

立法會

調查赤鱘角新香港國際機場自1998年7月6日 開始運作時所出現的問題的原委及有關事宜 專責委員會

第6次公開研訊的逐字紀錄本

日期： 1998年9月30日(星期三)
時間： 上午9時
地點： 立法會會議廳

出席委員

周梁淑怡議員(主席)
何鍾泰議員(副主席)
何承天議員
李永達議員
吳靄儀議員
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陸恭蕙議員
陳鑑林議員
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劉江華議員
劉慧卿議員
蔡素玉議員

證人

香港空運貨站有限公司前任主席
容漢新先生

陪同證人出席研訊的其他人士

的近律師樓
鄭若驊大律師

立法會調查赤鱘角新香港國際機場自1998年7月6日
開始運作時所出現的問題的原委及有關事宜
專責委員會
Legislative Council Select Committee to inquire into the circumstances
leading to the problems surrounding the commencement of the operation of
the new Hong Kong International Airport at Chek Lap Kok
since 6 July 1998 and related issues

主席：

多謝各位出席今天舉行的專責委員會第6次研訊。

在未正式開始研訊之前，我想提醒各位委員，整個研訊過程必須有足夠的法定人數，即連同主席在內應共有5位委員。

我想藉此機會再次提醒公眾人士及傳媒，若在研訊進程序以外披露研訊上所提供的證據，將不受《立法局(權力及特權)條例》所保障。因此，傳媒應就他們的法律責任徵詢法律意見。

在未傳召證人香港空運貨站有限公司(下稱“空運貨站公司”)前任主席容漢新先生之前，我想徵詢各委員的意見，容漢新先生已通知專責委員會秘書，他將帶同以下人士出席研訊，她就是的近律師行鄭若驊大律師。若委員沒有異議，本人建議容許鄭若驊大律師在研訊進行期間陪同容漢新先生，但她不可以在席上發言。

若各委員對研訊程序並無其他意見，我宣布研訊開始，並傳召證人空運貨站公司前任主席容漢新先生。

(容漢新先生進入會議廳，
並由鄭若驊大律師陪同)

主席：

容漢新先生，委員會多謝你專程由英國回港出席今天的研訊。委員會今天傳召你到本委員會席前作證及出示與專責委員會研訊範圍有關的文據、簿冊、紀錄及文件。首先，本委員會決定所有證人均須宣誓作供，我將以專責委員會主席的身份負責為證人監誓。你可以選擇以手按聖經以宗教式宣誓，或以非宗教式宣誓。請依照放在你面前的誓辭宣誓。

Mr Peter André JOHANSEN, Former Chairman, Hong Kong Air Cargo Terminals Limited (Former Chairman, HACTL):

I swear by almighty God that the evidence I shall give shall be the truth, the whole truth and nothing but the truth.

主席：

多謝你，容漢新先生。專責委員會現時會處理1998年9月28日的傳

票命令證人出示的文據、紀錄及文件。

專責委員會知悉，證人已經根據傳票提供下列的文據、紀錄及文件：

- (1) 空運貨站公司常務董事翟達安先生於1998年5月25日致新機場工程統籌署署長郭家強先生的信件；
- (2) 經濟局局長葉澍堃先生於1998年6月26日致空運貨站公司當時的主席容漢新先生的信件；
- (3) 空運貨站公司當時的主席容漢新先生於1998年6月29日致經濟局局長葉澍堃先生的信件；
- (4) 屋宇署署長於1998年6月30日致空運貨站公司當時的主席容漢新先生的信件；及
- (5) 容漢新先生於1998年9月4日向新機場調查委員會提供的證人陳述書。

關於上述第1份文件，專責委員會知悉，該份文件已於1998年9月26日獲專責委員會接納為由新機場工程統籌署署長郭家強先生出示的證據。

容漢新先生，你現在是否根據1998年9月28日的傳票，正式向專責委員會出示上述的第(2)、(3)、(4)及(5)份文件作為證據？

Former Chairman, HACTL:

Yes, I am.

主席：

我現在宣布上述第(2)、(3)、(4)及(5)份文件獲接納為向專責委員會出示的證據。我想提醒各委員，所有向專責委員會提供的文件均須保密。不過，如果證人就披露其證據、文件作出任何申述，則視乎專責委員會在回應其申述時所作的決定，有關證據、文件在獲接納為向委員會出示的證據後，可於委員會的公開研訊上被引用。

Mr JOHANSEN, first, would you please refer to your witness statement to the Commission of Inquiry on the New Airport and confirm that in paragraphs 7 and 14 the year and the dates given should really be 1995 and not 1998?

Former Chairman, HACTL:

At Paragraph 7?

Chairman:

Paragraphs 7 and 14.

Former Chairman, HACTL:

Paragraph 7, yes, clearly is wrong. 14, also, yes. I confirm they should be 1995.

Chairman:

They should be 1995. Will members please note. Could you please now turn to Paragraph 20 of the same statement?

Former Chairman, HACTL:

Yes.

Chairman:

Under that paragraph you said:

".....my direct involvement in HACTL's preparations for its cargo handling operations at ST1 ended once the Franchise Agreement had been signed on 21 December 1995."

Former Chairman, HACTL:

Yes.

Chairman:

Given the very tight timetable of the project of getting HACTL ready for the airport opening date, could you please tell the Committee what part the Board played in ensuring that the management was able to achieve this and could you also supply us with the Board papers which indicate this monitoring?

Former Chairman, HACTL:

Board meetings are held every 2 months and at each of those Board meetings we had a report from management, from Anthony CHARTER, the Managing Director, advising us of progress as far as the construction was concerned. Do you want the minutes of the meetings?

Chairman:

Yes, or at least the excerpts regarding the progress.

Former Chairman, HACTL:

I have no problem in providing them at all.

Chairman:

Thank you. The floor is now open to members. 李永達議員。

李永達議員：

主席，容漢新先生剛才說董事會每兩個月開會一次，而你們的常務董事翟達安先生每次都呈交關於機場工程的進度報告，請問該等進度報告是否可以提交委員會參閱？

Former Chairman, HACTL:

Yes. They certainly can. I believe that the briefing notes for each of the Board meetings have actually been provided by Mr CHARTER with his statement, his statement to the Commission.

李永達議員：

主席，我想繼續追問。在1997年年底，當政府在開始考慮更改新機場的啟用日期的過程中，你們有否正式或非正式游說政府將啟用日期押後，即由4月押後至一個較後的日期？

Chairman:

Mr JOHANSEN.

Former Chairman, HACTL:

The answer is no. I did not ask for a postponement.

李永達議員：

主席，我想繼續發問。當局在作出這個新決定，即將啟用日期由4月改為6月或7月初時，董事會有否立刻開會討論，或檢討整個空運貨站的建造工程進度及其他有關問題？

Chairman:

Mr JOHANSEN.

Former Chairman, HACTL:

I don't recall any particular meeting that was scheduled, any special meeting that was scheduled after the announcement of the revised opening date, but we were reviewing progress on a regular basis during our regular Board meetings. There was nothing special that I recall that took place as a result of the announcement of the revised opening date.

李永達議員：

容漢新先生，你瞭解在與機管局的合約中，載明空運貨站公司的正式啟用日期為8月18日。當你知政府將機場的啟用日期由4月延遲至7月6日時，你有否考慮政府為何不將日期延遲至8月18日，與你們合約載明的啟用日期脗合？你有否考慮這問題？

Chairman:

Mr JOHANSEN.

Former Chairman, HACTL:

When you say did we consider it, as Anthony CHARTER has indicated, we were pleased that there was more time, that there was an extra 2 or 3 months, depending on which date in April the original date was considered to be. At that time management felt that they were still confident about being able to meet that particular date. Notwithstanding the fact that our commitment was for 18 August, from the outset we had been doing everything we could to meet the

desires of the Airport Authority who wanted to have an earlier date. We saw this as being a move in the right direction.

李永達議員：

主席，我想再多問一點。當局於1月14日宣布將機場啟用日期由4月押後至7月時，在該段期間，即在宣布啟用日期後，你有否親自以任何形式，與你們的常務董事翟達安先生接觸或以電話商討此事？

Chairman:

Mr JOHANSEN

Former Chairman, HACTL:

I don't recall. I would be surprised if I hadn't been in contact with him, but I have no specific recall of any particular conversation following that date.

李永達議員：

你的意思究竟是你在這段時間內曾與他接觸，還是沒有與他接觸？

Former Chairman, HACTL:

What I mean is that I cannot remember whether or not we had a specific conversation following that announcement. The fact that the announcement was a welcome one would lead me to believe that I may well have spoken to him but I just do not remember.

李永達議員：

主席，容漢新先生的意思是，他不肯定在1月14日後，他有沒有透過電話或其他方式接觸翟達安先生，討論有關延遲啟用日期的事宜。

Former Chairman, HACTL:

Yes, that's correct. As I said, I would be surprised if I hadn't, but I just cannot remember whether or not at that time I specifically contacted him.

李永達議員：

主席，我本來想跟進此事，但容漢新先生表示忘記了。請問法律顧問，現時應如何處理？因他並不肯定。若他答沒有，我便沒有問題；若答有，我有問題想跟進。

主席：

李永達議員，你可以問他與管理層的聯絡，而不理會他有否以電話等形式接觸，你可以問他就哪一方面進行聯絡？這樣你便可就該方面提出跟進問題。

李永達議員：

主席，我嘗試一下。容漢新先生，我假設你在該段時間曾與他接觸，你們討論押後啟用日期的範圍大約為何？即有關政府將啟用日期由4月延遲至7月初，在你們其後的聯絡中，討論內容主要為何？

Chairman:

Mr JOHANSEN.

Former Chairman, HACTL:

That is a very difficult question to answer because, as I have indicated, I have no specific recall of a discussion. I can only surmise that, if we had spoken, it would have been to express our relief that the Government was no longer aiming for April but was aiming for a later date. As I say, remembering a specific conversation some two and a half, three years ago - two and a half years ago - is, frankly, difficult.

李永達議員：

容漢新先生，我不是指2、3年前，而是指1998年1月14日當政府正式宣布將機場的啟用日期由4月改為7月6日後，你是否曾接觸翟達安先生討論這事？

Former Chairman, HACTL:

Yes. I apologise for getting my dates wrong. I was in contact with Anthony CHARTER on a fairly regular basis. I would have to repeat, I am afraid, that I find it difficult to recall a particular conversation. I know that we were all relieved that we had a different date for the airport opening and this is

something that would have been discussed fairly generally. But I am afraid I cannot specifically remember a particular conversation with Anthony CHARTER.

李永達議員：

主席，我不需要容漢新先生覆述某一次對話的情況。容漢新先生，請問你與翟達安先生在商談時，除了因為日期押後了差不多兩個月而感到較紓緩外，。你們有否討論有關啟用日期的其他問題，如押後至8月18日更為理想？又或者曾否討論，認為既然多了兩個多月，董事會及管理層均很有信心空運貨站可於7月6日啟用？

Chairman:

Mr JOHANSEN.

Former Chairman, HACTL:

Management was certainly confident about being able to open on time, there is no question about that, and the Board accepted management's views on this particular matter. Had the opening date been 18 August, clearly, this would have been much better because that was the date of our contractual commitment and, obviously, if they had gone to that particular date rather than going to a date somewhere between the April date that they originally had and our contractual date, that would have been better. But we did not try to push this. We were pleased that there was a more realistic date being proposed but, from the outset, as I mentioned earlier, we had been trying to accommodate the Airport Authority as much as possible. Whilst we only had a commitment for 18 August, we knew that they wanted to be on a faster track and we were doing whatever we could to accommodate them.

李永達議員：

主席，我還有一個問題。容漢新先生，你提到8月18日是更理想的日期，因為可有更多時間準備，同時亦與合約所列明的日期一致。但你瞭解政府希望趕快啟用新機場，所以你便盡力而為。你自己或董事會的同事，有否考慮這個極為緊迫的日期，會導致管理層與建築合約公司(即 contractor)很容易出錯或出現其他問題？

Chairman:

Mr JOHANSEN.
Former Chairman, HACTL:

No. That didn't come into our consideration. When we awarded the contracts, we did so on the basis that we had worked together with those particular contractors on previous occasions. We recognised that it was a very tight timetable and we made that clear from the start but we didn't have any lack of confidence at the time that we would be able to complete.

Chairman:

Ms Emily LAU Wai-hing.

Hon Emily LAU Wai-hing:

Thank you, Madam Chairman. I also want to follow up on the contractual commitment of opening on 18 August, that is the agreement. But then you also agree with the Administration or the Airport Authority to open it earlier on a best endeavour basis. Can you please explain to this Committee, under this arrangement what are you obliged to do and if it is on a best endeavour basis then, even if you cannot finish, you should not be penalised? Is that the proper understanding?

Former Chairman, HACTL:

That is correct, yes.

Hon Emily LAU Wai-hing:

In your statement that Madam Chairman referred to earlier, at Paragraph 21, you talk about safeguarding the interests of the shareholders of HACTL, which is of course something very important to you as Chairman of the Board. Your obligation is to deliver on 18 August?

Former Chairman, HACTL:

Correct.

Hon Emily LAU Wai-hing:

Pressure had been put on you to ask you to do it earlier but you would not

enter into a new contractual agreement to deliver earlier. The contractual obligation is still 18 August and you would do your best to do it before that, but, if you fail, then too bad. That is the understanding that we should have, isn't it?

Former Chairman, HACTL:

That is correct, yes.

Hon Emily LAU Wai-hing:

The Administration did not push you into reaching a new contractual agreement to have the obligation to deliver earlier?

Former Chairman, HACTL:

There was only one occasion when that was raised and that was with Anthony CHARTER. They didn't come to us formally as a Board, but the question was raised with Anthony CHARTER as to whether he would be prepared to move the key date from 18 August, to move it forward, and he said no, he was not able to do that. In fact, he couldn't have done that or shouldn't have made any sort of commitment in that way without coming to the Board, and the Board, in my view, would not have countenanced any change.

Hon Emily LAU Wai-hing:

So, all parties concerned should be very clear about the arrangement; that you have that obligation but you want to help and, if you fail, then you cannot be penalised?

Former Chairman, HACTL:

Yes, that's correct.

Hon Emily LAU Wai-hing:

Is that quite a normal arrangement for this type of big project?

Former Chairman, HACTL:

No. I would suggest that it is --

Hon Emily LAU Wai-hing:

Is it very exceptional?

Former Chairman, HACTL:

I am not tremendously experienced in these matters but I would have found it unusual, I think, to have a commitment of a certain date and then to be asked, even on a best endeavour basis, to achieve it earlier.

Hon Emily LAU Wai-hing:

But in your case and in the case of your shareholders you are not going to lose out?

Former Chairman, HACTL:

No. Obviously if one can complete earlier, then so much the better.

Hon Emily LAU Wai-hing:

In fact would you gain something by completing it earlier and is that one reason why you did not push for the August date? If you can complete in June or July, it would be to your company's financial benefit too?

Former Chairman, HACTL:

The reason we didn't push was that at the time it was felt that we would be able to meet the revised date and we were comfortable to try and do our best to help the Airport Authority.

Hon Emily LAU Wai-hing:

Earlier you talk about awarding contracts to your contractors. What kind of date did you put in those contracts? Or is it that 18 August is the key date and also on a best endeavour basis as well?

Former Chairman, HACTL:

I am afraid I'm not familiar with the precise details of those contracts but

they would have been considerably earlier than the key date of 18 August. I do recall that, as far as the acceleration contract for the main building contractor, we were asking them to meet operating permit by the end of April and we gave them an incentive to achieve that particular target. Without being able to say precisely what date or dates were in the earlier original contracts, they would have allowed ample time for full completion.

Hon Emily LAU Wai-hing:

So you asked your contractors to deliver earlier, to give you the comfort that it would be on time, but you still refused to bring forward the date with the Administration. You have a very wide cushion because your contractual agreement is on 18 August but you ask your contractor to deliver by June and you still would not give the Administration that legal undertaking that you can do it by late June or early July?

Former Chairman, HACTL:

I am afraid I'm not familiar with the normal mechanics of contracting but I don't find it unusual to suppose that one would have a particular date for a contractor to finish because, once a particular contractor is finished, there will be other work to be done and contracts do have a habit of slipping anyway.

Hon Emily LAU Wai-hing:

Were you surprised that the Administration agreed to this arrangement with you, giving you --

Chairman:

This arrangement?

Hon Emily LAU Wai-hing:

Meaning having the contractual date on 18 August but asking you to do it earlier, but just on the best endeavour basis, so if you cannot deliver in late June you would not be penalised.

Former Chairman, HACTL:

No. I don't think so. We had been asking for a period of 39 months

from the award of the franchise. The Government were asking for that to be reduced. The Board agreed that we could accommodate a 36-month period. We did mention at the time that we felt that this was going to be tight but that was the maximum we felt that we could commit to. They came back to say that they would like us to do our best to be partially open before and we said that we would try to do what we could. I don't find anything unusual about that.

Hon Emily LAU Wai-hing:

As I said, you were not going to lose out if you cannot?

Former Chairman, HACTL:

Yes. Because we put it to them and they accepted the fact that we felt that this was a tight timetable and this was all that we could reasonably be expected to commit to.

主席 :

副主席。

Dr Hon Raymond HO Chung-tai:

Thank you, Madam Chairman. I like to ask Mr JOHANSEN. Your position as Chairman of HACTL was a full-time employment, was it not?

Former Chairman, HACTL:

No. I was employed by John Swire and Sons and the majority of my work was on Swire Pacific. I was a non-executive Chairman of HACTL. The Executive Directors are Anthony CHARTER and K K YEUNG.

Dr Hon Raymond HO Chung-tai:

Despite that, Mr JOHANSEN, in your statement at Paragraphs 20 and 21 you said that you had no direct involvement in HACTL's preparations for this cargo handling operation at ST1 once the agreement had been signed on 21 December 1995. You said "direct". That doesn't mean you did not have indirect involvement in the whole process? Can you help us?

Former Chairman, HACTL:

That is correct. There is a distinction that you need to draw between the role of a Board of directors and executive management. The executive management reports to the full Board and the Board monitors the work in progress of the executive and takes decisions, broader decisions in terms of strategy and policy and so on. That is what I mean by no direct involvement. Yes, of course, there was indirect involvement on an ongoing basis.

Dr Hon Raymond HO Chung-tai:

As Chairman, Mr JOHANSEN, you chaired Board meetings; what you could call special or extraordinary meetings, and the Board was actually responsible for giving instructions to the management, is that correct?

Former Chairman, HACTL:

Yes. That is broadly correct. The other side of that, of course, is that the Board will listen to any recommendations made by management where there are matters which are more technical and where the directors individually would not expect to have specific knowledge. One relies on one's managing directors to quite a considerable extent.

Dr Hon Raymond HO Chung-tai:

Come to 6 July 1998, the critical date. Did the management make any appeal for assistance or did the management make a report to the Board saying that they were concerned whether or not the whole operation was ready for the move to Chek Lap Kok from Kai Tak?

Former Chairman, HACTL:

They had reported to the Board that the position was fairly tight, but there was never any indication that they were concerned there would be any real problems in opening. Mr CHARTER has, all along, said that one would never expect an opening such as this to be totally smooth but there was no indication from him that there might be problems such as would cause the whole system to come down.

Dr Hon Raymond HO Chung-tai:

In other words, Mr Anthony CHARTER, when he reported to the Board at

the meetings prior to the AOD, airport opening date, he felt comfortable about the whole thing?

Former Chairman, HACTL:

Comfortable? I think he had some concern but, on balance, he felt that the company would be able to make the transition without any really significant problems.

Dr Hon Raymond HO Chung-tai:

The end of June, early July this year was only a few weeks before now and I am sure you can remember what sort of concerns Mr Anthony CHARTER raised at the Board meetings that you just mentioned?

Former Chairman, HACTL:

The concerns were in terms of the state of readiness of the building. In particular, the occupation permit had been targeted for the end of May and that date slipped. In fact, I was then brought in to this by the Secretary for Economic Services, who asked me to lend my support to encourage or to see that everything could be done to make sure that the temporary operating permit could be issued before opening date. These were the sort of things that were of concern, not anything like what actually happened.

Dr Hon Raymond HO Chung-tai:

Did Mr Anthony CHARTER ever raise the point that he was concerned that he was not able to carry out a live load test before 3 July?

Former Chairman, HACTL:

This was not something that was brought to the Board.

Dr Hon Raymond HO Chung-tai:

The other point that Mr Anthony CHARTER told the Committee here yesterday was that the agreement with CSL had not been signed before the AOD and, hence, he had to rely on some verbal agreement with CSL to provide the

information, the flight information, to assist the whole operation. Is that correct?

Former Chairman, HACTL:

CSL? Sorry?

Dr Hon Raymond HO Chung-tai:

The Hong Kong telephone company.

Former Chairman, HACTL:

I was not aware of the fact that that had not been signed.

Dr Hon Raymond HO Chung-tai:

Wouldn't you think that the Board would be responsible for signing agreements of this type with other companies?

Former Chairman, HACTL:

No. Matters such as this would be very much within the purview of management and executive directors, rather than something coming through to the Board.

Dr Hon Raymond HO Chung-tai:

Did Mr Anthony CHARTER ever report to the Board that he might have been having difficulties with the telephone company in not being able to sign that agreement? It would be vital to have this agreement signed with the telephone company, otherwise FIDS information could not be fed to your system. Did you ever raise this with the Board?

Former Chairman, HACTL:

This was not raised with the Board, no.

主席：

蔡素玉議員。

蔡素玉議員：

主席，容漢新先生剛才提及合約內的“best endeavour”(即最好的嘗試)，在工程合約方面很少遇見，但政府卻同意你們的建議，請問政府何時同意這建議？在哪次會議上達成這項協議？

Chairman:

Mr JOHANSEN.

Former Chairman, HACTL:

I think it was mentioned in my statement. If you refer to Paragraph 14 of my statement to the Commission, on 29 June I wrote to Dr TOWNSEND, confirming a telephone conversation following a Board meeting the previous day at which I mentioned that the Board would only be able to work on a 36-month programme. That was when it was discussed with Dr TOWNSEND.

蔡素玉議員：

容漢新先生，我們正討論當時的機場啟用日期原定於4月，後來延遲至7月6日，你們有否就這問題再作討論？

主席：

對不起，蔡素玉議員，容漢新先生似乎仍未答覆你剛提出的問題。你問他何時與機管局有關方面達成你提及的“best endeavour”的諒解，他仍未回答，請容漢新先生答覆此問題。

蔡素玉議員：

好。

Former Chairman, HACTL:

Yes. If you refer to Paragraphs 15 and 16 of my statement to the Commission of Inquiry, it was Hamish MACLEOD, in his letter of 7 August, followed by my letter of 10 August, where this was first raised.

蔡素玉議員：

主席。

主席：

容漢新先生可否向委員會指出關於“best endeavour”(最佳的嘗試)載述於何處？

Former Chairman, HACTL:

In paragraph 16 there is reference to the possibility of HACTL being required to operate with partial capacity at CLK. I think one needs to refer to the letter of 10 August to Hamish MACLEOD.

蔡素玉議員：

主席，我想用另一個方法提問。

主席：

我想告知各委員，此信件已在我們的資料中，現請秘書立刻複印給予大家參閱。請繼續。對不起，是否程序問題？

吳靄儀議員：

既然有該信件，如只有一段是相關的，或請容漢生先生讀出，大家就不用等。

主席：

好。請容漢新先生參閱他8月10日寫給麥高樂爵士的信件。

Former Chairman, HACTL:

Sorry, I made a mistake there. It is actually a follow-up letter from Hamish Macleod dated 16 August, which is also attached to my statement. On the second page, paragraph 4, at the head of the page, he says that:

"The authority is firmly committed to a new airport opening in April 1998. Although HACTL would only be contractually bound to a 36-month programme, we expect HACTL to improve on it in practice, with a view to achieving a facility capable of handling a minimum of 1.2 million tons per annum on airport opening."

So, there he is saying that although we would only be contractually bound to a 36 month period, they would want us to achieve something better.

主席：

我現在將該信件副本給予各位同事參考。蔡素玉議員。

蔡素玉議員：

請問空運貨站公司董事會有否與政府舉行定期會議或非定期的會議？

Former Chairman, HACTL:

The Board, as such, did not hold meetings with Government. There were meetings of various members of the Board, principally, the executive directors, with the Airport Authority and I was involved in a number of those meetings at the early stage when we were discussing the terms of the franchise.

蔡素玉議員：

在這些會議上，剛才你所提及關於“best endeavour”的往來信件，有否在會議席上討論？

Chairman:

Mr JOHANSEN.

Former Chairman, HACTL:

Yes.

蔡素玉議員：

委員會可否參閱那些會議的紀要？

Former Chairman, HACTL:

They weren't formal meetings with minutes. Basically, the meetings are covered in my statement to the Commission of Inquiry. For example, after particular meetings I would write to - whether it was Hamish Macleod or whether it was Dr TOWNSEND - to confirm what we had discussed and, equally, there was a particular meeting where Hamish MACLEOD wrote to me after that meeting and these letters are attached to my statement to the Commission.

蔡素玉議員：

容漢新先生，請問你是否表示，就這樣一個龐大的工程而言，到底何時可完成或不能完成的法律責任，主要是依賴你與董誠亨先生等幾位通過電話商討後，以往來書信作為正式的協議？

Chairman:

Mr JOHANSEN.

Former Chairman, HACTL:

I'm not saying that at all. The formal agreement, as you would expect, was discussed in a lot of detail. What I am talking about is arrangements or negotiations that were taking place where, for example, the Financial Secretary would be aware that there were certain items that were going to be discussed in a Board meeting and he wanted to make particular points to us, suggesting that we might like to do this or that, and then, having discussed that at a Board meeting, I would then go back to him and say what the outcome of those discussions were. This is only really on the periphery. The actual terms of the franchise agreement, that was something that was discussed in a lot of detail at working level.

蔡素玉議員：

容漢新先生，剛才你提到曾與財政司司長談論此事。請問你有否與財政司司長商討此合約？此外，在政府部門中，具體上你曾與誰商討？據我理解，你們沒有開會正式討論，但你們一直均有書信往來，具體上除了麥高樂爵士和董誠亨先生外，你還與何人正式討論“best endeavour”這項合約條款？

Chairman:

Mr JOHANSEN.

Former Chairman, HACTL:

Nobody else. It was basically Hamish MACLEOD.

蔡素玉議員：

在書信往來及電話對話後，你們有否就該條款正式簽署一些協議？

Former Chairman, HACTL:

The formal agreement was the franchise agreement, which provided for a 36-month construction period following the initialling of the franchise, the final draft franchise agreement, which took place on 18 August 1995.

蔡素玉議員：

主席，我的問題是關於機場提前啟用的時間，你們在答應以“best endeavour”(最佳嘗試)開始運作方面，是否有正式協議？

Chairman:

Mr JOHANSEN.

Former Chairman, HACTL:

No. The formal agreement provided for a 36-month construction period. That was the agreement.

蔡素玉議員：

主席，可否容許我再問第二個問題？

主席：

你需要排隊。劉江華議員。

劉江華議員：

請參閱他的證供第22段，“I do not know upon what basis the Government decided that 1 April 1998 and then 6 July 1998 should be the opening dates of the new airport at CLK”。容漢新先生，你表示不清楚這兩個日期是根據甚麼基礎訂定。然而，不論是基於甚麼基礎，身為主席，你是否清楚知道這是給予貴公司的兩個限期？

Chairman:

Mr JOHANSEN.

Former Chairman, HACTL:

I'm not sure that I recall the deadlines. Could you perhaps put your question another way. I don't understand it.

劉江華議員：

在你的證供，你表示不知道這兩個日期是根據甚麼基礎訂出的，我簡單地問，你是否知道所訂出的這兩個日期，是要貴公司能夠在該等日期可以運作？

Chairman:

Mr JOHANSEN.

Former Chairman, HACTL:

I was aware of the fact that the Airport Authority would have liked us or wanted us to be ready or partially ready by airport operating date.

劉江華議員：

你表示政府曾要求貴公司能達到此目標，政府是否有提出要求？

Chairman:

Mr JOHANSEN.

Former Chairman, HACTL:

Yes.

劉江華議員：

而貴公司亦曾作出承諾？

Former Chairman, HACTL:

No.

劉江華議員：

並無這樣的承諾。我想請問容漢新先生，在我參閱的眾多文件中，貴公司的常務董事是首位於1996年7月提出新機場啟用日期應為1998年6月。貴公司的常務董事提出的啟用日期又是基於甚麼原因？這點你是否知悉？同時你有否參與這項決定？

Chairman:

Mr JOHANSEN.

Former Chairman, HACTL:

No. My reading of that is that Anthony CHARTER would have wanted to have more time and he felt that a date of the end of June was preferable to a date in April. It wasn't something that, as a company, we officially or in any other way were lobbying. These are comments that were being made by Anthony CHARTER.

劉江華議員：

他提出啟用日期應為6月，事先是否經過你的批准，又或曾否與你商討後才指出6月是理想的日期？

Chairman:

Mr JOHANSEN.

劉江華議員：

他曾否與你商討？

Former Chairman, HACTL:

Again, I feel sure that there would have been discussions regarding the preference for having an opening in June, rather than in April, particularly when it became increasingly clear that April was not going to be workable. But it wasn't a formal request that was being made by the company.

劉江華議員：

簡單來說，你曾參與作出決定？

Former Chairman, HACTL:

No. I am saying we didn't. It was something that was more general than that. Clearly, we were happier with June than we were with April. We were never happy with April. It is not a decision that we made to go for June.

劉江華議員：

若你認為有更充裕的時間較佳，那為何你的同事不提議機場在8月18日啟用，而提出在6月啟用呢？

Chairman:

Mr JOHANSEN.

Former Chairman, HACTL:

Mr CHARTER, as managing director, at the time felt confident that June was an achievable date. As I have mentioned earlier, whilst we had a commitment to complete by 18 August, we were aware of the fact that Government and the Airport Authority wanted to aim for an earlier date. To the extent that we felt that we were likely to be in a position to assist, then we would do whatever we could.

劉江華議員：

主席，容漢新先生用“commitment”這個字，我想請問你是否知悉“Swire(太古)”(即貴公司的股東)曾致函當時的經濟司，作出明確的承

諾，表示可在4月開始運作。你知否有這封信件？

Chairman:

Mr JOHANSEN.

Former Chairman, HACTL:

No. When was this?

劉江華議員：

這封信是機管局在1997年9月25日發出，文件第B28-6號，4.2.6段，
“The Secretary for Economic Services agreed that the Authority should take a
firm position with HACTL. He said that Swire had written to ESB giving their
commitment to meet the April opening date”，是用了“commitment”這個字。。

Former Chairman, HACTL:

Can you give me the reference again?

劉江華議員：

文件第B28-6，4.2.6段。

Former Chairman, HACTL:

This is a meeting of -- it looks like the Board of the Airport Authority
where it is just reporting that Swire had given a commitment. I am not aware
of this letter. If I could see the letter then obviously that would be helpful.
This is just a report in a meeting of, as I say, the Airport Authority.

劉江華議員：

貴公司是否習慣由其中一位股東(例如“Swire”)致函經濟局？

Chairman:

Mr JOHANSEN.

Former Chairman, HACTL:

No.

劉江華議員：

主席，由於這封信非常重要，因經濟局指該公司曾有“commitment”，但容漢新先生表示沒有看過該信件，相信要請經濟局提交該信件予委員會。

主席：

好，委員會會要求經濟局局長將該信件呈交委員會。

劉江華議員：

主席，我想繼續就容漢新先生的供詞第14段提問。剛才你表示你曾於6月29日致函董誠亨先生，在此以前，你倆曾以電話商談，我估計這次商談非常重要，因為當時是6月28日(即你發信的前一天)，與機場啟用日期相去不遠。希望你能講述更多董誠亨先生於當時提出的問題，以及詳述你們商討的內容。

Chairman:

Mr JOHANSEN.

Former Chairman, HACTL:

Again, a copy of that letter that I wrote to Dr TOWNSEND is attached to my statement to the Commission. Basically, it was confirming to him a conversation which I had had with Dr TOWNSEND where I advised him what had been agreed at a Board meeting the previous day. It goes on to say --

劉江華議員：

主席，相信稍後我們會參閱該份紀要，但我想詢問他與董誠亨先生電話的談話內容。董誠亨先生曾問及何事，以及你如何作答？

主席：

劉江華議員，剛才研訊開始時曾提到第7及第14段所指的信件的日期是錯的，現已改為1995年，我相信你知道這點。

劉江華議員：

1995年。

主席：

不是1998年。

劉江華議員：

好，不要緊。我想再問，1998年6月14日曾蔭權先生曾巡視新機場，當時你是否知悉此事？

Chairman:

Mr JOHANSEN.

Former Chairman, HACTL:

To HACTL? Yes, I was aware of that.

劉江華議員：

對，巡視完畢，常務董事或你的同事如何向你匯報？談及甚麼？

Former Chairman, HACTL:

He had told me before the visit that the Financial Secretary was going to make that visit. As I recall, it was a visit fairly late in the evening at a week-end. He reported to me subsequently that the visit had taken place. At the time I don't think he reported the sort of detailed information that he subsequently commented on in terms of Mr Donald TSANG getting so upset at the progress that appeared to be being made and the subsequent comments which he has outlined, asking Dick SIEGEL to remind him that the commitment was actually for 18 August. I don't think he went into that detail. But I was aware that the visit had taken place.

劉江華議員：

當你知悉曾蔭權先生並不滿意工程的進度，你的同事亦如實向你匯報時，身為主席，你一點也不緊張工程的進度嗎？

Former Chairman, HACTL:

In the lead-up to the airport opening date, yes, we were concerned about the level of progress that was being achieved. I was satisfied that the company was doing everything that it could to try to ensure that we would be ready. You will have to appreciate that there was a lot going on. It was a very big undertaking and not everything was going smoothly. I don't think there was anything that I, as Chairman, could have done which wasn't being already looked after by the management.

劉江華議員：

容漢新先生，雖然你與你的同事均認為工程的進展令人滿意。但政府在6月14日表示不滿意工程的進展，你不認為這是一個警號？

Chairman:

Mr JOHANSEN.

Former Chairman, HACTL:

No. I think there have been a number of occasions where Government, for one reason or another, or different parties, have felt upset in one way or another. Quite frankly, sometimes such worries have not been entirely justified. It is a fact that things were going relatively slowly in a particular area and it was something that, yes, we would try to make sure that management was going to direct its efforts there. But I don't see a huge red flag being raised at that particular time.

劉江華議員：

在6月14日後，你有否親自前往機場視察工程？

Chairman:

Mr JOHANSEN.

Former Chairman, HACTL:

I don't think I did. As I say, I'm pretty certain that I did not. My going to the construction site would not have added anything and, frankly, might even take management's time away from concentrating on what they were supposed to be doing.

劉江華議員：

我同意此點。但在6月14日以後，你採取了哪些行動令員工加速進行工作？為了達到預定啟用日期，在此期間你曾採取哪些行動？

Chairman:

Mr JOHANSEN.

Former Chairman, HACTL:

Management was working flat out to achieve completion. There was nothing more that I can do, other than in any contact with Anthony CHARTER to see if there is a real problem that he is envisaging. I can't help by suggesting that he should do this or that, because he is the managing director, he is the expert, and he should be allowed to get on with it.

劉江華議員：

在6月14日以後，有沒有任何政府官員與你接觸？

Former Chairman, HACTL:

As I recall, not as a result of that visit.

劉江華議員：

不，我並非指因那次參觀而與你接觸。而是指在6月14日後，有沒有任何政府官員與你商討關於機場啟用的事宜？

Chairman:

Mr JOHANSEN.

Former Chairman, HACTL:

Well, Stephen IP contacted me - you have a copy of his fax to me of 26 June - as a result of which I spoke to Anthony CHARTER and responded to him. That 26th was a Friday. I spoke to Stephen IP on Saturday and followed up formally on the Monday. This was in connection with making sure that the building was ready for TOP. Yes, that is a specific case where they did.

Chairman:

Mr JOHANSEN, I would just like to follow up on Hon LAU Kong-wah's questions. Given that you get progress reports once every 2 weeks and given --

Former Chairman, HACTL:

No. The progress reports -- reports were prepared for the Board and Board meetings are held on every other month, not every other week.

Chairman:

Yes, but how regular are the progress reports?

Former Chairman, HACTL:

There is a monthly progress report.

Chairman:

Were you actually aware that in June the issuance of the occupation permit was continuously delayed for a number of times, indicating that the construction is seriously delayed?

Former Chairman, HACTL:

Yes. I was aware of the fact that the target date for the occupation permit was not being met. My understanding is that there were a number of reasons for this, one of which was the commissioning of space for Government. As I say, there were a number of varying reasons. I don't think this was something that has any particular relevance to what finally happened on the airport opening date.

Chairman:

But you were aware that the main building contractor was actually delaying the dates that they are supposed to have committed themselves to, such as getting the structure ready for 29 May for occupation permit purposes?

Former Chairman, HACTL:

Yes.

Chairman:

In fact, it is a very critical period in getting the HACTL building, ST1, ready for 6 July. Did you visit the building at all in June or did your Board visit the building at all in June?

Former Chairman, HACTL:

There were a number of visits, but I can't remember the exact timing, quite frankly. I think the answer is yes, we did see -- I would have to check.

Chairman:

Were you comfortable with what you saw or were you worried with what you saw?

Former Chairman, HACTL:

I wouldn't say I was comfortable, no, because any building before it is completed will look a mess and this particular building was no exception. Again, I have to say that there was nothing that had been reported to us which might lead us to believe that the whole system was going to come crashing about our ears.

Chairman:

You knew of course that there was very sophisticated equipment and systems in the building all along?

Former Chairman, HACTL:

Yes.

Chairman:

Did it ever occur to you that you should in fact pose the question to the management, "Do you need more time?"

Former Chairman, HACTL:

Well, management was reporting to us, notwithstanding the difficulties which they were experiencing with the main building contractor, in particular, that they still felt that they would be able to open on the airport opening date.

Chairman:

You see, it was put to us by Mr CHARTER that neither the AA nor the Government in fact at any point in time asked them "Do you need more time?" All they got was pressure from both parties to get the building ready to perform. I am asking whether, as the Board, this becomes an internal matter, whether you have actually said to the management, given the state of the building and everything, that it didn't quite look ready? When you say it was a large building site, did you feel the need to put to management that question, "Do you need more time?"

Former Chairman, HACTL:

No. I felt that in the event that they had been worried that they would not be able to make it that they would have brought that to our attention. Asking the question in that way, in my view, almost demands the answer "yes", in that more time is obviously going to be helpful. The reports that we were getting from them, I didn't feel as a result of those reports that there was a danger that they would not be able to meet the airport opening date.

Chairman:

Did you put the question to them "Would you be able to operate at a standard on 6 July which is acceptable to the company?"

Former Chairman, HACTL:

Not specifically, no, but then I think that is almost a given, that the company will be, when it opens, operating at a given standard. That standard is not going to be the same standard as had been achieved at Kai Tak because when you have got a newly set up facility there are inevitably going to be some glitches and so on. I don't think there was any question that they wouldn't be able to operate at a satisfactory standard.

Chairman:

Given the state of the building, the state that you saw, and given the monitoring role of the Board, you didn't feel that you had to ask that question to ascertain that the standard which the company is supposed to perform at should be somehow assured by the management to you?

Former Chairman, HACTL:

Well, management was telling us -- I mean, they weren't saying, "Well, you know, we will be able to open but the standards are going to be awful". I think we all knew that the standards wouldn't be at the same very high level that we were able to achieve at Kai Tak because that came as a result of a number of years of running the system. But I don't see that we should challenge them on that particular point.

主席：

吳靄儀議員。

Hon Margaret NG:

Mr JOHANSEN, I would just like to ask a couple of questions on best endeavour. Let me just ask you: Was it ever a contractual obligation for you to use your best endeavour to have a 75 per cent operational capacity available by 6 July?

Former Chairman, HACTL:

No.

Hon Margaret NG:

So the best endeavour was a sort of gentlemen's agreement, was it?

Former Chairman, HACTL:

Yes.

Hon Margaret NG:

Could you tell us something about your acceleration contracts? Would these be the same as the supplemental contracts that they sometimes refer to? I understand this to be a contract between HACTL and HACTL's contractors, right? Could you tell us something about it? Why it came about? What were the contents? What were they supposed to achieve? Thank you.

Former Chairman, HACTL:

They came about because the main building contractors had fallen well behind the programme, for reasons that are being debated between HACTL and the main contractor at the moment. The intention was to catch up on the programme. I'm afraid I'm not familiar with the detail of that particular contract but, in broad outline, it was agreed between HACTL and the main building contractor that any claims that HACTL had on the building contractor, and in the other direction, the slate would be wiped clean and they would be given an additional payment in terms of accelerating the work. That payment amounted to \$120 million and, in addition, there was a further inducement of up to \$40 million, an amount they would be able to earn if they achieved certain dates. So, the company was prepared to spend \$160 million in order to get the programme back on to progress.

Hon Margaret NG:

Mr JOHANSEN, I understand that, although this is a contract between HACTL and its contractors, you somehow have to have the Government's agreement, consent, approval, whatever you call it, in order to do that, because of some sort of financial control that they have over you. Could you explain that to the Committee?

Former Chairman, HACTL:

Basically, any additional payments that are to be made to contractors, such that the facility costs more than has originally been agreed, in order to be in a position where the company can effectively achieve a return on the money it is expending, that has to be agreed by the Airport Authority.

Hon Margaret NG:

In other words, once the basis or the amount of your investment is enlarged your profit is also enlarged and so you would require the approval of Government in order to do that?

Former Chairman, HACTL:

It is perhaps a little bit misleading just to say that the profit is enlarged. Because one has to expend money, so there is a cost, one's interest cost goes up. If you don't get that agreement from the Airport Authority, then you spend the money, you pay the interest, and you get no profit.

Hon Margaret NG:

So you require Government approval. When did you discuss with the Government to get their approval and was that approval conditional upon anything?

Former Chairman, HACTL:

This was not the discussions with -- basically, it is with the Airport Authority. That would have taken place between management, Anthony CHARTER, basically, and the Airport Authority. I believe that a formal application took place in December 97 and there was an indication at that time that the Airport Authority would consider this favourably. I think the final agreement didn't come through until April or May.

Hon Margaret NG:

Was there any condition attached? Did the Airport Authority say they will give you approval provided whatever it is?

Former Chairman, HACTL:

Not as far as I am aware, no.

Hon Margaret NG:

Thank you. Madam Chairman.

主席：

何承天議員。

Hon Edward HO Sing-tin:

Madam Chairman, I would like to refer to the letter from the Secretary for Economic Services to Mr JOHANSEN of 26 June, and his reply. First of all, I would like to ask Mr JOHANSEN: When he received this letter of 26 June, was it an unusual event to him, that the Secretary for Economic Services would write to him pointing out this number of major issues to be sorted out?

Former Chairman, HACTL:

It was the first time he had written to me.

Hon Edward HO Sing-tin:

Would Mr JOHANSEN agree then that something very worrying, at least to the Administration, was happening, as far as the progress and the ability to complete the project on time?

Former Chairman, HACTL:

It was specifically relating to obtaining the occupation permit, or temporary occupation permit, where there were a number of matters that he felt were not satisfactory. I was aware of the fact that I think it was the Fire Services had been in and had asked for additional work to be done, additional sprinklers to be installed. He was obviously concerned that the final points might not be ready.

As a result of that, I made some inquiries of Anthony CHARTER and I was then able to go back to the Secretary for Economic Services the following day. I seem to recall that this came in fairly late on a Friday. I spoke to him the following day and then, again, having spoken to Anthony CHARTER on the Monday, I had his confirmation, Anthony CHARTER's confirmation, that

various problems that had been experienced at the end of the previous week had been resolved, and went back to the Secretary for Economic Services, confirming that every effort was going to be made to make sure that we got the TOP.

Hon Edward HO Sing-tin:

The Secretary for Economic Services obviously only referred to matters that he or other members of the Administration would have noticed, I think probably some of the things noticed during the Financial Secretary's visit. These are matters relating to the status of the completion of the project and the fact that TOP wasn't issued. On the other hand, the Secretary for Economic Services' letter also stated that all parties were concerned to ensure the smooth operation of the new airport from day one. Although other things are mentioned in the letter, I would read in the letter - and I would like to ask Mr JOHANSEN whether he would agree - that he was asking for everything to be done for the smooth operation of the terminal on day one?

Former Chairman, HACTL:

No, I think it was rather more specific than that. It was specifically regarding the obtaining of the TOP. I think that is perhaps made clear from my response to the Secretary for Economic Services and, indeed, the follow-up letter that came from the Director of Buildings dated 30 June, that we were specifically talking about the occupation permit or temporary occupation permit.

Hon Edward HO Sing-tin:

I think that in a way, Chairman, you yourself have already asked this question but I would like to reiterate. At this late date, 29 June, where the Secretary for Economic Services has written to Mr JOHANSEN - and you have responded to him, as you said, on the 29th - during that period of time when you, Mr JOHANSEN, you checked with Mr CHARTER on the status of completion, was there at any time any discussion as to, say, the readiness of other systems, the cargo handling system, which turned out to be one of the major culprits, the faults, in the breakdown? Was there any conversation with Mr CHARTER on the readiness of the systems, rather than just the building?

Former Chairman, HACTL:

No. As far as I was aware there was no problem with the systems. This

was specifically on the building.

主席：

張永森議員。

Hon Ambrose CHEUNG Wing-sum:

Thank you, Madam Chairman. Mr JOHANSEN, I am coming back to the idea of "best endeavour". Can you describe in a little bit more detail why was HACTL interested in giving this best endeavour to the Government? What is the rationale behind your thinking in giving this "best endeavour" of trying to achieve the 6 July opening date?

Former Chairman, HACTL:

To the extent that we felt that we might be able to accommodate Government and, in the knowledge that they wanted to aim for earlier dates, we did whatever we could to try and meet their requirements.

Hon Ambrose CHEUNG Wing-sum:

Is that the only reason?

Former Chairman, HACTL:

Yes.

Hon Ambrose CHEUNG Wing-sum:

To the extent that that was going to cost you acceleration costs in terms of the supplemental agreement?

Former Chairman, HACTL:

No. I think by the time we had got to that stage, if we had not done something in terms of supplemental agreement there was, as I understand it, some danger that we might not be able to meet our committed date of 18 August.

Hon Ambrose CHEUNG Wing-sum:

In other words, you would have to do it in any event for the purpose of August 18?

Former Chairman, HACTL:

We may well have had to do it. Whether we would have had to do it to quite the same extent is another matter.

Hon Ambrose CHEUNG Wing-sum:

You are saying that your main contract, in terms of timing for the certificate of operational readiness, is in danger, in any event, regardless of the 6 July date?

Former Chairman, HACTL:

I am saying it could have been because the progress was --

Hon Ambrose CHEUNG Wing-sum:

Is it likely, possible, probable or a certainty?

Former Chairman, HACTL:

I don't think anything is a certainty. I find that a little bit difficult to answer because I have not been involved at that level. From what I have seen, I believe that there was a possibility that we would have had to accelerate.

Hon Ambrose CHEUNG Wing-sum:

Mr JOHANSEN, you are quite familiar with the financing aspect of the franchise. So, can you explain to us is there any other financial reasons why you would like to achieve a 6 July date on a best endeavour basis as opposed to 18 August? Can you explain to us if there are any other reasons in terms of we have just dealt with the cost, in terms of any commitment or any promises or any return, financial or otherwise, that the Government may have given to HACTL for the purpose of achieving that particular date?

Former Chairman, HACTL:

Not at all, no.

Hon Ambrose CHEUNG Wing-sum:

In terms of your explanation about the calculation of your return under the scheme, did the Government give you any commitment, one way or the other, to ensure that for the purpose of achieving the 6 July date? The Government would have to give you approvals, as you previously explained, and those approvals, can you detail those approvals according to your recollection, what sort of approvals they are?

Former Chairman, HACTL:

The approvals have nothing to do specifically with the 6 July date. The approvals are required in order to have any additional costs allowed for the purposes of making a return on our investment. If you don't get approval, then you just spend the money and that's it. This is not specific to 6 July. It would have been exactly the same if we had been working to 18 August.

Hon Ambrose CHEUNG Wing-sum:

That is the part I don't understand. You say it has nothing to do with the airport opening date, whenever that may be. But it has something to do with at least 18 August? You have a main contract agreeing on the contract sum for the purpose of achieving 18 August. You have asked the Government for approval to include the additional costs because of the supplemental agreement for the purpose of achieving, if not 6 July, it is likely a risk for the purpose of 18 August. Don't you see that is a relationship between what you have obtained as an approval from Government in relation to your date of readiness?

Former Chairman, HACTL:

I have to confess I am not very familiar with the detail of the franchise agreement. My recall is that it is a remeasurement contract. At the time that it was entered into a base case was prepared and there was some uncertainty as to what the final cost would be. There was this provision, to the extent, that costs would come out at a higher level, then that would be looked at by the Airport Authority. In terms of the detail of the franchise agreement, others in management would be better able to explain it.

Hon Ambrose CHEUNG Wing-sum:

Not the detail. If I can put it to you in this way. How does that affect HACTL? If you are allowed to achieve the 18 August date and yet you did not get approval for the acceleration contract and you did not get approval for including the additional cost for the acceleration or supplemental contract, how would that effect HACTL?

Former Chairman, HACTL:

If we don't get approval, then we would have to make a judgment as to whether it would be to our disadvantage not to go for the acceleration, because the acceleration would cost us and we would get no return. We would have to decide whether by not accelerating we would run the risk of not meeting our commitment date of 18 August. If we don't meet the date of 18 August, then liquidated damages start to kick in. We would have to decide whether we would be prepared to take that risk and, if we were not prepared to take that risk, then we would spend the money anyway.

Hon Ambrose CHEUNG Wing-sum:

Mr JOHANSEN, can you explain to us, in your judgment, the risk of a delay or not even achieving August 18? Is it likely?

Chairman:

What risk? Let's stick to that.

Hon Ambrose CHEUNG Wing-sum:

The risk of not being able to achieve the 18 August contractual commitment date? You did, in your evidence earlier, mention that part of the reason for the supplemental contract is really to make sure that you have to achieve that date?

Former Chairman, HACTL:

Yes. I said, or at least I think I said that I thought it was likely that we would have wanted to look at acceleration anyway. I couldn't give you a risk assessment on it.

Hon Ambrose CHEUNG Wing-sum:

That's fine. So you do agree that the approval from Government of that supplemental agreement and the cost related to that supplemental agreement is, in a way, related to achieving certificate of operational readiness date in any event?

Former Chairman, HACTL:

Yes.

Hon Ambrose CHEUNG Wing-sum:

Can you explain to us, Mr JOHANSEN, would HACTL get any more financial incentive in terms of profit for having an earlier opening date, let's say, 6 July, as opposed to 18 August?

Former Chairman, HACTL:

No. There would be no financial advantage to HACTL.

Hon Ambrose CHEUNG Wing-sum:

Why isn't there? Can you explain that?

Former Chairman, HACTL:

If the airport opening date were to have been 18 August, instead of 6 July, then the Kai Tak franchise would have continued, as opposed to the new franchise coming in. The terms of the Kai Tak franchise were better, as far as HACTL was concerned.

Hon Ambrose CHEUNG Wing-sum:

Madam Chairman, can I go through a couple of more questions along this line?

Chairman:

In fact, before you go to that, can I just follow up specifically on the point that you were asking Mr JOHANSEN about on the supplemental agreement. You said earlier, Mr JOHANSEN, that even if you didn't have to accelerate for

the sake of 6 July, you might have had to look at a supplemental agreement for achieving the contractual date of 18 August, right?

Former Chairman, HACTL:

Yes.

Chairman:

This is the bit I don't understand. You have gone into the supplemental agreement, HACTL has gone into the supplemental agreement to try and achieve a 29 May OP date, was it not?

Former Chairman, HACTL:

Yes.

Chairman:

That date was actually for the purpose of a 6 July airport opening. That was the basis on which you went to Government and say "I need to include that cost into the scheme of control as a base for calculation for the return, the percentage return." Right?

Former Chairman, HACTL:

Yes.

Chairman:

If you had to go into the acceleration programme and had not made the 6 July date but made the 18 August date, then that wouldn't probably have gone into the base for the calculation of your return?

Former Chairman, HACTL:

That is where my familiarity with the original franchise agreement, I am afraid, is not complete. As I mentioned, we had a contract where one had an original estimate of the base case cost, and it was a remeasurement contract. I guess one would have to, in the particular circumstances, if one were going for an 18 August completion date, one would need to discuss with the Airport

Authority the extent to which they would agree that this was an additional cost which would be allowed. As I say, I am not familiar with the detail of the franchise arrangement.

Chairman:

One very key question is, having given the best endeavour commitment --

Former Chairman, HACTL:

Not a commitment.

Chairman:

It is not a contractual commitment, but it is a gentlemen's commitment, OK? What is the incentive to HACTL to deliver on that? You are just saying "We will try the best we can". What is the incentive for HACTL?

Former Chairman, HACTL:

I think the incentive is being able to meet the aspirations of Government.

Chairman:

Going back a few months, towards the end of 1997, we heard from your management that they were really worried. You told us today that you didn't do anything by way of lobbying for a delay, for a postponement of that date. In fact, when you went on to the next 6 months, there were constant delays in the whole thing and you had no contractual commitment to, in fact, meet the 6 July date. You were just going to try for it. As far as HACTL is concerned, as far as you are concerned, if on 6 July you couldn't meet that date, well, too bad; is that the sort of attitude that you could adopt?

Former Chairman, HACTL:

Could have done, yes. That's not the attitude that we did adopt. We felt, and management felt, that the company would be able to meet the date and, in those circumstances, whilst, yes, it would have been more comfortable if we had been aiming for a date a month and a bit later, they felt that that date could be met and, therefore, we, as a company, were prepared to go along with Government's wishes.

Chairman:

Yesterday we heard from your managing director that when the Financial Secretary was very upset on 14 June after his visit, in fact, your managing director was putting to Government that all you promised was best endeavours?

Former Chairman, HACTL:

The reason for that is that, as I understand it, the Financial Secretary had asked somebody to look at the franchise agreement to see whether they could take action against HACTL. It was at that point that Anthony CHARTER asked Dick SIEGEL to point out to the Financial Secretary that there was actually only a commitment to the 18 August date.

Chairman:

What was your understanding of that, the legal action that the FS was threatening?

Former Chairman, HACTL:

My understanding is that he wasn't threatening, as such, but he was perhaps unaware of the fact that the date was 18 August and was trying to see whether there was some action that could be taken.

Chairman:

But he was very upset, you knew that?

Former Chairman, HACTL:

I may have been told that he was upset, but the degree of that and this question of possibly looking at the franchise agreement and so on, that I only heard of later, more recently.

Chairman:

In view of that, did you take any action to talk to Government or did you just leave it at that, leave it at the level where Mr CHARTER talked to Dick SIEGEL and Dick SIEGEL talked --

Former Chairman, HACTL:

Anthony CHARTER spoke to Dick SIEGEL on the spot because Dick SIEGEL was going around with the Financial Secretary and a number of other secretaries, as I understand it. Anthony just took the opportunity to ask Dick to point that out to the Financial Secretary. They were in different groups, as I understand it. That was why there was that involvement.

Chairman:

You didn't take any action following that?

Former Chairman, HACTL:

No.

Hon Ambrose CHEUNG Wing-sum:

Can I follow up?

Chairman:

Yes.

Hon Ambrose CHEUNG Wing-sum:

Mr JOHANSEN, can I put it to you and have your comment that the Government have actually given you a commitment in terms of approving you to include additional acceleration cost for the purpose of achieving a 6 July airport opening date - and I emphasise commitment - and in return the Government expect more than just a best endeavour, but you are giving the Government today a picture of a best endeavour situation? There is a consideration between the approval and your best endeavours? This is something that I still do not understand. Can you comment on that?

Former Chairman, HACTL:

Yes. I would see the agreement of the Airport Authority, or the Government, if you like, what they are giving us is the ability to make a return on money which we would be investing. I don't see them giving us a commitment. They are allowing us to make a return on the investment, the additional investment that we will have to make which will cost us.

Hon Ambrose CHEUNG Wing-sum:

Mr JOHANSEN, can you tell us have you ever anticipated or estimated the total loss to HACTL when you look at your recovery plan since 6 July all the way up to 18 August? Look at the moratorium that you have to go through and the recovery plan. Can you give us an estimate of any loss that may have actually accrued to HACTL because of this problem surrounding the opening date?

Former Chairman, HACTL:

I believe, in terms of the cost, setting aside what revenue might not have been generated, the additional cost of that exercise was \$45 million.

Hon Ambrose CHEUNG Wing-sum:

How about revenue?

Former Chairman, HACTL:

That, I'm afraid, I don't have.

Hon Ambrose CHEUNG Wing-sum:

Why would HACTL do something like this, take the risk of such losses and additional cost, not getting any profit, as you mentioned, to accommodate Government for the purpose of 6 July?

Former Chairman, HACTL:

Well, this was a recovery program. We were in an emergency situation. Frankly, at that stage our concern was to get things back to normal as quickly as possible. To the extent that there was a cost involved, that was secondary.

Hon Ambrose CHEUNG Wing-sum:

Madam Chairman, I am coming back to the question. You still haven't answered my question. Why would HACTL go into this best endeavour intention and the picture that you have painted us mainly for the purpose of accommodating Government? With the fact that at the end of the day you find

that this accommodation of Government of 6 July has caused you these sort of problems, troubles, including costs and loss of revenue and all that, why would you do that in the first place, if there is nothing in this particular commitment or this particular promise?

Former Chairman, HACTL:

Neither a commitment nor a promise. We went into this in the belief that we would be able to satisfy Government's requirements. We did not anticipate that we would have been in this sort of situation. If we had done so, then we would not have made that best endeavours undertaking.

Hon Ambrose CHEUNG Wing-sum:

One final question, Mr JOHANSEN. I understand that you are the non-executive Chairman of HACTL?

Former Chairman, HACTL:

I was.

Hon Ambrose CHEUNG Wing-sum:

You were non-executive, and you have a full-time executive job with the Swire Group?

Former Chairman, HACTL:

Yes. I am actually between posts at the moment.

Hon Ambrose CHEUNG Wing-sum:

At the time you were Chairman of HACTL, how much time did you actually allocate to take up this duty as Chairman of HACTL?

Former Chairman, HACTL:

In the normal course of events I would say it would probably be no more than 5 per cent.

Hon Ambrose CHEUNG Wing-sum:

Of your time?

Former Chairman, HACTL:

Yes.

Chairman:

We will break here. We will come back in 15 minutes. Members please go to Conference Room C.

(The hearing resumed at 11:27 am)

主席：

李永達議員。

李永達議員：

主席。容漢新先生，剛才你回答張永森議員的問題時表示，即使機場並非在1998年7月6日開幕，根據空運貨站公司管理層的估計，公司亦可能需透過簽訂補充協議，使合約承建商加快工程進度，因為在1997年12月及1998年1月所見，該等工程進展緩慢，較原計劃延遲了很多個星期，難以按照合約在8月18日竣工。容漢新先生，你的意思是否這樣？

Chairman:

Mr JOHANSEN.

Former Chairman, HACTL:

Yes. The degree of certainty or the degree of likelihood is difficult to assess, quite frankly. We were behind plan and, therefore, there had to be the possibility that this would be necessary. I'm not saying it was a certainty. I would prefer to characterise it as a possibility.

李永達議員：

我想問容先生，鑑於在1997年12月及1998年1月時，工程嚴重延誤的情況很明顯，你們管理層或董事會有否考慮訂定日期或限期，以檢討合約，以及決定與建築工程的承建商商討增加工程費用、加快工程進度或簽訂補充協議等問題？貴公司是否有這樣的限期？

Chairman:

Mr JOHANSEN.

Former Chairman, HACTL:

Yes. This was considered. I don't recall the timing, but the fact was that I think it was the middle of December, the proposal for the supplemental agreement was actually put to the Airport Authority to seek their approval. So it had been considered for some little time before that.

李永達議員：

主席。當局在1月14日宣佈，新機場的開幕日期由原定的4月延至7月6日。容漢新先生，你是否同意，你們的董事會其實在這日期前，已考慮應否向機場管理局申請批准加快工程的問題？要加快工程，便需要金錢。情況是否如此？

Former Chairman, HACTL:

Yes. That is correct. I think that Anthony CHARTER may have referred to this already. There was uncertainty as regards the airport opening date. There was the feeling that this would be amended. The company would have preferred to have had a firm date for opening before making any such decision.

李永達議員：

容漢新先生，假設機場的開幕日期並沒有由4月更改至7月，根據協議，工程仍需在8月18日完成。在此情況下，為加快工程進度所需的額外支出，其實可能由貴公司支付，但有機會不計算在資產值的額外回報中？

Former Chairman, HACTL:

If those had been the circumstances, that we were not going to be allowed to get a return on this additional investment, then, as I mentioned earlier, we would have to make a decision as to whether in fact it was going to be necessary to accelerate in order to meet the 18 August commitment date or not. That would have been a question of assessing the danger of not meeting the date and,

therefore, having to pay liquidated damages.

李永達議員：

容漢新先生，在1997年12月及1998年1月時，貴公司已清楚知悉工程有所延誤，如要在8月18日完成合約內所訂責任，便需額外付錢以加快工程的進度。當時，政府更改機場的開幕日期，貴公司便可以藉這個機會，將原本應由貴公司支付的款項，納入用作計算新資產的基礎。你是否同意以上說法？

Former Chairman, HACTL:

No. If we had been working towards an August 18 deadline, as I mentioned, we may or may not have had to spend the money. I am afraid your question was rather long and I might not be answering it totally. There is no question of our asking Government to shoulder any of the cost. The basic point here is that, if we decide that we need to make an additional investment and we are able to get the agreement of the Airport Authority, then we are able to get a return on our investment. If we do not get their agreement, then we do not get a return. So, it comes out of our pockets, rather than being able to effectively recover the cost over a period of years.

Hon LEE Wing-tat:

I am sorry. I will speak in English. My question is: For the Board and the management, you realise that actually there is very serious slippage for the construction of the HACTL buildings in December 97 and early 98. No matter whether there is any kind of change on the decision of the opening dates of the airport by the Administration, the Government, or the Airport Authority, there is a need for the HACTL to decide whether you should accelerate the whole program of construction to meet the date of 18 August?

My question is whether your Board or management make use of this opportunity, that because the Government wants to open the airport on 6 July, then you use this chance to ask the Administration, because they are under huge pressure, to include your expenditure on this acceleration to become part of the base calculation for the return of profit?

Former Chairman, HACTL:

I think the salient point there is you are assuming that we would have had to accelerate anyway.

Hon LEE Wing-tat:

Yes.

Former Chairman, HACTL:

Now, it is not certain that we would have had to accelerate. In fact, if we had been going for an 18 August date, that in the event would have been our preference. It is not a question of the company using this or trying to take advantage of the Government's desire to open on 6 July. We were doing our best to meet the requirement of Government to meet their intended opening date and, in order to do so, we had to accelerate. It is not a question of our taking advantage. If we hadn't accelerated, then we definitely would be in a position of having to go back to the contractual date.

Hon LEE Wing-tat:

One other question. The Board started to think of accelerating this program in late December and early January, but you actually make the agreement, the supplemental agreement was signed or settled, in May 98. Why do you take so long a time?

Former Chairman, HACTL:

I don't know. There was an indication in December that the Airport Authority would be likely to consider this request favourably. Why it then took a further few months? I think it was initialled in March or April and then finally signed in May. But quite why the delay took place, I don't know.

Hon LEE Wing-tat:

Will the managing director know the details of this?

Former Chairman, HACTL:

I would imagine he would, yes.

主席：

劉江華議員。

劉江華議員：

我要先找些資料，稍後才發問。

主席：

副主席。

Dr Hon Raymond HO Chung-tai:

I have a couple of points following on from the previous question. Mr JOHANSEN, you negotiated with the Airport Authority in 1995 for your franchise agreement. In Mr CHARTER's statement given to the Commission of Inquiry, it was stated there that it was 12.5 per cent of base case finance plan figures that was adopted for your agreement, and that would last for 20 years? Is that correct?

Former Chairman, HACTL:

20 years, certainly. I'm not certain of the actual percentage but, if that's what he said, I have no reason to doubt it.

Dr Hon Raymond HO Chung-tai:

Anyway, you negotiated the franchise so you must have some knowledge at least of the agreement?

Former Chairman, HACTL:

My involvement was more in terms of the length of the construction period, rather than the detail of the franchise.

Dr Hon Raymond HO Chung-tai:

As Chairman of the Board, one of your responsibilities was to safeguard the interest of your shareholders, is that correct?

Former Chairman, HACTL:

Yes, that is correct.

Dr Hon Raymond HO Chung-tai:

This base case financial plan is related to the project finance, rather than your investment?

Former Chairman, HACTL:

It is the overall investment.

Dr Hon Raymond HO Chung-tai:

Your investment as well as your bank facilities?

Former Chairman, HACTL:

Yes. It is on the overall investment. However, it is financed, whether it is financed directly by us or by banks.

Dr Hon Raymond HO Chung-tai:

Now, going back to the previous question. We were asking whether because your main building contractor was falling behind all the time, as much as three to four months a few months before the AOD, and still very much falling behind afterwards because of a lot of problems, such as basement leakage and shortage of labour, etc, you would have to consider acceleration at some stage. Because of this date being brought forward from 18 August to 6 July, you had to ask your main contractor to sign a supplemental agreement with yourselves. There would be three options: One was that you pay this out of your own pocket to the contractor; two, you would seek reimbursement from the Airport Authority for the same amount of money that you spent on the acceleration works.

Former Chairman, HACTL:

That is not an option.

Dr Hon Raymond HO Chung-tai:

You could --

Former Chairman, HACTL:

We could try it.

Dr Hon Raymond HO Chung-tai:

The third option was that you got this amount of \$160 million for the acceleration works to be included as the base case financial plan figure, that is the normal, for your 12.5 per cent. In fact it could be 15 per cent if in any one year you didn't increase the charges. That would be the best option that Mr CHARTER negotiated for the company, is that right?

Former Chairman, HACTL:

I think there's some confusion here over the percentages. The 12 and a half per cent that you mentioned and the 15 per cent if there is no increase in charges, that is the arrangement under the Kai Tak franchise. The franchise for Chek Lap Kok is different. I don't recall exactly the percentage.

Dr Hon Raymond HO Chung-tai:

You did say that there are some differences in the two franchise agreements. You said that the franchise agreement for Kai Tak was slightly better. In any case, Mr CHARTER negotiated the best arrangement for HACTL. Did you actually give him a pat on the back at your Board meeting?
Chairman:

I really don't think that question is relevant to what we are looking at. Would you go on to another subject?

Dr Hon Raymond HO Chung-tai:

In fact, that is the end of my questions. Thank you, Madam Chairman.

主席：

劉慧卿議員。

Hon Emily LAU Wai-hing:

Thank you, Madam Chairman. I want to ask Mr JOHANSEN a question

about his letter to the Secretary for Economic Services on 29 June this year, which is under our Paper No. E6. In that letter you were talking about the inability to get the occupation permit. If you look at the first paragraph of that letter, the middle of that paragraph:

"The programme is, however, extremely tight and we are asking Buildings Department to be sensitive to the non critical issues which can only be finally resolved after some further period of time."

Then, over the page, in the last sentence of that letter you say:

"In this regard, I hope that we can count on the Buildings Department to adopt a sensitive and pragmatic approach in regard to the minor problems which I am sure will remain."

What exactly is it that you are trying to tell the Government? Are you asking them to bend the rules to issue the permit to you? I can't understand this. What do you mean by "sensitive and pragmatic approach"?

Chairman:

Mr JOHANSEN.

Former Chairman, HACTL:

By that I was asking them precisely that, to be sensible. If there is something that is relatively minor that is not going to be critical -- I wouldn't even use the word "critical", but something that is not particularly important but isn't absolutely spot-on, that they should use their discretion as to whether they can issue a temporary operating permit. It is, after all, only a temporary operating permit.

There's no way I am asking them to bend the rules but just to be pragmatic, given that we were all trying to get the building in operation as soon as possible. If, for example, the Fire Services were not happy with our fire extinguishing capabilities, then, clearly, that is something that needs to be rectified. If there is something minor - a luo isn't working, something like that - that should not be reason to stop the whole building from going operational.

Hon Emily LAU Wai-hing:

Was that actually the case, that you have been told by the management that the Government was not being pragmatic and sensible and sensitive? You didn't use the word "sensible" here but just then you mentioned it so you give us the impression that you think the Government was not being very sensible. I think you should explain to this Committee the background of this letter? Has someone presented you with a whole list of minor and non-important matters that the Administration was very bogged down on and, hence, they refused to issue the occupation permit to you?

Former Chairman, HACTL:

No. That would be reading too much into it. My recall is that, as you might expect, there were a number of relatively minor points which eventually would need to be dealt with. I was just trying to make the point to Government that we didn't want minor things like that to get in the way of being able to start to operate.

Hon Emily LAU Wai-hing:

Madam Chairman, I want to ask Mr JOHANSEN do you know off-hand how many points there were, minor or major, at that time that had not been resolved? Did you have any idea when you wrote the letter?

Former Chairman, HACTL:

When I wrote the letter it was having been in touch with Anthony CHARTER, both before and after the week-end. In fact, as I mentioned in the second paragraph of the letter, one of the problems that wasn't minor was associated with the water supply for the air-conditioning, and that had been resolved over the week-end. It was mentioned to me that there were a number of minor points but I didn't ask for a list. I just recognised that this was something that should be perhaps addressed.

Hon Emily LAU Wai-hing:

You think the Administration should overlook those minor points and hurry on and give you the TOP?

Former Chairman, HACTL:

I think that is presenting it in a slightly dramatic way.

Hon Emily LAU Wai-hing:

How would you present it? That is the impression I drew when I read your letter. Of course, also the Government's response, saying that their approach has been pragmatic and flexible. I don't know what the people in the profession would say. If that has always been the way they act, that is fine. We want to have a level playing field, something that is sensible, that is accepted by the profession, and not to be giving preferential treatment to anybody.

Former Chairman, HACTL:

I understand what you are saying. My understanding is - and it is only a general understanding - that whereas for a formal occupation permit everything is set out exactly as it should be, a temporary occupation permit will cater for a situation where if something is non-essential, if a particular area of a building is not totally complete, that would not necessarily stop the building from being given a temporary occupation permit. It was with that in mind that I was asking them to be pragmatic.

Hon Emily LAU Wai-hing:

I just want to ask one final question about visiting the site. Earlier you told us that after the Financial Secretary's visit on 14 June you did not go. I want to ask you, you and your Board members, how many times did you visit the site in the final months of the construction?

Former Chairman, HACTL:

As I think I mentioned earlier, my recall is vis-a-vis 14 June, and I couldn't be clear with that. We certainly went at least twice in the later stages of the construction period. I am afraid I can't give you dates but, between those two visits, we saw a significant change in the appearance of the building, in particular, with the installation of the mechanical handling equipment. We did go, but we weren't pestering management all the time. Yes, we did visit.

Hon Emily LAU Wai-hing:

Madam Chairman, can we ask him to produce the notes of those visits to us to show what you saw and actually whether they record your comments?

Chairman:

Is it possible?

Former Chairman, HACTL:

Well, we didn't make a visit with notes, formally recording comments and so on. We were shown around the facility as it was at that stage by Anthony CHARTER and his colleagues. It is not something that we were writing up reports about. So I am afraid there are no notes of those visits.

Hon Emily LAU Wai-hing:

At least provide us with the dates because I happen to think that these visits are very important?

Chairman:

If you can provide us with that?

Former Chairman, HACTL:

I will need to see if I can do that.

Chairman:

Hon Margaret NG.

Hon Margaret NG:

Mr JOHANSEN, I want to refer to notes of a meeting which you have not attended. What I want to do is to read you the description and see if you agree with it. It has to do with your December consideration and negotiation with the Airport Authority on the acceleration agreements. I am referring to the ADSCOM meeting. That would be Volume I of the material provided to Members and it is Paper no. A29. Would you like to see it or should I just read it to you?

Chairman:

Can Mr JOHANSEN be provided with a copy and can you direct Members

to the right paragraph.

Hon Margaret NG:

Madam Chairman, its is Paper no. A29, Paragraph 3. Do you have that?

Former Chairman, HACTL:

Yes.

Hon Margaret NG:

Paragraph 3 says:

"The Chairman pointed out that April had always been the target date for HACTL to provide 50 per cent of its air cargo handling capacity. The D, NAPCO said that AA and HACTL were originally supposed to agree on an extra sum of \$200 - 300 million for HACTL to instruct its main building contractor to acceleration work to meet the April date, but HACTL had apparently come back with a figure of some \$800 million instead."

Now, is that correct?

Former Chairman, HACTL:

I am afraid that is new to me.

Hon Margaret NG:

At that point you were not talking about \$200 to 300 million, were you?

Former Chairman, HACTL:

I am unaware of this in any shape or form, I am afraid.

Hon Margaret NG:

You were unaware of it. You were unaware of the negotiation. But would you say that these figures are correct?

Former Chairman, HACTL:

I couldn't say.

Hon Margaret NG:

Did HACTL ever suggest that there should be an extra sum of \$200 to 300 million for you to instruct your main building contractors to acceleration work?

Former Chairman, HACTL:

I'm not aware of that.

Hon Margaret NG:

If there was such a negotiation, would it have gone through the Board?

Former Chairman, HACTL:

I think it would depend on how far along the track it got. It wouldn't necessarily, if management was talking at a very preliminary level.

Hon Margaret NG:

If there was any talk, who would know about it?

Former Chairman, HACTL:

The managing director would know.

Hon Margaret NG:

If you turn to another part of the same set of papers, Paper no. A35. We are now talking about an ADSCOM meeting on 21 March 1998 and I ask you to look at Paragraph 35. Do you have that, Mr JOHANSEN?

Former Chairman, HACTL:

Yes, I do.

Hon Margaret NG:

Let's go to the middle of the paragraph. This refers to SA, that is,

supplemental agreement sent to contractor:

"HACTL were also awaiting final confirmation from the bankers as the SA would increase their total investment base to over \$8.2 billion."

Is that correct? Would that be a correct statement?

Former Chairman, HACTL:

I know it was important, as far as the banks were concerned, that we had Airport Authority approval.

Hon Margaret NG:

Is that a correct statement, that this would increase your total investment basis to over \$8.2 billion?

Former Chairman, HACTL:

I think that's correct.

Hon Margaret NG:

Thank you very much. This is all I want to clarify.

主席：

劉江華議員。

劉江華議員：

我剛才始終找不到一些資料，容漢新先生可否向我們提交7月6日機場開幕前後董事會會議的紀要？

主席：

請說明那些紀要是關於甚麼。

劉江華議員：

關於機場開幕或工程進度的事宜。

立法會調查赤鱘角新香港國際機場自1998年7月6日
開始運作時所出現的問題的原委及有關事宜
專責委員會

Legislative Council Select Committee to inquire into the circumstances
leading to the problems surrounding the commencement of the operation of
the new Hong Kong International Airport at Chek Lap Kok
since 6 July 1998 and related issues

Chairman:

Immediately prior to 6 July or thereabouts?

Former Chairman, HACTL:

Yes. We can do that.

劉江華議員：

顧問工程師有否就工程進度向董事會提交文件？如有，可否一併提交我們參閱？

Chairman:

Mr JOHANSEN.

Former Chairman, HACTL:

Yes. I think you already have copies of the briefing papers that Anthony CHARTER prepared for the various Board meetings. Those incorporate reports on the construction progress.

Chairman:

We do not in fact have those.

Former Chairman, HACTL:

ACC-6 is the reference.

Chairman:

You can confirm that these papers were made available to the Board by the management?

Former Chairman, HACTL:

Yes.

Chairman:

These are the progress reports?

Former Chairman, HACTL:

Yes.

劉江華議員：

主席，由何時開始？

主席：

由1996年5月至1998年6月。

劉江華議員：

多謝。

主席：

是否還有問題？

劉江華議員：

對不起，是否98年5月？

主席：

6月。

劉江華議員：

可否也向我們提交7月6日之後舉行的董事會會議的紀要？

Former Chairman, HACTL:

Yes. There were a number of meetings that we held after 6 July. The first couple were very hastily convened, as you will understand. In fact, the first one, which was on 8 July, the directors were asked to go out to Chek Lap

Kok in order to be briefed by Anthony CHARTER and his senior management as to the position. At that meeting it was agreed that, rather than bring all Board members out to Chek Lap Kok on what might be a very regular basis, we would have a committee of the Board which would be primarily responsible for monitoring progress and reporting back to the full Board. They met on the following day, the 8th. Sorry. The first one was on 8 July and the second one was on 9 July.

I believe that because of the haste with which they were assembled - and they were basically briefings - there were no minutes as such. Thereafter, there was a meeting on 14 July, one on the 20th, one on the 22nd, one on the 24th, and one on the 29th, which was basically monitoring the progress of the recovery program which had been discussed and agreed with Government.

劉江華議員：

主席，請他也提供一些資料。我最後想問一個問題，就是……

Chairman:

Can I just confirm that. Mr JOHANSEN, is it possible for us to have notes to those meetings of the Board?

Former Chairman, HACTL:

Yes. As I say, at one or two I am aware of the fact that we didn't have minutes taken. To the extent that we have got minutes, we can make them available.

Chairman:

Sure, if they are available.

劉江華議員：

在機場開幕當天，貴公司造成香港貨運業幾乎全面癱瘓。你身為公司的主席，你是否認為自己監管不足，並應負上責任？

Chairman:

Mr JOHANSEN.

Former Chairman, HACTL:

A couple of points. One, no there wasn't a total standstill. The perishables were being handled throughout. In terms of whether I feel that I should be held liable, I think the answer is no. There were a number of factors which occurred. It was a combination of factors which could not have been foreseen to have happened in such quick succession. I think it was unfortunate. As soon as we realised what had happened, we did everything we could in order to set the position to rights.

In the event, we were handling everything that was coming our way by 14 August, albeit partly at Chek Lap Kok and partly at Kai Tak, and we were in a position to issue the certificate of readiness on 18 August, as we had been contracted to do.

劉江華議員：

容先生，你9月辭職是否與此事有關？

Former Chairman, HACTL:

No. I was due to retire from the Far East and this was something that had been preordained many, many months ago. In fact, my normal retirement would have been August last year and I stayed on for a little bit longer before taking up a post in London.

主席：

還有誰想提問？

Mr JOHANSEN, I think that members now have no further questions to ask. This is the end of today's hearing. Please note that if the Committee considers it necessary to order you to give further evidence, then you must attend further hearings. You may now withdraw. Thank you very much.

(The hearing ended at 12:05 pm)