on Mr LEE Wing-tat’s amendment proposed and put. Ms Emily LAU claimed a division. The Chairman ordered the Committee to divide.

67. Following the casting of votes, the Chairman stated that Mr LEE Wing-tat, Mr SIN Chung-kai and Ms Emily LAU were in favour of the amendment and that Dr Raymond HO, Mr Edward HO, Ms Margaret NG, Mr MA Fung-
kwok and Mr LAU Kong-wah were against. The Chairman declared that the amendment was negated. Paragraph 7.135 was put and agreed to.

68. ***Paragraphs 7.136 to 7.147*** proposed, put and agreed to.

69. ***Paragraph 7.148*** proposed. Mr LEE Wing-tat moved to add, at the end of the paragraph, “The Select Committee thinks that Mr TSUI should be severely reprimanded and his appointment should be terminated.”. Question on Mr LEE Wing-tat’s amendment proposed and put. Mr LEE Wing-tat claimed a division. The Chairman ordered the Committee to divide.

70. Following the casting of votes, the Chairman stated that Mr LEE Wing-tat, Mr SIN Chung-kai and Ms Emily LAU were in favour of the amendment and that Dr Raymond HO, Mr Edward HO, Ms Margaret NG, Mr MA Fung-
kwok and Mr LAU Kong-wah were against. The Chairman declared that the amendment was negated. Paragraph 7.148 was put and agreed to.

71. ***Paragraphs 7.149 and 7.150*** proposed, put and agreed to.

72. Mr LAU Kong-wah moved to add ***a new paragraph after paragraph 7.150*** : “The Select Committee urges the AA Board to take this report’s conclusion into consideration when paying gratuity to the staff involved i.e. Mr HEED, Mr CHATTERJEE, and Mr TSUI, and review the cases of Dr TOWNSEND and Mr OAKERVEE who have already been paid the gratuity upon leaving AA.”. Question on Mr LAU Kong-wah’s amendment proposed, put and negated.

73. ***Paragraph 7.151 to 7.159*** proposed, put and agreed to.

74. ***Paragraphs 8.1 to 8.33*** proposed, put and agreed to.

75. *Acknowledgement* proposed. Ms Margaret NG moved that the last paragraph of the Acknowledgement page be amended by deleting the words “admirable dedication” and replacing with “cheerful hardwork under severe pressure”. Question on the amendment proposed, put and agreed to. Question on Acknowledgement, as amended, proposed, put and agreed to.

76. *Appendices 1 to 11* proposed, put and agreed to.

77. In regard to Volumes II to VI of the report, the Select Committee agreed that the verbatim transcripts of the 31 public hearings be included as the minutes of evidence.

78. Question that the Chairman’s report, as amended, be adopted as the report of the Committee to the Council proposed, put and agreed to.

II. Wording of the motion on “Report of the Select Committee”

79. A copy of the draft wording of the motion on “Report of the Select Committee” to be moved by the Chairman at the Council meeting on 3 February 1999 was tabled at the meeting for members’ consideration. Members endorsed the wording (Appendix).

80. The meeting ended at 3:15 pm.

Legislative Council Secretariat
23 January 1999