

DRAFT

LEGCO QUESTION NO.4
(Oral Reply)

**“Please refer to the actual answer
given during the Council Meeting”**

Ask by the Hon LAU Ping-cheung

Date of meeting : 22 May 2002

Replied by : Secretary for Planning
and Lands

Question :

The Government has announced the development of the Tamar site for the new Central Government Complex together with a new Legislative Council building and other community facilities. It has also decided to invite letters of intent and conceptual designs internationally and to award the “design and build” contract to the selected candidate. In this connection, will the Government inform this Council :

- (a) whether it has sought legal advice on the possibility of the project being exempted from the global bidding requirement under the World Trade Organization Agreement on Government Procurement (“the Agreement”) for reason that the building of the new government complex involves “state secrets”; if it has, of the legal advice obtained; if not, the reasons for that;
- (b) given the actual and symbolic significance of the new government complex and the Legislative Council building to Hong Kong, whether it will restrict the participation in the project to local architects and contractors only, subject to the relevant requirement laid down in the

Agreement being met; and

- (c) of the measures to be adopted to prevent the installation of telephone tapping and concealed video-recording devices in the design and construction of the new government complex and the Legislative Council building?

(Translation)

Reply:

Madam President,

Hong Kong is a free and open city. We are committed to upholding our international image of fairness, equity and openness. The very success of Hong Kong is underpinned by a level playing ground, which all of us take pride in.

Being one of the World Trade Organization (WTO) members, Hong Kong has been a supporter of free trade, an advocate of the abolition of trade barriers and an anti-protectionist. Our staunch stand has won the praise of other WTO members. As an international exemplar of free trade, we should observe not only the WTO rules, but also the WTO spirit.

The Government's decision to openly invite expressions of interest and conceptual design from organizations interested in the Tamar project is a clear evidence of our firm belief in free trade and fair competition. Our objective is to select the best design for the whole development at Tamar, including the Central Government Complex, the new Legislative Council Building, related public facilities and the adjoining promenade, through a fair, equitable and open manner.

We consider this approach is in the best interests of Hong Kong and most suits our international image. Against such a background, whether we could seek exemption from the WTO rules on the grounds of "state secrets" or any other justifications is not the Government's consideration.

In addition, the local design and building industry is full of talents, and has created enormous worked of art, both in Hong Kong and in the world. Taking the "West Kowloon Integrated Arts, Cultural and Entertainment District Concept Plan Competition" for instance, of the 160 or more contesting teams, nearly half of them were led by local professionals; and of the five winning teams, three were local ones. The Government has great confidence in local talents and their designs. We also believe that Hong Kong has a large pool of quality architects who possess a very high level of professionalism. They would be pleased and

confident to face up to fair and open competition everywhere in the world including Hong Kong, and to fully demonstrate their capability through competition with overseas contestants.

On the security aspect, the Security Bureau and the concerned departments will be invited to give professional advice and guidance on the security measures, procedures and systems during the design and construction of the Central Government Complex. Upgraded security installations will be provided where there are special needs. We shall also work closely with the Legislative Council on the design and construction of the new Legislative Council Building. If required, we shall be prepared to give advice on the security aspect.