

## CONFIDENTIAL

### **Legislative Council Select Committee to study Mr. Leung Chun-Ying's involvement as a Member of the Jury in the West Kowloon Reclamation Concept Plan Competition and related issues**

STATEMENT by Mr. Charles Nicholas Brooke  
for the Hearing to be held on Saturday 14 April 2012

1. Whilst I intend to assist the Select Committee to the best of my ability, the West Kowloon Reclamation Concept Plan Competition took place some eleven years ago and my recollection of (a) the mechanism and procedure for dealing with conflict of interest and (b) the adjudication process are naturally rather vague. In addition, as is the usual protocol with such competitions, I left behind on completion of the adjudication at City Hall all documents and any personal notes that I may have made and, to the extent that I may have received any communications from the competition organisers, all papers relating to completed assignments are stored offsite for a period of 6 years after which they are destroyed.
2. To assist me in the preparation of this Statement, I have, of course, been able to review the documents uploaded on to the relevant Legco website and this Statement has been compiled by reference to those documents and my somewhat limited memory of what occurred.
3. Before making my Statement and in the interest of transparency, I would like to declare that during the recent Chief Executive election, I was a proposer of Mr. C.Y. Leung and supported his election campaign. However, this in no way impacts on the contents of my Statement.

4. Early in 2001 I was approached by the Administration in my personal capacity as the Vice Chairman of the Metro Planning Committee of the Town Planning Board to participate as a member of the competition jury and I recall responding that I would be delighted to be involved and I remember my appointment subsequently being confirmed by the then Chief Executive, Mr. C.H. Tung. Early acceptance was necessary so that the names of the jurors could be included in the competition documentation which I see was subsequently issued in April of that year.

5. The competition then proceeded as outlined in the Report of the Jury and my next recollection is of receiving a letter from the Competition Co-ordinator, which I see was dated 21 February 2002, which attached the proposed programme of work for the Jury meetings over the week commencing 24 February 2002 together with a Declaration By Members of the Jury ("Declaration") to be completed and signed in respect to both potential conflicts of interest and confidentiality. I was not surprised to receive the Declaration as signature of such a pro-forma is, in my experience, standard practice and, indeed, essential in such competitive circumstances.

6. Whilst I was not aware of any conflict in relation to my own work, I was at the time also consultant to Insignia Brooke, following the merger of Brooke International with Insignia, and therefore made enquiries of the central file registry maintained by the Accounts Department of Insignia Brooke to confirm that no instructions had been received and no file opened relating to the West Kowloon competition project. Having received such confirmation, I signed and returned the Declaration which I see is dated 24 February 2002 declaring:

(a) to the best of my knowledge, none of my immediate family members or employees and no-one who has an employment-type contract or

close professional association or partnership with me, has entered the competition; and

(d) no company of which I am a director or major shareholder has entered the competition.

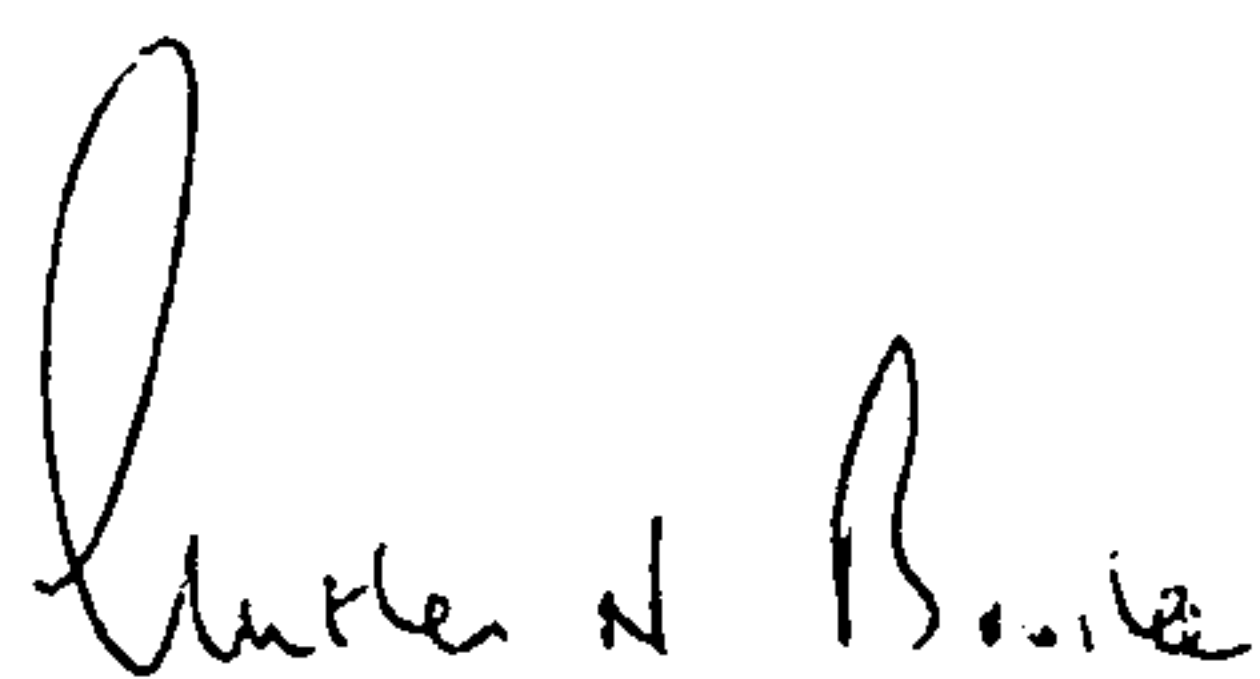
7. I recall being somewhat confused by declaration (c) (i.e. I am not a director or major shareholder of any company) but deleted it as per the instructions on the Declaration as (d) accurately stated my situation.

8. My recollection of the adjudication process is as described in pages 4-6 of the Report of the Jury where, based on the process there described, the Jury selected 5 concept plans – a winner, a runner up and 3 honourable mentions. The process of selection was based on a set of 5 unidentified but numbered display boards for each entry showing their urban design concept plan, their master layout plan, selected cross sections, elevations and perspectives, and a colour print of the model of each proposal. I recall that on the advice of the Technical Panel a number of entries were disqualified (I note from the Report of the Jury that the number was twelve) essentially because these submissions were incomplete.

9. I remember that following two full days of adjudication of entries, the Jury had reached a consensus on the provisional list of winning entries and were due to confirm their decision the following morning after the opening of the relevant sealed envelopes accompanying each entry which, I understand, contained the official Registration Form, information on all participants and CV's of all team members. This was undertaken by Mr. Andrew Johnson, the Competition Co-ordinator, and paragraph 36 of his Statement sets out details what he found. When the Jury met the following morning, I recall that we

were advised that a problem had arisen in that it appeared that the firm of one of the Jurors, Mr. C.Y Leung, was associated with one of the selected concept plans. In explanation, Mr. Leung advised that he was not sure how this could have occurred; that he had made appropriate enquiry before completing the Declaration and he undertook to look further into the matter. The Jury then convened without Mr. Leung being present and decided that in the circumstances there was no alternative but to disqualify the entry concerned.

10. In conclusion, given the high level of interest in the competition and the relatively limited number of appropriately qualified consultants available locally, regionally and internationally by comparison with the 161 entries received, with the benefit of hindsight the potential for conflict of interest was a real risk. Many of those consultants that might have been considered suitable had large and technically and geographically diverse practices making verification as to the possibility of such conflicts of interest a real challenge, particularly as many of the proponents would have placed their consultants under stringent confidentiality agreements. On reflection, I consider that it might have been better if the sealed envelope had only contained the details of the proponent and that the names of consultants had been provided separately and earlier to the Technical Committee, solely to verify that no inadvertent conflict of interest existed with any member of the Jury.



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(Signed) Charles Nicholas Brooke



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Date