

4th May, 2018

Written Statement for Holden Chow Investigation Committee

I, Andrew Wan Siu-kin, presented a petition with Kenneth Leung to form a Select Committee to Inquire into Matters about the Agreement between Mr. Leung Chun-ying and the Australian firm UGL Limited (henceforth referred to as “the Select Committee”) on 2nd November, 2016. I was appointed a member of the Subcommittee to Prepare for the Operation of the Select Committee on 17th November, 2016 and a member of the Select Committee on 24th February, 2017.

During the Select Committee’s third meeting on 25th April, 2017, the discussion focused on the Proposed Amendments to the “Proposed major areas of study” of the Select Committee (henceforth referred to as “the Document”) submitted by Mr. Chow.

I first saw the Document at the meeting on 25th April 2017 in a printed form, which showed no traces of edits by the subject of inquiry, Mr. CY Leung. I have also never checked the electronic copy of the concerned document beforehand. At the meeting on 25th April 2017, members of the Select Committee were told by the Chairman, and it was also said so on the Document, that the Document was submitted by Mr. Chow, I therefore believed he was the one who proposed the amendments.

Furthermore, at the meeting on 25th April 2017, Mr. Chow had made multiple claims claiming that the amendments were his own opinion. After re-watching the meeting’s video recording¹, I would like to raise several examples where it is suggested, or even claimed by Mr. Chow himself, that he was the one who made those amendments.

¹ <https://webcast.legco.gov.hk/public/zh-hk/SearchResult?MeetingID=M17040066>

備註：

調查委員會認為書面陳述書部分內容包含與調查梁振英先生與澳洲企業 UGL Limited 所訂協議的事宜專責委員會閉門商議內容有關的資料，因此把有關部分的內容遮蓋。

- 1) At 00:07:41 when he was introducing the Document and explaining how the changes came about, he said, “So I went back and studied the matter further...and after thinking back and forth I think it would be better if.....” in Chinese (我都返去好細心咁研究.....咁我再返去反復思考呢我就覺得，既然係咁，不如.....)
- 2) At 00:08:32 – 00:08:50 he continued to explain his point of view about the Document, his exact words were “so I’ve added some amendments to this Document” in Chinese (係我今次個修訂裡面呢，我都加左少少野.....).
- 3) At 00:12:38- 00:13:30 he was explaining his reason for and he claimed that the declaration of UGL Limited was important to the Select Committee, so he suggested other members to read the declaration in Chinese (我今次在擬議範圍講清楚，希望大家到時在進行研究範圍的時候，也要看這份聲明。……容許我亦要求，將 UGL 2014 年 10月9日的公開聲明可以放入研究範圍中.....)
- 4) At 00:32:20 - 00:32:26 when he was referring to the changes made in II.c of the Document, his exact words were “Let me explain my changes.....actually if you notice my wording in part c” in Chinese (“或者我都再講少少點解我咁樣改法.....因為其實你留意到我 c 嗰度嘅寫法呢.....”).
- 5) At 01:11:56 – 01:12:17, when discussing about the proposed amendments at I.e. of the Document, he also said, “Sure, I accept the amendment, I referred it as the document the Australian media publicized because I wanted to make it clear that I’m referring to that document.....I mentioned this amendment twice in previous meetings, I insist..... ” in Chinese (接受，這幾個字我可以接受，我希望說清楚是澳洲傳媒公開那份，如大家有共識知道是說那份我可以接受……其實我過往都在 2 次會議中提過這改動，我希望可以堅持.....)
- 6) At 01:28:55, when he was explaining the intention of the addition of the words ‘original intention’ at II.c of the Document, he said, “If my proposal of the words ‘original intention’ is not agreed upon by the committee members, maybe I will go

back, and spend more time on II.c, and fine-tune it further” in Chinese (如果我今日提出呢個「原意」，呢個字眼，呢樣野係未能夠為大家接受嘅，我或者我自己再返去，我再花少少時間，再就著呢個 2c 裡面，我再可能有啲 fine-tune)

- 7) At 01:31:03, he said, “Thank you Chairman for your suggestion, but given that this is an important issue, and I have a part in writing this document, I need to do right by myself.” in Chinese (謝謝主席你的建議，但因為事關重大，這份文件我有份寫，我覺得我要過到自己嘅一關)
- 8) At 01:43:23, his exact words were “As the one who drafted this Document..... Please forgive me for wanting to hold my ground regarding certain points/amendments. This is something important to me so I don’t want to make a decision in haste. Maybe like what you Chairman suggested, for example, changing ‘original intention’ to ‘interpretation’.....” in Chinese (剛才我作為起草者，我對某些事有一些堅持，對我來說是重要的事情，我希望不在倉促的時間作決定，就好似主席你剛才提的意見，舉例說，會不會是原意變釋意.....).

The examples above illustrate clearly that Mr. Chow claimed ownership of the amendments. He had claimed the changes were his, the wording was his, the proposal was his, the document was drafted by him therefore he refused to compromise, and that the words ‘original intention’ were suggested and added by him. CY Leung’s role regarding the amendments was never mentioned.

In addition, during the meeting on 25th April 2017, when all other members of the committee were discussing about the Document, they repeatedly referred them as the amendments “he [Mr. Chow] proposed”(00:38:34 喺周浩鼎議員提嘅個 II.c), and were “his efforts” (01:37:18 周浩鼎議員花左好多心機落呢份文件度), “his changes”(00:50:07 佢而家呢度就寫 I.f), “his additions”(00:39:27 佢將一啲唔需要嘅內

容加左落去)。He never corrected other members' referral to the amendments as his nor suggested the amendments were made on behalf of any other person.

Therefore, in response to (a) whether Mr. Chow had made any representation(s) to the Select Committee or myself as to the origin of the Document before, at or after the meeting on 25th April 2017, I would like to make it clear that I was never aware that the Document handed in by Mr. Chow was edited by CY Leung, the subject of the investigation committee, until [REDACTED]. During the meeting on 25th April, 2017, I remember Mr. Chow claimed the Document contained his arguments and suggestions about the Select Committee. Although there were intensive debates after discussing with other members of the Select Committee regarding the amendments, he claimed that he needed more time to amend the Document rather than amend it in the meeting². Mr. Chow's rhetoric and insistence in including his proposed amendments in the meeting on 25th April 2017, together with the fact that he was the one who submitted the document, had misled me into thinking the Document was his work. I saw no reason to question the origin of the work at that time.

[REDACTED]
[REDACTED]
[REDACTED]. If I had known that the Document was edited by CY Leung or had incorporated his opinions beforehand, I would immediately dismiss them due to serious conflict of interests. CY Leung should not have interfered with the Select Committee by

² 尹兆堅憶述周浩鼎聲稱文件是他自己的論點，由他草擬；即使當時委員會內有激烈辯論，周都堅持不想修改文件，只表示如他認為有值得吸納的意見，需要時間回去作修訂
<https://www.hk01.com/%E7%A4%BE%E6%9C%83%E6%96%B0%E8%81%9E/91288/%E6%A2%81%E6%8C%AF%E8%8B%B1%E6%A1%88-%E5%B0%B9%E5%85%86%E5%A0%85-%E5%91%A8%E6%B5%A9%E9%BC%8E%E6%9B%BE%E7%A8%B1%E6%96%87%E4%BB%B6%E7%82%BA%E8%87%AA%E5%B7%B1%E8%8D%89%E6%93%AC>

approaching any member in private³. If he would like the Select Committee to consider his opinion, he should have conveyed his opinion via a formal channel or attend the Select Committee to explain his opinion to all members not only discuss with Mr. Chow in private.

In response to (b), to my recollection, I have never made any enquiry with Mr. Chow or his representative(s) regarding the origin of the Document Mr. Chow submitted to the Select Committee.

In conclusion, in view of the points I raised in this statement, the rhetoric of the meeting on 25th April 2017 has therefore led me to believe the Document was written by Mr. Chow, and Mr. Chow alone. [REDACTED]

[REDACTED]. To my recollection, I have never made enquiries with Mr. Chow or his representative(s) regarding the origin of the Proposed Amendments Mr. Chow submitted to the Select Committee.

If I am invited by the Investigation Committee to attend a hearing, I would make time for it, answer questions and/or provide further information if required to the Investigation Committee. I reserve the right to add more information to my written statement at a later time.

³對梁振英被指干預立法會運作 尹兆堅指有嚴重利益和角色衝突
<http://hd.stheadline.com/news/realtime/hk/904215/>





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線報

社會新聞

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【梁振英UGL案】尹兆堅：周浩鼎曾稱文件為自己草擬

撰文：陳嘉敏

🕒 2017-05-16 09:18

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立法會調查行政長官梁振英UGL事件的專責委員會爆出特首辦涉嫌干預調查風波，委員會成員、民主黨副主席尹兆堅今早（16日）稱，委員會副主席周浩鼎是在委員會第三次會議，即上月25日前提交涉及的文件，又憶述周浩鼎聲稱文件是他自己的論點，由他草擬；即使當時委員會內有激烈辯論，周都堅持不想修改文件，只表示如他認為有值得吸納的意見，需要時間回去作修訂。

對梁振英被指干預立法會運作 尹兆堅指有嚴重利益和角色衝突

🕒 2017-05-16 08:09



1/1 對梁振英被指干預立法會運作，尹兆堅指有嚴重利益和角色衝突。

調查行政長官梁振英被指收受澳洲公司UGL報酬事件的專責委員會，昨在立法會召開閉門會議，民建聯委員周浩鼎在會上承認梁振英曾主動接觸他，並提出修訂意見，梁振英被指干預立法會運作。民主黨尹兆堅出席電台節目時表示，對梁振英沒有否認指控，他認為是非常嚴重，是行政干預立法會運作，指被調查者應該避嫌，應該是立法會議員提問時，梁振英可以提供

資料，而非梁振英主動提出。

他認為，梁振英直接左右調查範圍，有嚴重利益和角色衝突，對梁振英說法感到莫名其妙。他指出，如果梁振英想表達意見，應該他可以正式去信委員會，在公開和透明的情況下或會考慮接受他提出的建議。

他稱，調查委員會三次會議進度緩慢，主要爭議是調查範疇和目的，認為建制派議員是「雞蛋裏挑骨頭」，呼籲建制派不要拉布。

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