

立法會
Legislative Council

LC Paper No. CB(2)104/17-18
(These minutes have been cleared
with the Chairman)

Ref : CB2/SC/16

**Select Committee to Inquire into Matters about the Agreement
between Mr LEUNG Chun-ying and the Australian firm UGL Limited**

**Minutes of meeting
held on Thursday, 1 June 2017, at 5:30 pm
in Conference Room 3 of the Legislative Council Complex**

Members present : Hon Paul TSE Wai-chun, JP (Chairman)
Dr Hon Priscilla LEUNG Mei-fun, SBS, JP
Hon WONG Kwok-kin, SBS, JP
Hon MA Fung-kwok, SBS, JP
Hon Kenneth LEUNG
Hon Alvin YEUNG
Hon Andrew WAN Siu-kin
Dr Hon Junius HO Kwan-yiu, JP
Hon LAM Cheuk-ting
Hon YUNG Hoi-yan

Clerk in attendance : Miss Josephine SO
Chief Council Secretary (2) 2

Staff in attendance : Miss Flora TAI
Assistant Secretary General 2

Mr Timothy TSO
Senior Assistant Legal Adviser 1

Miss Joyce CHAN
Assistant Legal Adviser 1

Action

Mr Raymond LAM
Senior Council Secretary (2) 7

Miss Michelle TANG
Council Secretary (2) 2

Miss Cally LAI
Legislative Assistant (2) 2

Action

I. Complaint about suspected disclosure of closed-door deliberations

(LC Paper No. CB(2)1446/16-17(01))

The Select Committee deliberated (index of proceedings attached at **Annex**).

2. The Chairman put on record that at the closed meeting held earlier in the same afternoon, members decided that discussion on the two substantive items listed on the agenda of that closed meeting should be held in public and necessary arrangements were made by the Secretariat to carry out the decision. He reminded members to observe paragraph 26 of the Practice and Procedure of the Select Committee not to disclose any information about the internal deliberations held or documents considered at closed meetings.

3. Mr Kenneth LEUNG declared that Mr LEUNG Chun-ying had brought a defamation claim (HCA533/2017) against him.

4. Mr LAM Cheuk-ting declared that he had lodged a complaint with the Independent Commission Against Corruption in relation to the agreement between Mr LEUNG Chun-ying and UGL Limited.

5. Members discussed the complaint made by Dr Junius HO about the suspected disclosure of the internal deliberations held at the closed meeting on 15 May 2017.

6. The meeting ended at 6:30 pm.

Council Business Division 2
Legislative Council Secretariat
19 October 2017

**Proceedings of meeting of the
Select Committee to Inquire into Matters about the Agreement
between Mr LEUNG Chun-ying and the Australian firm UGL Limited
on Thursday, 1 June 2017, at 5:30 pm
in Conference Room 3 of the Legislative Council Complex**

Time marker	Speaker	Subject(s)/Discussion	Action Required
000110 - 000306	Chairman	Chairman's putting on record members' decision made at the closed meeting held earlier in the same afternoon that discussion on the two substantive items listed on the agenda of that closed meeting should be held in public. He reminded members to observe paragraph 26 of the Practice and Procedure of the Select Committee not to disclose any information about the internal deliberations held or documents considered at closed meetings.	
000307 - 000326	Chairman Mr Kenneth LEUNG	Declaration by Mr Kenneth LEUNG that Mr LEUNG Chun-ying had brought a defamation claim (HCA533/2017) against him.	
000327 - 000344	Chairman Mr LAM Cheuk-ting	Declaration by Mr LAM Cheuk-ting that he had lodged a complaint with the Independent Commission Against Corruption in relation to the agreement between Mr LEUNG Chun-ying and UGL Limited.	
000345 - 001015	Chairman Dr Junius HO SALA1 Clerk	<p>Dr Junius HO's elaboration on his complaint about suspected disclosure by Mr Alvin YEUNG, Mr LAM Cheuk-ting, Mr Kenneth LEUNG and Mr Andrew WAN of the internal deliberations held at the closed meeting on 15 May 2017 (LC Paper No. CB(2)1446/16-17(01)).</p> <p>SALA1's advice that:</p> <p>(a) paragraph 26 of the Practice and Procedure of the Select Committee provided that members including the Chairman and the Deputy Chairman should not disclose any information about the internal deliberations held or documents considered at its closed meetings; and</p> <p>(b) as the Select Committee was not authorized by the Council to exercise the powers under section 9(1) of the Legislative Council (Powers and Privileges) Ordinance (Cap. 382), Rules 80 and 81 of the Rules of Procedure ("RoP") were not applicable.</p>	

Time marker	Speaker	Subject(s)/Discussion	Action Required
		<p>Clerk's remark that measures adopted by previous select committees in relation to disclosure of confidential information included:</p> <p>(a) issuing press releases to express regret concerning the disclosure of confidential information; and</p> <p>(b) requiring members and Secretariat staff to sign a confidentiality undertaking.</p>	
001016 - 010150	<p>Chairman Dr Priscilla LEUNG Mr Andrew WAN Mr Kenneth LEUNG Mr MA Fung-kwok Mr WONG Kwok-kin Dr Junius HO Mr LAM Cheuk-ting Mr Alvin YEUNG SALA1</p>	<p>Remarks of Mr Andrew WAN, Mr Kenneth LEUNG, Mr LAM Cheuk-ting and Mr Alvin YEUNG that there was a lack of evidence in support of Dr Junius HO's allegation that they had disclosed the internal deliberations held at the closed meeting on 15 May 2017.</p> <p>Views of Dr Priscilla LEUNG, Mr MA Fung-kwok, Mr WONG Kwok-kin and Dr Junius HO that:</p> <p>(a) it was regrettable that the internal deliberations held at the closed meeting on 15 May 2017 had been disclosed despite members' agreement to keep them confidential. Such conduct should be condemned;</p> <p>(b) members who had openly commented on the subject matter of that closed meeting should also be condemned;</p> <p>(c) the events that took place after the alleged disclosure culminated in the resignation of Mr Holden CHOW from the Select Committee. The Select Committee was in a way deprived of the opportunity to resolve the subject matter being discussed. The Select Committee's credibility had as a result been undermined and mutual trust had been lost amongst members of the Select Committee; and</p> <p>(d) the Select Committee should take follow up actions regarding the disclosure of the internal deliberations held at a closed meeting before moving on to other business.</p> <p>Dr Junius HO's suggestion that members who had attended the closed meeting on</p>	

Time marker	Speaker	Subject(s)/Discussion	Action Required
		<p>15 May 2017 should each make a statutory declaration.</p> <p>Mr WONG Kwok-kin's and Dr Junius HO's views that the Select Committee should be dissolved and reconstituted. Dr HO's view that the President should be invited to exercise his power under RoP 92 to dissolve and reconstitute the Select Committee in circumstances other than those provided for in RoP 78(4) and 78(5).</p> <p>Mr LAM Cheuk-ting's and Mr Alvin YEUNG's comment that the proposed dissolution and reconstitution of the Select Committee only served to unnecessarily prolong the Select Committee's inquiry.</p> <p>SALA1's advice that:</p> <ul style="list-style-type: none"> (a) there was no provision in RoP or in the Practice and Procedure of the Select Committee which provided for the making of statutory declaration; (b) RoP 78(4) provided that a select committee should, as soon as it had completed consideration of the matter or bill referred to it, report to the Council and the committee would then be dissolved; (c) it was provided in RoP 78(5) that at the end of a term every select committee of the Council should be dissolved; and (d) RoP 78(4) and 78(5) were the only existing rules that provided for the dissolution of select committees. <p>Chairman's suggestion to extend the meeting for 15 minutes. Some members objected to the proposed extension of meeting.</p> <p>Closing of the meeting.</p>	