

**Extract from the minutes of the House Committee meeting
on 17 February 2012**

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VIII. Follow-up on issues relating to the West Kowloon Reclamation Concept Plan Competition

(Extracts from the draft Hansard of the Council meeting of 15 February 2012 on the urgent oral question relating to the allegation of conflict of interests involving a Chief Executive candidate raised by Hon LEE Wing-tat (LC Paper No. CB(2) 1106/11-12(01)))

(a) Letter from Hon Emily LAU

(Letter dated 14 February 2012 from Hon Emily LAU to the Chairman of the House Committee (LC Paper No. CB(2) 1087/11-12(01)))

(b) Letter from Hon Abraham SHEK

(Letter dated 14 February 2012 from Hon Abraham SHEK to the Chairman of the House Committee (LC Paper No. CB(2) 1087/11-12(02)))

34. Ms Emily LAU said that at the meeting of the Joint Subcommittee to Monitor the Implementation of the West Kowloon Cultural District Project ("Joint Subcommittee") formed under the HA Panel and the Panel on Development ("Dev Panel") on 13 February 2012, she had proposed that the Joint Subcommittee should request the Administration to provide all information relating to the allegations of conflict of interests involving a Chief Executive ("CE") candidate in the West Kowloon Reclamation Concept Plan Competition ("the Competition") to facilitate the Joint Subcommittee to follow up on the matter. While members generally agreed to the proposal of requesting the Administration to provide the requisite information, there were diverse views on which committee should follow up on the matter. In the view of LA who had attended the Joint Subcommittee meeting, the Joint Committee might not be an appropriate forum having regard to its terms of reference. Some members were of the view that the matter should be followed up by the HA Panel while some others considered that it should be followed up by the Dev Panel. Given the diverse views, she had written to request the House Committee to decide on the most appropriate and effective forum to follow up on the matter. Noting Mr Abraham SHEK's proposal to seek LegCo's authorization to exercise the powers under the Legislative Council (Powers and Privileges) Ordinance (Cap. 382) ("the P&P Ordinance") to order the production of information relating to the Competition, she said that Members belonging to the Democratic Party would not object to the proposal if necessary, given the wide public

concern over the matter.

35. Mr Abraham SHEK opined that the matter under discussion concerned the West Kowloon Cultural District ("WKCD") development and not the forthcoming CE Election. He had raised the proposal because the WKCD project involved \$21.6 billion of public money and the public had the right to know what had actually happened. He considered it incumbent upon the Administration to adopt a transparent approach and disclose all information relating to the matter. Should the Administration refuse to do so or fail to obtain the consent of the parties concerned to release information involving them, it might be necessary to invoke the powers under the P&P Ordinance to order the production of the relevant information.

36. In response to the Chairman, Mr Abraham SHEK clarified that he wished the House Committee to consider at this meeting his proposal for invoking the powers under the P&P Ordinance should the Administration fail to provide the requisite information, so that the parties concerned could not continue to drag their feet on the matter.

37. Mr LEE Wing-tat said that according to the Secretary for Home Affairs' reply to his urgent oral question raised at the Council meeting of 15 February 2012, the Administration had to obtain the consent of the parties concerned to release information relating to them in the Competition. To his knowledge, one of the parties concerned had already refused to give such consent. At the Joint Subcommittee meeting on 13 February 2012, Mr IP Kwok-him, Chairman of the Joint Subcommittee, had indicated that the Subcommittee was not an appropriate forum for following up the matter. Mr LEE stressed that the public had the right to access the information and considered it necessary to follow up on the matter as soon as possible. He hoped that the House Committee could decide on the appropriate forum expeditiously so that early follow-up actions could be taken.

38. Mr IP Kwok-him explained that the terms of reference of the Joint Subcommittee were different from those of the Subcommittee on West Kowloon Cultural District Development formed under the House Committee in the Third LegCo under the chairmanship of Mr Alan LEONG. While the latter Subcommittee was formed to study and follow up on issues relating to the development of WKCD, including land use and planning, the Joint Subcommittee formed under the HA Panel and the Dev Panel in the Fourth LegCo under his chairmanship was to monitor issues relating to the implementation of the WKCD project, including the project's interface with arts and cultural development. Hence, he considered that matters relating to the Competition fell outside

the purview of the Joint Subcommittee. Mr IP further said that while Members belonging to the Democratic Alliance for the Betterment and Progress of Hong Kong ("DAB") had no strong view on which committee should follow up on the matter, they did not consider it necessary to invoke the powers under the P&P Ordinance at the present stage. They had all along been of the view that LegCo should exercise its powers under the P&P Ordinance in a prudent manner.

39. Mr WONG Kwok-kin said that Members belonging to the Hong Kong Federation of Trade Unions ("FTU") supported Mr Abraham SHEK's proposal of requesting the Administration to provide comprehensive information to LegCo for follow-up on the matter. As regards his proposal of seeking the Council's authorization to invoke the powers under the P&P Ordinance, Members belonging to FTU considered it necessary to examine the information to be provided by the Administration first.

40. Mr CHAN Kam-lam supported the proposal of requesting the Administration to provide information relating to the matter. As the WKCD project was under the portfolio of the Home Affairs Bureau, he considered that the matter should be followed up by the HA Panel. The HA Panel could convene a special meeting and request the Administration to provide the relevant information as early as possible. In his view, the Administration should provide information relating to the parties involved in the allegations of conflict of interests and information which was not subject to the confidentiality requirements, such as a chronology of events. If the Administration could not provide certain information due to the need to comply with the confidentiality requirements, Members could later consider the way to follow this up.

41. Mr Ronny TONG said that the CE Election was of wide public concern. As Mr LEUNG Chun-ying, who had announced his intention to run in the forthcoming CE Election, considered the Administration's handling of the matter unfair to him, Mr TONG was of the view that the Administration was duty-bound to disclose all information immediately. With the CE Election to be held on 25 March 2012, it was necessary to follow up the matter expeditiously to do justice to Mr LEUNG Chun-ying. Under such circumstances, he believed that invocation of the powers under the P&P Ordinance would accord with public expectation. To his knowledge, Dr Kenneth YEANG had already indicated disagreement to disclose information relating to him in the Competition. The Administration was legally bound by the confidentiality agreements, and invoking the powers under the P&P Ordinance would facilitate the production of the relevant information. In his view, objecting to the invocation of the powers under the P&P Ordinance would not help Mr

LEUNG Chun-ying. He appealed to Members belonging to DAB to support the proposal of invoking the powers under the P&P Ordinance.

42. Mr KAM Nai-wai did not subscribe to the view that the matter under discussion did not concern the forthcoming CE Election. As the matter was time critical, he supported the proposal of seeking the Council's authorization to invoke the powers under the P&P Ordinance should the Administration fail to provide the requisite information. He further said that he was the Deputy Chairman of the HA Panel and a member of the Dev Panel. As the Competition concerned the planning for the development of WKCD, he opined that it would be more appropriate for the Dev Panel to follow up on the matter.

43. Mr LEUNG Kwok-hung said that while it was incumbent upon Members to inquire into matters of public concern, he questioned whether LegCo should invoke the powers under the P&P Ordinance to inquire into the allegations concerning a candidate of the forthcoming CE Election, a small-circle election at which only 1 200 persons had the right to vote. He pointed out that there could be many media reports alleging misbehaviour and misconduct of individual candidates, and queried whether LegCo should look into each and every allegation. In his view, Members could consider an alternative approach of inviting the CE Election candidates to LegCo to provide an opportunity for them to confess any wrong-doing committed by them.

44. Mr LEUNG Yiu-chung said that the result of the CE Election would affect all Hong Kong people. While objecting to the small-circle election, he stressed the importance of ensuring fairness and impartiality in the election process. Furthermore, the WKCD project was a matter of public concern. Hence, he considered it necessary for the Administration to provide information relating to the Competition. To ensure that the time-critical matter was followed up expeditiously, he suggested that it be followed up by the House Committee, and expressed support for seeking the Council's authorization to exercise the powers under the P&P Ordinance.

45. Mr Alan LEONG said that LegCo should follow up on the matter because the public had the right to know what had happened in the adjudication of the Competition and ascertain whether fairness had been ensured throughout the process. In his view, it might not be necessary to request the Administration to disclose all information relating to the Competition. At the present stage, he considered it most important for the Administration to provide information on declarations of interests made by Mr LEUNG Chun-ying before and after the adjudication, as well as the assessment made and grade given by him to Dr Kenneth YEANG's

entry. To follow up the matter expeditiously, he suggested that a subcommittee should be appointed under the House Committee, and approval should be given for the immediate activation of the subcommittee. Should the Administration fail to respond to Members' request, the powers under the P&P Ordinance should be invoked to order the production of information.

46. Prof Patrick LAU said that he was the Chairman of the Dev Panel. As he was a member of the Jury of the Competition, should the matter be followed up by the Dev Panel, he would not chair the relevant Panel meetings. He shared the view that the matter should be followed up by the House Committee.

47. Ms Cyd HO shared the view that the matter should be followed up by the House Committee. In her view, all Members had conflict of interest in the matter as they had the right to make nomination in the CE Election. She therefore considered it important that LegCo's discussions on the matter should be conducted in an open and transparent manner. In view of the urgency of the matter and the public interest at stake, she suggested that the House Committee should convene a special meeting to discuss the matter in the following week. The Secretariat could help draw up a list of information to be provided by the Administration. She was most concerned about the Administration's role in the matter and considered it necessary for Members to find out whether the Administration's disclosure of information years after the Competition involved any political struggle.

48. Mr IP Kwok-him clarified that he had not said that he helped any CE Election candidates. He reiterated that Members belonging to DAB did not consider it appropriate to invoke the powers under the P&P Ordinance at the present stage. Mr IP also clarified that it was Mr CHAN Kam-lam's personal view that the matter should be followed up by the HA Panel. DAB did not have any particular view on which committee should follow up on the matter.

49. Ms Emily LAU agreed that the matter should be followed up by the House Committee and considered it not necessary to form any subcommittee. She suggested that the matter should be discussed at the next House Committee meeting scheduled for 24 February 2012 and the Administration should be requested to provide all relevant information before the meeting. Given the urgency of the matter, she considered that the proposal of invoking the powers under the P&P Ordinance should be pursued in parallel. She requested the Secretariat to assist in the matter to enable the moving, if necessary, of the relevant resolution at the earliest Council meeting.

50. Dr PAN Pey-chyou shared some Members' view that the powers under the P&P Ordinance should not be invoked lightly. He pointed out that it would take time to seek the Council's authorization to exercise the powers under the P&P Ordinance. Should the Council's authorization be obtained, it would be necessary to convene meetings and arrange to summon the parties concerned to attend the meetings. He queried whether the whole process could be completed before the CE Election to be held on 25 March 2012. He considered that Members should not proceed with the matter in haste.

51. Mr LEUNG Kwok-hung opined that Mr LEUNG Chun-ying's request for the Administration to disclose all information relating to the Competition was a shrewd tactic. It was difficult for the Administration to accede to the request given the confidentiality requirements. While he could understand the reasons held by some Members for expressing support for invoking the powers under the P&P Ordinance to order the production of the information, he queried the justifications for so doing. He doubted whether LegCo should invoke the powers under the P&P Ordinance for the purpose of clarifying allegations concerning every candidate of the small-circle CE Election.

52. Mr Abraham SHEK agreed that the matter should be followed up by the House Committee first. Should the Administration fail to provide the requisite information, Members could then consider the need to seek the Council's authorization to exercise the powers under the P&P Ordinance. In his view, LegCo's inquiry into the matter was not to do justice to certain persons, but for the sake of public interest. He stressed that the public had the right to know the truth about matters concerning the WKCD project.

53. Summing up, the Chairman said that she gathered from the discussions that the majority of the Members considered that the matter should be followed up by the House Committee. The Chairman suggested and Members agreed that a special House Committee meeting be held on next Friday, 24 February 2012, to discuss the matter with the Administration. The Administration should be requested to provide information relating to the allegations of conflict of interests before the meeting. Members also agreed that the special meeting should be held immediately after the regular House Committee meeting scheduled to be held at 2:30 pm on the same day and the duration of the special meeting should be three hours.

54. Dr Margaret NG said that as CS was the corresponding Secretary of Department of the House Committee, CS should be requested to coordinate the attendance of public officers at the special House Committee meeting and the provision of information requested by Members.

55. The Chairman suggested that after consideration of the information provided by the Administration and discussion with the Administration at the special meeting to be held on 24 February 2012, Members would consider whether to seek the Council's authorization to invoke the powers under the P&P Ordinance to order the production of the relevant information. She suggested allocating at least 15 minutes before the end of the special meeting for discussion of this issue if necessary. Members agreed with the arrangement.

56. Ms Emily LAU said that as there would be no Council meeting on 7 and 14 March 2012, the motion to seek the Council's authorization to exercise the powers under the P&P Ordinance, if necessary, should be moved at the Council meeting of 29 February 2012.

57. The Chairman requested the Secretariat to prepare the relevant information for seeking the Council's authorization to exercise the powers under the P&P Ordinance to facilitate Members' discussion at the special House Committee meeting.

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