

MTR Corporation Limited
香港鐵路有限公司
www.mtr.com.hk



Direct Line : (852) 2993 3551
Fax : (852) 2993 3379

February 5, 2015

Ms Sophie Lau
Clerk to Select Committee
Legislative Council Complex
1 Legislative Council Road
Central
Hong Kong

By hand and by fax (2978 7569)

Dear Ms. Lau

Select Committee to inquire into the Background of and Reasons for the Delay of the Construction of the Hong Kong section of the Guangzhou-Shenzhen-Hong Kong Express Rail Link (“Select Committee”)

Request for information dated 23rd January 2015 – Supply of documentary information by MTR Corporation Limited (“the Corporation”)

We refer to your letter dated 23rd January 2015.

The Corporation is committed to working with the Select Committee in a cooperative manner to enable the Select Committee to perform the functions for which it has been established.

In providing documentary information (and in due course witness evidence) to the Select Committee, the Corporation is bound to take account of the following considerations in particular:

- (i) Contractual obligations – the Corporation has entered into numerous contracts with Government and third parties in relation to the construction of the Express Rail Link. Pursuant to these contracts, the Corporation is bound by certain contractual confidentiality provisions;
- (ii) Commercially sensitive information – certain documentation contains commercially sensitive information, the disclosure of which may prejudice the Corporation’s and Government’s legal and commercial position vis-a-vis third parties, in particular contractors working on the project;
- (iii) Legal and regulatory obligations – as a listed company, the Corporation is subject to obligations concerning the disclosure of information under the Rules Governing the Listing of Securities on the Stock Exchange of Hong Kong Limited and the Securities and Futures Ordinance.

The Corporation notes the procedure established by the Select Committee for the handling of material provided to it, in particular information or documents classified as confidential under paragraphs 21 and 22 of the Practice and Procedure of the Select Committee



Direct Line : (852) 2993 3551
Fax : (852) 2993 3379

- 2 -

(Appendix to LC Paper No. CB(4)216/14-15(01)) ("the Practice and Procedure") . The Corporation intends to rely on the protection afforded by the Practice and Procedure in so far as may be appropriate in all the circumstances.

The Corporation anticipates that there may be certain information or documents requested by the Select Committee during the course of its inquiry in respect of which, owing to particular confidentiality or commercial sensitivity concerns, it may be necessary for the Corporation to request that such information or documents should not be disclosed to the public and should be kept under strict control in a designated location (such as a room in the Legislative Council Building) and not removed from that room or photocopied. We understand that such practices were adopted by the Select Committee on Building Problems of Public Housing Units which operated between 2001 and 2004. The consent of the Select Committee to this treatment will then be required before the relevant information or documents may be disclosed.

The Corporation would like to assure the Select Committee that this approach is only intended to be adopted in circumstances where the Corporation considers that the interests, rights and obligations of itself, the Government or relevant third parties will be materially affected in the event of public disclosure of particular information or documents, primarily taking into account the considerations outlined at (i) to (iii) above.

The Corporation also reserves the right to redact information from any documents supplied to the Select Committee, whether on an open or confidential basis, based upon the same considerations.

We look forward to receiving the Select Committee's comments, if any.
The contents of this letter and any subsequent correspondence concerning the same subject-matter are confidential and shall not be disclosed to any third party.

Yours sincerely
For and on behalf of MTR Corporation Limited

A handwritten signature in black ink that reads "Gill Meller".

Gill Meller
Legal Director & Secretary

feb05.ltr1.15.doc