



**HIGHWAYS DEPARTMENT
RAILWAY DEVELOPMENT OFFICE**

1st FLOOR, HO MAN TIN GOVERNMENT OFFICES
88 CHUNG HAU STREET, HOMANTIN, KOWLOON, HONG KONG
Web site : <http://www.hyd.gov.hk>

路政署
鐵路拓展處
香港九龍何文田忠孝街八十八號
何文田政府合署一樓
網址: <http://www.hyd.gov.hk>

本署檔案 Our Ref. : () in HYD RDO 16-3/17/25 C
來函檔號 Your Ref. : CB4/SC/13
電話 Tel. : 2762 4000
圖文傳真 Fax : 2714 8176

Urgent by Fax (2543 9197)

17 March 2015

Ms Sophie LAU
Clerk to Select Committee
Legislative Council Secretariat
Legislative Council Complex
1 Legislative Council Road
Central, Hong Kong

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

I refer to your letter of 3 March 2015 to the Highways Department (HyD) requesting us to provide information listed as items (b), (c) and (d) in the Appendix of your letter of 23 January 2015. Item (b) refers to the monthly Progress Reports prepared by Jacobs China Limited from January 2010 up to April 2014. Item (c) refers to minutes of the meetings of the Project Supervision Committee (PSC) held from January 2010 up to April 2014 and the papers for these meetings. Item (d) refers to minutes of the Project Coordination Meetings (PCM) from the commencement of the construction of the Hong Kong section of the Guangzhou-Shenzhen-Hong Kong Express Rail Link (XRL) up to April 2014.

It is noted from your letter of 3 March 2015 that the Select Committee has considered our letter of 18 February 2015 at its meeting on 26 February 2015. We are informed that whilst the Select Committee appreciates our concern on confidentiality and commercially sensitive information, the Select Committee considers it inappropriate to enter into an agreement with HyD as condition precedent for the provision of documents to it. We also note that the Select Committee will not release to the media or the public any document provided by HyD, nor will it place such document on the website of the Legislative Council before it comes to a decision on its confidentiality under the Practice and Procedure of the Select Committee (“SC P&P”); and HyD will be given an opportunity to address it if we so wish.

First and foremost, we wish to reiterate that the Government will cooperate with the Select Committee in this inquiry as far as possible. We are prepared to provide the requested information to the Select Committee with minimal redactions. However, for the reasons as set out in our letter of 18 February 2015, we can only provide the information if the Select Committee agrees to keep the information confidential for use at closed hearings.

In considering whether the requested information, which contains commercially sensitive/confidential information, is to be released to the Select Committee, it is incumbent upon the Government to strike a balance between facilitating the work of the Select Committee and protecting public interests, including preserving the Government’s rights in any future claims.

As regards items (b), (c) and (d) in the Appendix of your letter of 23 January 2015, the Select Committee would appreciate that the monthly Progress Report prepared by Jacobs China Limited, the PSC minutes and papers, and the minutes of the PCM, contain some commercially sensitive information. These documents also contain details on how the construction contracts, which are on-going, are administered under the XRL project. Such details have to be kept confidential. Their disclosure in public might affect the handling of existing and any future claims with contractors by the Government and the MTRCL, hence our request for these information to be kept confidential for use at closed hearings. The PSC minutes are already deposited in MTRCL’s Data Room; we are prepared to provide copies (same as those in the Data Room) to the Select Committee if it agrees to keep the information confidential for use in closed hearings.

Having struck a balance between different public interests, including facilitating the work of the Select Committee and preserving the Government's rights in future claims, we have offered (in our letter of 18 February 2015) to provide the redacted versions of the above requested information to the Select Committee subject to its agreement to keep the information in confidence for use by the Select Committee members at closed hearings.

We would also like to take this opportunity to make a clarification in respect of item (c) documents. In our letter of 18 February 2015, we have informed the Select Committee about the PSC minutes and the PSC papers. I would like to clarify that for this item related to PSC documents, apart from the PSC minutes and PSC papers, there were also 51 sets of PSC reports submitted by MTRCL to PSC members before PSC meetings¹. These reports were not mentioned in our letter of 18 February 2015 as we had taken "papers" in item (c) of your letter of 23 January to mean the PSC papers only, while the 51 sets of PSC reports were covered in item (c) of your letter of 23 January to THB. We would defer to THB to continue liaising with the Select Committee on the production of these PSC reports.

We assure members of the Select Committee that the Government is committed to facilitating the work of the Select Committee. However, as public interests are at stake, it is necessary for us to safeguard the confidential nature of the information. Time is required for redacting the relevant parts of the documents and we have been expediting the process. We look forward to receiving the Select Committee's positive reply. Subject to the Select Committee's confirmation, we will strive to provide the Select Committee with the documents as detailed in our letter of 18 February 2015 as soon as practicable.

Yours sincerely,



(Henry CHAN)

Principal Government Engineer/Railway Development
Railway Development Office
Highways Department

c.c. Secretary for Transport and Housing (Attn: Miss Winnie WONG)

¹ Some of the PSC meetings were cancelled while reports were submitted.