

立法會

Legislative Council

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

Terms of reference

Purpose

This paper invites members to confirm the terms of reference ("TOR") 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").

Background

2. In its report submitted to the House Committee, the Subcommittee to Prepare for the Operation of the Select Committee on the Petition Presented at the Council Meeting of 2 November 2016 ("the Subcommittee") recommended the following as TOR of the Select Committee:

"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."

"調查有關梁振英先生在2011年與澳洲企業UGL Limited 簽訂協議("UGL協議"),並於就任行政長官後從該企業收取與UGL 協議有關的400萬英鎊款項("該款項")的以下事宜:(i)梁先生有否遵從《基本法》第四十七條及行政會議成員利益申報制度下的申報規定、(ii)UGL協議與梁先生行政長官的身份有否構成任何利益衝突,以及(iii)該款項根據香港法例是否應予課稅。"

3. At its meeting on 20 January 2017, the House Committee noted the Subcommittee's recommendation on the Select Committee's TOR¹.

Terms of reference

4. The Select Committee is formed pursuant to the referral by the Council of the petition jointly presented by Hon Kenneth LEUNG and Hon Andrew WAN at the Council meeting of 2 November 2016 ("the Petition"). For the purpose of demonstrating that the Select Committee's TOR should reflect the substance of the Petition, it is proposed that the Select Committee's TOR be presented in the following manner in future documents of the Select Committee:

"The terms of reference of the Select Committee, which reflect the substance of the petition jointly presented by Hon Kenneth LEUNG and Hon Andrew WAN at the Council meeting of 2 November 2016 and referred to the Select Committee under Rule 20(6) of the Rules of Procedure, are as follows:

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

¹ At the same meeting, the House Committee also endorsed the Subcommittee's recommendations on the membership size of the Select Committee and the procedure for nomination and election of Members for appointment to the Select Committee.

(iii) whether the Payments were taxable under the laws of Hong Kong."

"專責委員會的職權範圍反映梁繼昌議員及尹兆堅議員在2016年11月2日的立法會會議上聯署提交並根據《議事規則》第20(6)條交付專責委員會處理的呈請書的要旨，內容如下：

□□

調查有關梁振英先生在 2011 年與澳洲企業 UGL Limited 簽訂協議("UGL 協議")，並於就任行政長官後從該企業收取與 UGL 協議有關的 400 萬英鎊款項("該款項")的以下事宜：(i)梁先生有否遵從《基本法》第四十七條及行政會議成員利益申報制度下的申報規定、(ii)UGL 協議與梁先生行政長官的身份有否構成任何利益衝突，以及(iii)該款項根據香港法例是否應予課稅。"

Advice sought

5. Members are invited to confirm the Select Committee's TOR as set out in paragraph 4 above.

Council Business Division 2
Legislative Council Secretariat
1 March 2017