

formation of the Project Team and DTZ's contacts with DLS, LWK & Hamzah & Yeang in relation to the Competition. Part II examines whether and how far Mr LEUNG Chun-ying was aware of DTZ's association with the Entry Concerned before the adjudication of the entries. Part III sets out the observations of the Select Committee on the relevant evidence obtained.

Part I - Association of DTZ with the Entry Concerned

Formation of the Project Team

3.3 The Select Committee notes that in May 2001, DTZ was not included in the initial list of Project Team. The process of the formation of the list of Project Team is set out below.

Participation of Davis Langdon & Seah Malaysia ("DLS Malaysia") and DLS

3.4 According to Dr Kenneth YEANG's letter dated 5 March 2012 to the Home Affairs Bureau in **Appendix 3(a)**, at the outset of the Competition, Hamzah & Yeang was approached by LWK, which enquired whether Hamzah & Yeang could team up with LWK for the Competition. Hamzah & Yeang agreed to be the "*Concept Designer*". On 22 May 2001, Dr YEANG faxed a letter in **Appendix 3(b)** to DLS Malaysia informing it of his effort to assemble a project team to register for the Competition and asking if DLS Malaysia would be interested in being part of the project team as the Quantity Surveyor. Dr YEANG stated in the letter that

Hamzah & Yeang "*did not have budget for fees*" payable to DLS Malaysia. However, he undertook that should the Entry Concerned become the winning scheme, Hamzah & Yeang would "*apportion a sum from the prize money*" to DLS Malaysia and recommend DLS Malaysia as "*part of the project team to be appointed by the Client*". On 23 May 2001, DLS Malaysia confirmed in writing its interest in being exclusively part of the project team of Hamzah & Yeang for the Competition. A copy of DLS Malaysia's written acceptance is in **Appendix 3(c)**.

3.5 According to Mr Kenneth POON, who was then a director of DLS, following the acceptance of Dr Kenneth YEANG's invitation for being part of the project team for the Competition, DLS Malaysia referred the project for the Competition ("the project") to DLS and Mr POON became the director-in-charge responsible for DLS's involvement in the project.

Submission of the Registration Form by Hamzah & Yeang

3.6 On 8 June 2001, the Organiser received the Registration Form dated 5 June 2001 from Dr Kenneth YEANG. According to the Registration Form, Dr YEANG was the registrant and made the application to participate in the Competition as a representative for and on behalf of a project team comprising different companies/corporations, but information on members of the project team was not provided at the time. The Select Committee notes Dr YEANG's consent to the following provision, among others, stated in the Registration Form :

"I, being an authorized representative to act on behalf of my firm/company/members of my project team[#], hereby:

(a) undertake that I/we[#] shall abide by all the rules, requirements and conditions as set out in the Competition Document. I/We[#] fully understand that a failure to abide by any of the said rules, requirements or conditions may result in the disqualification of the relevant proposal from the Competition;..."

Participation of other Project Team members

3.7 According to the documents produced by Mr Kenneth POON and Mr Ronald LIANG of LWK who was then its director-in-charge, the project at the early stage was conducted by Hamzah & Yeang and LWK. On 6 July 2001, Dr Kenneth YEANG met with Mr LIANG in Hong Kong. During mid-to-late July 2001, LWK delivered materials and documents relating to the preparation of the Entry Concerned to Hamzah & Yeang. From 6 to 8 August and on 14 August 2001, Hamzah and Yeang discussed the project with Benoy Limited ("Benoy") and Mr LIANG in Malaysia respectively.

3.8 On 21 August 2001, Dr Kenneth YEANG faxed a letter in **Appendix 3(d)** to LWK, DLS, Benoy and Battle McCarthy calling them "Team" and inviting their comments on Hamzah & Yeang's latest drawings relating to the Team's project for the Competition. In his letter, Dr YEANG sought comments from each Team member on certain

particular items. DLS was asked to "*provide an indicative cost for the project*" and "*review the development mix and comment on project feasibility*". As the second item was outside DLS's expertise, Mr Kenneth POON contacted DTZ to discuss whether it could provide the relevant information. Details on DTZ's association with the Entry Concerned are set out in paragraphs 3.15 to 3.29.

3.9 On 7 September 2001, Dr Kenneth YEANG faxed another letter in **Appendix 3(e)** to LWK, DLS, Benoy and Battle McCarthy calling them "Project Team". The Select Committee notes from the letter that the project reference was "*Kowloon Waterfront Competition*" and the subject was "*Updated Project Team Information*". In the letter, Dr YEANG asked the Project Team to provide Hamzah & Yeang, by email, with information on their respective companies by Tuesday, 25 September 2001, with a view to facilitating Hamzah & Yeang's preparation for the final submission documents for the Competition. Enclosed in Dr YEANG's letter were a copy of page nine of the Competition Document with paragraph 27(ii) and (iii) therein concerning the requirements for information on participants in the case of project team circled and asterisked, and a copy of page two of Hamzah & Yeang's Registration Form concerning the requirements for the provision of similar information circled and asterisked likewise. The items of information requested by Dr YEANG in his letter are reproduced below :

- " (a) *Company name*
- (b) *Company type (e.g. partnership firm, limited company, etc.)*
- (c) *Full address and contact details*

- (d) *Names and citizenship of your director-in-charge and key personnel who worked on this project*
- (e) *A brief company CV write-up of no more than 100 words*
- (f) *Copy of your firm's registration with your respective professional bodies"*

In the letter, Dr Yeang also asked the Project Team to provide information on any sub-consultants used by individual Team members for the project.

3.10 On 24 September 2001, LWK sent an email in **Appendix 3(f)** to Dr Kenneth YEANG and Mr Andy CHONG of Hamzah & Yeang regarding "*Updated Project Team Information*", which included the name, type, address and description of LWK and the particulars of the director-in-charge (i.e. Mr Ronald LIANG) and other key personnel. Similarly, on 25 September 2001, Mr Kenneth POON faxed a letter in **Appendix 3(g)** to Dr YEANG and Mr Andy CHONG enclosing DLS's write-up, which contained the name, discipline, type, contact, director-in-charge, project surveyor and description of DLS; the CVs of major personnel including Mr POON; and a copy of DLS's Business Registration Certificate and Mr POON's Diploma certifying that he was a Fellow of the Hong Kong Institute of Surveyors.

Inclusion of DTZ in the list of Project Team members of and by Hamzah & Yeang

3.11 The Organiser received Dr Kenneth YEANG's Registration Form with a list of project team members dated 27 September 2001 in

Appendix 3(h). In addition to Hamzah & Yeang and the four companies, i.e. LWK, Benoy, Battle McCarthy and DLS which were collectively called by Dr YEANG as "Project Team" in Dr YEANG's letter of 7 September 2001, DTZ was on the list. According to the list, Hamzah & Yeang was named as Lead Architect and Masterplanner, LWK as Local Architect and Masterplanner, DLS as Quantity Surveyor and DTZ as "*Property Advisors*". The list contained the respective company information of Project Team members, including the names and titles of their key personnel involved and CVs of team members. Hamzah & Yeang provided the names of six personnel including Dr YEANG; LWK provided the names of four personnel including Mr Ronald LIANG; DLS provided the names of two personnel including Mr Kenneth POON; and DTZ provided the names of four personnel comprising Mr K K CHIU (confirmed as Mr CHIU Kam-ken) as Executive Director, Mr K B WONG (confirmed as Mr WONG Kim-bon) as Director, Mr Wilfred CHAN as Manager and Mr Henry H Y CHENG (confirmed as Mr CHENG Hung-yan) as Manager. Mr CHIU stated that from the beginning to the end of the Competition, DTZ had not been formally asked for consent for its inclusion in the Project Team, and he had never seen Dr YEANG's Registration Form. Details on DTZ's role and involvement in the Entry Concerned are set out in paragraphs 3.30 to 3.35.

Responsibility for lining up Project Team members

3.12 The Select Committee notes that Dr Kenneth YEANG and Mr Ronald LIANG had different understanding of their respective roles and responsibilities in the Project Team.

3.13 According to Dr Kenneth YEANG's letter dated 5 March 2012 to the Home Affairs Bureau in Appendix 3(a), as Hamzah & Yeang had no office in Hong Kong and had not been familiar with the local practice and local consultants who could provide the required support to the preparation of the Entry Concerned, LWK should lead the project to establish the Project Team. Except for Benoy which was recommended by Hamzah and Yeang as a Project Team member, *"the rest of the Project Team members, including DTZ, were put together by LWK"*. Hamzah & Yeang *"had no role whatsoever in the selection of these Project Team members"*. Dr YEANG further stated in the letter that *"the original intention was that as LWK was leading the project, LWK shall be the Lead Architect"*. However, should LWK sign the Registration Form as the Lead Architect, the design concept done by Hamzah & Yeang would belong to LWK. Dr YEANG found this arrangement unacceptable. To protect Hamzah & Yeang's copyright of its design concept, it was finally decided that Hamzah & Yeang would sign the Registration Form as the Lead Architect, although in reality LWK was responsible for leading the project, including filling in the Registration Form. According to Dr YEANG, he put his signature to the Registration Form in good faith. Dr YEANG also stated in the letter that he *"had no reason to doubt that in putting together the Project Team, LWK would duly and fully undertake all necessary checks to ensure that the rules, terms and conditions of the Competition were fully complied with, including the need to ensure that there was no conflict of interest"*.

3.14 However, Mr Ronald LIANG told the Select Committee that his role had been to complement Dr Kenneth YEANG and Dr YEANG should be the Lead Architect. As Dr YEANG had not had information

about Hong Kong, LWK had provided such information to him and the Registration Form had been filled in by Dr YEANG. Mr LIANG advised that according to his recollection and his understanding, LWK was not the Lead Architect in the Project Team. On the list of project team members dated 27 September 2001 submitted by Dr YEANG to the Organiser, Hamzah & Yeang was listed as the Lead Architect and LWK the Local Architect. LWK had sent information and staff to Hamzah & Yeang to assist its preparation of the Entry Concerned, and the preparatory work had been mainly conducted in Malaysia instead of Hong Kong. According to Mr LIANG, Hamzah & Yeang was responsible for assembling the list of Project Team members. He was not familiar with other Project Team members, except DLS. He only recalled that DLS was a local Project Team member and DTZ was not a team member at the outset. However, he did not remember when DTZ was included in the Project Team and whether he had been consulted by Dr YEANG prior to the inclusion of DTZ in the Project Team. Mr LIANG also told the Select Committee that he did not remember whether he had read the Competition Document including its ineligibility provision and the membership list of the Jury.

Association of DTZ with the Entry Concerned

3.15 The Select Committee notes DTZ's association with the Entry Concerned after the issuance of Dr Kenneth YEANG's letter of 21 August 2001 in Appendix 3(d) to DLS and LWK.

Invitation for DTZ to provide land valuation

3.16 As mentioned in paragraph 3.8 above, in his letter of 21 August 2001, Dr Kenneth YEANG asked DLS to "*provide an indicative cost for the project*" and "*review the development mix and comment on project feasibility*". According to Mr Kenneth POON, he realized that the project team's submission would require an estimate of the land value for the retail, residential, hotel and office facilities outlined in Hamzah & Yeang's project design and this was outside DLS's expertise. Mr POON therefore contacted Mr Edmund HO Hin-kwan, then Chief Operation Officer of DTZ whom he was familiar with, to invite DTZ to join the project team to carry out the assessments on a no-fee basis. According to Mr POON, Mr HO accepted his invitation and referred the project to Mr CHIU Kam-kuen and Mr WONG Kim-bon. In his written response² to the Select Committee, Mr Edmund HO indicated that Mr Kenneth POON was a good friend of him and they used to call each other to exchange market information, but he could not recollect the events happened 10 years ago in relation to the Competition. According to Mr HO, if Mr POON did ask for information concerning land value, there was no doubt that he would refer Mr POON to DTZ's Valuation Department headed by Mr CHIU Kam-kuen, as valuation was not his scope of duties. Mr HO also indicated that he had no recollection that Mr POON had invited DTZ to join the Project Team, and consideration of the invitation, if any, would

² The written response is not information produced under oath or declaration by Mr Edmund HO, nor is it a document ordered to be produced under section 9(1) of the Legislative Council (Powers and Privileges) Ordinance (Cap. 382).

only be made by the head of the Valuation Department, which provided the relevant services.

DLS-DTZ meeting

3.17 The Select Committee notes that between 21 August 2001 and 11 September 2001, Mr Kenneth POON had a meeting with Mr CHIU Kam-kuen and Mr WONG Kim-bon ("DLS-DTZ meeting") and had handed them a copy of the Accommodation Schedule and the draft concept drawings for their study and initial advice on the accommodation values of the various types of buildings planned for the West Kowloon waterfront. According to Mr CHIU, in addition to Mr WONG, he attended the DLS-DTZ meeting because his main duty was to deal with clients, while the actual work was undertaken by Mr WONG. He occasionally met with clients with whom he was acquainted. As he knew Mr POON personally through participation in the relevant professional institute, he wished to know whether he could render any assistance to Mr POON at the time.

3.18 On 11 September 2001, Mr Kenneth POON sent a letter in **Appendix 3(i)** to Mr Ronald LIANG informing him of the following under the caption "*West Kowloon Waterfront Design Competition*" :

"As discussed, we have contacted Debenham Tie Leung (DTZ) who have kindly consented to assist in the land valuation for the captioned project.

Please be advised that DTZ's chairman, Mr C Y Leung, is a member of the panel of judges. This has been discussed with DTZ who advised that Mr Leung will make the necessary appropriate declarations and there should be no problem on this matter.

We have had a meeting with Mr K K Chiu, Executive Director, and Mr K B Wong, Director of Valuation, of DTZ and have handed them a copy of the Accommodation Schedule and the draft concept drawings for their study and initial advice on the accommodation values of the various types of buildings planned for the area.

With the joining of DTZ, we now have a full team for the study, which would be able to address the project on all appropriate topics."

3.19 The Select Committee notes that Mr Kenneth POON's aforesaid letter was copied to Mr CHIU Kam-kuen and Dr Kenneth YEANG. The fax number shown against the name of Mr CHIU Kam-kuen in the letter was 2530 1502. Mr CHIU confirmed to the Select Committee that the aforesaid number was DTZ's fax number. According to Miss Teresa NG, the then secretary of Mr CHIU, the aforesaid number was the only fax number used by Mr CHIU to receive faxes, including those of a confidential nature. At the hearing on 31 March 2012, a member of the Select Committee asked Mr Kenneth POON the following question in relation to the aforesaid letter (English translation) :

"...in paragraph 2, you wrote down clearly that Mr LEUNG Chun-ying was a member of the Jury and you had discussed this point with someone from DTZ who said that Mr LEUNG would declare interests in the future. Which person from DTZ had you discussed with? "

Mr POON's response was as follows (English translation) :

"Because it happened 10 years ago, to be honest, I really do not remember the details of the conversation. However, after receiving the summons from LegCo, we have read all the letters concerned. Since it had been stated in the letter that I did talk about the aforesaid point, I refreshed my memory and felt that I should have talked about it, and that was it."

Mr POON also told the Select Committee that he could not recall with which person from DTZ he had talked about this issue and how the conversation had taken place. Nevertheless, when asked by a member whether he had told DTZ that Mr LEUNG Chun-ying was a member of the Jury, Mr POON indicated that he *"must have said so"* and he *"has mentioned that to them under certain circumstances"*.

3.20 Mr CHIU Kam-kuen told the Select Committee that according to his recollection, he had not received Mr Kenneth POON's letter of 11 September 2001; nor was there any record indicating DTZ's receipt of the letter. The letter was also not on DTZ's file delivered to Mr LEUNG Chun-ying as mentioned in paragraph 2.77 in Chapter 2. Mr CHIU told the

Select Committee that he and Mr WONG Kim-bon only received from Mr POON a copy of the Accommodation Schedule and draft concept drawings at the DLS-DTZ meeting, and his impression was that Mr POON had not talked to him about Mr LEUNG Chun-ying being a member of the Jury. He also did not know at the time that Mr LEUNG Chun-ying was a member of the Jury. He pointed out that should he know that Mr LEUNG Chun-ying was a member of the Jury, DTZ would not have provided any advice to DLS in relation to land valuation on WKR.

3.21 According to Mr Kenneth POON, apart from what was said in his letter of 11 September 2001, he could not remember the contents of the DLS-DTZ meeting. He recalled that the meeting was not formal and they just met and exchanged information. According to the letter of 11 September 2001, he should have mentioned how to handle the matter relating to Mr LEUNG Chun-ying being a member of the Jury. However, he did not remember whether this was mentioned during the meeting or over the phone after the meeting. According to Mr POON, he felt that Mr LEUNG Chun-ying joined the Jury in his personal capacity. As Mr LEUNG Chun-ying's company had engaged in many businesses, the Government should have a mechanism for Mr LEUNG Chun-ying to declare his interests and determining whether he might attend or withdraw from a Jury meeting. Mr POON felt that normally there should be no problem if Mr LEUNG Chun-ying had declared his interests but Mr POON had no idea what constituted a declaration or a non-declaration.

3.22 Mr Ronald LIANG told the Select Committee that he did not know Mr LEUNG Chun-ying personally. He had seen Mr Kenneth

POON's letter of 11 September 2001 and noted Mr LEUNG Chun-ying being a member of the Jury and the Chairman of DTZ mentioned therein at the time. Nevertheless, he had not raised any objection to the inclusion of DTZ into the Project Team because he had assumed that every Team member as a professional firm should understand its position. In his view, should the recipient of the letter of 11 September 2001 not express any concern about conflict of interests, it would be assumed that there should be no problem.

DTZ's provision of land value information to DLS and LWK

3.23 On 18 September 2001, Mr WONG Kim-bon sent a letter in **Appendix 3(j)** to Mr Ronald LIANG and copied it to Mr Kenneth POON. In his letter with a caption "*West Kowloon Waterfront Design Competition*", Mr WONG referred Mr LIANG to a recent meeting between DTZ and Mr POON at which DTZ had been provided with a proposal on the development of the West Kowloon Waterfront Reclamation. Mr WONG enclosed in his letter DTZ's opinion on land premium for retail, residential, hotel and office uses and a copy of an Area Schedule summarizing the proposed development. According to Mr CHIU Kam-kuen, the information provided by DTZ in the letter was not complicated and mainly came from the area schedule provided by DLS. The Select Committee notes that a fax number of DTZ (i.e. 2530 1502) was printed on Mr WONG's letter.

3.24 On 20 September 2001, Mr Kenneth POON sent a letter in **Appendix 3(k)** to LWK proposing the approach to the financial feasibility

study on their project for the Competition following DLS's discussion with DTZ. The letter was copied to Dr Kenneth YEANG and Mr CHIU Kam-kuen by fax at (603) 4256 1005 and 2530 1502 respectively.

3.25 On 24 September 2001, Mr Kenneth POON sent a written enquiry in **Appendix 3(i)** to Mr WONG Kim-bon by fax at 2530 1502 regarding DTZ's accommodation value calculation provided in Mr WONG's letter of 18 September 2001. On 25 September 2001, Mr WONG sent a fax reply in **Appendix 3(m)** to Mr POON. The Select Committee notes that the correspondences of 24 and 25 September 2001 between Mr POON and Mr WONG were copied to Dr Kenneth YEANG and Mr Moses LEUNG of LWK.

3.26 On 26 September 2001, Mr Kenneth POON issued a letter in **Appendix 3(n)** to Mr Ronald LIANG enclosing DLS's "*write-up on the financial section for the captioned*" (i.e. West Kowloon Waterfront Design Competition/Preliminary construction cost and development land value estimates). The letter was also copied to Dr Kenneth YEANG and Mr WONG Kim-bon by fax at (603) 4256 1005 and 2530 1502 respectively.

Provision of company information by DTZ, LWK and DLS to Hamzah & Yeang

3.27 On 19 September 2001, Mr Kenneth POON sent a letter in **Appendix 3(o)** to Mr CHIU Kam-kuen by fax at 2530 1502 and copied it to Mr Ronald LIANG and Dr Kenneth YEANG. According to the letter, it enclosed a copy of a fax from Hamzah & Yeang. However, the Select

Committee notes that such an attachment was not submitted by Mr POON to the Select Committee. At the hearing on 31 March 2012, Mr POON explained that the attachment was a copy of Dr YEANG's letter dated 7 September 2001 (Appendix 3(e)). In his letter of 19 September 2001 with the caption "*Kowloon Waterfront Competition*", Mr POON only stated the following :

"I attach herewith copy of a fax from TR Hamzah & Yeang which is self explanatory.

Please provide the necessary information directly to Dr. Ken Yeang/Mr Andy Chong."

3.28 According to Miss Teresa NG, on 25 September 2001, she sent an email in **Appendix 3(p)** to Hamzah & Yeang pursuant to the instruction of Mr CHIU Kam-kuen or Mr WONG Kim-bon. According to the email, its subject was "*Kowloon Waterfront Competition*" and the heading of the attached files was "*Team Information.doc; Curriculum Vitae.doc; Relevant Strength.doc; Covering.doc*". The email contained a cover letter to Dr Kenneth YEANG and Mr Andy CHONG, which was copied to Mr Kenneth POON. The cover letter only stated that "*pursuant to instruction of Davis Langdon & Seah China Limited, we attach herewith copy of the information about our company*". The information attached to the letter comprised :

- (a) one sheet on "*Project Team Information*" under the heading of "*Kowloon Waterfront Competition*" providing the name, type,

registered address and contact details of DTZ, and the names, titles, phone numbers and email addresses of the two key personnel (i.e. Mr CHIU Kam-kuen and Mr WONG Kim-bon) who worked on the project;

- (b) one sheet on the relevant strength and experience of DTZ as Land Consultant;
- (c) one sheet on team structure; and
- (d) one sheet on the CVs of the team members, i.e. Mr CHIU Kam-kuen, Mr WONG Kim-bon, Mr Wilfred CHAN and Mr Henry CHENG.

3.29 Mr CHIU Kam-kuen told the Select Committee that the CVs of DTZ personnel were open documents. Sending them out at someone's request had been a usual practice, regardless of whether to win business. The Select Committee notes that the email dated 25 September 2001 from Miss Teresa NG to Hamzah & Yeang was addressed to "trhy@tm.net.my" (Appendix 3(p)). This email address was the same as that of Hamzah & Yeang provided in Dr YEANG's letter dated 7 September 2001 (Appendix 3(e)). Miss NG emailed DTZ's company and personnel information to Hamzah & Yeang on 25 September 2001, which was the deadline set by Dr YEANG in his letter dated 7 September 2001 for the provision of company information by Project Team members. The Select Committee also notes that, as mentioned in paragraph 3.10 above, LWK

and DLS also sent information on their companies and key personnel to Hamzah & Yeang on 24 and 25 September 2001 respectively.

DTZ's role and involvement in the Entry Concerned

3.30 According to Mr Kenneth POON, he did not have any formal discussion or document with DTZ on its participation as a member in the Project Team. Given DTZ's consent to provide assistance to the Project Team concerning land valuation on WKR, he naturally felt that DTZ was part of the Project Team. Hence his copying of the letter of 11 September 2001 (Appendix 3(i)) to Mr CHIU Kam-kuen and making reference therein to the joining of DTZ to the Project Team. He expected that should a recipient of his letter not agree to its contents, the recipient should raise it with him. In this connection, he did not receive any indication from DTZ of its disagreement with the contents of the letter of 11 September 2001; nor did DTZ clarify to him that it was not a member of the Project Team after receiving his letter of 19 September 2001 (Appendix 3(o)). In this letter, DTZ was asked to provide its company information and the CVs of its high-level personnel to Hamzah & Yeang.

3.31 Mr Kenneth POON also told the Select Committee that he had relayed all the information received from DTZ to Dr Kenneth YEANG and expected him to include such information in the Entry Concerned. However, he did not know at the time whether Dr YEANG had done so, as he was not provided with a copy of the Entry Concerned and did not have any opportunity to see it. In his view, should the information provided by

DTZ be cited in the Entry Concerned, due acknowledgement should be made to DTZ, even if DTZ was not a Project Team member.

3.32 On the other hand, Mr CHIU Kam-kuen told the Select Committee that from the beginning to the end of the Competition, DTZ had not been formally asked for consent for its inclusion in the Project Team, and he had never seen Dr Kenneth YEANG's Registration Form. After faxing a copy of its company information and the CVs of some personnel to Dr YEANG on 25 September 2001 pursuant to Mr Kenneth POON's letter of 19 September 2001, DTZ had not received any response from Dr YEANG. In his understanding, had DTZ been invited to join the Project Team for the Competition, it would have been asked to confirm whether it would provide service to the team exclusively as had been the case of DLS Malaysia. DTZ neither had any direct contact with Dr YEANG nor met with any staff members of Hamzah & Yeang or LWK in relation to the Competition; nor did DTZ have any business link or working relationship with Dr YEANG, Hamzah & Yeang or LWK at the time of the Competition. In addition, DTZ had not participated in any Project Team meeting(s). As far as the Competition was concerned, DTZ had only had contact with DLS to provide opinion on land valuation on a no-fee basis.

3.33 The Select Committee notes from Mr CHIU Kam-kuen that in the file record of DTZ, there was a copy of Mr Kenneth POON's cover letter of 19 September 2001 without the attachment of a fax dated 7 September 2001 from Dr Kenneth YEANG mentioned in paragraphs 3.9 and 3.27 above. Miss Teresa NG, who faxed DTZ's company information and the CVs of its high-level personnel to Hamzah & Yeang on

25 September 2001, told the Select Committee that she did not remember whether she had seen Mr POON's letter of 19 September 2001. She also told the Select Committee that some pages might occasionally go missing during transmission via the fax machine. According to Miss NG, she would make a follow-up phone call to the sender to ascertain if there was any page missing should the number of pages received differ from the number indicated on the cover letter.

3.34 According to Mr CHIU Kam-kuen, DTZ only did Mr Kenneth POON a favour by providing its land value information for his reference in September 2001. Apart from providing such information to Mr POON, he did not know whether Mr POON had participated in the Competition. After receiving a copy of Mr POON's letter of 26 September 2001 to LWK regarding the preliminary construction cost and development land value estimates for WKR, DTZ had not received any further correspondence regarding land value information on WKR. DTZ did not know whether DTZ's information was included in the Entry Concerned as DTZ never received a copy of the submission documents of the Entry Concerned at the time. Nor had DTZ been asked by Dr YEANG to confirm whether DTZ's information was correctly cited in the Entry Concerned.

3.35 According to Mr CHIU Kam-kuen, the land value information used in DLS's write-up, which was attached to Mr Kenneth POON's letter of 26 September 2001 to Mr Ronald LIANG (Appendix 3(n)), was not identical to that provided in Mr WONG Kim-bon's letter of 18 September 2001 to Mr LIANG, which was copied to Mr POON. Mr POON told the Select Committee that he had relayed all the land value information

provided by DTZ to Dr Kenneth YEANG. He could not explain the discrepancies between them, as he had not received a copy of the submission documents of the Entry Concerned. Nevertheless, Mr CHIU confirmed to the Select Committee that about 90% of the land value information provided by Mr WONG Kim-bon in his letter of 18 September 2001 to Mr LIANG and copied to Mr POON had been included in the Entry Concerned but some typing and obvious basic information errors could be spotted. For instance, the estimated "*capital value of the hotel (average)*" provided in Mr WONG's letter was HK\$5 million per room but it was HK\$5,000 per room in the Entry Concerned. Mr CHIU "*felt very regretful*" over the inclusion of DTZ's land value information in the Entry Concerned without prior notice to DTZ, and found such obvious basic errors "*unacceptable*" as DTZ's consent to the use of its information had never been sought.

Part II - Mr LEUNG Chun-ying's awareness or unawareness of DTZ's association with Entry Concerned before the adjudication of entries

3.36 As mentioned in paragraphs 2.77 and 2.78 in Chapter 2, according to Mr Eric JOHNSON, before the start of the Jury meeting in the morning of 28 February 2002, Mr LEUNG Chun-ying was told that DTZ was named as property advisors in an entry, and this relationship was not reflected in Mr LEUNG Chun-ying's declaration form submitted to Mr Eric JOHNSON on 25 February 2002. Mr LEUNG Chun-ying told Mr John TSANG and the Jury then that he was unaware of the association of DTZ