

立法會
Legislative Council

LC Paper No. CB(3) 260/12-13

Ref. : CB(3)/M/MR

Tel : 3919 3302

Date : 27 December 2012

From : Clerk to the Legislative Council

To : All Members of the Legislative Council

Council meeting of 9 January 2013

Motion under Article 73(9) of the Basic Law

Members are invited to note that the President has given permission for a motion under Article 73(9) of the Basic Law to be moved at the Council meeting of 9 January 2013. The motion is jointly initiated by 27 Members and will be moved by Hon LEUNG Kwok-hung to charge the Chief Executive Mr LEUNG Chun-ying with serious breaches of law and/or dereliction of duty and to seek the Council's support to give a mandate to the Chief Justice of the Court of Final Appeal to form and chair an independent investigation committee to investigate the alleged serious breaches of law and/or dereliction of duty and report its findings to this Council ("motion for investigation"). The motion for investigation is attached for Members' consideration. The President has directed that "it be printed in the terms in which it was handed in" on the Agenda of the Council.

2. The manner of debating the motion for investigation will follow that stipulated in Rule 33 of the Rules of Procedure ("RoP"). The speaking order for the motion for investigation is set out as follows:

- (a) the President calls upon Hon LEUNG Kwok-hung to speak and move the motion;
- (b) the President proposes the question on Hon LEUNG Kwok-hung's motion;

- (c) the President invites the public officer(s) to speak;
- (d) the President then invites other Members to speak;
- (e) after all Members who wish to speak have spoken, the President invites the public officer(s) to speak again; and
- (f) the President calls upon Hon LEUNG Kwok-hung to reply. Thereafter, the President puts to vote the question on Hon LEUNG Kwok-hung's motion.

3. The attendance of public officer(s) at the debate on the motion for investigation is to be advised by the Administration.

4. In accordance with Rule 36(5) of RoP, each Member may only speak once in the debate and the speaking time limit for each Member is 15 minutes, except the mover of the motion who may speak twice and may speak for up to 15 minutes each time.

5. The voting method for the motion for investigation will follow that stipulated in Rule 46(2) of RoP, i.e. the passage of the motion shall require a majority vote of each of the following two groups of Members present:

- (a) Members returned by functional constituencies; and
- (b) Members returned by geographical constituencies through direct elections.

6. Members are invited to note that if the motion for investigation is passed, the Clerk to the Legislative Council will immediately inform the Chief Justice of the Court of Final Appeal of the Council's decision for him to form and chair an independent investigation committee to investigate the charges. If the motion for investigation is not carried, according to Rule 32 of RoP, no further motion for investigation in respect of the same charges can be moved within the same session.

(Ms Dora WAI)
for Clerk to the Legislative Council

Encl.

**Motion under Article 73(9) of the Basic Law
moved by Hon Albert HO Chun-yan, Hon LEE Cheuk-yan,
Hon James TO Kun-sun, Hon LEUNG Yiu-chung,
Hon Emily LAU Wai-hing, Hon Frederick FUNG Kin-kee,
Dr Hon Joseph LEE Kok-long, Hon Ronny TONG Ka-wah,
Hon Cyd HO Sau-lan, Hon CHEUNG Kwok-che,
Hon Alan LEONG Kah-kit, Hon LEUNG Kwok-hung,
Hon Albert CHAN Wai-yip, Hon WONG Yuk-man, Hon Claudia MO,
Hon WU Chi-wai, Hon Gary FAN Kwok-wai, Hon Charles Peter MOK,
Hon CHAN Chi-chuen, Dr Hon Kenneth CHAN Ka-lok,
Hon Kenneth LEUNG, Dr Hon KWOK Ka-ki, Hon Dennis KWOK,
Dr Hon Fernando CHEUNG Chiu-hung, Hon SIN Chung-kai,
Dr Hon Helena WONG Pik-wan and Hon IP Kin-yuen
at the Council meeting of 9 January 2013**

Wording of the Motion

Whereas not less than one-fourth of all the Members of this Council have jointly initiated this motion charging the Chief Executive Mr LEUNG Chun Ying with serious breaches of law and/or dereliction of duty (as particularized in the Schedule and Annexes appended to this motion); and whereas the said Mr LEUNG Chun Ying has refused to resign within a reasonable time, this Council, in accordance with Article 73(9) of the Basic Law, hereby gives a mandate to the Chief Justice of the Court of Final Appeal to form and chair an independent investigation committee to investigate the alleged serious breaches of law and/or dereliction of duty and report its findings to this Council.

Schedule

Particulars of serious breaches of law and/or dereliction of duty of the Chief Executive Mr LEUNG Chun Ying:

Charge 1: Intentionally giving false statements and answers in this Council in dereliction of the constitutional duty under Articles 60(1) and 64 of the Basic Law to be accountable to this Council as the head of the Government of the HKSAR

In his conduct while being the Chief Executive of the Hong Kong Special Administrative Region (“HKSAR”), Mr LEUNG Chun Ying, in violation of his constitutional oath to uphold the Basic Law in the Office of Chief Executive of the HKSAR and serve the HKSAR conscientiously, dutifully, in full accordance with the law, honestly and with integrity, and in violation of his constitutional duty to be a person of integrity, to implement faithfully the Basic Law and other laws of the HKSAR and, as the head of the HKSAR Government, to be accountable to this Council, has committed an offence of intentionally giving false statements and/or answers to questions put to him in this Council (as particularized in Annex I appended hereto). In all of this, Mr LEUNG Chun Ying has acted in dereliction of his constitutional duty under

Articles 60(1) and 64 of the Basic Law to be accountable to this Council and to answer questions raised by members of this Council honestly and with integrity as the head of the Government of the HKSAR.

Charge 2: Engaging in a course of conduct in serious breach of Article 47(1) of the Basic Law

In his conduct while being the Chief Executive of the HKSAR, Mr LEUNG Chung Ying, in violation of his constitutional oath to uphold the Basic Law in the Office of Chief Executive of the HKSAR and serve the HKSAR conscientiously, dutifully, in full accordance with the law, honestly and with integrity, and in violation of his constitutional duty to be a person of integrity, to implement faithfully the Basic Law and other laws of the HKSAR and, as the head of the HKSAR Government, to be accountable to this Council, has engaged in a course of conduct designed to delay, impede, cover up, and conceal the fact that he had wilfully corrupted and manipulated the electoral process of the HKSAR and undermined the integrity of the Chief Executive Election 2012, which he won by dishonest means, namely, by making materially false and/or misleading statements. The means used to implement this course of conduct included one or more of the acts particularized in Annex II appended hereto. In all of this, Mr LEUNG Chun Ying has been in serious breach of law, namely Article 47(1) of the Basic Law which provides that the Chief Executive must be a person of integrity, dedicated to his or her duties, and has been in dereliction of his constitutional duty as the Chief Executive in that he has undermined the integrity of his office, has brought disrepute on the office, has betrayed his trust as the Chief Executive, and has acted in a manner subversive of the rule of law and justice, to the manifest injury of the people of the HKSAR.

Charge 3: Serious breach of law by culpable misconduct in public office in directing, causing, authorizing or permitting the Office of the Chief Executive-elect to make false and/or misleading statements in response to public inquiry

In his conduct while being the Chief Executive-elect of the HKSAR, Mr LEUNG Chun Ying, having been appointed by the Central People's Government as the fourth term Chief Executive of the HKSAR on 28 March 2012 and in the course of his public office as the Chief Executive-elect, has wilfully misconducted himself without reasonable excuse or justification in that he wilfully directed, caused, authorized or permitted the Office of the Chief Executive-elect to make materially false and/or misleading statements to the public in response to public inquiry about the unauthorized building works at his residence at House Nos. A and B, No. 4 Peel Rise (as particularized in Annex III appended hereto). In all of this, Mr LEUNG Chun Ying has been in serious breach of law through the commission of the common law offence of misconduct in public office.

Annex I

- (1) At the session in this Council on 16 July 2012, Mr LEUNG Chun Ying said the following:

「我想重申，在有關問題上，我自己有嚴重疏忽，但對所有可能違例的事項，我並沒有隱瞞，而是全部立即處理，部分僭建物已在一、兩天間拆除。」

(Translation)

I wish to reiterate that in regard to this incident, there was gross negligence on my part, but I have never concealed any possible contraventions. Instead, I sought to deal with all the problems immediately by dismantling some of the UBWs in one or two days.)

By this statement, Mr LEUNG Chun Ying made a false and/or misleading statement to this Council that he had never deceived the public or concealed anything from the public regarding possible unauthorized building works (“UBWs”) at his residence at House Nos. A and B, No. 4 Peel Rise (“the Properties”), when he actually knew that the illegal room in the basement of the Properties and the brick wall therein were UBWs, and that the public did not know about their existence at all material times until the publication of his written statement dated 23 November 2012;

- (2) By the same statement set out in (1) above, Mr LEUNG Chun Ying made a false and/or misleading statement to this Council that he had already dealt with all the possible UBWs at the Properties immediately, when he knew that he had been ignoring the 4 letters from the Buildings Department requesting for information about the brick wall in the basement of the Properties and thus failed to deal with the illegal room in the basement of the Properties and the brick wall therein “immediately”;
- (3) At the session in this Council on 10 December 2012, Mr LEUNG Chun Ying said the following:

「在某些環節上，我是應該做得更加好，但我從來沒有任何欺騙或隱瞞，即使有些情節會令到大家覺得比較敏感等等，我都已向大家全部交代清楚。」

(Translation)

On certain aspects, admittedly I should have done better, but I have never done anything to deceive or to conceal. Even on matters which may cause some feeling of sensitivity among people, I have already given a clear and full account.)

By this statement, Mr LEUNG Chun Ying repeated a false and/or misleading statement to this Council that he had never deceived the public or concealed anything from them regarding UBWs at the Properties, when in fact he knew that he had done precisely that at the session in this Council on 16 July 2012 as set out in paragraphs (1) and (2) above, and when in fact he knew that from or about 21 June 2012 till late November 2012, he had concealed from the public (1) the existence of the illegal room in the basement of the Properties; (2) the brick wall that he erected in November 2011 for the purpose of concealing the said illegal room in the basement of the Properties; and (3) the fact that the Buildings Department had issued 4 letters requesting for information on the construction and purpose of the brick wall;

- (4) At the session in this Council on 10 December 2012, Mr LEUNG Chun Ying said the following:

「我從來都沒有隱瞞過，說那些僭建物，是還是不是我做的，而是我把事實清清楚楚說出來，由六月下旬到現在都是這樣。」

(Translation)

I have never concealed anything and said that those UBWs were or were not built by me. Instead, I have clearly stated all the facts, and this has been the case since the end of June and up to now.)

By this statement, Mr LEUNG Chun Ying made a false and/or misleading statement to this Council that he had never concealed the fact that he himself had built some of the UBWs at the Properties, when he knew that he had done precisely that in relation to at least an illegal wooden trellis which he claimed, through the Office of the Chief Executive-elect, on or about 20 June 2012, was already there when he purchased the Properties, but which was later replaced by a glass trellis, whereas as a matter of fact, both the wooden trellis as well as the glass trellis were actually built or caused to be built by Mr LEUNG Chun Ying after he moved into the Properties. The said statement from the Office of the Chief Executive-elect was as follows:

「有關結構的前身為一木花棚，梁先生於2000年買入該物業時已經存在。因為白蟻蛀蝕嚴重，幾年前改建為一金屬加玻璃的簡單結構，本質為一建在花園的玻璃篷，並非密封，沒有增加要計算入地積比例的面積。前身的木花棚和改建的金屬加玻璃結構均沒有入則，屋宇署人員亦沒有到該物業視察。」

昨晚(周二)接獲貴報查詢，梁先生今早(周三)經諮詢專業意見後，決定立即拆除該結構，下午已清拆完畢。

梁先生無意違反《建築物條例》。他在買入該物業後，只曾在通道上加建玻璃蓋，當時亦主動向屋宇署申請並獲批准，故他相信家中並無僭建物，否則不會在該玻璃篷前及家中其他地方多次接受媒體採訪。

此事實屬無心之失，梁先生亦即時作出回應。」

(Translation

The relevant structure was originally a wooden trellis, which was in existence when Mr LEUNG purchased the properties in 2000. Because of the severe damage by termites, the trellis was rebuilt as a simple structure of metal and glass. It is by its nature a glass canopy in the garden and is not an enclosed structure; it does not add to the area relevant for the calculation of plot ratio. Neither the plan of the original wooden trellis or of the rebuilt metal and glass structure was submitted, and no official from the Buildings Department had inspected the premises.

After receiving inquiries from your newspaper last night (Tuesday), this morning (Wednesday) Mr LEUNG, after taking professional advice, decided to immediately dismantle the said structure. The dismantling work was completed in the afternoon.

Mr LEUNG never intended to violate the Buildings Ordinance. After purchasing the said property, he had only added a glass roof to the passageway, and at the time, he took the initiative to apply to the Buildings Department for approval, which he did receive. Therefore he believed that there were no UBWs at his residence. Otherwise, he would not have accepted media requests for interviews in front of the said glass trellis or in other parts of his residence time and again.

This has been an inadvertent error, and Mr LEUNG has also responded at once.); and

- (5) At the session in this Council on 10 December 2012, Mr LEUNG Chun Ying said the following:

「主席，這個有個事實上的問題，我記憶中我沒說過我沒有僭建。」

(Translation

President, there is a factual question here: to my memory, I have never said that I did not have any UBWs.)

By this statement, Mr LEUNG Chun Ying made a false and/or misleading statement to this Council that he had never said that there were no UBWs at the Properties, when he knew that he had done precisely that on 14 and 15 May 2011, when he invited two groups of journalists to have lunch at his home and told them that there were no UBWs on his Properties, and that that had been confirmed to him by two lawyers and an architect/surveyor.

(6) Article 64 of the Basic Law provides as follows:

“The Government of the Hong Kong Special Administrative Region must abide by the law and be accountable to the Legislative Council of the Region: it shall implement laws passed by the Council and already in force; it shall present regular policy addresses to the Council; it shall answer questions raised by members of the Council; and it shall obtain approval from the Council for taxation and public expenditure.”

(7) Article 60(1) of the Basic Law provides as follows:

“The head of the Government of the Hong Kong Special Administrative Region shall be the Chief Executive of the Region.”

Annex II

- (1) In 1999, when Mr LEUNG Chun Ying purchased the Properties, he knew or should have known that there were UBWs at the Properties;
- (2) By March 2009, Mr LEUNG Chun Ying had already evinced an intention to run as a candidate at the Chief Executive Election 2012 (“the CE Election”);
- (3) In April and May 2011, it was widely reported that many prominent public figures in Hong Kong had UBWs on their properties, including, inter alia, the then Chief Executive Mr Donald TSANG, the then Secretary for Constitutional and Mainland Affairs Mr Stephen LAM, the then Secretary for Education Mr Michael SUEN, the Secretary for Commerce and Economic Development Mr Gregory SO, the Commissioner of Police Mr TSANG Wai-hung and many legislators across the political spectrum;
- (4) As a result, Mr Donald Tsang requested all senior officials to take the issue of UBWs seriously and check whether there were any UBWs on their properties. Mr LEUNG Chun Ying, being the then Convenor of the Non-Official Members of the Executive Council was clearly expected to do likewise;
- (5) As the press was interested to know whether Mr LEUNG Chun Ying also had UBWs on his Properties, Mr LEUNG Chun Ying invited two groups of journalists to have lunch at his home on 14 and 15 May 2011, and told them that there were no UBWs on his Properties, and that that had been confirmed to him by two lawyers and an architect/surveyor;
- (6) Mr LEUNG Chun Ying clearly knew or should have known that the above statements were untrue. And he clearly intended these untrue statements to be published in local newspapers.
- (7) The above untrue statements were indeed published in four local Chinese language newspapers immediately thereafter, and misled many people in Hong Kong to think that unlike so many public figures, he was a law-abiding citizen and did not have UBWs at the Properties;
- (8) Neither Mr LEUNG Chun Ying, nor Mr TANG Ying Yen Henry (“Mr Henry TANG”), the then Chief Secretary for Administration and his main opponent at the CE Election followed the said advice of the then Chief Executive Mr Donald TSANG in that while Mr Henry TANG kept silent and did nothing, Mr LEUNG Chun Ying lied to the journalists who believed him;

- (9) The press reports of Mr LEUNG Chun Ying's false statements were continuously made publicly known on the Internet since mid-May 2011;
- (10) Mr LEUNG Chun Ying had thereby gained the confidence and trust of people of Hong Kong who believed that there were no UBWs at the Properties, and that he was a law-abiding citizen, unlike so many other prominent public figures;
- (11) In November 2011, Mr LEUNG Chun Ying erected or caused to be erected a brick wall in the basement of the Properties without the prior approval or consent of the Buildings Department, contrary to sections 14(1) and 40(1AA) of the Buildings Ordinance, Cap. 123, for the purpose of concealing the existence of an expanded and illegal room in the basement of the Properties;
- (12) During the CE Election Debate on 16 March 2012, and notwithstanding his actual knowledge that he had concealed the illegal room in the basement of the Properties by the said brick wall, and his actual or constructive knowledge of the existence of other UBWs at the Properties, Mr LEUNG Chun Ying challenged the integrity of Mr Henry TANG and accused him of having lied to the public regarding UBWs at his residence at Kowloon Tong as follows:

「唐英年先生，好多人話，你嘅僭建問題，唔係單純嘅僭建問題，而係公開咁向市民講大話，隱瞞你嘅僭建問題。直至到有傳媒圖文並茂咁刊登，你先出嚟老老實實承認，你隱瞞僭建呢個事實。」

(Translation

Mr TANG Ying Yen, many people say that the problem about your UBWs is not simply a UBWs issue; rather, you openly lied to the public and concealed your UBWs. Not until the media published full reports with pictures on your UBWs did you honestly admit that you had concealed the fact.)

thereby deliberately misleading the public into believing that he, unlike Mr Henry TANG, his main opponent at the CE Election, did not have any UBWs at the Properties and did not have the integrity problem that Mr Henry TANG had;

- (13) As a result, Mr Henry TANG's popular support fell remarkably, much to the advantage of Mr LEUNG Chun Ying;
- (14) In doing the above, Mr LEUNG Chun Ying had placed his personal interest in winning the CE Election above the public interest of preserving the integrity of the CE Election, and ensuring that the CE Election was genuine and fair;

- (15) After being appointed as the fourth term Chief Executive on 28 March 2012, Mr LEUNG Chun Ying continued to conduct himself in a manner which was in serious breach of Article 47(1) of the Basic Law for the purpose of resisting legal challenges to the result of the CE Election and/or public pressure to step down, thus placing his private interest in assuming the Office of the Chief Executive above the public interest in maintaining the integrity of the Office of the Chief Executive-elect;
- (16) On 19 June 2012, having known that Ming Pao Daily News was going to report about the existence of UBWs at the Properties, Mr LEUNG Chun Ying called the Editor-in-Chief of Ming Pao Daily News directly, and thereby compromised the freedom of the press guaranteed by Article 27 of the Basic Law which Mr LEUNG Chun Ying had the constitutional duty to uphold;
- (17) On or about 20 June 2012, Mr LEUNG Chun Ying, through the Office of the Chief Executive-elect, denied responsibility for the existence of an illegal trellis at the Properties by saying that the wooden trellis was already there when he purchased the Properties, whereas as a matter of fact, both the wooden trellis and the glass trellis which replaced it were actually built or caused to be built by Mr LEUNG Chun Ying after he moved into the Properties. The said statement of the Office of the Chief Executive-elect was as follows:

「有關結構的前身為一木花棚，梁先生於2000年買入該物業時已經存在。因為白蟻蛀蝕嚴重，幾年前改建為一金屬加玻璃的簡單結構，本質為一建在花園的玻璃篷，並非密封，沒有增加要計算入地積比例的面積。前身的木花棚和改建的金屬加玻璃結構均沒有入則，屋宇署人員亦沒有到該物業視察。

昨晚(周二)接獲貴報查詢，梁先生今早(周三)經諮詢專業意見後，決定立即拆除該結構，下午已清拆完畢。

梁先生無意違反《建築物條例》。他在買入該物業後，只曾在通道上加建玻璃蓋，當時亦主動向屋宇署申請並獲批准，故他相信家中並無僭建物，否則不會在該玻璃篷前及家中其他地方多次接受媒體採訪。

此事實屬無心之失，梁先生亦即時作出回應。」

(Translation)

The relevant structure was originally a wooden trellis, which was in existence when Mr LEUNG purchased the properties in 2000. Because

of the severe damage by termites, the trellis was rebuilt as a simple structure of metal and glass. It is by its nature a glass canopy in the garden and is not an enclosed structure; it does not add to the area relevant for the calculation of plot ratio. Neither the plan of the original wooden trellis or of the rebuilt metal and glass structure was submitted, and no official from the Buildings Department had inspected the premises.

After receiving inquiries from your newspaper last night (Tuesday), this morning (Wednesday) Mr LEUNG, after taking professional advice, decided to immediately dismantle the said structure. The dismantling work was completed in the afternoon.

Mr LEUNG never intended to violate the Buildings Ordinance. After purchasing the said property, he had only added a glass roof to the passageway, and at the time, he took the initiative to apply to the Buildings Department for approval, which he did receive. Therefore he believed that there were no UBWs at his residence. Otherwise, he would not have accepted media requests for interviews in front of the said glass trellis or in other parts of his residence time and again.

This has been an inadvertent error, and Mr LEUNG has also responded at once.);

- (18) On or about 26 June 2012, Mr LEUNG Chun Ying directed, caused, authorized, or permitted the Office of the Chief Executive-elect to respond to a press enquiry as to the existence of the illegal room in the basement of the Properties by making a false and/or misleading statement denying the existence of such a room, when he had actual knowledge of its existence. The Apple Daily dated 26 June 2012 reported as follow:

「繼早前被傳媒及屋宇署揭出大宅六處僭建後，昨日有消息向本報稱，梁振英山頂貝璐道4號屋的地庫還有一間200呎懷疑僭建房間，供梁家作工人房使用。梁振英否認有此僭建，屋宇署表示會跟進。」

梁振英否認屋宇署跟進

4號屋依山而建，靠山一面的入口在地下，向行車路；另一面在地庫一層，外面是花園。消息指僭建房間應是在地庫向山延伸，在行車路下地底挖出約200呎的空間。根據圖則，地庫後面的地底應為「未經挖掘（unexcavated）」，不應有空間，如建有房間則屬僭建。候任特首辦昨晚10時回覆否認有此僭建。屋宇署表示日前視察主要是屋外僭建，現為新指控，須再跟進。」

(Translation

Following earlier reports by the media and the Buildings Department revealing that the mansion had six UBWs, a source informed this newspaper that there is another suspected illegal room of 200-feet in the basement of LEUNG Chun Ying's House No 4 on Peel Rise at the Peak for the Leung family to use as a servant's room. LEUNG Chun Ying denies the existence of such UBWs, and the Buildings Department indicated that it would follow up on it.

LEUNG Chun Ying denies and the Buildings Department follows up

House No 4 was built next to the hillside, the entrance on the side of the hillside is on the ground floor facing the roads; the other side is on the first floor of the basement, outside which is the gardens. The report says that the illegal room should be in the basement extending into the hillside, with a space of about 200 feet dug underneath the roads. According to the plans, the part of the underground of the back of the basement should be "unexcavated", so there should not be any space there, and any room constructed there would constitute UBWs. At 10 p.m. last night, the Office of the Chief Executive-elect denied the existence of such UBWs. The Buildings Department indicated that the inspection a few days ago was mainly of UBWs outside of the house; this is a new allegation which needs to be followed up.);

- (19) On 1 July 2012, Mr LEUNG Chun Ying took the Oath of the Chief Executive to serve the HKSAR conscientiously, dutifully, in full accordance with the law, honestly and with integrity;
- (20) Despite the Oath of the Chief Executive, Mr LEUNG Chun Ying continued to conduct himself in a manner which was in serious breach of Article 47(1) of the Basic Law for the purpose of resisting legal challenges to the result of the CE Election and/or public pressure to step down, thus placing his private interest in remaining in the Office of the Chief Executive above the public interest in maintaining the integrity of the Office of the Chief Executive;
- (21) From or about 21 June 2012 till late November 2012, and despite repeated promises to make full and frank disclosure of the details of the UBWs at the Properties, Mr LEUNG Chun Ying had, *inter alia*, concealed from the public (1) the existence of the illegal room in the basement of the Properties; (2) the brick wall that he erected in November 2011 for the purpose of concealing the said illegal room in the basement of the Properties; and (3) the fact that the Buildings Department had issued 4 letters requesting for information on the construction and purpose of the brick wall;

- (22) In answer to the public concern that he should have notified the Buildings Department of the existence of the illegal room in the basement of the Properties instead of concealing it by erecting the brick wall in November 2011, Mr LEUNG Chun Ying said the following on 26 November 2012:

「我當時係無隱瞞嘅。我當時嘅認知，係個僭建處理咗，個僭建就唔存在……嗰次係我第一次處理僭建，當時個工程比較細，我唔知道係要通知屋宇署。」

(Translation)

I did not conceal anything at the time. My understanding at the time was that once the UBWs were dealt with, they no longer existed...it was the first time I dealt with UBWs. The scale of the project at the time was relatively small; I did not know I had to notify the Buildings Department.)

Mr LEUNG Chun Ying lied to the public when he said in the above statement that he did not know he had to notify the Buildings Department of the said illegal room and of the erection of the brick wall because that was the first time he had handled UBWs, when as a matter of fact he had previous experience in handling UBWs at his other property in Stanley; and

- (23) In order to avoid criticism from the public and members of this Council, Mr LEUNG Chun Ying further told the following lies to the public when addressing this Council:

- (i) At the session in this Council on 16 July 2012, Mr LEUNG Chun Ying said the following:

「我想重申，在有關問題上，我自己有嚴重疏忽，但對所有可能違例的事項，我並沒有隱瞞，而是全部立即處理，部分僭建物已在一、兩天間拆除。」

(Translation)

I wish to reiterate that in regard to this incident, there was gross negligence on my part, but I have never concealed any possible contraventions. Instead, I sought to deal with all the problems immediately by dismantling some of the UBWs in one or two days.)

By this statement, Mr LEUNG Chun Ying made a false and/or misleading statement to this Council that he had never deceived the

public or concealed anything from the public regarding possible UBWs at the Properties, when he actually knew that the illegal room in the basement of the Properties and the brick wall therein were UBWs, and that the public did not know about their existence at all material times until the publication of his written statement dated 23 November 2012;

- (ii) By the same statement set out in (i) above, Mr LEUNG Chun Ying made a false and/or misleading statement to this Council that he had already dealt with all the possible UBWs at the Properties immediately, when he knew that he had been ignoring the 4 letters from the Buildings Department requesting for information about the brick wall in the basement of the Properties and thus failed to deal with the illegal room in the basement of the Properties and the brick wall therein “immediately”;
- (iii) At the session in this Council on 10 December 2012, Mr LEUNG Chun Ying said the following:

「在某些環節上，我是應該做得更加好，但我從來沒有任何欺騙或隱瞞，即使有些情節會令到大家覺得比較敏感等等，我都已向大家全部交代清楚。」

(Translation

On certain aspects, admittedly I should have done better, but I have never done anything to deceive or to conceal. Even on matters which may cause some feeling of sensitivity among people, I have already given a clear and full account.)

By this statement, Mr LEUNG Chun Ying repeated a false and/or misleading statement to this Council that he had never deceived the public or concealed anything from them regarding UBWs at the Properties, when in fact he knew that he had done precisely that as set out in paragraphs (21) and (23)(i) above;

- (iv) At the session in this Council on 10 December 2012, Mr LEUNG Chun Ying said the following:

「我從來都沒有隱瞞過，說那些僭建物，是還是不是我做的，而是我把事實清清楚楚說出來，由六月下旬到現在都是這樣。」

(Translation

I have never concealed anything and said that those UBWs were or were not built by me. Instead, I have clearly stated all the facts, and this has been the case since the end of June and up to now.)

By this statement, Mr LEUNG Chun Ying made a false and/or misleading statement to this Council that he had never concealed the fact that he himself had built some of the UBWs at the Properties, when he knew that he had done precisely that in relation to the illegal trellis as set out in paragraph (17) above; and

- (v) At the session in this Council on 10 December 2012, Mr LEUNG Chun Ying said the following:

「主席，這個有個事實上的問題，我記憶中我沒說過我沒有僭建。」

(Translation

President, there is a factual question here: to my memory, I have never said that I did not have any UBWs.)

By this statement, Mr LEUNG Chun Ying made a false and/or misleading statement to this Council that he had never said that there were no UBWs at the Properties, when he knew that he had done precisely that as set out in paragraph (5) above.

Annex III

- (1) On or about 20 June 2012, Mr LEUNG Chun Ying, through the Office of the Chief Executive-elect, denied responsibility for the existence of an illegal trellis at the Properties by saying that the wooden trellis was already there when he purchased the Properties, whereas as a matter of fact, both the wooden trellis and the glass trellis which replaced it were actually built or caused to be built by Mr LEUNG Chun Ying after he moved into the Properties. The said statement of the Office of the Chief Executive-elect was as follows:

「有關結構的前身為一木花棚，梁先生於2000年買入該物業時已經存在。因為白蟻蛀蝕嚴重，幾年前改建為一金屬加玻璃的簡單結構，本質為一建在花園的玻璃篷，並非密封，沒有增加要計算入地積比例的面積。前身的木花棚和改建的金屬加玻璃結構均沒有入則，屋宇署人員亦沒有到該物業視察。

昨晚(周二)接獲貴報查詢，梁先生今早(周三)經諮詢專業意見後，決定立即拆除該結構，下午已清拆完畢。

梁先生無意違反《建築物條例》。他在買入該物業後，只曾在通道上加建玻璃蓋，當時亦主動向屋宇署申請並獲批准，故他相信家中並無僭建物，否則不會在該玻璃篷前及家中其他地方多次接受媒體採訪。

此事實屬無心之失，梁先生亦即時作出回應。」

(Translation)

The relevant structure was originally a wooden trellis, which was in existence when Mr LEUNG purchased the properties in 2000. Because of the severe damage by termites, the trellis was rebuilt as a simple structure of metal and glass. It is by its nature a glass canopy in the garden and is not an enclosed structure; it does not add to the area relevant for the calculation of plot ratio. Neither the plan of the original wooden trellis or of the rebuilt metal and glass structure was submitted, and no official from the Buildings Department had inspected the premises.

After receiving inquiries from your newspaper last night (Tuesday), this morning (Wednesday) Mr LEUNG, after taking professional advice, decided to immediately dismantle the said structure. The dismantling work was completed in the afternoon.

Mr LEUNG never intended to violate the Buildings Ordinance. After purchasing the said property, he had only added a glass roof to the passageway, and at the time, he took the initiative to apply to the Buildings Department for approval, which he did receive. Therefore he believed that there were no UBWs at his residence. Otherwise, he would not have accepted media requests for interviews in front of the said glass trellis or in other parts of his residence time and again.

This has been an inadvertent error, and Mr LEUNG has also responded at once.); and

- (2) On or about 26 June 2012, Mr LEUNG Chun Ying directed, caused, authorized, or permitted the Office of the Chief Executive-elect to respond to a press enquiry as to the existence of the illegal room in the basement of the Properties by making a false and/or misleading statement denying the existence of such a room, when he had actual knowledge of its existence. The Apple Daily dated 26 June 2012 reported as follows:

「繼早前被傳媒及屋宇署揭出大宅六處僭建後，昨日有消息向本報稱，梁振英山頂貝璐道4號屋的地庫還有一間200呎懷疑僭建房間，供梁家作工人房使用。梁振英否認有此僭建，屋宇署表示會跟進。

梁振英否認屋宇署跟進

4號屋依山而建，靠山一面的入口在地下，向行車路；另一面在地庫一層，外面是花園。消息指僭建房間應是在地庫向山延伸，在行車路下地底挖出約200呎的空間。根據圖則，地庫後面的地底應為「未經挖掘（unexcavated）」，不應有空間，如建有房間則屬僭建。候任特首辦昨晚10時回覆否認有此僭建。屋宇署表示日前視察主要是屋外僭建，現為新指控，須再跟進。」

(Translation)

Following earlier reports by the media and the Buildings Department revealing that the mansion had six UBWs, a source informed this newspaper that there is another suspected illegal room of 200-feet in the basement of LEUNG Chun Ying's House No 4 on Peel Rise at the Peak for the Leung family to use as a servant's room. LEUNG Chun Ying denies the existence of such UBWs, and the Buildings Department indicated that it would follow up on it.

LEUNG Chun Ying denies and the Buildings Department follows up

House No 4 was built next to the hillside, the entrance on the side of the hillside is on the ground floor facing the roads; the other side is on the first floor of the basement, outside which is the gardens. The report says that the illegal room should be in the basement extending into the hillside, with a space of about 200 feet dug underneath the roads. According to the plans, the part of the underground of the back of the basement should be "unexcavated", so there should not be any space there, and any room constructed there would constitute UBWs. At 10 p.m. last night, the Office of the Chief Executive-elect denied the existence of such UBWs. The Buildings Department indicated that the inspection a few days ago was mainly of UBWs outside of the house; this is a new allegation which needs to be followed up.).