

**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 Eric Andrew Johnson
for the hearing on 3 April 2012

This statement is made in the light of certain issues raised in Mr Leung Chun-ying's two written statements (together, "Mr Leung's statement") presented at the hearing on 20 March 2012.

Completion of the declaration form

2. Much is made in Mr Leung Chun-ying's statement of the meaning of several terms that were or might be used to describe the declaration exercise and/or the declaration form, including: "*conflict of interest declarations*", "*conflict of interest notification*" and "*declaration of conflict of interest*". One can debate the difference between these terms, but none of them appears in paragraph 16 of the Competition Document, or in the declaration form, which mirrored the provisions of that paragraph.

3. When completing the declaration, jurors had to read five statements – (a) to (e) in the form – and delete those which did not apply.

4. Statements (a) and (b) in the form are about persons (immediate family, employees, close professional associates, etc) known to the juror and whether any of them had entered the Competition. The juror had to choose between (a) and (b). If, to the best of the juror's knowledge, no-one among such persons had entered the Competition, he needed to leave (a) and delete (b) – Mr Leung Chun-ying did this. If, on the other hand, the juror believed that someone among such persons had entered the Competition, he needed to supply particulars in (b) and delete (a).

5. Statements (c), (d) and (e) were concerned with whether the juror was a director or major shareholder of any company and, if so, whether any such company had or had not entered the Competition. The juror had to choose the one that applied to him or her (of the three, only one could apply) and delete the other two.

6. If no company of which a juror was a director or major shareholder had entered the Competition, he or she needed to leave (d) – "*no company of which I am a director or major shareholder has entered the competition*" – and delete (c) and (e).

7. A juror who knew from the outset or from a subsequent discovery that a company of which he or she was a director or major shareholder had entered the Competition, needed to leave and complete (e) – "*a company of which I am a director or major shareholder has entered the competition. The company's name is:*" and delete (c) and (d).

8. In his declaration, Mr Leung Chun-ying left (c) – "*I am not a director or major shareholder of any company*" – and deleted (d) and (e). His leaving of (c) subsequently conflicted with the discovery that one of the provisional prize-winning entries had included one of his companies as a project team member.

9. The contents of the declaration form were consistent with the rules of paragraph 16 of the Competition Document. As far as I can recall, none of the jurors approached me to enquire about how to complete the form.

Submission of the declaration form by Mr Leung

10. There is no suggestion in paragraphs 11-13 of Mr Leung Chun-ying's statement that he had any difficulty with completing the declaration form. He did not indicate having asked me for clarification of the form or my covering letter of 21 February 2002, or for more time to complete the form. This accords with my recollection.

11. Mr Leung indicated in paragraph 11 of his statement that he made a telephone call between 21-23 February 2002 to a staff member who performed a conflict of interest search for him. He was given certain advice which appeared to clear the way for him to fax the completed form to me on 23 or 24 February or bring it along with him when he attended the City Hall on 24 February to view the entries to the Competition. In the event, he chose to submit it on 25 February.

Submission of further information by Mr Leung

12. Paragraph 42 of Mr Leung Chun-ying's statement describes as a "requirement" his provision of supplementary information following the disqualification of the entry associated with him and paragraph 43 suggests that the Organizer could or should instead have instigated arrangements whereby he would have been able to submit a "new declaration".

13. I described in paragraph 40 of my statement for the hearing on 17 March 2012 how, at the meeting of the Jury on 28 February 2002, Mr Leung undertook to look into the matter (of apparent conflict) further and provide further information to me on his company directorships. Mr Leung noted in paragraph 18 of his statement that he undertook to revert to the organizers on the role of DTZ in respect of the entry concerned.

14. The further information concerned was offered by Mr Leung. It was left to him to provide whatever further information he wished to provide. The information that he subsequently provided in his letter of 11 March 2002 was of his choosing.

15. As far as I can recall, Mr Leung did not suggest in the meeting of the Jury on 28 February 2002 that he be allowed to submit a "new declaration". Nor did he suggest this in his letter of 11 March 2002.

16. Permitting a juror to make a new declaration after a problem has been found with the original one following the adjudication of entries would clearly have been difficult for the Organizer to contemplate.

17. This completes my statement.

Eric Johnson