

Ref: CB4/SC/13

**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**

**Minutes of the closed meeting
held on Monday, 6 June 2016, at 9:00 am
in Conference Room 4 of the Legislative Council Complex**

Members present : Hon Martin LIAO Cheung-kong, SBS, JP (Chairman)
Hon Tony TSE Wai-chuen, BBS (Deputy Chairman)
Hon LEE Cheuk-yan
Hon CHAN Kam-lam, SBS, JP
Hon Claudia MO
Hon Michael TIEN Puk-sun, BBS, JP
Hon Gary FAN Kwok-wai
Hon Charles Peter MOK, JP
Hon CHAN Han-pan, JP
Hon TANG Ka-piu, JP
Ir Dr Hon LO Wai-kwok, SBS, MH, JP

Members absent : Hon Frankie YICK Chi-ming, JP
Hon WU Chi-wai, MH

Clerk in attendance : Ms Sophie LAU
Chief Council Secretary (4)6

Staff in attendance : Mr Stephen LAM
Senior Assistant Legal Adviser 2

Mr Matthew LOO
Assistant Secretary General 4

Miss Winnie LO
Assistant Legal Adviser 7

Ms Macy NG
Senior Council Secretary (4)6

Miss Katherine CHAN
Council Secretary (4)6

I. Consideration of the comments received on extracts of the draft report of the Select Committee and consideration and endorsement of the report of the Select Committee paragraph by paragraph

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4. Members agreed to first consider the Chinese text of the draft report paragraph by paragraph, together with the comments made by witnesses and relevant parties on the relevant paragraphs and/or parts of the draft report. The English text of the draft report would be considered after the Select Committee had concluded consideration of the Chinese text of the report paragraph by paragraph.

Chapter 1

5. Paragraph 1.1 read and agreed to.
6. Paragraph 1.2 read, amended and agreed to.
7. Paragraphs 1.3 and 1.4 read, amended and agreed to.
8. Paragraphs 1.5 and 1.6 read and agreed to.
9. Paragraphs 1.7 to 1.10 read and agreed to.
10. Paragraph 1.11 read, amended and agreed to.
11. Paragraphs 1.12 to 1.14 read and agreed to.

Chapter 2

12. Paragraphs 2.1 to 2.3 read and agreed to.
13. Paragraph 2.4 read and agreed to.

14. Paragraphs 2.5 to 2.9 read and agreed to.
15. Paragraphs 2.10 and 2.11 read and agreed to.
16. Paragraph 2.12 read and agreed to.
17. Paragraphs 2.13 to 2.15 read and agreed to.
18. Paragraph 2.16 read, subject to further update and agreed to.
19. Paragraphs 2.17 to 2.19 read and agreed to.
20. Paragraphs 2.20 and 2.21 read and agreed to.
21. Paragraph 2.22 read, amended and agreed to.
22. Paragraphs 2.23 to 2.26 read and agreed to.
23. Paragraphs 2.27 to 2.30 read and agreed to.
24. Paragraphs 2.31 and 2.32 read and agreed to.
25. Paragraph 2.33 read, amended and agreed to.
26. Paragraphs 2.34 to 2.37 read and agreed to.
27. Paragraphs 2.38 to 2.41 read and agreed to.
28. Paragraphs 2.42 to 2.44 read and agreed to.
29. Paragraph 2.45 read, amended and agreed to.
30. Paragraphs 2.46 and 2.47 read and agreed to.
31. Paragraph 2.48 read, amended and agreed to.
32. Paragraphs 2.49 to 2.52 read and agreed to.
33. Paragraph 2.53 read, amended and agreed to.
34. Paragraphs 2.54 and 2.55 read and agreed to.

Chapter 3

35. Paragraph 3.1 read and agreed to.
36. Paragraphs 3.2 to 3.4 read and agreed to.
37. Paragraphs 3.5 to 3.8 read and agreed to.
38. Paragraph 3.9 read, amended and agreed to.
39. Paragraphs 3.10 to 3.12 read and agreed to.
40. Paragraph 3.13 read, amended and agreed to.
41. Paragraph 3.14 read, amended and agreed to.
42. Paragraph 3.15 read and agreed to.
43. Paragraph 3.16 read, amended and agreed to.
44. Paragraphs 3.17 to 3.19 read and agreed to.
45. Paragraphs 3.20 to 3.22 read and agreed to.
46. Paragraphs 3.23 to 3.26 read and agreed to.
47. Paragraphs 3.27 to 3.30 read and agreed to.
48. Paragraphs 3.31 to 3.35 read and agreed to.
49. Paragraph 3.36 read, amended and agreed to.
50. Paragraphs 3.37 to 3.40 read and agreed to.
51. Mr Gary FAN proposed some amendments to paragraphs 3.41, 3.42 and 3.51, and footnote to paragraph 3.41(b). His proposed amendments were tabled at the meeting.

(Post-meeting note: The proposed amendments by Mr Gary FAN were circulated to members on 8 June 2016 via LC Paper Nos CB(4)1092/15-16(01) and (02).)

52. Mr Gary FAN proposed to amend paragraph 3.41 by substituting the last two sentences with

"但路政署及港鐵公司並沒有要求盡早於城市高爾夫球會內進行全面的地底勘測，令勘測時間進一步變得緊迫。可見路政署及港鐵公司對該範圍複雜的地質情況缺乏警覺性。"

53. Members agreed to amend Mr Gary FAN's amendment by deleting "路政署及" after "但" and "可見" respectively; and "要求" after "並沒有". In addition, "地底勘測" should be amended as "工地勘測".

54. Mr Gary FAN also proposed to amend footnote to paragraph 3.41(b) by adding:

"專責委員會亦察悉，運輸及房屋局局長曾經在2014年6月的立法會會議上確認，承認政府知悉九廣鐵路曾於1997年委託法國地基建公司(Bachy Soletanche Group Limited)在西九龍總站(北)現址完成的地質報告，以及其他早期在西九龍總站(北)範圍內一些有關項目所完成的地質報告，並均已納入西九龍總站(北)810A的合約文件中，作為給予有關承建商參考的資料。"

55. Members agreed to amend Mr Gary FAN's proposed amendment by deleting "專責委員會亦察悉，". Members also considered that the wording of Mr FAN's proposed amendment should be amended to adhere to the wording of the Official Record of Records of Proceedings of the Legislative Council meeting on 11 June 2014 at page 14827 (English version) or page 10870 (Chinese version), in which "委託法國地基建公司(Bachy Soletanche Group Limited)" was not mentioned.

(*Post-meeting note:* Footnote to paragraph 3.41(b) reads as "專責委員會公開研訊的取證紀錄，2015年6月2日，第25至27頁；以及立法會會議過程正式紀錄，2014年6月11日，第10870頁。運輸及房屋局局長張炳良教授在該次立法會會議上指出，政府知悉毛孟靜議員提及有關九廣鐵路公司曾於1997年在西鐵柯士甸站完成的地質報告，以及其他早期在西九龍總站(北)範圍內就一些有關項目所完成的地質報告，均已納入西九龍總站(北)810A的合約文件中，作為給予有關承建商參考的資料。")

56. Paragraph 3.41 read, amended and agreed to.

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Council Business Division 4
Legislative Council Secretariat
29 June 2016

Ref: CB4/SC/13

**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**

**Minutes of the closed meeting
held on Tuesday, 7 June 2016, at 9:00 am
in Conference Room 4 of the Legislative Council Complex**

Members present : Hon Martin LIAO Cheung-kong, SBS, JP (Chairman)
Hon Tony TSE Wai-chuen, BBS (Deputy Chairman)
Hon LEE Cheuk-yan
Hon CHAN Kam-lam, SBS, JP
Hon Claudia MO
Hon Michael TIEN Puk-sun, BBS, JP
Hon WU Chi-wai, MH
Hon Gary FAN Kwok-wai
Hon TANG Ka-piu, JP
Ir Dr Hon LO Wai-kwok, SBS, MH, JP

Members absent : Hon Frankie YICK Chi-ming, JP
Hon Charles Peter MOK, JP
Hon CHAN Han-pan, JP

Clerk in attendance : Ms Sophie LAU
Chief Council Secretary (4)6

Staff in attendance : Mr Stephen LAM
Senior Assistant Legal Adviser 2

Mr Matthew LOO
Assistant Secretary General 4

Miss Winnie LO
Assistant Legal Adviser 7

Ms Macy NG
Senior Council Secretary (4)6

Miss Katherine CHAN
Council Secretary (4)6

I. Consideration of the comments received on extracts of the draft report of the Select Committee and consideration and endorsement of the report of the Select Committee paragraph by paragraph

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3. The Select Committee further considered paragraph 3.41 which was amended and agreed to at the meeting on 6 June 2016. The Select Committee considered it inappropriate to make further amendments to the endorsed version.

4. Mr Michael TIEN proposed to amend paragraph 3.41 by substituting the last two sentences with "但港鐵公司並沒有按城市高爾夫球會的短期租約，盡早於球會內進行全面的地底勘測，令勘測事件進一步變得緊迫。可見港鐵公司對該範圍複雜的地質情況缺乏承擔。". His proposed amendment was tabled at the meeting. The Select Committee considered that since Mr Michael TIEN's proposed amendment was submitted after paragraph 3.41 had been endorsed at the meeting on 6 June 2016, his proposed amendment should not be dealt with.

(Post-meeting notes:

(a) The proposed amendment by Mr Michael TIEN was circulated to members on 8 June 2016 via LC Paper No CB(4)1093/15-16(01).

(b) On 8 June 2016, Mr Michael TIEN requested to revise the wording of his proposed amendment as "但港鐵公司並沒有按城市高爾夫球會的短期租約，盡早於球會內進行全面的地底勘測，令勘測時間進一步變得緊迫。可見港鐵公司沒有盡責任去了解該範圍的複雜地質情況。")

5. Members continued to consider the Chinese text of the report of the Select Committee paragraph by paragraph together with the comments made

by witnesses and relevant parties on the relevant paragraphs and/or parts of the report.

Chapter 3

6. Mr Gary FAN proposed to amend paragraph 3.42 by substituting the last three sentences with "對於港鐵公司未有在較早階段製定預備方案，以應對西九龍總站地底的大量基岩石，及其他可能出現的不利地質情況，以致未能及時採取適當行動，專責委員會亦感到遺憾。"

7. As there were divided views among members on Mr Gary FAN's proposal, the Chairman put the proposal to vote. Three members voted for and four members voted against Mr Gary FAN's proposal. The Chairman declared that Mr Gary FAN's proposal was defeated.

8. Paragraph 3.42 read, with a textual amendment and agreed to.

9. Paragraphs 3.43 to 3.45 read and agreed to.

10. Paragraphs 3.46 to 3.48 read, amended and agreed to.

11. Paragraphs 3.49 and 3.50 read and agreed to.

12. Mr Gary FAN proposed that paragraph 3.51 be substituted by the following paragraph:

"專責委員會認為，以 2015 年 8 月 4 日為該工程項目的目標完工日期是粗疏及盲目自信的做法。鑒於工地勘測公認有其限制，政府及港鐵公司作為監核監督者和項目管理人，理應預留較長的緩衝期以應付西九龍總站地底複雜的地質情況，而並非明知地質情況複雜，仍堅持以緊迫的工期及成本開展工程。"

13. As there were divided views among members on Mr Gary FAN's proposal, the Chairman put the proposal to vote. Three members voted for and three members voted against Mr Gary FAN's proposal. The Chairman then exercised his casting vote in the negative according to paragraph 8 of the Practice and Procedure of the Select Committee, and declared that Mr Gary FAN's proposal was defeated.

14. Paragraph 3.51 read and agreed to.

15. Paragraph 3.52 read and agreed to.
16. Paragraph 3.53 read, amended and agreed to.
17. Paragraph 3.54 read and agreed to.
18. Mr Michael TIEN proposed to amend paragraph 3.50 by substituting "無法" with "沒有". The Select Committee considered that since Mr Michael TIEN's proposed amendment was submitted after paragraph 3.50 was endorsed, his proposed amendment should not be dealt with.
19. Mr Gary FAN proposed that the last sentence of paragraph 3.55 be substituted by the following sentence:

"負責監察該工程項目的政府人員並未有履行他們的職責，
即善用既有的制度。"
20. As there were divided views among members on Mr Gary FAN's proposal, the Chairman put the proposal to vote. One member voted for and two members voted against Mr Gary FAN's proposal, and one member abstained from voting. The Chairman declared that Mr Gary FAN's proposal was defeated.
21. Paragraph 3.55 read and agreed to.
22. Paragraph 3.56 read and agreed to.
23. Paragraphs 3.57 and 3.58 read, amended and agreed to.
24. Paragraph 3.59 read and agreed to.
25. Paragraph 3.60 read, amended and agreed to.
26. Paragraphs 3.61 to 3.63 read and agreed to.
27. Mr Gary FAN proposed to delete paragraph 3.64. As there were divided views among members on Mr Gary FAN's proposal, the Chairman put the proposal to vote. One member voted for and two members voted against Mr Gary FAN's proposal, and one member abstained from voting. The Chairman declared that Mr Gary FAN's proposal was defeated.
28. Paragraph 3.64 read and agreed to.

29. Paragraph 3.65 read and agreed to.

Chapter 4

30. Paragraph 4.1 read, amended and agreed to.

31. Paragraph 4.2 read and agreed to.

32. Paragraphs 4.3 and 4.4 read and agreed to.

33. Paragraphs 4.5 to 4.7 read and agreed to.

34. Paragraphs 4.8 and 4.9 read and agreed to.

35. Paragraphs 4.10 and 4.11 read and agreed to.

36. Paragraphs 4.12 to 4.14 read and agreed to.

37. Paragraphs 4.15 and 4.16 read and agreed to.

38. Paragraphs 4.17 to 4.23 read and agreed to.

39. Paragraphs 4.24 to 4.26 read and agreed to.

40. Paragraphs 4.27 to 4.33 read and agreed to.

41. Paragraphs 4.34 to 4.38 read and agreed to.

42. Paragraphs 4.39 to 4.43 read and agreed to.

43. Paragraphs 4.44 to 4.47 read and agreed to.

44. Mr WU Chi-wai proposed to delete paragraph 4.48. As there were divided views among members on Mr WU Chi-wai's proposal, the Chairman put the proposal to vote. Two members voted for and three members voted against Mr WU Chi-wai's proposal. The Chairman declared that Mr WU Chi-wai's proposal was defeated. Mr WU Chi-wai requested to add a footnote to paragraph 4.48 to reflect his proposed amendment. Members agreed.

45. Mr TANG Ka-piu proposed to amend paragraph 4.48 by deleting "因此，把所有責任歸咎於運輸及房屋局或路政署的現任官員，指他們沒有做好監察該工程項目的工作，或會有欠公允。"

46. As there were divided views among members on Mr TANG Ka-piu's proposal, the Chairman put the proposal to vote. One member voted for and three members voted against Mr TANG Ka-piu's proposal, and one member abstained from voting. The Chairman declared that Mr TANG Ka-piu's proposal was defeated. Mr TANG Ka-piu requested to add a footnote to paragraph 4.48 to reflect his proposed amendment. Members agreed.

47. Mr Gary FAN proposed to amend paragraph 4.48 by substituting the last four sentences with "運輸及房屋局或路政署的現任官員並沒有及早察覺'監核監督者'機制的缺陷，沒有加強對該工程項目的監察工作，反而繼續依賴港鐵公司，盲目信任港鐵公司過於樂觀的判斷，故此有關官員應該為延誤負上責任。"

48. As there were divided views among members on Mr Gary FAN's proposal, the Chairman put the proposal to vote. Two members voted for and three members voted against Mr Gary FAN's proposal. The Chairman declared that Mr Gary FAN's proposal was defeated. Mr Gary FAN requested to add a footnote to paragraph 4.48 to reflect his proposed amendment. Members agreed.

49. The Chairman proposed to amend paragraph 4.48 by deleting the second last sentence, i.e. "指他們沒有做好監察該工程項目的工作，". As there were divided views among members on the Chairman's proposal, the Chairman put the proposal to vote. Three members voted for and two members voted against the Chairman's proposal. The Chairman declared that his proposal was carried.

50. Paragraph 4.48 read, amended and agreed to.

51. Paragraphs 4.49 and 4.50 read and agreed to.

52. Paragraph 4.51 read, amended and agreed to.

53. Paragraphs 4.52 and 4.53 read and agreed to.

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Council Business Division 4
Legislative Council Secretariat
29 June 2016

Ref: CB4/SC/13

**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**

**Minutes of the closed meeting
held on Friday, 10 June 2016, at 9:00 am
in Conference Room 4 of the Legislative Council Complex**

- Members present** : Hon Martin LIAO Cheung-kong, SBS, JP (Chairman)
Hon Tony TSE Wai-chuen, BBS (Deputy Chairman)
Hon LEE Cheuk-yan
Hon CHAN Kam-lam, SBS, JP
Hon Claudia MO
Hon Michael TIEN Puk-sun, BBS, JP
Hon Frankie YICK Chi-ming, JP
Hon WU Chi-wai, MH
Hon Gary FAN Kwok-wai
Hon Charles Peter MOK, JP
Hon CHAN Han-pan, JP
Hon TANG Ka-piu, JP
Ir Dr Hon LO Wai-kwok, SBS, MH, JP
- Clerk in attendance** : Ms Sophie LAU
Chief Council Secretary (4)6
- Staff in attendance** : Mr Stephen LAM
Senior Assistant Legal Adviser 2
- Mr Matthew LOO
Assistant Secretary General 4
- Ms Macy NG
Senior Council Secretary (4)6

I. Consideration of the comments received on extracts of the draft report of the Select Committee and consideration and endorsement of the report of the Select Committee paragraph by paragraph from paragraph 4.54

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2. Members continued to consider the Chinese text of the report of the Select Committee paragraph by paragraph together with the comments made by witnesses and relevant parties on the relevant paragraphs and/or parts of the report.

Chapter 4

3. Paragraphs 4.54 to 4.58 read and agreed to.
4. Paragraphs 4.59 to 4.63 read and agreed to.
5. Paragraphs 4.64 to 4.69 read and agreed to.
6. Paragraphs 4.70 to 4.76 read and agreed to.
7. Paragraphs 4.77 to 4.80 read and agreed to.

Chapter 5

8. Paragraph 5.1 read and agreed to.
9. Paragraphs 5.2 to 5.5 read and agreed to.
10. Paragraphs 5.6 to 5.8 read and agreed to.
11. Paragraphs 5.9 to 5.14 read and agreed to.
12. Paragraphs 5.15 to 5.20 read and agreed to.
13. Paragraphs 5.21 to 5.23 read and agreed to.

14. Paragraph 5.24 read, amended and agreed to.
15. Paragraph 5.25 read and agreed to.
16. Paragraphs 5.26 to 5.29 read and agreed to.
17. Paragraphs 5.30 to 5.32 read and agreed to.
18. Paragraphs 5.33 to 5.39 read and agreed to.
19. Paragraphs 5.40 to 5.43 read and agreed to.
20. Paragraph 5.44 read, amended and agreed to.
21. Paragraphs 5.45 to 5.48 read and agreed to.
22. Paragraphs 5.49 and 5.50 read, amended and agreed to.
23. Paragraphs 5.51 to 5.55 read and agreed to.
24. Paragraphs 5.56 to 5.59 read and agreed to.
25. Paragraphs 5.60 and 5.61 read and agreed to.
26. Paragraph 5.62 read, amended and agreed to.
27. Paragraphs 5.63 to 5.65 read and agreed to.
28. Paragraphs 5.66 to 5.69 read and agreed to.
29. Paragraphs 5.70 to 5.73 read and agreed to.
30. Paragraph 5.74 read and agreed to.
31. Paragraph 5.75 read, amended and agreed to.
32. Paragraphs 5.76 to 5.80 read and agreed to.
33. Paragraphs 5.81 to 5.84 read and agreed to.

(Post-meeting note: At the Select Committee meeting on 14 June 2016, Mr LEE Cheuk-yan, Ms Claudia MO and Mr Gary FAN expressed that they disagreed to the suggestion of "在有需要時精簡

補充勞工計劃所需的程序，加快輸入勞工以應付"
mentioned in paragraph 5.83.)

Chapter 6

34. Paragraph 6.1 read, amended and agreed to.
35. Paragraph 6.2 read and agreed to.
36. Paragraphs 6.3 to 6.5 read and agreed to.
37. Paragraphs 6.6 to 6.11 read and agreed to.
38. Paragraphs 6.12 to 6.15 read and agreed to.
39. Paragraphs 6.16 to 6.19 read and agreed to.
40. Paragraph 6.20 read, amended and agreed to.
41. Paragraphs 6.21 to 6.23 read and agreed to.
42. Paragraphs 6.24 to 6.28 read and agreed to.
43. Paragraphs 6.29 to 6.31 read and agreed to.
44. Paragraph 6.32 read, amended and agreed to.
45. Paragraph 6.33 read and agreed to.
46. Paragraphs 6.34 to 6.39 read and agreed to.
47. Paragraph 6.40 read and agreed to.
48. Paragraphs 6.41 to 6.45 read and agreed to.
49. Paragraph 6.46 read and agreed to.
50. Paragraph 6.47 read, amended and agreed to.
51. Paragraph 6.48 read and agreed to.
52. Paragraph 6.49 read, amended and agreed to.

53. Paragraphs 6.50 to 6.52 read and agreed to.
54. Paragraphs 6.53 and 6.54 read, amended and agreed to.
55. Paragraphs 6.55 to 6.61 read and agreed to.
56. Paragraphs 6.62 and 6.63 read and agreed to.
57. Paragraphs 6.64 to 6.69 read and agreed to.
58. Paragraphs 6.70 and 6.71 read and agreed to.
59. Paragraph 6.72 read, amended and agreed to.
60. Paragraph 6.73 read and agreed to.
61. Paragraph 6.74 read, amended and agreed to.

Chapter 7

62. Paragraphs 7.1 to 7.4 read and agreed to.
63. Paragraph 7.5 read and agreed to.
64. Paragraph 7.6 read, amended and agreed to.
65. Paragraph 7.7 read and agreed to.
66. Paragraph 7.8 read and agreed to.
67. Mr Gary FAN proposed to amend paragraph 7.9 by substituting

"此外，路政署／鐵路拓展署本身缺乏興建鐵路系統的實際經驗及專業技能，或許亦導致其職員缺乏信心，未能在監察港鐵公司表現時承擔更主動和積極的角色。"

with

"此外，路政署署長對工程進度一直作出錯誤的專業判斷，認為滯後不等於整體項目的完工期一定都有延誤，因而需給予港鐵機會，讓其繼續研究一些追回進度措施，繼續推展工程，這判斷導致路政署／鐵路拓展處盲目認為港

鐵可追回進度，遲遲未能下定決心在監察港鐵公司表現時承擔更主動的角色。"

His proposed amendment was tabled at the meeting.

(Post-meeting note: The proposed amendment by Mr Gary FAN was circulated to members on 10 June 2016 via LC Paper No CB(4)1104/15-16(01) .)

68. As there were divided views among members on Mr Gary FAN's proposal, the Chairman put the proposal to vote. Five members voted for and six members voted against Mr Gary FAN's proposal. The Chairman declared that Mr Gary FAN's proposal was defeated.

69. Paragraph 7.9 read and agreed to.

70. Ms Claudia MO and Mr Gary FAN requested a division in relation to all subsequent amendments proposed by members. Members agreed.

71. Paragraphs 7.10 and 7.11 read and agreed to.

72. Mr Gary FAN proposed to amend paragraph 7.12 by

(a) substituting the first four sentences with "專責委員會認為，為該工程項目制訂緊迫的時限是政府及港鐵公司的錯誤判斷，而政府及港鐵公司亦沒有在2010年工程開展之初，如實向公眾交代緊迫工期的風險，是誤導公眾錯信2015年8月是一個合理的完工期。鑒於地底勘測公認有其限制，政府及港鐵公司理應預留較長的緩衝期以應付西九龍總站地底複雜的地質情況，而並非明知地質情況複雜，仍堅持以緊迫的工期及成本開展工程。"; and

(b) substituting

"專責委員會亦認為，港鐵公司接納該目標完工日期，實屬過於樂觀。"

with

"專責委員會亦認為，港鐵公司接納該目標完工日期，實屬不負責任。專責委員會察悉，梁國權先生於

2015年7月15日出席的研訊中，有委員質疑港鐵公司前工程總監柏立恆在2009年時曾提出2015年8月的目標完工日期太趕急，估算要在2017年才能完工，而且工程費用需要800億元。但港鐵公司並不接納該估算，柏立恆因而辭職，梁國權在研訊中對該質疑不置可否。"

His proposed amendments were tabled at the meeting.

(Post-meeting note: The proposed amendments by Mr Gary FAN were circulated to members on 10 June 2016 via LC Paper No CB(4)1104/15-16(01) .)

73. Mr LEE Cheuk-yan proposed to amend Mr Gary FAN's proposal by deleting "，是誤導公眾錯信2015年8月是一個合理的完工期".

74. As there were divided views among members on Mr LEE Cheuk-yan's proposal, the Chairman put the proposal to vote.

The following members voted in favour of the proposal:

Mr LEE Cheuk-yan, Ms Claudia MO, Mr WU Chi-wai, Mr Gary FAN and Mr Charles Peter MOK.
(5 members)

The following members voted against the proposal:

Mr Tony TSE, Mr CHAN Kam-lam, Mr Michael TIEN, Mr Frankie YICK, Mr CHAN Han-pan and Ir Dr LO Wai-kwok.
(6 members)

75. The Chairman declared that five members voted for and six members voted against Mr LEE Cheuk-yan's proposal. He declared that Mr LEE Cheuk-yan's proposal was defeated.

76. Mr Gary FAN proposed to amend the last sentence of his proposed amendment to paragraph 7.12 by substituting "梁國權在研訊中對該質疑不置可否" with "梁國權先生在研訊中聲稱未能記起".

77. As there were divided views among members on Mr Gary FAN's revised proposal, the Chairman put the proposal to vote.

The following members voted in favour of the proposal:

Mr LEE Cheuk-yan, Ms Claudia MO, Mr WU Chi-wai, Mr Gary FAN and Mr Charles Peter MOK.

(5 members)

The following members voted against the proposal:

Mr Tony TSE, Mr CHAN Kam-lam, Mr Frankie YICK, Mr CHAN Han-pan and Ir Dr LO Wai-kwok.

(5 members)

The following member abstained from voting:

Mr Michael TIEN.

(1 member)

78. As the votes were equally divided, the Chairman exercised his casting vote in the negative according to paragraph 8 of the Practice and Procedure of the Select Committee and declared that Mr Gary FAN's proposal was defeated.

79. Paragraph 7.12 read, with textual amendments and agreed to.

80. Paragraph 7.13 read, amended and agreed to.

81. Ms Claudia MO proposed to amend the last part of the last sentence of paragraph 7.14 after the word "未" by substituting "有好好地履行其任務" with "盡責".

82. As there were divided views among members on Ms Claudia MO's proposal, the Chairman put the proposal to vote.

The following members voted in favour of the proposal:

Mr LEE Cheuk-yan, Ms Claudia MO, Mr WU Chi-wai, Mr Gary FAN and Mr Charles Peter MOK.

(5 members)

The following members voted against the proposal:

Mr Tony TSE, Mr CHAN Kam-lam, Mr Michael TIEN, Mr Frankie YICK, Mr CHAN Han-pan and Ir Dr LO Wai-kwok.

(6 members)

83. The Chairman declared that five members voted for and six members voted against Ms Claudia MO's proposal. He declared that Ms Claudia MO's proposal was defeated. Ms Claudia MO requested to add a footnote to paragraph 7.14 to reflect her proposed amendment. Members agreed.

84. Mr WU Chi-wai proposed to amend the last part of the last sentence of paragraph 7.14 by substituting "好好" with "盡責" before the phrase "地履行其任務".

85. As there were divided views among members on Mr WU Chi-wai's proposal, the Chairman put the proposal to vote.

The following members voted in favour of the proposal:

Mr LEE Cheuk-yan, Ms Claudia MO, Mr WU Chi-wai, Mr Gary FAN and Mr Charles Peter MOK.
(5 members)

The following members voted against the proposal:

Mr Tony TSE, Mr CHAN Kam-lam, Mr Michael TIEN, Mr Frankie YICK, Mr CHAN Han-pan and Ir Dr LO Wai-kwok.
(6 members)

86. The Chairman declared that five members voted for and six members voted against Mr WU Chi-wai's proposal. He declared that Mr WU Chi-wai's proposal was defeated.

87. Ir Dr LO Wai-kwok proposed to amend paragraph 7.14 by substituting the last two sentences with "儘管如此，專責委員會認為路政署和運輸及房屋局在履行其職責推展該工程項目上均有不足之處。".

88. The Chairman put Ir Dr LO Wai-kwok's proposal to vote. Eleven members voted for it. Members agreed that a division was not required. The Chairman declared that Ir Dr LO Wai-kwok's proposal was passed unanimously.

89. Paragraph 7.14 read, amended and agreed to.

90. Mr Gary FAN proposed to amend paragraph 7.15 by substituting

"在2013年11月22日鐵路事宜小組委員會的會議上作匯報時，以謹慎的措辭表述，"

with

"在2013年11月22日鐵路事宜小組委員會的會議上作匯報時，以隱晦的措辭表述，".

His proposed amendment was tabled at the meeting.

(Post-meeting note: The proposed amendment by Mr Gary FAN was circulated to members on 10 June 2016 via LC Paper No CB(4)1104/15-16(02) .)

91. After discussion, members decided to substitute "隱晦" with "小心". Members also agreed to amend the heading after 7.14 as "政府的不足".

92. Paragraph 7.15 read, amended and agreed to.

93. Paragraph 7.16 read and agreed to.

94. Mr Gary FAN proposed to add the following paragraph after paragraph 7.17:

"專責委員會認為，政府在2013年11月22日的鐵路事宜小組委員會上的說法，向委員掩蓋了部分事實，即高鐵工程或未能在2015年完工，是有意淡化運輸及房屋局對工程延誤的憂慮。運輸及房屋局縱使理解'明知不可為而不及早向社會交代的後果'，並預期港鐵會有同樣的理解(6.37段)，但張炳良局長仍然信納韋達誠的建議，甘願冒險，與港鐵公司合謀向鐵路事宜小組委員會隱瞞實際的延誤情況，張炳良局長理應承擔此風險所帶來的後果，就是即使隱瞞實際的延誤情況，但工程最終仍然超支延誤。"

His proposed amendment was tabled at the meeting.

(Post-meeting note: The proposed amendment by Mr Gary FAN was circulated to members on 10 June 2016 via LC Paper No CB(4)1104/15-16(02).)

95. Ms Claudia MO proposed to amend Mr Gary FAN's proposal by deleting "甘願冒險，" and substituting "與港鐵公司合謀" with "聯同港鐵公司".

96. As there were divided views among members on Ms Claudia MO's proposal, the Chairman put the proposal to vote.

The following members voted in favour of the proposal:

Mr LEE Cheuk-yan, Ms Claudia MO, Mr WU Chi-wai, Mr Gary FAN and Mr Charles Peter MOK.
(5 members)

The following members voted against the proposal:

Mr CHAN Kam-lam, Mr Michael TIEN, Mr Frankie YICK, Mr CHAN Han-pan, Mr TANG Ka-piu and Ir Dr LO Wai-kwok.
(6 members)

97. The Chairman declared that five members voted for and six members voted against Ms Claudia MO's proposal. He declared that Ms Claudia MO's proposal was defeated.

98. The Chairman put Mr Gary FAN's original proposal to vote.

The following members voted in favour of the proposal:

Mr LEE Cheuk-yan, Ms Claudia MO, Mr WU Chi-wai, Mr Gary FAN and Mr Charles Peter MOK.
(5 members)

The following members voted against the proposal:

Mr CHAN Kam-lam, Mr Michael TIEN, Mr Frankie YICK, Mr CHAN Han-pan, Mr TANG Ka-piu and Ir Dr LO Wai-kwok.
(6 members)

99. The Chairman declared that five members voted for and six members voted against Mr Gary FAN's proposal. He declared that Mr Gary FAN's proposal was defeated.

100. Mr LEE Cheuk-yan proposed that paragraph 7.17 be substituted by the following paragraph:

"專責委員會認為，政府在 2013 年 11 月 22 日的鐵路事宜小組委員會上的說法，是聯同港鐵公司向委員刻意隱瞞實際的延誤情況，委員會對此表示遺憾。張炳良局長理應承

擔此風險所帶來的後果，就是即使隱瞞實際的延誤情況，但工程最終仍然超支延誤。"

His proposed amendment was tabled at the meeting.

(Post-meeting note: The proposed amendment by Mr LEE Cheuk-yan was circulated to members on 10 June 2016 via LC Paper No CB(4)1104/15-16(03).)

101. As there were divided views among members on Mr LEE Cheuk-yan's proposal, the Chairman put the proposal to vote.

The following members voted in favour of the proposal:

Mr LEE Cheuk-yan, Ms Claudia MO, Mr WU Chi-wai, Mr Gary FAN and Mr Charles Peter MOK.
(5 members)

The following members voted against the proposal:

Mr CHAN Kam-lam, Mr Michael TIEN, Mr Frankie YICK, Mr CHAN Han-pan, Mr TANG Ka-piu and Ir Dr LO Wai-kwok.
(6 members)

102. The Chairman declared that five members voted for and six members voted against Mr LEE Cheuk-yan's proposal. He declared that Mr LEE Cheuk-yan's proposal was defeated.

103. Paragraphs 7.17 and 7.18 read and agreed to.

104. In response to the Chairman, Mr Gary FAN requested to add a footnote to the relevant paragraphs of the report for all his proposed amendments which were defeated by voting. Members agreed.

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Council Business Division 4
Legislative Council Secretariat
29 June 2016

Ref: CB4/SC/13

**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**

**Minutes of the closed meeting
held on Tuesday, 14 June 2016, at 8:30 am
in Conference Room 4 of the Legislative Council Complex**

Members present : Hon Martin LIAO Cheung-kong, SBS, JP (Chairman)
Hon Tony TSE Wai-chuen, BBS (Deputy Chairman)
Hon LEE Cheuk-yan
Hon CHAN Kam-lam, SBS, JP
Hon Claudia MO
Hon Michael TIEN Puk-sun, BBS, JP
Hon Frankie YICK Chi-ming, JP
Hon Gary FAN Kwok-wai
Hon CHAN Han-pan, JP
Hon TANG Ka-piu, JP
Ir Dr Hon LO Wai-kwok, SBS, MH, JP

Members absent : Hon WU Chi-wai, MH
Hon Charles Peter MOK, JP

Clerk in attendance : Ms Sophie LAU
Chief Council Secretary (4)6

Staff in attendance : Mr Stephen LAM
Senior Assistant Legal Adviser 2

Mr Matthew LOO
Assistant Secretary General 4

Miss Winnie LO
Assistant Legal Adviser 7

Ms Macy NG
Senior Council Secretary (4)6

Miss Katherine CHAN
Council Secretary (4)6

I. Consideration of the comments received on extracts of the draft report of the Select Committee and consideration and endorsement of the report of the Select Committee paragraph by paragraph from paragraph 7.19

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2. Members then considered the Chinese text of the report of the Select Committee from paragraph 7.19. Members noted that as agreed at the meeting on 10 June 2016, the names of members who voted in favour of and against the proposed amendments to the report, and those abstained from voting should be recorded in the minutes of proceedings.

Chapter 7

3. Mr Gary FAN proposed to amend paragraph 7.19 by substituting the last three sentences with "政府把'疑點利益'歸於港鐵公司的做法，只是出於避免工程延誤引發公眾批評的共同憂慮，此憂慮蓋過客觀、理性的判斷，令政府錯判形勢。".

4. As there were divided views among members on Mr Gary FAN's proposal, the Chairman put the proposal to vote.

The following member voted in favour of the proposal:

Mr Gary FAN.
(1 member)

The following members voted against the proposal:

Mr Tony TSE, Mr CHAN Kam-lam, Mr Frankie YICK, Mr TANG Ka-piu and Ir Dr LO Wai-kwok.
(5 members)

5. The Chairman declared that one member voted for and five members voted against Mr Gary FAN's proposal. He declared that Mr Gary FAN's proposal was defeated.

6. Members noted that Mr Michael TIEN had submitted a proposal to amend paragraph 7.19 by substituting the last three sentences with "政府'疑點利益'歸於港鐵公司的做法，情感蓋過客觀、理性的判斷，令政府錯判形勢。".

7. As Mr Michael TIEN was not present at the meeting to move his proposed amendment at the time when paragraph 7.19 was considered by the Select Committee, members agreed that Mr Michael TIEN's proposal should not be dealt with.

8. Paragraph 7.19 read and agreed to.

9. Paragraph 7.20 read and agreed to.

10. Mr Gary FAN proposed to amend paragraph 7.21 by substituting:

"雖然按《第二份委託協議》所訂，路政署的角色或許只限於監察和核證，但路政署確實未有在該工程項目中善用其監核顧問嘉科，因為嘉科曾一再提出警示，但結果似乎也是徒然。"

with

"按《第二份委託協議》所訂，路政署須負上監察和核證的責任，但專責委員會認為，路政署署長對工程進度一直作出錯誤的專業判斷，認為滯後不等於整體項目的完工期一定都有延誤，盲目信任港鐵公司可以追回進度，令路政署未能履行監察的角色，而路政署確實未有在該工程項目中善用其監核顧問嘉科，因為嘉科曾一再提出警示，但基於路政署對港鐵的盲目信任，結果似乎也是徒然。"

11. As there were divided views among members on Mr Gary FAN's proposal, the Chairman put the proposal to vote.

The following members voted in favour of the proposal:

Mr Gary FAN and Mr TANG Ka-piu.
(2 members)

The following members voted against the proposal:

Mr Tony TSE, Mr CHAN Kam-lam, Mr Michael TIEN, Mr Frankie YICK and Ir Dr LO Wai-kwok.
(5 members)

12. The Chairman declared that two members voted for and five members voted against Mr Gary FAN's proposal. He declared that Mr Gary FAN's proposal was defeated.

13. Mr Michael TIEN proposed to amend paragraph 7.21 by substituting:

"雖然按《第二份委託協議》所訂，路政署的角色或許只限於監察和核證，但路政署確實未有在該工程項目中善用其監核顧問嘉科，因為嘉科曾一再提出警示，但結果似乎也是徒然。"

with

"雖然按《第二份委託協議》所訂，路政署的角色或許只限於監察和核證，但路政署確實未有在該工程項目中善用其監核顧問嘉科，因為嘉科曾一再提出警示，但結果似乎也是徒然，顯示路政署對港鐵不合理地信任。"

14. The Chairman put Mr Michael TIEN's proposal to vote.

The following members voted in favour of the proposal:

Mr Tony TSE, Mr CHAN Kam-lam, Mr Michael TIEN, Mr Frankie YICK, Mr TANG Ka-piu and Ir Dr LO Wai-kwok.
(6 members)

No member voted against the proposal.

The following member abstained from voting:

Mr Gary FAN.
(1 member)

15. The Chairman declared that six members voted for and no member voted against Mr Michael TIEN's proposal, and one member abstained from voting. He declared that Mr Michael TIEN's proposal was carried.

16. Paragraph 7.21 read, amended and agreed to.
17. Paragraph 7.22 read and agreed to.
18. The Deputy Chairman proposed to add the following new paragraph after paragraph 7.22 as paragraph 7.23:

(Chinese version)

"因應專責委員會一名委員提出的查詢，張炳良教授在作供時確認，他贊同獨立董事委員會報告及獨立專家小組報告所載的內容。該名委員亦就獨立專家小組報告向黃唯銘博士提出類似的問題，黃唯銘博士回應時表示，就綜合工程總綱計劃而言，港鐵公司所持意見與獨立專家小組的意見不同，他又認為獨立專家小組報告有若干部分與獨立董事委員會提交的報告相似。黃博士亦確認，港鐵公司贊同獨立專家小組報告所載的事實。"

(English version)

"Upon enquiry made by a member of the Select Committee, Professor Anthony CHEUNG Bing-leung confirmed in evidence that he agreed with the contents of the reports submitted by IBC and IEP. On a similar question put by the same member of the Select Committee with respect to the IEP Report, Dr Philco WONG Nai-keung indicated that the view of the Corporation differed from that of IEP on the integrated master programme and commented that parts of the IEP Report were similar to the reports submitted by IBC. Dr WONG also confirmed that the Corporation agreed with the facts set out in the IEP Report."

19. The Chairman put the Deputy Chairman's proposal to vote.

The following members voted in favour of the proposal:

Mr Tony TSE, Mr CHAN Kam-lam, Mr Michael TIEN, Mr Frankie YICK, Mr TANG Ka-piu and Ir Dr LO Wai-kwok.

(6 members)

No member voted against the proposal.

The following members abstained from voting:

Mr LEE Cheuk-yan and Mr Gary FAN.
(2 members)

20. The Chairman declared that six members voted for and no member voted against the Deputy Chairman's proposal, and two members abstained from voting. He declared that the Deputy Chairman's proposal was carried.

21. The new paragraph 7.23 read and agreed to.

22. Members noted that the addition of the new paragraph 7.23 would entail consequential changes to the numbers of subsequent paragraphs. To facilitate consideration of the remaining paragraphs of the draft report, members agreed to continue to consider the remaining paragraphs by reference to the original paragraph numbers printed in the draft report (Paper No. SCXRL/REP/F/C/D1).

23. Paragraph 7.23 (updated paragraph number as 7.24) read, with an amendment to the heading before the paragraph, and agreed to.

24. Paragraph 7.24 (updated paragraph number as 7.25) read and agreed to.

25. The Chairman proposed to amend paragraph 7.25 (updated paragraph number as 7.26) by substituting the first two sentences with "專責委員會察悉，韋達誠先生告知獨立董事委員會，周大滄先生向他保證，".

26. The Chairman put his proposal to vote.

The following members voted in favour of the proposal:

Mr Tony TSE, Mr LEE Cheuk-yan, Mr CHAN Kam-lam, Mr Michael TIEN, Mr Frankie YICK, Mr TANG Ka-piu and Ir Dr LO Wai-kwok.
(7 members)

No member voted against the proposal.

The following member abstained from voting:

Mr Gary FAN.
(1 member)

27. The Chairman declared that seven members voted for and no member voted against his proposal, and one member abstained from voting. He declared that his proposal was carried.

28. Paragraph 7.25 (updated paragraph number as 7.26) read, amended and agreed to.

29. Mr Gary FAN proposed to add the following sentences after the last sentence of paragraph 7.26 (updated paragraph number as 7.27):

"專責委員會認為，港鐵公司的項目管理模式不利於政府的監核工作，是'監核監督者'方式無法發揮作用的原因之一。"

30. As there were divided views among members on Mr Gary FAN's proposal, the Chairman put the proposal to vote.

The following members voted in favour of the proposal:

Ms Claudia MO, Mr Michael TIEN and Mr Gary FAN.
(3 members)

The following members voted against the proposal:

Mr Tony TSE, Mr CHAN Kam-lam, Mr Frankie YICK and Ir Dr LO Wai-kwok.
(4 members)

The following member abstained from voting:

Mr CHAN Han-pan.
(1 member)

31. The Chairman declared that three members voted for and four members voted against Mr Gary FAN's proposal, and one member abstained from voting. He declared that Mr Gary FAN's proposal was defeated.

32. Paragraph 7.26 (updated paragraph number as 7.27) read and agreed to.

33. Paragraph 7.27 (updated paragraph number as 7.28) read, amended and agreed to.

34. Paragraphs 7.28 to 7.30 (updated paragraph numbers as 7.29 to 7.31) read and agreed to.

35. Paragraphs 7.31 to 7.35 (updated paragraph numbers as 7.32 to 7.36) read and agreed to.

36. Paragraphs 7.36 to 7.38 (updated paragraph numbers as 7.37 to 7.39) read, amended and agreed to.

37. Paragraph 7.39 (updated paragraph number as 7.40) read and agreed to.

38. Mr Gary FAN proposed to retain "2013年3月" as the right time to make known the project delay in the original draft paragraph 7.40 (updated paragraph number as 7.41).

39. As there were divided views among members on Mr Gary FAN's proposal, the Chairman put the proposal to vote.

The following members voted in favour of the proposal:

Mr LEE Cheuk-yan and Mr Gary FAN.
(2 members)

The following members voted against the proposal:

Mr CHAN Kam-lam, Mr Frankie YICK, Mr CHAN Han-pan, Mr TANG Ka-piu and Ir Dr LO Wai-kwok.
(5 members)

The following member abstained from voting:

Mr Tony TSE.
(1 member)

40. The Chairman declared that two members voted for and five members voted against Mr Gary FAN's proposal, and one member abstained from voting. He declared that Mr Gary FAN's proposal was defeated.

41. The Chairman proposed to add "專責委員會認為，" after the third sentence and before the fourth sentence in paragraph 7.40 (updated paragraph number as 7.41).

42. The Chairman put his proposal to vote.

The following members voted in favour of the proposal:

Mr Tony TSE, Mr CHAN Kam-lam, Mr Frankie YICK, Mr CHAN Han-pan
Mr TANG Ka-piu and Ir Dr LO Wai-kwok.
(6 members)

No member voted against the proposal.

The following members abstained from voting:

Mr LEE Cheuk-yan and Mr Gary FAN.
(2 members)

43. The Chairman declared that six members voted for and no member voted against his proposal, and two members abstained from voting. He declared that his proposal was carried.

44. Mr CHAN Kam-lam proposed to delete "若當時有作公布，該工程延誤未必會引發如此重大的公眾關注和憂慮。" from paragraph 7.40 (updated paragraph number as 7.41).

45. As there were divided views among members on Mr CHAN Kam-lam's proposal, the Chairman put the proposal to vote.

The following members voted in favour of the proposal:

Mr CHAN Kam-lam and Mr Frankie YICK.
(2 members)

The following members voted against the proposal:

Mr LEE Cheuk-yan, Mr Gary FAN and Mr TANG Ka-piu.
(3 members)

The following members abstained from voting:

Mr Tony TSE, Mr CHAN Han-pan and Ir Dr LO Wai-kwok.
(3 members)

46. The Chairman declared that two members voted for and three members voted against Mr CHAN Kam-lam's proposal, and three members

abstained from voting. He declared that Mr CHAN Kam-lam's proposal was defeated.

47. Paragraph 7.40 (updated paragraph number as 7.41) read, amended and agreed to.

48. Paragraph 7.41 (updated paragraph number as 7.42) read and agreed to.

49. Members noted that paragraph 7.42 as printed in the draft report (Paper No. SCXRL/REP/F/C/D1) was a new paragraph drafted by the Secretariat for consideration by members based on the comments received from a relevant party. The Chairman said that as the draft paragraph 7.42 contained some information which was not clear and comprehensive enough, he proposed not to accept the proposed paragraph 7.42 and proposed to add instead "基於本報告第4.17、4.19、4.20、4.23、4.24、5.6、5.12、5.14、5.16、5.17、5.18、5.19、5.25、5.31、5.32、5.33、5.34、5.38、5.39、5.40、5.41、5.42、5.57、6.2、6.4、6.5、6.6、6.9、6.14、6.15、6.16、6.17、6.18、6.19、6.29、6.30、6.31、6.32、6.34、6.37、6.39、7.24及7.34段所述，" to paragraph 7.44 before "周大滄先生及韋達誠先生....." as printed in the draft report (Paper No. SCXRL/REP/F/C/D1).

(Post-meeting note: Due to the subsequent changes of paragraph numbers, paragraphs 7.24 and 7.34 above should read as 7.25 and 7.35 respectively.)

50. As there were divided views among members on the Chairman's proposal, the Chairman put his proposal to vote.

The following members voted in favour of the proposal:

Mr Tony TSE, Mr CHAN Kam-lam, Mr Frankie YICK, Mr CHAN Han-pan
Mr TANG Ka-piu and Ir Dr LO Wai-kwok.
(6 members)

The following member voted against the proposal:

Mr Gary FAN.
(1 member)

The following member abstained from voting:

Mr LEE Cheuk-yan.
(1 member)

51. The Chairman declared that six members voted for and one member voted against his proposal, and one member abstained from voting. He declared that his proposal was carried.

52. Mr Gary FAN proposed to retain the following sentences in paragraph 7.43:

"加上港鐵公司和運輸及房屋局／路政署在其向鐵路事宜小組委員會提交的報告中選擇性地陳述資料，可以推斷港鐵公司和運輸及房屋局／路政署在某程度上有蓄意隱瞞該工程延誤。"

53. The Chairman put the proposal to vote.

The following members voted in favour of the proposal:

Mr LEE Cheuk-yan and Mr Gary FAN.
(2 members)

No member voted against the proposal.

The following members abstained from voting:

Mr Tony TSE, Mr CHAN Kam-lam, Mr Frankie YICK, Mr CHAN Han-pan, Mr TANG Ka-piu and Ir Dr LO Wai-kwok.
(6 members)

54. The Chairman declared that two members voted for and no member voted against Mr Gary FAN's proposal, and six members abstained from voting. He declared that Mr Gary FAN's proposal was carried.

55. Mr Gary FAN proposed to retain "、項目管理團隊、執行委員會" in paragraphs 7.43 and 7.44.

56. As there were divided views among members on Mr Gary FAN's proposal, the Chairman put the proposal to vote.

The following members voted in favour of the proposal:

Mr Gary FAN and Mr TANG Ka-piu.
(2 members)

The following members voted against the proposal:

Mr Tony TSE, Mr CHAN Kam-lam, Mr Frankie YICK, Mr CHAN Han-pan
and Ir Dr LO Wai-kwok.
(5 members)

57. The Chairman declared that two members voted for and five members voted against Mr Gary FAN's proposal. He declared that Mr Gary FAN's proposal was defeated.

58. Paragraphs 7.43 and 7.44 read, amended and agreed to.

59. Mr Gary FAN proposed to add the following paragraphs after paragraph 7.45:

"專責委員會部分委員認為，運輸及房屋局局長張炳良在2013年11月22日的鐵路事宜小組委員會會議中，信納韋達誠的建議，與港鐵公司合謀蓄意隱瞞實際的延誤情況，令工程延誤的訊息延遲了五個月才獲公開，做法違反公眾利益，亦有違公職人員的誠信，理應予以強烈譴責。

而路政署署長劉家強不論在履行監核工程、及出席研訊的過程中，均表現出'專業傲慢'，顯然缺乏鐵路工程的专业知識不能成為劉家強失職的藉口，反之，劉家強對工程滯後對最後完工日期的影響犯下了專業判斷失誤，因而令路政署未能有效履行監核者的角色，專責委員會理應予以強烈譴責及訓斥。

專責委員會部分委員亦譴責政府及港鐵公司未有全面配合專責委員會的工作，包括未有公開兩份項目委託協議、獨立顧問的報告、以及項目監管委員會會議紀錄在內的資料，令專責委員會只能憑藉相當有限的資料展開工作，直至超支撥款提交至立法會財務委員會，政府才公開兩份項目委託協議，但專責委員會因時間關係已無法向證人提出質詢。

而個別獲邀的證人，包括前運輸及房屋局局長鄭汝樺、前港鐵主席錢果豐、前港鐵行政總裁韋達誠、前港鐵工程總監周大滄拒絕接受專責委員會出席研訊的邀請，專責委員會部分委員譴責相關人士不負責任的表現。"

60. As there were divided views among members on Mr Gary FAN's proposal, the Chairman put the proposal to vote.

The following members voted in favour of the proposal:

Mr LEE Cheuk-yan and Mr Gary FAN.
(2 members)

The following members voted against the proposal:

Mr Tony TSE, Mr CHAN Kam-lam, Mr CHAN Han-pan, Mr TANG Ka-piu and Ir Dr LO Wai-kwok.
(5 members)

61. The Chairman declared that two members voted for and five members voted against Mr Gary FAN's proposal. He declared that Mr Gary FAN's proposal was defeated.

62. Paragraph 7.45 read and agreed to.

Chapter 8

63. Paragraph 8.1 read and agreed to.

64. Ms Claudia MO proposed to delete "細緻" from paragraph 8.2.

65. As there were divided views among members on Ms Claudia MO's proposal, the Chairman put the proposal to vote.

The following member voted in favour of the proposal:

Ms Claudia MO.
(1 member)

The following members voted against the proposal:

Mr CHAN Kam-lam, Mr Frankie YICK and Mr CHAN Han-pan.
(3 members)

66. The Chairman declared that one member voted for and three members voted against Ms Claudia MO's proposal. He declared that Ms Claudia MO's proposal was defeated.

67. Paragraph 8.2 read, with other textual amendments, and agreed to.

68. Paragraph 8.3 read and agreed to.

69. Paragraphs 8.4 to 8.6 read and agreed to.

70. Members agreed to delete paragraphs 8.7 and 8.8 as consequential changes to the amendment made to paragraph 3.41.

71. Members noted that the deletion of paragraphs 8.7 and 8.8 would entail consequential changes to the numbers of subsequent paragraphs. To facilitate consideration of the remaining paragraphs of the draft report, members agreed to continue to consider the remaining paragraphs by reference to the original paragraph numbers printed in the draft report (Paper No. SCXRL/REP/F/C/D1).

72. Paragraph 8.9 (updated paragraph number as 8.7) read and agreed to.

73. Ms Claudia MO proposed to add "保障公眾知情權，" after the first sentence in paragraph 8.10 (updated paragraph number as 8.8).

74. As there were divided views among members on Ms Claudia MO's proposal, the Chairman put the proposal to vote.

The following members voted in favour of the proposal:

Ms Claudia MO, Mr Gary FAN and Mr CHAN Han-pan.
(3 members)

The following members voted against the proposal:

Mr Tony TSE, Mr CHAN Kam-lam and Mr Frankie YICK.
(3 members)

75. As the votes were equally divided, the Chairman exercised his casting vote in the negative according to paragraph 8 of the Practice and Procedure of the Select Committee and declared that Ms Claudia MO's proposal was defeated.

76. Paragraph 8.10 (updated paragraph number as 8.8) read and agreed to.
77. Paragraph 8.11 (updated paragraph number as 8.9) read, amended and agreed to.
78. Paragraph 8.12 (updated paragraph number as 8.10) read, with amendments to the heading before the paragraph, and agreed to.
79. Paragraph 8.13 (updated paragraph number as 8.11) read and agreed to.
80. Paragraphs 8.14 and 8.15 (updated paragraph numbers as 8.12 and 8.13) read and agreed to.
81. Paragraphs 8.16 to 8.18 (updated paragraph numbers as 8.14 to 8.16) read and agreed to.
82. Members agreed that unless the members concerned raised objection, a footnote would be added to the relevant paragraphs of the report for all proposed amendments by members which were defeated by voting.
83. Members then considered other parts of the report.
84. Table of contents, list of abbreviations, appendices and list of written evidence/document read and agreed to.
85. The acknowledgement read and agreed to.
86. The Chairman advised that the Select Committee had completed the consideration and endorsement of the Chinese version of the report paragraph by paragraph. Members agreed to authorize the Chairman and the Secretariat to make textual and editorial amendments to the Chinese version of the report and make corresponding amendments to the English version of the report.
87. Members also agreed to send the revised paragraphs which contained adverse comments against witnesses or other relevant parties for their comments to ensure that the procedure was fair to them.
88. Mr LEE Cheuk-yan, Ms Claudia MO and Mr Gary FAN would like to add a post-meeting note that they disagreed with "在有需要時精簡補充勞工計劃所需的程序，加快輸入勞工以應付" in

paragraph 5.83 mentioned in the minutes of meeting on 10 June 2016.
Members agreed.

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Council Business Division 4
Legislative Council Secretariat
29 June 2016

Ref: CB4/SC/13

**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**

**Minutes of the closed meeting
held on Monday, 27 June 2016, at 9:00 am
in Conference Room 4 of the Legislative Council Complex**

Members present : Hon Martin LIAO Cheung-kong, SBS, JP (Chairman)
Hon Tony TSE Wai-chuen, BBS (Deputy Chairman)
Hon CHAN Kam-lam, SBS, JP
Hon Claudia MO
Hon Michael TIEN Puk-sun, BBS, JP
Hon Frankie YICK Chi-ming, JP
Hon WU Chi-wai, MH
Hon Gary FAN Kwok-wai
Hon Charles Peter MOK, JP
Hon CHAN Han-pan, JP
Hon TANG Ka-piu, JP
Ir Dr Hon LO Wai-kwok, SBS, MH, JP

Member absent : Hon LEE Cheuk-yan

Clerk in attendance : Ms Sophie LAU
Chief Council Secretary (4)6

Staff in attendance : Mr Stephen LAM
Senior Assistant Legal Adviser 2

Mr Matthew LOO
Assistant Secretary General 4

Miss Winnie LO
Assistant Legal Adviser 7

Ms Macy NG
Senior Council Secretary (4)6

Miss Katherine CHAN
Council Secretary (4)6

I. Consideration of comments received on extracts of the revised draft report of the Select Committee and endorsement of the report of the Select Committee

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2. Members noted that the Select Committee had completed the consideration and endorsement of the Chinese version of the report paragraph by paragraph at the meeting on 14 June 2016. Members also noted that by the deadline of 24 June 2016, no member had proposed amendments to the English version of the revised draft report circulated to members vide LC Paper No. CB(4)1154/15-16.

3. Members then considered the comments received on the extracts from the revised draft report of the Select Committee. Members agreed that no amendment should be made to the draft report based on the comments received. Members also agreed that paragraph 4.9(d) should be moved to paragraph 6.1 to tally with the time frame. Members proposed no further amendments to the report of the Select Committee.

4. The Chairman put the question that the report of the Select Committee, as amended, be adopted as the Select Committee's report.

The following members voted in favour of the question:

Mr Tony TSE, Mr CHAN Kam-lam, Mr Michael TIEN, Mr Frankie YICK, Mr CHAN Han-pan, Mr TANG Ka-piu and Ir Dr LO Wai-kwok.
(7 members)

The following member voted against the question:

Mr Gary FAN.
(1 member)

The following members abstained from voting:

Mr WU Chi-wai and Mr Charles Peter MOK.
(2 members)

5. The Chairman declared that seven members voted for and one member voted against the question, and two members abstained from voting. He declared that the report of the Select Committee, as amended, be adopted as the Select Committee's report.

6. Members agreed to authorize the Chairman and the Secretariat to make textual and editorial amendments to the report of the Select Committee, if necessary.

Minority report

7. Mr WU Chi-wai and Mr Gary FAN indicated that both of them together with a few other members of the Select Committee might present a minority report as they held some views which were different from the majority's views in the report of the Select Committee which had just been adopted.

8. Mr WU Chi-wai proposed that the minority report be incorporated into the report of the Select Committee as an appendix. As there were divided views among members on Mr WU Chi-wai's proposal, the Chairman put the proposal to vote. No member voted in favour of the proposal and seven members voted against the proposal. The Chairman declared that Mr WU Chi-wai's proposal was defeated.

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Council Business Division 4
Legislative Council Secretariat
29 June 2016