

Hong Kong  
30 May 2011

Mr Wong Yuk-Man  
Chairman, Information Technology and Broadcasting Panel  
Legislative Council  
Jackson Road  
Hong Kong

Dear Wong Yuk-Man

**Internet Learning Support Programme**

I see from media reports that various Government spokesmen have claimed that the memorandum I submitted to the panel last week does not constitute “evidence”.

I have today sworn an affidavit verifying the account of events given in the memorandum, and I attach it to this letter by way of service.

While the affidavit provides prima facie evidence of impropriety, the Panel cannot examine me on it under oath. Nor does the Panel have the right to summon and examine on oath other witnesses who would be able to corroborate or refute the account given in the memorandum.

The Panel might therefore quite properly consider it premature to make a finding of impropriety based only on my affidavit and memorandum, and on the discussion at the planned special meeting of the Panel.

As this stage, however, I do not invite the Panel to make a finding of impropriety. I merely invite it to conclude that the matters raised in the memorandum are of sufficient seriousness to warrant further investigation, with evidence from all relevant witnesses being given and tested under oath.

By using the powers conferred by the Legislative Council (Powers and Privileges) Ordinance, the Council would be able to uncover evidence that would corroborate or refute the account given in the memorandum.

Yours sincerely



Jeremy Godfrey

IN THE LEGISLATIVE COUNCIL OF THE  
HONG KONG SPECIAL ADMINISTRATIVE REGION

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IN THE MATTER OF THE INTERNET LEARNING SUPPORT  
PROGRAMME

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*AFFIDAVIT OF JEREMY RICHARD GODFREY*

I, JEREMY RICHARD GODFREY, of [REDACTED]

[REDACTED] make oath and say as follows:

1. I served as Government Chief Information Officer from 7 April 2008 until 12 February 2011.
2. On 28 May 2010, the Finance Committee of the Legislative Council approved the proposal in FCR(2010-11)1 to create a new commitment of \$220 million for facilitating needy students and parents to gain access to the Internet for learning. This programme is commonly known as the Internet

Learning Support Programme (“ILSP”). The Government Chief Information Officer is the Controlling Officer for this programme.

3. I make this affidavit in order to assist the Legislative Council, its committees, subcommittees and panels to scrutinize the process of selection of implementers for the ILSP and, inter alia, to determine whether or not to use the powers conferred by the Legislative Council (Powers and Privileges) Ordinance (Cap 382) to order persons to attend before the Council or a committee and to give evidence or to produce any paper, book, record or document in the possession or under the control of such persons.
4. The facts deposed to herein are true to the best of my knowledge, information and belief save where otherwise stated.
5. On 25 May 2011, I submitted a memorandum relating to the ILSP to the Information Technology and Broadcasting Panel of the Legislative Council (“the Panel”). This memorandum was issued to members of the Panel on 27 May 2011, as LC paper number CB(1)2299/10-11(01).
6. The memorandum contains an Annex setting out my recollection of the events leading to the Government’s decision to split the implementation of the Internet Learning Support Programme (ILSP) between the eInclusion Foundation (eInclusion) and the Hong Kong Council for Social Services (HKCSS). In particular, it records conversations which have led me to believe that decisions on the selection of the implementer for the ILSP may have been influenced by a need to achieve a politically desirable outcome,

rather than by the objective of delivering the greatest benefit to low-income families and optimizing value for money in public expenditure.


7. The facts stated in paragraphs 2 to 33 of the Annex are within my personal knowledge and I believe them to be true.
8. Save as stated in paragraphs 9 and 10 below, I believe the facts stated in paragraphs 2 to 33 of the Annex contain no omissions which would materially affect a fair assessment of the propriety and wisdom of the ILSP selection process.
9. The Annex does not identify the names of two civil servants who told me on separate occasions that they had conversations with the Financial Secretary or his Office in which the requirement to select a particular implementer was discussed. I did not include their names in the Annex because I did not consider it fair that serving civil servants might come under pressure to verify or deny my account without the protection they would receive if they were summoned as witnesses to give evidence to a committee of the Legislative Council, a commission of enquiry or a court.
10. The Annex does not contain a record of a confidential conversation I had with a third party that is material to the reasons why there was a political assignment to select a particular implementer. I did not include this conversation because I have not sought (and do not have) the third party's permission to disclose it; nor have I been required to disclose it by law. I also considered that the other evidence in the Annex is sufficient to enable the Legislative Council to decide whether or not to use the powers

conferred by the Legislative Council (Powers and Privileges) Ordinance to order persons to attend before the Council or a committee and to give evidence or to produce any paper, book, record or document in the possession or under the control of such persons.

11. My attention has been drawn to Section 40 of the Crimes Ordinance (Cap. 200), which states:

“Any person who wilfully uses for any purpose any affidavit which he knows to be false or does not believe to be true, wherever such affidavit may have been sworn, shall be guilty of an offence and shall be liable on conviction upon indictment to imprisonment for 7 years and to a fine.”

SWORN  
this 30 day of May 2011 ,

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Before me



Commissioner for Oaths, Judiciary.

**Sharon Andrea Ser**  
**Solicitor, Hong Kong SAR**  
**Withers**

**Withers**  
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Hong Kong

IN THE LEGISLATIVE COUNCIL OF THE  
HONG KONG SPECIAL ADMINISTRATIVE REGION

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IN THE MATTER OF  
THE INTERNET LEARNING SUPPORT  
PROGRAMME

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*AFFIDAVIT OF MR JEREMY  
RICHARD GODFREY*

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Filed on 30 May 2011

Jeremy Godfrey  
Former Government Chief Information  
Officer