

Chapter 3 Evidence and information relevant to the particulars of Hon Holden CHOW Ho-ding's alleged misbehaviour and breach of oath as set out in the Schedule to the censure motion

3.1 IC has reviewed the evidence obtained and information gathered according to paragraphs 2 to 17 of IC's Practice and Procedure in relation to the particulars of Mr CHOW's alleged misbehaviour and breach of oath as set out in the Schedule to the censure motion, for the purpose of discharging IC's responsibility under RoP 73A(2) for establishing the alleged facts particularized in the Schedule, and giving IC's views on whether or not the facts as established (if any) constitute grounds for the censure of Mr CHOW. As pointed out in paragraph 1.11, IC has evaluated the weight to be given to each item of evidence and information reviewed having regard to their directness and reliability, and the credibility and any possible bias of the makers of the remarks contained therein. This Chapter highlights the evidence and information which are of relevance to IC to facilitate its consideration of the alleged facts concerned.

Proposed Amendments submitted by Mr CHOW to the Proposed major areas of study of the Select Committee

3.2 In order to understand the background to the facts alleged in paragraphs (1) to (3) of the Schedule to the censure motion (paragraph 1.1 of this Report refers), IC has enlisted the assistance of the Select Committee in furnishing IC with the following two documents:

- (a) the electronic version of the Proposed Amendments, which contain amendments ostensibly made under the computer username "CEO-CE" (**Appendix 3.0**); and
- (b) the chronology of events in the handling of the Proposed Amendments (from the receipt of the electronic version of the Proposed Amendments to the issuance of the same to members of the Select Committee) (**Appendix 3.01**).

3.3 IC notes that the Proposed Amendments were tabled at the open meeting of the Select Committee on 25 April 2017 in the form of printed copies with the amendments shown in the revision mode.⁵⁹ The

⁵⁹ See Appendix 2.1 to this Report.

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Proposed Amendments sought to amend a number of provisions under I – "Background, nature and details of the agreement between Mr LEUNG Chun-ying and the Australian firm UGL Limited ("UGL") signed in 2011 ("UGL Agreement")", II – "Declaration requirements under Article 47 of the Basic Law ("BL") and the system of declaration of interests by Members of the Executive Council", and III – "Conflict of interests".

3.4 IC has referred to the contents of the Proposed Amendments in studying the facts alleged in paragraph (1) of the Schedule to the censure motion, i.e. whether the amendments proposed by Mr CHOW would, if adopted by the Select Committee, obstruct and pervert the course of the inquiry proceedings of the Select Committee and create results advantageous to Mr LEUNG; and if so, whether Mr CHOW had conspired with and assisted Mr LEUNG to improperly involve in and interfere with the investigation, obstructed the Select Committee in the proper discharge of duty, violated procedural justice, and damaged the independence, impartiality and legitimacy of the Select Committee's investigation.

Verbatim transcript and minutes of meeting of the Select Committee on 25 April 2017

3.5 In considering the facts alleged in paragraphs (1) and (3) of the Schedule to the censure motion, which are in relation to the particulars of Mr CHOW's improperly interfering with and obstructing the Select Committee's inquiry and making false representations at the meeting of the Select Committee, IC has, in addition to the minutes of meeting of the Select Committee on 25 April 2017 (**Appendix 3.1**), referred to the verbatim transcript of the said meeting prepared by the LegCo Secretariat (**Appendix 3.2**) (Floor version only).⁶⁰

3.6 In regard to Mr CHOW's representation to the Select Committee at the meeting relating to the origin of the Proposed Amendments, IC notes the following remarks made by Mr CHOW during his presentation of the Proposed Amendments:

⁶⁰ The verbatim transcript of the meeting of the Select Committee on 25 April 2017 is prepared in accordance with the video footage of the said meeting available on the LegCo website.

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- (a) "經過上兩次的會議，我亦回去很細心地研究，以及與一些委員談過。由於我知道有些委員在當初我們討論[擬議主要]研究範疇的時候，都曾經提出了一些 concern，例如是否應該調查該份[UGL]協議孰真孰假，甚至乎當時手寫的更改，又是否真確的，是否由梁振英本人所做。我看到大家都希望知道更多這方面的情況。我回去再反覆思考後覺得，既然如此，不如我們 entertain 大家的想法，將這些都包括在研究範圍之內。但我亦 address 主席剛才的提問，因為有一、兩個問題，我知道你也想了解更多，就是在我今次的修訂中，亦加了少許部分，就是你特別提到的，例如第 I 段 (f) 這 part。我請大家留意一下，UGL 就該協議在 2014 年發出的一份公開聲明的真偽性及可信性。"⁶¹
- (b) "我今次在擬議[主要研究]範[疇]內亦說清楚，希望大家屆時進行研究範圍時，也一併看看這份聲明，其實正正因為當時我記得，在上一次或上兩次會議中，也有些委員曾經提及，UGL 那份協議，甚至乎手寫的那些改動究竟孰真孰假、會否有作假成份。"⁶²

⁶¹ Page 5 of Appendix 3.2 to this Report; English translation: "Subsequent to the past two meetings, I had looked into the matter meticulously and discussed it with some members. As I understand that when we first discussed the [Proposed major] areas of study, some members have raised certain points of concern, such as whether or not we should study the authenticity of the [UGL] Agreement, and even the authenticity of the relevant handwritten amendments or whether or not such amendments were made by LEUNG Chun-ying himself. I noted that members would like to have a better understanding of the matter in this respect. After consideration again and again, I felt that under the circumstances, I might as well entertain everybody's ideas and include everything into the major areas of study. Having said that, I also wish to address the issue raised by Chairman just now. I am aware that you would also like to have a better understanding of some additions set out in my amendments this time around, which you have specifically referred to. One example is part (f) of paragraph I. I would like to draw members' attention to that part, which is about the authenticity and credibility of the press release issued by UGL Limited in 2014 in respect of the said Agreement."

⁶² Page 8 of Appendix 3.2 to this Report; English translation: "I have made it clear in the [Proposed major] areas of study my hope that when members proceed with the areas of study, the relevant press release will also be looked into. Actually, this is all because I remembered at the time that some members had queried, at the previous meeting or two meetings, the authenticity of the UGL Agreement and even the handwritten amendments, and wondered if there were any fabrications."

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- (c) "剛才提到第 II(c)項申報財產的原意，也許我再多說一些為何我會這樣修改。".⁶³
- (d) "所以，主席，你注意到我如此去寫這項修訂，是有原因的。".⁶⁴
- (e) "主席，我懇請你可否這樣做呢？如果我今天提出"原意"這字眼未能為大家接受，或許我自己再回去，再花些少時間，再就着第 II(c)項的內容，可能再有些 fine-tune，下次我再回來提出。".⁶⁵
- (f) "我明白我明白..... 剛才有議員提到，好像接受了我很多改動，但其實大家看回我這次的改動，當中有五、六項是我自己放棄的。我自己放棄，我願意接受大家的意見，我不想與大家爭論，如你所說，可以讓步的話我會這樣做，正如我已放棄了五、六項改動。主席，我自己作為這次修訂的起草者，在做這份工作時，我對某些事情，請原諒我，我是有一些的堅持。".⁶⁶

⁶³ Page 18 of Appendix 3.2 to this Report; English translation: "Just now the original intent of declaration of assets under II(c) was referred to, perhaps let me further elaborate why I have proposed this amendment."

⁶⁴ Page 18 of Appendix 3.2 to this Report; English translation: "Hence, Chairman, you do notice that there are reasons why I have drafted the amendment this way."

⁶⁵ Pages 39 and 40 of Appendix 3.2 to this Report; English translation: "Chairman, may I ask you to grant me this request? Should members find the term "original intent" I put forward today not acceptable, I would perhaps spend some more time to see if I could fine-tune the content of II(c) before bringing it back here for discussion."

⁶⁶ Page 49 of Appendix 3.2 to this Report; English translation: "I know, I know... Just now some members mentioned that it seemed to them many of my proposed amendments had been accepted. In fact, when referring to my proposed amendments, members could find out that I have given up five or six amendments. I give them up on my own initiative, as I am willing to accept members' views. I do not wish to argue with members. As you have said, I would give way if I could. And indeed, I have given up five or six amendments. Chairman, please excuse me, but as the drafter of the proposed amendments, I do have my insistence on certain issues when I am doing my job."

Transcripts of remarks made by Mr CHOW at the media sessions on 16 and 19 May 2017

3.7 As mentioned in paragraph 1.23, Mr CHOW was invited by IC on 8 December 2017 to confirm the completeness of the information contained in the transcripts in Appendices 1.19 and 1.20 insofar as his meetings with the media on 16 and 19 May 2017 are concerned. In his reply to IC on 28 May 2018, Mr CHOW told IC that he would not comment on the transcripts at that stage.⁶⁷ Mr CHOW also declined IC's invitation to assist in its investigations.

3.8 Mr CHOW was accompanied by Hon CHAN Hak-kan to meet with the media on 16 May 2017 to respond to enquiries relating to his handling of the Proposed Amendments. IC notes the following remarks made by Mr CHOW at the media session:

- (a) In regard to the incident, Mr CHOW said that "就這件 UGL 的事情,我承認我處理是有政治敏感度不足,亦都在處理的過程裡面,導致公眾產生了..... 不好的觀感。我自己是 —— 是經驗不足,因為我是第一次參加[專責]委員會。這方面我導致到大家 —— 即是處理得不夠周全,而導致到公眾產生了不好的觀感,我就這件事致歉".⁶⁸
- (b) Mr CHOW said that "UGL[專責]委員會的[擬議主要]研究範疇這一份文件從來都是一份公開的文件,任何人士都可以從公開的渠道,看到和評論這份文件。梁振英先生是有聯絡過我,然後,他和我傾談過這份公開文件裡面的內容,而他是對這份公開文件的內容亦都有一些意見.....他就將他的意見整合了[修訂建

⁶⁷ See Appendix 1.23 to this Report.

⁶⁸ See lines 6 to 11 of Appendix 1.19 to this Report; English translation: "as far as this UGL incident is concerned, I admit that I am not politically sensitive enough in handling the matter, and have, during the process, caused the public... to have a bad perception. For my part, I do not have enough experience, as this is the first time I join a [select] committee. I have caused others... I mean my not handling the matter meticulously enough has caused the public to have a bad perception. I have to apologize for that."

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議]，交給我.....我是考慮過，看過認為合適，再交給[專責]委員會作討論。".⁶⁹

(c) As regards the origin of the Proposed Amendments, Mr CHOW said that "這一份文件，我在和梁振英先生傾談過程中，我是.....不斷的反映我的意見，而他整合了那個意見出來，有他的意見亦有我的意見。".⁷⁰

(d) Mr CHOW stressed repeatedly that "我在這裡.....再三重申，沒有隱瞞大家任何事情，我的處理亦都符合一切的規則和法律。".⁷¹ He also said that "的而且確我沒有隱瞞大家，因為他[梁先生]交給我的這一份整合了的意見，我是如實地交給大家。而[專責委員會]主席.....當時他問我："有個這樣的情況"，我都是如實交代。所以，基本上來說，我絕對沒有隱瞞過大家任何事情。".⁷² He added that "我沒有任何說謊，先說清楚。因為我..... 因為..... 我就應該強調 —— 告訴大家知 —— 很簡單的，第一..... 這個意見我交了給他[梁先生]，即是和他傾談交流的過程當中，他是吸納了

⁶⁹ See lines 22 to 28 of Appendix 1.19 to this Report; English translation: "This document of the UGL [Select] Committee, i.e. the [Proposed major] areas of study, has always been an open document which everyone can see publicly and comment on. Mr LEUNG Chun-ying had contacted me and we talked about the contents of this open document and he had some views on it... He had then incorporated his views [into the Proposed Amendments] and passed it to me... I had looked at it and considered it appropriate, and then I submitted it to the [Select] Committee for discussion."

⁷⁰ See lines 97 to 99 of Appendix 1.19 to this Report; English translation: "Regarding this document [Proposed Amendments], I had been continuously expressing my views during the discussion with Mr LEUNG Chun-ying, and then he had incorporated the views [into the Proposed Amendments], which contained his and my views."

⁷¹ See lines 46 to 47 of Appendix 1.19 to this Report; English translation: "I hereby restate again that I did not hide anything from everybody, and my way of handling this matter has complied with all regulations and laws."

⁷² See lines 82 to 85 of Appendix 1.19 to this Report; English translation: "as a matter of fact, I did not hide anything from everybody. He [Mr LEUNG] gave me this set of consolidated comments, and I passed them, intact, to members [of the Select Committee]. As regards the Chairman [of the Select Committee]... He inquired with me at that time, 'we have here this situation', and I gave an account of everything to him. Hence, basically, I have hidden absolutely nothing from anybody."

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我的意見，然後整合了出來，對嗎？而他交回的這一份東西，我亦是如實 —— 就這樣就交了給[專責]委員會。我亦都沒有作任何刻意隱瞞，或者故意作任何 —— 任何說 —— 即是隱瞞大家說不是，或者不是他，沒有。其實就是那麼簡單，因為給他的就是那樣東西。”。⁷³

- (e) When answering a media question on whether interests of any kind were involved or Mr LEUNG had made any promise in this regard, Mr CHOW said that "第一，絕對沒有任何 —— 牽涉任何利益衝突，甚麼收受利益 —— 這些一定要說清楚，絕對沒有。因為如果是那樣，就是違法了。”。⁷⁴
- (f) In response to a media question on whether he should, having regard to the fact that Mr LEUNG was the subject of inquiry of the Select Committee, take the initiative to declare to the Select Committee at the meeting that Mr LEUNG had contacted him, Mr CHOW said that "我承認.....正正就是我自己是 —— 應早點提一提大家.....我是有和梁先生有做過 —— 傾談過這份文件的內容，而應該早點跟大家 —— 再提一提大家，這份文件裡面.....亦都包含了他的一些意見在內。如果我再早點同大家再提一提大家 —— 因為其實文件已有了，如果我再提提大家 —— 再早點提

⁷³ See lines 120 to 127 of Appendix 1.19 to this Report; English translation: "I have to make it clear first, I did not tell any lies. This is because I... because... I would like to stress that – tell you all that – it is very clear, first... I gave him [Mr LEUNG] these views, and during our discussion, he accepted my views and produced a consolidated set of amendments. Did he not? As for the amendments he gave back to me, I just passed them to the [Select] Committee intact. I did not deliberately hide anything, or deliberately do anything – say anything – to hide the truth from everybody or say he was not involved. No, I did not. It was as clear as that, because those were the views I gave him."

⁷⁴ See lines 60 to 62 of Appendix 1.19 to this Report; English translation: "First, there were no conflicts of interests of any kind involved and there was nothing about receiving benefits. I must make it clear that it is an absolute no. Because it would be illegal if there was anything like that going on."

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提大家，我覺得會做得……周全一點。我在這方面……我認為我自己真的做得不夠周到。”⁷⁵

- (g) Mr CHOW also said that "我在這方面，就是說 —— 應該早點對大家說，我有跟梁先生傾談過這份公開文件的內容，或者換轉來說，好像剛才有記者朋友提到，就應該提一提他，其實他如果有這個意見表達是沒有問題的，或許應該可能從[專責]委員會這個渠道……去做一個……往來，那可能會較為合適。在這方面……是自己是承認有做得真是不足的地方。”⁷⁶

3.9 On 19 May 2017, Mr CHOW was accompanied by Hon CHAN Hak-kan again to meet with the media to announce that he had written to the Chairman of the Select Committee stating his decision to withdraw from the Select Committee with immediate effect. At the media session, Mr CHOW stated that "我這個決定是因為考慮到[專責]委員會日後繼續需要運作，和我希望平息這個政治紛爭”。⁷⁷ Mr CHOW also said that "我想藉今天這個機會首先向大家再次重申，我在處理UGL[專責]委員會的工作當中絕對沒有任何隱瞞，沒有違規，亦沒有違法。一直以來，我只希望令調查可以完整和公正。”⁷⁸

⁷⁵ See lines 133 to 139 of Appendix 1.19 to this Report; English translation: "I admit that I should have informed everyone that I had a talk with Mr LEUNG about the contents of this document, and that I should have mentioned it to everyone earlier that this document also contained his views. The matter would be better dealt with if I had drawn the attention of everyone to it earlier. On this, I admit that I had not been attentive to this issue enough."

⁷⁶ See lines 177 to 183 of Appendix 1.19 to this Report; English translation: "In this regard, I mean I should have informed everyone that I had a talk with Mr LEUNG about the contents of this open document, or alternatively, I should, as a reporter mentioned just now, remind him that while it was actually fine for him to express his views, but perhaps it would be more appropriate for him to channel his views to the [Select] Committee. On this, I admit that I could have done better than that."

⁷⁷ See lines 16 to 17 of Appendix 1.20 to this Report; English translation: "My decision was made having regard to the need for the [Select] Committee to continue its operation in future and in the hope of settling this political conflict."

⁷⁸ See lines 4 to 7 of Appendix 1.20 to this Report; English translation: "I would like to take this opportunity to first reiterate that in handling the work with the UGL [Select] Committee, I did not have anything to hide, did not violate any regulations and do anything illegal. It has always been my hope to make the investigation complete and fair."

Transcripts of remarks by Mr LEUNG at the media sessions on 15, 16 and 17 May 2017

3.10 As mentioned in paragraph 1.15, IC sent a letter dated 9 February 2018 to Mr LEUNG to seek his confirmation on whether the transcripts of his meetings with the media on 15, 16 and 17 May 2017 in Appendices 1.10 to 1.12 published by ISD contained a complete record of his remarks in relation to the subject of IC's investigation made at the relevant meetings with the media. IC has received no reply from Mr LEUNG in respect of his views on the completeness of the aforesaid transcripts up to the publication of this Report. Mr LEUNG also declined IC's invitation to be a witness to assist in its investigations.

3.11 IC notes that Mr LEUNG had, at the media session in Beijing on 15 May 2017, responded to a number of media questions in relation to his involvement in the Proposed major areas of study of the Select Committee. The relevant remarks by Mr LEUNG at the above media session are highlighted as follows:

- (a) Mr LEUNG said, "首先，它那個擬議[主要]研究範[疇]不是保密的，一直都公開，在網上有，而且我認為不需要保密。"⁷⁹
- (b) Mr LEUNG also said, "你在網上可以看到這個[專責]委員會擬議的，目前還是一個草稿的研究範圍，我覺得應該涵蓋過去那兩年多在香港社會上，只是香港社會而已，外國現在完全沒有人跟進這件事，提出的種種、無論我們認為它有道理或沒道理的一些問題，我覺得都應該包含在內。不想看到是甚麼呢？因為立法會這個[專責]委員會，它準備用超過一年時間，預計工作到明年六月份，研究一番後發覺原來原先的研究範圍並未涵蓋社會上有人提出的一些問題。到時候提出問題的人就繼續提出問題，我覺得這個不理想。所以我認為，一，[專責]委員會不需要保密；第二，[專責]委員會的研究範圍應該擴大、應該完整、應該包含社會

⁷⁹ See page 1 of the Chinese version of Appendix 1.10 to this Report; English translation: "First of all, its [Proposed major areas of study] is not confidential. It has always been made public and is available on the website. Also, I think it is not necessary to keep it confidential."

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上至今過去那兩年，香港社會過去那兩年多，無論是有沒有事實基礎提出的問題都應該包含在內。”。⁸⁰

- (c) In response to a media question about the appropriateness of the way he used to intervene in the independent investigation of LegCo, Mr LEUNG said that "不是，因為現在是擬議[主要]研究範[疇]，到最後是需要[專責]委員會決定他們的研究範圍有多闊、有多窄。”。⁸¹

3.12 On the morning of 16 May 2017 before attending the Executive Council meeting, Mr LEUNG stated at the media session that he had proposed amendments to the Proposed major areas of study of the Select Committee and had passed his amendments to Mr CHOW, and explained why he chose to give his amendments to Mr CHOW instead of submitting his amendments to the Select Committee directly by himself. IC notes Mr LEUNG's following remarks made at the media session:

- (a) Mr LEUNG said, "我提出的那個修改文本就是把一些本來周浩鼎認為不應該調查的，或甚至他認為根本整個研究範圍都不需要，因為已有職權範圍，而這個意見不只是他有這個意見，另外有兩位建制派議員在會上都表示了意見，紀錄那裏可以看到的。我說不要

⁸⁰ See page 1 of the Chinese version of Appendix 1.10 to this Report; English translation: "You can find online the major areas of study, which are still in drafting stage, proposed by this [Select] Committee. I believe such areas should encompass the various questions raised by the Hong Kong community over the past two years, regardless of whether we find such questions reasonable or otherwise. Indeed, nobody in the international community is following up this matter. What I do not wish to see is that this [Select] Committee of LegCo, which is prepared to spend more than a year on its work scheduled to be completed by June next year, finds out after doing some study that the original major areas of study do not cover certain questions raised by some members of society. Should that be the case, those who have put the questions would continue to raise them, and I consider this situation not desirable. As such, I believe, first, it is not necessary for the [Select] Committee to keep everything confidential; second, the major areas of study of the [Select] Committee should be extended and be comprehensive enough to cover the questions raised in the Hong Kong community over the past two-odd years, regardless of whether such questions are based on facts."

⁸¹ See page 2 of the Chinese version of Appendix 1.10 to this Report; English translation: "No, because it is now the [Proposed major areas of study], and it should be decide by the [Select] Committee on the width and depth of its areas of study."

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緊，我們就用一個完整的及一個全面的方式來包含它。他後來同意了，因此我就說不如我將我的修改，如何把這些東西全部加進去提供給他，因此我把這個文本交給他。這個文本現在在社會上亦被披露出來”。⁸²

- (b) Mr LEUNG also said, "我是一個所謂的被調查對象，我是完全有權利向立法會表述我對他們的擬議研究範圍及在它真的做這個研究的時候，向它提供有關事實的權利。".⁸³
- (c) In response to a media question about the reason why he did not submit his views to all members of the Select Committee, including the Chairman, Mr LEUNG said that "我可以有很多個渠道做，但如果大家看那兩次的會議紀錄，三月三日和三月二十九日的會議紀錄，主要發言比較多的，以及我可以爭取到他的同意可以擴大那個範圍，使得[專責]委員會可以盡快定下研究範圍下來，繼續向前行，就是周浩鼎".⁸⁴

⁸² See page 4 of Appendix 1.11 to this Report; English translation: "My proposed amendments seek to deal with something that, in Holden CHOW's view, should not be subject to investigation; or should I say he even considers the major areas of study as a whole not necessary at all because the terms of reference are already in place. He is not the only one who holds such views. Two other Members belonging to the pro-establishment camp have also expressed their views during meetings, as revealed in the meeting records. I said, 'Never mind. We can integrate such views in a holistic and comprehensive manner'. Subsequently, he agreed and hence I suggested providing him with my amendments which would include all such ideas. Therefore, I passed to him this document, which is now also disclosed in public."

⁸³ See page 6 of Appendix 1.11 to this Report; English translation: "I am the so-called subject of inquiry, and I have the absolute right to express my views on the Proposed major areas of study to LegCo and to provide the truths needed for the study to be conducted."

⁸⁴ See page 6 of Appendix 1.11 to this Report; English translation: "I had many channels to choose from to do so, but you all would note in the minutes of the [Select] Committee's meetings held on 3 and 29 March respectively that Holden CHOW was the one who spoke actively on the Proposed major areas of study and the one whom I could seek agreement from on my views on the Proposed areas of study, which I considered would facilitate the [Select] Committee to finalize its major areas of study and to proceed forward".

3.13 IC also notes that at the media session on 17 May 2017, Mr LEUNG further reiterated that "現在專責委員會的研究範圍仍在一個擬議階段，大家在立法會的網站是看到的，即是說還在一個草稿階段，這個草稿是公開的，大家都可以提意見。".⁸⁵ He added that "我認為這個研究範圍必須是全面的，在研究過程當中有一點非常重要的，就是我在二〇一一年跟 UGL 簽的那份離職協議中是寫明，我自己手寫的，前提是不可以有利益衝突。在社會上曾經有人質疑過這句說話是寫下去的，因為很關鍵，是不是後來加上去的，意思是是否偽造的。因此我提出的就是說，要在研究範圍中加入這一句，就是要研究我寫這一句說話，不可有利益衝突這一句，是否偽造的，整份離職協議是否完整的，我覺得這些是關鍵的。".⁸⁶

Witnesses' written statements and verbatim transcripts for the first and second closed hearings

3.14 IC has taken into consideration witnesses' written statements⁸⁷ formally produced to IC and the verbatim transcripts for the first and second closed hearings held on 26 February and 29 April 2019 respectively containing evidence provided by witnesses before IC on oath (**Appendices 3.3 to 3.9**) (Floor version only). With a view to obtaining evidence which shall be relevant and useful to the investigation, IC has invited witnesses who are members of the Select Committee to include in their written statements, without limitation, the following information:

⁸⁵ See page 2 of Appendix 1.12 to this Report; English translation: "At present, the Select Committee is still at its stage to consider the proposals of the major areas of study, and everyone can view the document at the LegCo website, i.e. it is still at the drafting stage, and that this draft document is open for comments by everyone."

⁸⁶ See page 2 of Appendix 1.12 to this Report; English translation: "In my view, the major areas of study must be comprehensive enough. Besides, throughout the inquiry process, one point of utmost importance is the phrase handwritten by me in the resignation agreement signed between UGL and me in 2011, which says 'provided that such assistance does not create any conflict of interests'. Some comments in society have queried this handwritten phrase, as this is where the crux of the matter lies. The query is about whether or not the phrase was added afterwards, hinting that the phrase might be forged. As such, I suggest to incorporate this phrase in the major areas of study, this phrase handwritten by me should also be studied, so as to find out whether this phrase 'provided that such assistance does not create any conflict of interests' was forged and whether the resignation agreement is intact. I believe these are the crucial points."

⁸⁷ See Appendices 1.5 to 1.9 to this Report for details of the written statements formally produced to IC.

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- (a) whether Mr CHOW had made any representations to the Select Committee or the witness concerned as to the origin of the Proposed Amendments before, at or after the meeting on 25 April 2017; if so, details of his representations;
- (b) if Mr CHOW had never made any representation to the Select Committee or the witness concerned as to the origin of the Proposed Amendments, whether the witness concerned had at any time noticed or otherwise become aware that the Proposed Amendments had not been made by Mr CHOW himself; if so, the relevant details; and
- (c) whether the witness concerned had made enquiries with Mr CHOW or his representatives regarding the origin of the Proposed Amendments; if so, details of such enquiries and replies, if any, from Mr CHOW or his representatives.

3.15 As pointed out in paragraphs 1.19 to 1.22, IC is focally attentive to the confidentiality obligations of witnesses who are members of the Select Committee, and has considered the issues relating to the receipt and use of confidential information divulged by witnesses in their written statements and at the closed hearings, as well as the possible duty of confidence which may be owed by IC. As such, to further minimize IC's potential liability for inducing a breach of any contractual obligation of confidentiality, and to avoid giving the impression that IC in any way induces, persuades or entices a witness to disclose confidential information, IC has, apart from the actions taken as referred to in paragraph 1.22, redacted the parts of written statements and verbatim transcripts appended to this Report which IC considers contain information relating to closed-door deliberations of the Select Committee.

3.16 In the course of considering the evidence provided by witnesses in their written statements and at the closed hearings, IC has made reference to the following witnesses' remarks:

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Witnesses' remarks concerning Mr CHOW's alleged failure to fulfil the obligation of a member of the Select Committee

Hon Kenneth LEUNG's remark

3.17 When asked whether he considered it necessary that Mr CHOW should inform the Select Committee that the amendments Mr CHOW so submitted to the Select Committee were actually proposed by Mr LEUNG, the subject of inquiry, Hon Kenneth LEUNG said, "我認為一定需要第一時間通知我們所有人，要通知主席，通知我們所有人，因為這是作為[專責]委員會成員的應有之義。".⁸⁸ He further said that "這些事情是不能夠只接觸一名委員商討，這對於整個[專責]委員會的運作是不公平的，亦對其他委員造成不公平，因為在同一項調查中，不可能有些委員知道較多事情，有些委員知道較少事情".⁸⁹

Hon LAM Cheuk-ting's remark

3.18 Hon LAM Cheuk-ting held that "周浩鼎議員作為委員會副主席，他應該要獨立行事，而他卻受一個被調查人士左右，協助被調查人士呈交一份由他[梁先生]草擬的文本資料，試圖影響[專責]委員會的調查工作，這樣他已經違背自己作為委員獨立行事應有的責任。".⁹⁰

⁸⁸ See lines 487 and 488 of Appendix 3.5 to this Report; English translation: "I think it is absolutely necessary to inform us all at once, to inform the Chairman and us all, for the reason that it is the obligation as a member of the [Select] Committee to uphold."

⁸⁹ See lines 490 to 493 of Appendix 3.5 to this Report; English translation: "It is not right to contact just one member for discussion on such matters, and it is unfair to the operation of the [Select] Committee, and is also unfair to other members, as it should not be the case that under the same investigation, some members have known more information than some other members".

⁹⁰ See lines 349 to 352 of Appendix 3.8 to this Report; English translation: "Being the Deputy Chairman of the Select Committee, Mr Holden CHOW should act independently; however, he was controlled by the subject of inquiry and assisted the subject of inquiry to submit a document drafted by him [Mr LEUNG], with an attempt to intervene in the [Select] Committee's investigation. He had already been in breach of his responsibility as a member to act independently."

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Witnesses' remarks concerning the allegation that the incident involves
role conflicts and/or conflicts of interests

Hon LAM Cheuk-ting's remarks

3.19 Hon LAM Cheuk-ting said, "他[梁先生]作為一個被調查人士，用一種秘密的方式，透過[專責]委員會副主席試圖影響委員會就主要研究範疇的討論，甚至最終決定。這很明顯有一個很嚴重的角色及利益衝突，周浩鼎議員本人亦然。"⁹¹

3.20 When asked further what kind of conflicts of interests would exist under the relevant circumstances, Hon LAM Cheuk-ting said that "第一個就是，梁振英作為被調查人士，他去影響、試圖影響[專責]委員會針對他的調查的主要研究範疇。如果委員會的調查最後確認指控成立，當然，對梁振英先生的聲譽，以至其他政治上的情況，當然會對他有損害。所以，這對梁振英先生來說是很明顯的利益衝突。"⁹² As to whether any conflicts of interests exist on the part of Mr CHOW, he told IC that "周浩鼎他是放棄了他作為[專責]委員會委員之一及副主席身份獨立行事這重要責任，而他此舉會令他在委員會陳述有關意見的時候，存在利益衝突，他在協助被調查人士，而他隱瞞這個資料。"⁹³

⁹¹ See lines 133 to 136 of Appendix 3.8 to this Report; English translation: "He [Mr LEUNG], as the subject of inquiry, has sought to influence, secretly through the [Select] Committee's Deputy Chairman, the Committee's discussion on the major areas of study and even the Committee's final decision. Very obviously, there are serious conflicts of roles and interests on his part, and on the part of Mr Holden CHOW as well."

⁹² See lines 337 to 341 of Appendix 3.8 to this Report; English translation: "The first kind of conflict is that LEUNG Chun-ying, as the subject of inquiry, has sought to/tried to influence the major areas of study of the [Select] Committee set up to investigate him. Should the Committee eventually confirm that the allegations are established, the reputation of Mr LEUNG Chun-ying, and even his other political situation, would certainly be damaged. So, as far as Mr LEUNG Chun-ying is concerned, there are obviously conflicts of interests."

⁹³ See lines 365 to 368 of Appendix 3.8 to this Report; English translation: "Holden CHOW has given up the important responsibility of acting independently in his capacity as a member and Deputy Chairman of the [Select] Committee, and this would give rise to conflicts of interests when he presents the relevant views to the Committee. He has been assisting the subject of inquiry, and yet he keeps hiding this fact."

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Hon Andrew WAN Siu-kin's remarks

3.21 When asked to elaborate on the remark in his written statement that "[i]f I had known that the Document [Proposed Amendments] was edited by CY Leung or had incorporated his opinions beforehand, I would immediately dismiss them due to serious conflict of interests", Hon Andrew WAN Siu-kin said, "因為這很明顯，我相信大家作為議員或從事公職的任何人也知道，如果該情況屬實，即我們現在懷疑的情況屬實，牽涉到任何議員與一個被調查對象私通或交流過，而我們又正在調查同一個對象的話，這是很嚴重的利益衝突。如果我早已知道的話，當然會覺得這很不恰當，亦不應接受該份文件".⁹⁴

3.22 In response to a member's further question on whether Mr CHOW's behaviour (i.e. Mr CHOW had not made any representation to the Select Committee at the meeting on 25 April 2017 on his Proposed Amendments having incorporated views of Mr LEUNG) would become acceptable if in fact Mr CHOW shared the same view with Mr LEUNG coincidentally or Mr CHOW, after listening to Mr LEUNG's view, found out that he had the same view, Hon Andrew WAN Siu-kin said that he absolutely did not agree with it. He told IC that "我有兩個理由：第一，我們的調查對象本身是梁振英先生，而這個專責委員會當天所討論的事關重大的問題是甚麼呢？其實就是第一步，究竟委員會的 scope，即調查範圍有多闊，以及調查甚麼。大家也知道，這是有可能直接影響調查結果，因為調查範圍不沾及的範圍，我們便不應該理會。如果是事關重大的或是與我們專責委員會的工作有關的，而在制訂調查範圍時已沒有羅列的話，這將極有機會影響結果。所以，第一，我不覺得一個被調查對象可以有參與權。第二，作為[專責]委員會成員，無論是副主席或其他所有成員去接觸被調查對象，以我自己主觀感覺是極不恰當的。而他所給予的意見，無論

⁹⁴ See lines 124 to 128 of Appendix 3.7 to this Report; English translation: "This is indeed very obvious. I believe we as Members or any public office holders know that, if that is the case, if the situation we query about is proven to be the case, so much so that any Member has private connection or exchanged views with a subject of inquiry against whom we are conducting an inquiry, this would amount to serious conflicts of interests. If we were aware of that beforehand, we certainly would consider that very inappropriate and would refuse to accept the relevant document."

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你是否同意，與他接觸已屬錯誤，還吸納並認同他的意見，與他有所共識，繼而向委員會表達，這是另一錯誤。”。⁹⁵

3.23 In answering a member's question about the importance of finding out who took the initiative to call the other to discuss the amendments to the Proposed major areas of study of the Select Committee, Hon Andrew WAN Siu-kin told IC that "無論是你無意中接觸他或他接觸你，如果有利益衝突，是絕對不恰當的，亦要逃避。所以我覺得，依我的個人意見，我先回答，我不知道誰先接觸，不過無論是誰先接觸也好，我覺得任何一個有能力的議員，應該有足夠的能力判斷這是不恰當的。”。⁹⁶

⁹⁵ See lines 160 to 172 of Appendix 3.7 to this Report; English translation: "I have two reasons. First, our subject of inquiry is Mr LEUNG Chun-ying. What was the important issue under discussion by the Select Committee on that day? The discussion was actually about the first step to be taken, which is the scope of investigation. By that I mean the coverage of the inquiry and the matters to be looked into. As we all know, this may directly affect the results of inquiry. For issues that fall outside the major areas of study, we should not take them into account. For issues that are of utmost importance or related to the work of our Select Committee, if they were not included when the major areas of study were being compiled, the inquiry results would most likely be affected. Hence, in my view, first, a subject of inquiry should not have any right to participate in this regard. Second, in my subjective view, I consider it very inappropriate for a member of the [Select] Committee, whether in the capacity as the Committee's member or Deputy Chairman, to contact the subject of inquiry. As regards the views provided by him, whether you agree with the views or not, having contact with him is already a blunder; accepting and subscribing to his views, reaching a consensus with him and eventually presenting such views to the Committee, is another blunder."

⁹⁶ See lines 212 to 216 of Appendix 3.7 to this Report; English translation: "Whether you have come into contact with him unintentionally or he has contacted you, if conflicts of interests are involved, such contact is absolutely inappropriate and should be avoided. So, my view is, in my personal view, let me first answer you that I have no idea who takes the initiative to contact the other party, and regardless of who makes the first move, any capable Member should be able to judge that this is inappropriate."

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Witnesses' remarks concerning the possible impacts of the Proposed Amendments on the course of the inquiry proceedings of the Select Committee

Hon CHU Hoi-dick's remarks

3.24 When asked to elaborate on the grounds of the allegation that the Proposed Amendments would, if adopted by the Select Committee, obstruct and pervert the course of the inquiry proceedings of the Select Committee, Hon CHU Hoi-dick said, "我的理解就是，周浩鼎議員是嘗試不讓專責委員會委員知道梁振英曾參與修改他向專責委員會提出的研究範疇的建議，他在此情況下提出建議，有一個可能性，就是如果專責委員會採納了他對研究範疇的修訂，其後整個專責委員會便會按照被調查人心目中所想的方向進行調查，而這本身是非常不恰當的。"⁹⁷

3.25 As regards the impact of the Proposed Amendments, in particular those amendments to I(e) and (f) (Appendix 2.1 refers) relating to the authenticity and completeness of the agreement between Mr LEUNG and the Australian firm UGL Limited as published by an Australian media agency ("UGL Agreement"),⁹⁸ as well as the authenticity and reliability of the relevant press release issued by UGL Limited,⁹⁹ on the course of the inquiry proceedings of the Select Committee, Hon CHU Hoi-dick told IC that "我認為將公開聲明的真偽及可信性都加進專責委員會的研究範疇，結果會令專責委員會花極大量時間，就一些其實無需爭拗的部分進行研究。因為我相信專責委員會的時間是有限期的，可能導致的結果就是無法進入一些真正重要的部分，而只是着重

⁹⁷ See lines 136 to 140 of Appendix 3.4 to this Report; English translation: "My understanding is that Mr Holden CHOW was trying to prevent members of the Select Committee from learning that LEUNG Chun-ying had participated in making the proposed amendments to the major areas of study that he submitted to the Select Committee. He submitted the proposed amendments in such a way probably because of one consideration, i.e. if the Select Committee adopted the proposed amendments to the major areas of study, the entire inquiry proceedings of the Select Committee would then be charted along the course favoured by the subject of inquiry. This is very inappropriate."

⁹⁸ See paragraph 3.1 of IN03/16-17 "Information Note – The UGL Incident" prepared by the Research Office of the Legislative Council Secretariat dated 23 February 2017.

⁹⁹ See paragraph 3.4 of IN03/16-17 "Information Note – The UGL Incident" prepared by the Research Office of the Legislative Council Secretariat dated 23 February 2017.

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研究聲明的真偽，並要尋找專家、證人，諸如此類，結果浪費很多時間。".¹⁰⁰ Hon CHU Hoi-dick also told IC that the overall effect of the above Proposed Amendments would be "把關鍵的部分推延到後來的部分，而結果可能是消磨所有時間，將所有時間花在瑣碎的地方上。".¹⁰¹

Hon Kenneth LEUNG's remark

3.26 In answering a member's question about whether the Proposed Amendments would, if adopted by the Select Committee, objectively affect the work of the Select Committee, Hon Kenneth LEUNG said, "我覺得是會影響我們專責委員會的進度，這點沒有錯。".¹⁰²

Hon Alvin YEUNG's remark

3.27 In response to a member's question similar to the one under paragraph 3.25, Hon Alvin YEUNG said that "但客觀而言，羅馬數字 I(e)項，以及剛才提及的羅馬數字 III(c)項，如果[專責]委員會真的展開工作，當然可能需要多些工夫。其次，這也可能會引導我們的方向，去了解.....究竟其原意、作用是甚麼；亦可能是給予一個方法，讓提供文件的人有機會解釋，也說不定。".¹⁰³

¹⁰⁰ See lines 183 to 188 of Appendix 3.4 to this Report; English translation: "In my view, if the authenticity and reliability of the public statement were included in the major area of study of the Select Committee, the Select Committee would have to spend a lot of time studying issues that are not disputed. I believe the working time of the Select Committee is limited, and hence one possible result is that the Select Committee could not proceed with the inquiry into some genuinely important issues, as it would be wasting a lot of time focusing on studying the authenticity of the statement and identifying experts, witnesses, and so on."

¹⁰¹ See lines 212 to 214 of Appendix 3.4 to this Report; English translation: "By deferring the crucial issues to the later part of the study, eventually all the time would be used up, and used up on the trivial matters."

¹⁰² See line 394 of Appendix 3.5 to this Report; English translation: "This is correct. I think it would affect the progress of the Select Committee's work."

¹⁰³ See lines 53 to 57 of Appendix 3.6 to this Report; English translation: "Objectively speaking, for item I(e) and item III(c) referred to just now, if the [Select] Committee is to work on them, it may most probably need to make a lot more efforts. Besides, this may also lead us into digging the original intent and purpose; and this may perhaps offer a way to allow the person who provides the document an opportunity to give explanations."

Witness' remarks concerning whether the adoption of the Proposed Amendments would create results advantageous to Mr LEUNG

Hon LAM Cheuk-ting's remarks

3.28 When asked, judging from the wording of the Proposed Amendments, whether the Proposed Amendments would create results advantageous of Mr LEUNG, Hon LAM Cheuk-ting replied in the affirmative. He then cited the following examples for IC's consideration:

- (a) "譬如 I(b)項說，'當日是否已當選行政長官'。我理解，'是否已當選行政長官'這一句，是周浩鼎的修訂，對不對？這亦是我們聽梁振英所說，他經常說，這是他當行政長官之前所簽署的協議，不是當行政長官之後才簽署的協議。這些其實跟梁振英的辯解不謀而合。"¹⁰⁴
- (b) "譬如他[周議員]亦說，在 I(e)項，原本的研究範圍是看 UGL 跟梁振英的協議的性質和詳情等。但是，他特別要在主要研究範疇特別加入'只會在不造成利益衝突的情況下提供相關協助'，這些句子很明顯是對梁振英有利，梁振英亦經常用這句說話辯解自己這份協議是沒有利益衝突。"¹⁰⁵
- (c) "即《基本法》關於申報財產的條文的原意。他[周議員]根本做了很多事，要令專責委員會的調查方向無法

¹⁰⁴ Lines 415 to 419 of Appendix 3.8 to this Report; English translation: "For example, item I(b) says, 'was he already elected as the Chief Executive on that day'. According to my understanding, 'was he already elected as the Chief Executive' is an amendment proposed by Holden CHOW. Am I correct? We have heard LEUNG Chun-ying talk about that, he has always said that the Agreement had been signed before he assumed duty as the Chief Executive, not afterwards. Indeed, this amendment fits perfectly with LEUNG Chun-ying's explanation."

¹⁰⁵ Lines 421 to 425 of Appendix 3.8 to this Report; English translation: "Another example is item I(e), the original area of study which looked into the nature and details of the Agreement between UGL and LEUNG Chun-ying. However, he [Mr CHOW] has specifically added into the major areas of study the phrase 'provided that such assistance does not create any conflict of interest'. This phrase is definitely of help to LEUNG Chun-ying, as he always use this phrase to explain that the said Agreement does not involve conflicts of interests."

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聚焦，而且還要做一些既不需要、亦查不到最終結果的事，或許是他認為可能對梁振英有利的事，又或是梁振英認為對自己有利的事。”。¹⁰⁶

Witnesses' remarks concerning whether Mr CHOW had conspired with and assisted Mr LEUNG to improperly involve in and interfere with the investigation, and obstruct the Select Committee in discharging its duty properly

Hon LAM Cheuk-ting's remarks

3.29 Hon LAM Cheuk-ting told IC that although he considered that Mr LEUNG could propose views on the Proposed major areas of study for the Select Committee's consideration, Mr LEUNG should "公開跟我們的專責委員會提出，不應該私下透過一個委員提出，而這個委員最終亦沒有在專責委員會表明，他[周議員]的修訂是聽了梁振英的意見而作出，或者.....甚至整份文件是由特首辦，經由梁振英的代表草擬並交予委員會，這會讓人覺得是一種隱瞞和串通。”。¹⁰⁷

3.30 As regards the alleged obstruction to the Select Committee's proper discharge of its duty, Hon LAM Cheuk-ting stated that "因為最終的文本[主要研究範疇]可能會以表決的方式通過，而我相信，因為我聽了在席各位議員的發言，民主派的議員是反對的，而建制派議員則是傾向支持為多，雖然有些人對個別的條款有保留，但我相信他[周議員]的大部分建議最終會獲得通過。在這樣的情況下，我們的專責委員會便要根據由梁振英參與草擬的研究範疇進行

¹⁰⁶ Lines 249 to 252 of Appendix 3.9 to this Report; English translation: "That is the original intent of the Basic Law provision on declaration of assets. He [Mr CHOW] has indeed made a lot of efforts to make it impossible for the Select Committee's inquiry proceedings to have a focused course, and to lead the Select Committee into doing things that do not need to be inquired into and will not lead to any inquiry results. Such things may be the ones that he finds helpful to LEUNG Chun-ying, or LEUNG Chun-ying considers helpful to himself."

¹⁰⁷ Lines 558 to 562 of Appendix 3.9 to this Report; English translation: "propose the views to our Select Committee openly rather than asking privately a member of the Committee to propose them for him. Eventually, this member did not make it clear to the Select Committee that he [Mr CHOW] made those proposed amendments upon taking into LEUNG Chun-ying's views, or... the entire document was prepared by the Chief Executive's Office, drafted by LEUNG Chun-ying's representative and passed to the Committee. One could not help but feel that they were acting in collusion to hide something."

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調查，如果直至調查的中後期才揭發，原來研究範疇的文件是由梁振英參與草擬或直接由其草擬的話，我相信我們的專責委員會是不能繼續進行工作，因為市民大眾會覺得，我們是聽命於梁振英，以調查梁振英自己這一個嚴重的政治醜聞或指控，那麼，專責委員會還可以如何運作下去呢？”。¹⁰⁸

Hon Alvin YEUNG's remarks

3.31 When asked what the proper way a member of the Select Committee should adopt to deal with the situation where he/she was contacted by the subject of inquiry for the purpose of expressing views on the Proposed major areas of study, Hon Alvin YEUNG said that "第一點是不應該接觸，這是最好的做法。其次，我覺得不應該私下接觸，即使真的有接觸，亦必然要公開，以及與整個[專責]委員會接觸，我覺得這才符合專業和 integrity。"。¹⁰⁹

3.32 As regards the allegation of Mr CHOW's assisting Mr LEUNG to interfere with the investigation of the Select Committee, Hon Alvin YEUNG told IC that "如果他[周議員]公開交代了，或者應該這樣說，如果我們其他委員知悉，我們在席有委員曾與調查對象討論，甚至協助調查對象，即使不是協助他，而是共同提出一些擬議研究

¹⁰⁸ Lines 284 to 293 of Appendix 3.9 to this Report; English translation: "This is because the final version [of the major areas of study] might need to be put to a vote for passage. I believe, as I have listened to the remarks made by Members present, Members from the pro-democracy camp were against [those proposed amendments] while most Members from the pro-establishment camp intended to give their support, even though some of them might have reservation about certain individual terms. Nevertheless, I believe the majority of his [Mr CHOW's] proposed amendments would be passed. Under such circumstances, our Select Committee would have to conduct the inquiry in the light of the major areas of study which LEUNG Chun-ying has participated in drafting. Should it be discovered at the mid or later stage of the inquiry that LEUNG Chun-ying has participated in drafting or directly drafted the document setting out the major areas of study, I believe it would be impossible for the Select Committee to continue with its work, as members of the public would consider that we are following the order made by LEUNG Chun-ying in inquiring into such a serious political scandal or allegation against LEUNG Chun-ying. Should that be the cases, how could the Select Committee continue with its work?"

¹⁰⁹ Lines 290 to 292 of Appendix 3.6 to this Report; English translation: "First, the best approach is to refrain from any contact. Second, I believe no contact should be conducted in private. If there is really some form of contact, the process must be made public and the contact must be made with the [Select] Committee as a whole. In my view, this is the way to uphold professionalism and integrity."

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範疇的話，我相信會議不能繼續討論研究範疇，而應該討論相關委員這種做法是否恰當。而這件事本身，我相信亦會嚴重影響整個專責委員會的有效運作。”。¹¹⁰

Witnesses' remarks concerning whether Mr CHOW's behaviours violate procedural justice, and damage the independence, impartiality and legitimacy of the investigation of the Select Committee

Hon Kenneth LEUNG's remark

3.33 When asked whether he would be more cautious in assessing the Proposed Amendments if knowing that those were raised by Mr LEUNG, Hon Kenneth LEUNG told IC that he would "較為批判性地審視這些修訂，但在字裏行間，不論是誰提出的修訂，我也認為是有問題的，我也在會議上提出了。當然，對於梁振英為何會突然通過我們的委員提出修訂，我認為這要更加小心地去看，但我主觀地覺得，我對於這些修訂的疑問或提問，是不會有太大差別的。”。¹¹¹

Hon Andrew WAN Siu-kin's remark

3.34 Hon Andrew WAN Siu-kin told IC that "你當然可以有自由透過正確、適當的途徑表達你的意見。我相信我們的專責委員會當時在公開會議上討論這個主要研究範疇時，如果梁先生，舉例來說，發出律師信，指他認為有些事情，委員會的處理、認知或信息不準確，他也可以表達意見。不過，主導權在我們這裏，在我們這裏作決定，對嗎？而不是如這次給我的感覺，我們被蒙在鼓裏，如果

¹¹⁰ Lines 336 to 341 of Appendix 3.6 to this Report; English translation: "If he [Mr CHOW] has given an account in public... or I should put it this way. If other members [of the Select Committee] were aware that a member present had discussed with the subject of inquiry or even assisted the subject of inquiry, and even if he had not assisted him but only jointly proposed some major areas of study, I believe the meeting could not proceed with discussing the major areas of study. Instead, the appropriateness of the relevant member's approach should be discussed. This incident, in my view, would gravely impact on the effective operation of the Select Committee as a whole."

¹¹¹ Lines 474 to 478 of Appendix 3.5 to this Report; English translation: "examine the proposed amendments more critically. As for its wordings, regardless of who is the proposer of such amendments, I have found them problematic and expressed my views in this regard at the meeting. As regards the reason why LEUNG Chun-ying has to propose amendments through our member all of a sudden, I certainly believe we have to look into that more carefully. Nevertheless, my subjective view is that my queries and questions concerning those proposed amendments would more or less be the same."

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不是因為秘書處盡責，讓我們得悉最終的資料，我相信立法會的獨立專責委員會是會把那份文件當作真的是由周浩鼎議員提出的，又或不知道梁先生的角色存在，應該這樣說。我覺得對整個調查也是不公平的，也蒙騙了整個立法會。”。¹¹²

Hon LAM Cheuk-ting's remark

3.35 Hon LAM Cheuk-ting stated that "我不覺得應該要這樣聽從一個被調查人士所說的話。如果我們聽從的話，其實讓公眾有一種非常荒謬的印象，就是我們的專責委員會是聽命於梁振英決定哪些事情要調查他、哪些事情不用調查他。假如是這樣，我們如何做一個獨立調查呢？單是這一點已經損害整個委員會的獨立性及公正性。”。¹¹³

Witnesses' remarks concerning whether Mr CHOW had, at the meeting of the Select Committee on 25 April 2017, intentionally and repeatedly made false representations in relation to the origin of the Proposed Amendments, and misled the Select Committee and the public into believing that the Proposed Amendments were genuinely raised by him

Hon Claudia MO's remark

3.36 Hon Claudia MO stated in her written statement that "周浩鼎

¹¹² Lines 281 to 291 of Appendix 3.7 to this Report; English translation: "You certainly have the freedom to express your views through proper and appropriate channels. It is my belief that when the Select Committee discussed the major areas of study at its open meetings at that time, if, say, Mr LEUNG issued a lawyer's letter pointing out that the Committee's handling, understanding or knowledge of certain matters was inaccurate, he could express his views. However, the leading role is ours. We are the one who make the decisions. Are we not? This is very much unlike the present case which gave me the feeling that we were being blindfolded. If not for the conscientious work of the Secretariat, we would not have received the ultimate information. I believe the independent Select Committee of LegCo would then treated the document as if it was genuinely submitted by Mr Holden CHOW, or should I say the Select Committee would be unaware of the role played by Mr LEUNG. In my view, this is unfair to the entire inquiry and LegCo as a whole has been deceived."

¹¹³ Lines 318 to 322 of Appendix 3.8 to this Report; English translation: "I do not think we have to follow suit the ideas of a subject of inquiry. Should we follow suit, we would actually give the public a very absurd impression that our Select Committee is following the order of LEUNG Chun-ying, who decides what matters concerning him we should and should not inquire into. Should that be the case, how could we conduct an independent inquiry? This issue alone has undermined the independence and impartiality of the Committee as a whole."

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更一度作失實陳述，蓄意誤導專責委員會和公眾相信該修訂由周浩鼎本人作出，行為違反議員應有的誠信和正直忠誠。周浩鼎亦無視其作為立法會議員的身分，為時任行政長官的梁振英一人服務，任由行政長官干預立法機關的事務，破壞立法會的自主獨立。上述種種不當行為實屬行為不檢，及違反立法會議員誓詞中所述的「盡忠職守」及「為香港特別行政區服務」此兩項立法會議員應履行的基本職責。¹¹⁴

Hon CHU Hoi-dick's remark

3.37 Hon CHU Hoi-dick told IC that "我留意到周浩鼎議員在陳克勤議員陪同下公開見記者的時候，周浩鼎議員提到，他認為把那份有修改痕跡的文本寄到秘書處，正正證明他無意隱瞞專責委員會。我認為這個說法很可笑，因為實際上可能剛好相反，其實周浩鼎議員並不想讓專責委員會知道他曾與梁振英溝通，因為如果他想別人知道的話，便應該在 4 月 25 日的會議上公開說出來，但他沒有選擇這樣做。後來被秘書處揭發了他的文本經特首辦修改之後，他才公開說其實是刻意讓大家看到的。¹¹⁵

¹¹⁴ Paragraph 4 of Appendix 1.5 to this Report; English translation: "Holden CHOW has even made false representations for some time, deliberately misleading the Select Committee and the public into believing that the amendments were proposed by Holden CHOW himself. In so doing, he has failed to meet the level of the credibility and integrity expected of a Member of the Council. Holden CHOW has also disregarded his capacity as a Member of LegCo in serving the then incumbent Chief Executive LEUNG Chun-ying and allowing the Chief Executive to intervene in the businesses of the legislature, thereby undermining the autonomy and independence of LegCo. The aforementioned behaviours were indeed disorderly and in breach of the basic duty of a Member of LegCo as set out in the oath made by Members, namely to 'serve the Hong Kong Special Administrative Region' 'conscientiously and dutifully'."

¹¹⁵ Lines 49 to 56 of Appendix 3.4 to this Report; English translation: "I notice that when he was accompanied by Mr CHAN Hak-kan to meet with the media in public, Mr Holden CHOW mentioned that the fact that he had mailed the text with marked-up traits of the amendments to the Secretariat was a good proof that he had no intention to hide anything from the Select Committee. I find this remark very ridiculous because this was exactly the reverse of real situation. Actually, Mr Holden CHOW did not want the Select Committee to know that he had any contact with LEUNG Chun-ying. If he did want others to know, he would have said so in public at the meeting held on 25 April. Yet he did not choose to do so. Eventually, it was discovered by the Secretariat that the text submitted by him had been amended by the Chief Executive's Office, and it was until then that he said in public that he was in fact letting everybody see it on purpose."

Hon LAM Cheuk-ting's remark

3.38 Hon LAM Cheuk-ting told IC that "他[周議員]從來沒有提述過該份文件有梁振英參與，或者是在聽取梁振英或特首辦的意見後增添了內容。他一句也沒有這樣說過，反而不斷強調那是他的建議，是由他草擬的文件；但這並非事實，而這正是關鍵的隱瞞。所以，我覺得他是在欺騙我們的專責委員會，正常人也會有這樣的想法。"¹¹⁶

Witnesses' remarks concerning whether Mr CHOW's behaviours fail to meet the level of credibility, integrity and dutifulness of a Legislative Council Member

Hon Claudia MO's remark

3.39 Hon Claudia MO told IC that "我最先想起的一個字，英文是一個字，'dishonesty'，中文是'不誠實'。最初他[周議員]裝作是他的個人意見，經人多番追問時，他才確認事實是梁振英修改他的說法或原先的那套文件等。"¹¹⁷

Hon Kenneth LEUNG's remark

3.40 Hon Kenneth LEUNG stated that "我聽到當時周浩鼎議員公開道歉時，表示自己是一名新任議員，可能不太有經驗等等。但作為一名從政者，對於這件事情，梁振英第一次接觸他，或與他商討時，我認為他便應該要如實向主席和秘書處報告，或是 send message

¹¹⁶ Lines 190 to 194 of Appendix 3.9 to this Report; English translation: "He [Mr CHOW] never mentioned that LEUNG Chun-ying had a role to play in relation to that document, or that some contents have been added to the document upon taking into account the views of LEUNG Chun-ying or the Chief Executive's Office. He has not said anything in this regard. Instead, he kept emphasizing that those were his proposals, and the document was drafted by himself. However, what he said was not the truth, and this was the crucial point he had been hiding. For these reasons, I feel that he was trying to deceive our Select Committee. I believe everyone in their sound mind would share this view."

¹¹⁷ Lines 126 to 129 of Appendix 3.3 to this Report; English translation: "The first word that came to my mind was 'dishonesty' in English and '不誠實' in Chinese. At first, he [Mr CHOW] had pretended that those were his personal views, but then, upon repeated queries from others, he finally admitted that LEUNG Chun-ying had amended his comments or the original set of document, etc."

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給所有委員，指梁振英先生接觸了他，他有一些 concern 想討論。我認為這樣是較為妥當的做法，而不是把這些東西放上來，然後說是他自己的改動。對於整件事，我現時或在我作書面陳述書的那一刻，我覺得周浩鼎議員的行為和誠信也有問題，即作為一名立法會議員和專責委員會成員。”。¹¹⁸

Hon Alvin YEUNG's remark

3.41 Hon Alvin YEUNG said that "當周議員嘗試 put forward 他這些建議，這有沒有問題呢？如果是 in good faith，如果是 come clean 的話，我會認為，這當然是每位委員也有的權利、義務及責任去 assist[專責]委員會。但是，如果他背後有其他人的意見在內，而原來這個人是我們的調查對象，正如我剛才所說，我認為這是錯誤的。而如果他沒有 disclose，這便是錯上加錯的事情。”。¹¹⁹

Hon LAM Cheuk-ting's remark

3.42 Hon LAM Cheuk-ting told IC that "而周浩鼎不斷強調，表示這份文件是他本人草擬，他有他的堅持、是他的意思。這些全部都是謊話，他是在公開會議上欺騙我們其他委員....."。¹²⁰

¹¹⁸ Lines 522 to 530 of Appendix 3.5 to this Report; English translation: "I heard Mr Holden CHOW apologized at that time, saying he was a new Member and did not have enough experience, etc. In my view, however, as a player in the political arena, when faced with the incident, when LEUNG Chung-ying contacted him or discussed with him for the first time, he should have reported the case truthfully to both the Chairman and the Secretariat, or sent a message to all members saying that LEUNG Chun-ying had contacted him, and that he wished to discuss some points of concern. I believe this should be a more appropriate approach, rather than placing those things before us and claiming that they were his own amendments. The behaviours and integrity of Mr Holden CHOW in this incident, in his capacity as a Member of LegCo and a member of the Select Committee, are questionable in my opinion at this moment and when I prepared my written statement."

¹¹⁹ Lines 74 to 79 of Appendix 3.6 to this Report; English translation: "When Mr CHOW tried to put forward such proposals of his, would I consider it all right? If he did that in good faith and had come clean, I would say this is the right, obligation and duty of every member to assist the [Select] Committee. Having said that, if there is someone giving views behind him, and that person was the subject of our inquiry, as I said just now, I would consider this a blunder. And if he did not disclose the truth, that would be another more serious blunder."

¹²⁰ Lines 603 to 605 of Appendix 3.9 to this Report; English translation: "And Holden Chow kept emphasizing that the document was drafted by himself, he had his own insistence, and that those were all his own comments. Those were totally lies. At the open meeting, he tried to deceive other members..."

Statements issued by the Independent Commission Against Corruption and the Department of Justice in relation to the investigation into the allegations of corruption and misconduct in public office against Mr LEUNG and Mr CHOW

3.43 IC notes that the Independent Commission Against Corruption ("ICAC") and the Department of Justice ("DoJ") issued on 12 December 2018 respective statements in relation to the investigation into the allegations of corruption and misconduct in public office ("MIPO") against Mr LEUNG and Mr CHOW (**Appendices 3.10 and 3.11**). According to ICAC's statement, it had conducted investigation into various allegations of corruption and MIPO against Mr LEUNG and Mr CHOW, among which included the allegation which arose from the suspected interference by Mr LEUNG and Mr CHOW with the inquiry of the Select Committee. The findings of the investigation were submitted to DoJ for legal advice, and DoJ considered that there was insufficient evidence to support a reasonable prospect of conviction against Mr LEUNG and Mr CHOW. In the statement issued by DoJ on the same day, DoJ stated that regarding the submission of amendments to the major areas of studies of the Select Committee by Mr CHOW which originated from Mr LEUNG, the amendments would not affect the proper functioning of the Select Committee. DoJ added that there was insufficient evidence to prove that such misconduct was serious enough to establish the offence of MIPO, and that there was also insufficient evidence to substantiate other criminal offences against Mr LEUNG and Mr CHOW. DoJ's decision not to institute prosecution against Mr LEUNG and Mr CHOW was made in accordance with the Prosecution Code and the applicable law. IC has sought comments from Mr CHOW on ICAC's and DoJ's statements and he had no comments on the statements. IC also notes Hon Claudia MO's view in her written statement that she considers DoJ's reasons for its decision not to institute prosecution against Mr CHOW inconceivable and absurd.¹²¹

¹²¹ See Appendix 1.5 to this Report.