

**Invitation For Proposals**  
**Development of the West Kowloon Cultural District**

**Addendum No. 4**  
**(Issued on 29 October 2004)**

<b>Item</b>	<b>Documents Concerned</b>	<b>Reference in IFP</b>	
1.	IFP (Hardcopy), IFP (CD-ROM), IFP (Website)	Section 2.5.1(c) of Volume One	<p>(1) This Addendum is issued in response to requests to change the composition of a Proponent, consortium or joint venture.</p> <p>(2) Save where the contrary intention appears from the context, capitalised terms used in this Addendum bear the same meanings as in the Invitation for Proposals (“IFP”) issued by the Government for the Project.</p> <p>(3) Upon receipt of an application in suitable terms and supported by all relevant documentation, Government is prepared to consider and if appropriate to exercise the discretion in Section 2.5.1(c) of the IFP, and the powers reserved in the IFP, to permit and take into account in the Assessment Process changes in respect of the composition of a Proponent which may be a consortium or a joint venture company (“Changes”) after 19 June 2004 <b><u>PROVIDED</u></b> that in the opinion of the Government :</p>

Item	Documents Concerned	Reference in IFP	
			<p>(a) the Changes are contemplated expressly <b><u>or</u></b> by necessary implication in the Proposal; and/or</p> <p>(b) the Changes either (i) do not materially enhance or improve the Proposal as at 19 June 2004; <b><u>or</u></b> (ii) weaken the Proposal.</p> <p>(4) Nothing in this Addendum, and no Changes permitted and taken into account in accordance with (3) above, carry any implication whatsoever :</p> <p>(a) that the terms and provisions agreed (whether conditionally or unconditionally), or to be agreed, (whether in a shareholders' agreement or otherwise), between members of the consortium or joint venture are acceptable to the Government or constitute or may constitute the Proponent a Successful Proponent or as having satisfied all the MANDATORY REQUIREMENTS or as having been shortlisted by the Government for subsequent negotiations; or</p> <p>(b) as to whether, and if so on what terms, the Government will exercise in future its discretion to <b><u>require</u></b> at any time changes in respect of the composition of a Proponent which may be a consortium or a joint venture company, or to agree to changes or further changes subsequently and in particular in the period following the date of the decision by Government on shortlisting one or more Proponents for negotiations; or</p>

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			<p>(c) as to whether, and if so on what terms, the Government will exercise in future its powers and rights including (without limitation) those contained in Sections 3.6 and 3.7 of the IFP.</p> <p>(5) As a matter of fairness, provisions in this Addendum also apply mutatis mutandis to Proponents which are not or cease to be in a consortium or joint venture in respect of changes proposed in their members.</p>