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**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**

**Witness Statement of Mr Bosco FUNG Chee-keung**

I, Bosco FUNG Chee-keung, was Director of Planning from 2 January 1999 to 27 July 2006. I proceeded on pre-retirement leave on 28 July 2006.

I have been asked to appear before the Select Committee to give evidence on the following major areas of study:

- (a) the conduct of the West Kowloon Reclamation (WKR) Concept Plan Competition ("the Competition");
- (b) mechanism and procedure for dealing with conflict of interest; and
- (c) the adjudication process.

As the Competition was held more than 10 years ago, this statement has been prepared with assistance sought from the Home Affairs Bureau and the Planning Department in providing relevant information to me, and in allowing me to peruse relevant files and records.

Since there are no specific questions raised by the Select Committee, I will only set out the role of the Planning Department (PlanD) and that of mine as its Director in the organization and conduct of the Competition, with particular reference to the three areas of study stated in the second paragraph.

**(a) The Conduct of the Competition**

In October 1999, the Chief Executive announced in his policy address the plan of the Administration to develop an integrated arts, cultural and entertainment district in the WKR and to hold an open competition to enlist the help of local and overseas professionals. The then Planning and Lands Bureau (PLB) was the Competition Organizer and PlanD provided technical assistance and support to the organizing of the event, notably in:

- drafting of the Competition Document which included a Competition Brief setting out the planning contexts of the WKR Scheme Area and the overall requirements for the concept plan proposals to be

- submitted under the Competition;
- undertaking and co-ordinating technical assessments on the submitted entries obtained from departmental circulation;
  - presenting the consolidated technical assessments to the Technical Panel for their consideration.

I chaired the Technical Panel which comprised both official and non-official members to provide advice to the Jury on the technical assessment of individual submissions. As Chairman of the Panel, I was required to present the Panel's assessments to the Jury but not to take part in the return of the verdict of the competition.

The rules of the Competition, including the composition of the Technical Panel and that of the Jury, were set out clearly in the Competition Document publicly available. In particular, the roles of the different parties involved in the running of the Competition were clearly indicated:

- PLB as the Organizer to whom all registrations, enquiries and submissions from participants should be addressed;
- Mr. Bill Lacy as Professional Advisor whose main role was to provide advice on the organization and management of the Competition through the various stages, and on compliance with the Competition rules and submission requirements;
- The Technical Panel whose role was to provide advice to the Jury on the technical assessments of individual submissions;
- The Jury whose role was to adjudicate all the submissions received. The decisions of the Jury should be final and could not be appealed against.

In line with international practice, the identities of the competition entrants were anonymous to PlanD and other Government departments undertaking the technical assessments, and to the Technical Panel and Jury members until the Jury had determined the winning entries.

**(b) Mechanism and procedure for dealing with conflict of interest**

In the Competition Document, Clause 16 on "Ineligibility" specifically states that all persons likely to be in conflict of interest are excluded from the Competition and it spells out a number of possible conflict situations.

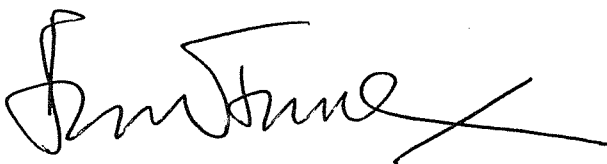
When the Technical Panel held its first meeting on 9 October 2001, the matter of conflict of interest was discussed. The meeting agreed that the best way forward might be a general declaration of no conflict of interest even if a declaration of interest was not required.

After consultation with the Professional Advisor and the ICAC, a declaration form was finalized and issued to Panel members and the Professional Advisor; and all concerned signed the forms. This was reported under Matters Arising at the 2<sup>nd</sup> meeting of the Technical Panel held on 11 December 2001. A declaration by one of the Panel members was made at the meeting. Panel members noted the declaration and were satisfied that no conflict of interest arose.

This practice of signing a declaration form was subsequently extended to all Jury members with agreement from the Jury Chairman.

(c) The adjudication process

In accordance with the rules set out in the Competition Document, only the Jury was involved in the adjudication process. As Chairman of the Technical Panel, I only attended the Jury meeting held in the morning of 25 February 2002 to present the Technical Panel Report. I did not take part in the Jury's subsequent deliberation and adjudication of the submitted entries.



Bosco FUNG Chee-keung  
15 March 2012