

立法會
Legislative Council

LC Paper No. CB(2)2025/16-17
(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 Wednesday, 21 June 2017, at 8:45 am
in Conference Room 2A of the Legislative Council Complex**

Members present : Hon Paul TSE Wai-chun, JP (Chairman)
Hon MA Fung-kwok, SBS, JP (Deputy Chairman)
Dr Hon Priscilla LEUNG Mei-fun, SBS, JP
Hon WONG Kwok-kin, SBS, JP
Hon Steven HO Chun-yin, BBS
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

Mr Raymond LAM
Senior Council Secretary (2) 7

Action

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), CB(2)1583/16-17(01) and CB(2)1684/16-17(01))

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

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

3. 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.

4. Members continued to discuss the complaint made by Dr Junius HO about suspected disclosure of closed-door deliberations.

(At 9:56 am, the Chairman ordered that the meeting be suspended for Dr Junius HO to put his proposed motion in writing. The meeting resumed at 10:07 am. At 10:31 am, the Chairman ordered that the meeting be suspended again for Dr HO to consider revising the wording of his proposed motion. The meeting resumed at 10:37 am.)

5. Dr Junius HO and Dr Priscilla LEUNG jointly moved the following motion:

(議案中文措辭)

"本人動議就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 2017 年 5 月 15 日議決將閉門會議保密，其後懷疑有人泄密，本會通過議案，建議出席委員會的議員按何君堯議員草擬經梁美芬議員修正的法定聲明(見附件 I)做法定聲明書。"

Action

(English translation of the motion)

"I move that, in relation to the suspected disclosure of closed-door deliberations subsequent to the decision of the Select Committee to Inquire into Matters about the Agreement between Mr LEUNG Chun-ying and the Australian firm UGL Limited made at the meeting on 15 May 2017 to keep such deliberations confidential, a motion be passed by this Committee to suggest that Members present at the meeting should make statutory declaration as per the statutory declaration proforma drafted by Dr Hon Junius HO Kwan-yiu and amended by Dr Hon Priscilla LEUNG Mei-fun (see **Annex I**)."

6. The Chairman put the motion to vote. Six members voted in favour of the motion and four members voted against it. The Chairman declared that the motion was carried.
7. There being no other business, the meeting ended at 10:42 am.

Council Business Division 2
Legislative Council Secretariat
18 August 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 Wednesday, 21 June 2017, at 8:45 am
in Conference Room 2A of the Legislative Council Complex**

Time marker	Speaker	Subject(s)/Discussion	Action Required
000533 - 000538	Chairman	<p>Chairman's remarks that:</p> <ul style="list-style-type: none"> (a) 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; (b) there was no express provision in RoP or the Practice and Procedure of the Select Committee on sanction for breach of confidentiality or unauthorized disclosure of closed-door deliberations in the present case; (c) the terms of reference of the Select Committee did not cover investigation and sanction relating to unauthorized disclosure of closed-door deliberations; and (d) a former select committee which was formed pursuant to the referral by the Council of a petition under RoP 20(6) and was not authorized by the Council to exercise the powers under section 9(1) of Cap. 382 had issued press release to express regret following a case of suspected leakage of confidential information. 	
000539 - 001120	Chairman Clerk	<p>Clerk's remark that there had not been any precedent where a select committee requested members to make a statutory declaration. Measures adopted by previous select committees in relation to leakage of confidential information included:</p> <ul style="list-style-type: none"> (a) issuing press releases to express regret concerning the leakage of confidential information; 	

Time marker	Speaker	Subject(s)/Discussion	Action Required
		<p>(b) interviewing members and staff of the Secretariat individually to enquire about whether they had disclosed confidential information;</p> <p>(c) requiring members to sign a confidentiality undertaking; and</p> <p>(d) requiring members and staff of the Secretariat to sign a statement declaring that they had not disclosed confidential information.</p>	
001121 - 001145	Chairman Mr Kenneth LEUNG	Declaration by Mr Kenneth LEUNG that Mr LEUNG Chun-ying had brought a defamation claim (HCA533/2017) against him.	
001146 - 001209	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.	
001210 - 002256	Chairman Mr WONG Kwok-kin Deputy Chairman Dr Priscilla LEUNG Mr Steven HO Mr LAM Cheuk-ting Clerk	Views on how meetings of the Select Committee should be scheduled.	
002257 - 002432	Dr Priscilla LEUNG Chairman	Draft statutory declarations provided by Dr Junius HO and Mr Kenneth LEUNG respectively (LC Paper Nos. CB(2)1583/16-17(01) and CB(2)1684/16-17(01)).	
002433 - 011629	Dr Junius HO Dr Priscilla LEUNG Mr Andrew WAN Mr WONG Kwok-kin Mr Kenneth LEUNG Mr Steven HO Mr Alvin YEUNG Mr LAM Cheuk-ting Deputy Chairman Chairman SALA1 Clerk	<p>Dr Junius HO's remarks that:</p> <p>(a) discussion at the closed meeting on 15 May 2017 had been disclosed despite members' agreement that it should be kept confidential;</p> <p>(b) members who attended the closed meeting on 15 May 2017 should each make a statutory declaration; and</p> <p>(c) a draft statutory declaration was attached to his letter of 6 June 2017 (LC Paper No. CB(2)1583/16-17(01)).</p>	

Time marker	Speaker	Subject(s)/Discussion	Action Required
		<p>Remarks of Dr Junius HO and Deputy Chairman that there was no provision in RoP or the Practice and Procedure of the Select Committee which prohibited members from making statutory declaration.</p> <p>Dr Priscilla LEUNG's views that:</p> <p>(a) members should each make a statutory declaration to confirm that they had not disclosed the deliberations of the Select Committee at the closed meeting on 15 May 2017; and</p> <p>(b) the phrase "without any reasonable cause" in paragraph 5 of the draft statutory declaration provided by Dr Junius HO might be amended as "without the consent of the Select Committee".</p> <p>Mr Andrew WAN's and Mr LAM Cheuk-ting's concern whether the making of a statutory declaration by members was a departure from past practice in following up cases of suspected disclosure of closed-door deliberations. There was no provision in RoP on the making of statutory declarations by members for such or any other purpose.</p> <p>Mr WONG Kwok-kin's and Deputy Chairman's views that it should be for the Select Committee to decide whether members should be requested to make a statutory declaration.</p> <p>Mr Kenneth LEUNG's remark that the Public Accounts Committee ("PAC") was the only standing committee of the Council which required each of its members to sign a confidentiality undertaking at the start of the term. His views that the Select Committee should draw reference to PAC's practice in considering the proposal of requiring members to make a statutory declaration; and any motion to that effect, even if passed, was not binding on members.</p> <p>SALA1's advice that:</p> <p>(a) as the Select Committee was not authorized by the Council to exercise the powers under</p>	

Time marker	Speaker	Subject(s)/Discussion	Action Required
		<p>section 9(1) of Cap. 382, RoP 80 and 81 were not applicable;</p> <p>(b) there was no express provision in RoP or the Practice and Procedure of the Select Committee on sanction for breach of confidentiality or unauthorized disclosure of closed-door deliberations in the present case;</p> <p>(c) the terms of reference of the Select Committee did not cover investigation and sanction relating to unauthorized disclosure of closed-door deliberations in the present case;</p> <p>(d) committees of the Legislative Council operated under an honour system. There was no precedent where members were required to make a statutory declaration; and</p> <p>(e) even if a motion requiring members to make certain statutory declarations was passed by the Select Committee, it was not binding on members.</p> <p>The Chairman's decision to suspend the meeting for five minutes for Dr Junius HO to put his proposed motion in writing.</p>	
Break			
012751 - 015035	Chairman Dr Junius HO Mr LAM Cheuk-ting Dr Priscilla LEUNG Mr Kenneth LEUNG Ms YUNG Hoi-yan Mr Steven HO Mr Andrew WAN SALA1 ASG2 Clerk	<p>Views and suggestions on the wording of the motion proposed by Dr Junius HO.</p> <p>The Chairman's decision to suspend the meeting again for Dr HO to consider revising the wording of his proposed motion.</p>	
Break			
015640 - 015913	Chairman Dr Priscilla LEUNG SALA1	Voting on the motion moved by Dr Junius HO and Dr Priscilla LEUNG.	

Time marker	Speaker	Subject(s)/Discussion	Action Required
015914 - 020155	Chairman	Scheduling of meetings of the Select Committee in July 2017.	

Council Business Division 2
Legislative Council Secretariat
18 August 2017

IN THE MATTER of the Oaths and
Declarations Ordinance, Chapter 11.

STATUTORY DECLARATION OF [NAME]

I, [NAME], (holder of Hong Kong Identity Card No.[•] of Room [•],
Legislative Council Complex, 1 Legislative Council Road, Central, Hong Kong, do
solemnly and sincerely and declare and say as follows :-

1. I am one of the members of the Select Committee to Inquire into Matters about the Agreement between Mr LEUNG Chun-ying and the Australian firm UGL Limited ("the Select Committee").
2. My duties as a member of the Select Committee are to inquire into the following matters regarding Mr LEUNG Chun ying's signing of an agreement with the Australian firm UGL Limited in 2011 ("UGL Agreement") and his receipt of payments amounting to £4 million from UGL Limited ("Payments") in connection with the UGL Agreement after assuming the office of Chief Executive: (i) whether Mr LEUNG had complied with the declaration requirements under Article 47 of the Basic Law and the system of declaration of interests by Members of the Executive Council, (ii) whether the UGL Agreement had given rise to any conflict of interests on the part of Mr LEUNG as the Chief Executive, and (iii) whether the Payments were taxable under the laws of Hong Kong.
3. I hereby confirm that since the resolution of the Select Committee made on 15th May 2017 that all matters, e.g., the liaison between Mr LEUNG Chun-ying and Mr. Holden Chow Ho-ding over the draft scope of

investigation of the Select Committee under discussion, at the closed door meeting on that day should be kept in strict confidence and not to be disclosed or divulged without any prior consent of the Select Committee.

4. Subsequent to the said meeting of the Select Committee, somehow information as referred to in the foregoing paragraph subject to confidentiality were fully blown out in the public.
5. In compliance of the resolution of the Select Committee for investigating the likely source of leakage of the confidential information as aforesaid, each member of the Select Committee is to make a Statutory Declaration to confirm that he or she did not disclose the said confidential information to others without the approval of the Committee.
6. In the circumstances, I hereby confirm that I did not disclose or divulge any confidential information to the press or any other person between the date of the meeting of the Select Committee held on 15th May 2017 and up to and inclusive of 1st June 2017.

AND I make this declaration conscientiously believing the same to be true and by virtue of the Oaths and Declaration Ordinance, Chapter 11.

DECLARED at the office of)
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Before me,

Dated the _____ day of _____ 2017

IN THE MATTER of the Oaths and
Declarations Ordinance, Chapter 11.

**STATUTORY DECLARATION
OF
[NAME]**
