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Urgent by fax

29 February 2012

Hon Miriam LAU Kin-yee, GBS, JP
Chairman
House Committee
Legislative Council
Legislative Council Complex
1 Legislative Council Road
Central, Hong Kong

Dear Chairman,

Special House Committee Meeting on 24 February 2012

Further to my letter of 28 February 2012, with the consent of Mr Leung Chun-ying and LWK & Partners (HK) Limited, Mr Leung's replies dated 15 February 2012 and 20 February 2012 and LWK & Partners (HK) Limited's email dated 17 February 2012 to the Administration are attached at Annexes 1 to 3 for Members' reference.

Yours sincerely,

(Mrs Avia Lai)
for Secretary for Home Affairs

Encl.

c.c. Clerk to House Committee

Confidential

C.Y. Leung
House 4, 4 Peel Rise
The Peak, Hong Kong

Secretary for Home Afffairs
(Attn: Ms Elizabeth Tai)
Home Affairs Bureau
25/F, Wanchai Tower
12 Harbour Road
Wanchai
Hong Kong

15 February, 2012

Dear Ms Tai,

West Kowloon Reclamation Concept Plan Competition

Thank you for your letter dated 14 February 2012.

As you are no doubt aware, the Government's public announcement on the subject made on 8 February 2012 ("Announcement") has raised serious public concerns as to the impartiality of the Government in the 2012 Chief Executive Election. The public and LegCo are demanding a full and frank disclosure of ALL relevant information by the Government in its possession, custody and control in respect of the above Competition, a position which I support.

The public will not be content with the release of selected documents and abridged versions of "facts" or compilations made by the Government 10 years after the event as attached to your letter. The public is entitled to be provided with the primary documents and information regarding the whole process in the above Competition.

In terms of how the Competition was organized, it is critical to know how each of the jurors had behaved during the Competition, including their individual declarations and voting patterns, how the various competition entries were shown to

them, the selection process, the discussions held amongst the jurors before each of the rounds of voting. The Government should disclose the voting records of all the jurors and the MINUTES of discussion and decision amongst the jurors.

In terms of the discovery of the so-called "the entry concerned" naming DTZ as its "Property Advisers" ("Discovery"), the Government should clarify when and how that was discovered, whether any vetting had been carried out before the voting sessions, if so, why this entrant was not disqualified or the Discovery brought to the attention of the jurors beforehand, and what actions were taken to deal with the Discovery.

In terms of the Announcement, the Government should disclose when the media request(s) was/were made and who in the Government was responsible for answering the enquiries, for reviewing, compiling and disseminating the Announcement. It is critical for the Government also to clarify whether the Announcement and subsequent release of more detailed information to selected media organisations quoting "government sources" was in line with the confidentiality requirement, and if not, whether the Government has unilaterally repudiated the confidentiality requirement, and whether such repudiation is wrong in law.

The above highlighted just some of the areas the public is keen to know.

I look forward to hearing from you.

Yours sincerely,

(C.Y. Leung)

Annex 2

Confidential

C.Y. Leung
House 4, 4 Peel Rise
The Peak, Hong Kong

Secretary for Home Affairs
(Attn: Ms Elizabeth Tai)
Home Affairs Bureau
25/F, Wanchai Tower
12 Harbour Road
Wanchai
Hong Kong

20 February, 2012

Dear Ms Tai,

West Kowloon Reclamation Concept Plan Competition

Thank you for your letter dated 16 February 2012 ("2nd HAB letter").

The Announcement dated 8 February 2012 was made by the Government apparently without regard to the confidentiality requirement laid down in the above Competition. The Announcement has raised public concerns whether our Administration has acted impartially.

The public will only be satisfied with a full and frank disclosure of ALL relevant information by the Government that is in its possession, custody and control in respect of the above Competition, a position which I support.

I repeat my position in my earlier letter that selected documents and abridged versions of "facts", or compilation only made very recently on events in 2002 are not acceptable. The public is entitled to primary documents and information regarding the whole process in the Competition for them to make a fair assessment of the events. I repeat paragraphs 4, 5 and 6 of my earlier letter.

In particular, I am concerned with the veracity and accuracy of the information contained in Annex 5 (Process of Selecting Winning Entries) and Annex 6 (Voting Record of Mr CY Leung) of the 2nd HAB letter. Clearly those are recently created

documents but they are not apparent on the face when the documents do not bear the name of the author nor the date of creation.

Further, those annexes contain particulars which are unclear in many material respects, some different from the previous annexes in your earlier letter of 14 February 2012 ("1st HAB letter"). For example:-

(a) In the 1st HAB letter, the annexes stated there were 6 rounds of voting and discussions when in the 2nd HAB letter, the annexes stated there were 7 rounds of voting and discussions;

(b) Regarding the so-called "Binding vote to select the second prize winner etc", in the 1st HAB letter, the annexes stated that I voted for 'another entry', whereas in the 2nd HAB letter, the annexes stated I did not vote for the 'Entry Concerned' without specifying whether I had voted for another entry or not;

(c) While the annexes in both the 1st HAB letter and the 2nd HAB letter suggested that the selection of three honourable mentions was from seven entries remaining 'from the group of eight considered for selection as the second prize winner', the annexes in both letters suggested that after the second prize winner was selected, there were only four entries left for the selection of three honourable mentions.

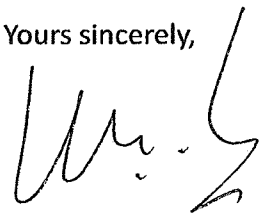
The above anomalies were noted by my colleagues on a quick reading of the annexes in the letters. They may not be exhaustive.

After a lapse of 10 years, and without the benefit of all the documents and information in front of me, I can no longer be certain how exactly the process of selection was conducted and how the results were deduced. Suffice it to say, the Government should disclose the primary records and documents, including the voting records of all the jurors and the minutes of discussion and decisions amongst the jurors. It is highly unsatisfactory and unfair to try to summarise the process by producing the so-called "Process of Selecting Winning Entries" and "Voting Record of Mr CY Leung" some 10 years later.

Apart from the above, it is wrong to suggest that because I was late in submitting my declaration by a weekend, the organizers of the Competition were

unable to detect the Discovery (as defined in my earlier letter). It was public knowledge that I was a director of DTZ at the time. It appeared in Mr Eric Johnson's letter of 21 February 2002 (see Annex 1). If the organizers believed the Discovery was a concern on the issue of conflict, they could bring the Discovery to my attention or decide on the matter prior to 25 February 2002. Whether or not I had submitted my declaration at the time is, if I may say so, irrelevant.

Yours sincerely,



(C.Y. Leung)

[redacted]

17/02/2012 19:37

To <ekptai@hab.gov.hk>
cc
bcc
Subject Confidential: West Kowloon Reclamation Concept Plan Competition

☐ High importance ☐ Return receipt ☐ Sign ☐ Encrypt

History: This message has been replied to and forwarded.

Dear Ms. Tai,

Thank you for your letter dated 16 February 2012. LWK & Partners would like to emphasise that it will endeavour to assist the Government and has no objection to the release of confidential information such as the registration form and the updated list of project team members to the public.

However, it is unclear from [redacted] email dated 15 February 2012 whether T.R. Hamzah & Yeang Sdn Bhd has given its consent to the release of confidential information which concerns its firm. Consequently, LWK & Partners is not certain whether it can consent to the release of confidential information which also concerns T.R. Hamzah & Yeang Sdn Bhd.

We respectfully ask for clarification from the Government whether LWK & Partners can consent to the release of confidential information which may also concern T.R. Hamzah & Yeang Sdn Bhd. Subject to this one request for clarification, LWK & Partners has absolutely no objection to the release of confidential information.

Yours Sincerely

[redacted]

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