

informed of the matter. The Jury decided to disqualify the Entry Concerned.

2.2 This Chapter comprises six parts giving an account of the involvement of Mr LEUNG Chun-ying as a member of the Jury in the Competition. Part I highlights the Competition rules, requirements and conditions relevant to the Select Committee's study. Part II sets out the process of appointment of Mr LEUNG Chun-ying as a member of the Jury. Part III provides an account of the Organiser's formulation of the mechanism for dealing with conflict of interests and the declarations made by Mr LEUNG Chun-ying. Part IV examines Mr LEUNG Chun-ying's participation as a member of the Jury in the adjudication process. Part V sets out the circumstances leading to the disqualification of the Entry Concerned by the Jury and the subsequent actions taken in relation to Mr LEUNG Chun-ying's declarations. Part VI provides the observations of the Select Committee on the relevant evidence obtained from witnesses.

### **Part I – Competition rules, requirements and conditions relevant to the study**

2.3 In launching the Competition, the Government issued on 6 April 2001 the Competition Document containing, among others, the rules, requirements and conditions of the Competition. The Competition Document was compiled by the Competition Team, which was set up in PLB in March 2000, and endorsed by Mr Gordon SIU, who was

Secretary for Planning and Lands ("SPL") from 21 January 1999 to 30 June 2001. The Competition Team was set up in PLB and its members included officers seconded from the Planning Department and Leisure and Cultural Services Department. According to Mr SIU, in the preparation of the Competition Document, the Competition Team had consulted Mr Bill LACY, who was appointed as the Professional Advisor to the Competition, and relevant government departments by circulation of papers in accordance with the established procedures of the Government.

2.4 According to Mr PO Pui-leong, Principal Assistant Secretary (Special Duties) in PLB from March 2000 to August 2001 and Competition Co-ordinator up to August 2001, the Competition was the first of its kind in Hong Kong. The Administration originally designed it as a locally-judged competition and aimed to launch it in April 2000. Given the significance of and with a view to adding impetus to the development of WKR, the Administration subsequently decided to invite internationally renowned experts to join the Jury. The Competition was held one year behind the original schedule. The Competition Team had sought advice from local and overseas experts and made reference to international practices relating to concept/architectural design competitions to ensure that the rules, requirements and conditions of the Competition were in line with international standards, with a view to attracting quality submissions from both local and overseas participants.

2.5 The Select Committee has considered the rules, requirements and conditions of the Competition which are relevant to its study. Details

of such rules, requirements and conditions are set out in paragraphs 2.6 to 2.15 below.

### Jury and Technical Panel

2.6 The Select Committee notes that all entries were adjudicated by a Jury made up of 10 non-official members appointed by CE. The membership of the Jury is in **Appendix 2(a)**. The Jury was tasked to award five prizes, viz. the first prize winner, the second prize winner and three honourable mentions. According to paragraph 31 of the General Conditions of the Competition Document, all entries were judged in accordance with the broad assessment criteria in **Appendix 2(b)**, details of which were established by the Jury. Paragraph 32 of the General Conditions of the Competition Document stipulated that "*[t]he decisions of the Jury shall be final and cannot be appealed against*".

2.7 The Jury was assisted by a Technical Panel consisting of 10 members chaired by the then Director of Planning. The membership of the Technical Panel is in **Appendix 2(c)**. Paragraph 9 of the General Conditions of the Competition Document specified that the main role of the Technical Panel was to provide advice to the Jury on the technical assessments of individual entries.

2.8 The Select Committee notes that under the Administration's original plan as stated in the information paper dated 9 March 2000 provided by PLB to LegCo, a Technical Panel to be chaired by the Director of Planning would initially assess all entries and shortlist five

entries for the final consideration of an Executive Panel. On 6 March 2000, the Administration conducted an informal briefing for the non-official Members of the Executive Council ("ExCo"), providing information similar to that in the above paper. According to Mr PO Pui-leong and Mr Bosco FUNG, then Director of Planning and Chairman of the Technical Panel, the Administration was advised that the key to a successful international competition was to appoint a person of eminent international standing as the Chairman of the Jury who might help attract prominent experts as jurors. The general practice for an international competition was to entrust the adjudication responsibility to the jury instead of confining the jury's responsibility to adjudicate the entries shortlisted by another body. In the light of expert advice, the Administration decided that all entries should be adjudicated by the Jury only and the role of the Technical Panel should be confined to the provision of technical advice to the Jury.

### Entry requirements

2.9 The Select Committee notes the following entry requirements in paragraph 12 of the General Conditions of the Competition Document :

*"The Competition is open to all qualified planners and architects, as defined by the requirements in existence in their respective place of practice. Both individual and collaborative entries by multi-disciplinary project teams are permitted, and entries can be made on behalf of limited*

*companies, provided that the team or the company is represented by a qualified planner or architect, and that the application for registration is made in the name of that planner or architect. In the case of companies or project teams, information on all participants and such company information as requested in the Registration Form shall be provided to the Organizer. Each individual participant or company or project team shall only make one submission and each individual shall only participate in one submission either in an individual capacity, on behalf of a company or as a member of a project team."*

### Ineligibility

2.10 The Select Committee notes that pursuant to the following ineligibility provision in paragraph 16 of the General Conditions of the Competition Document, a company of which a member of the Jury was a director or major shareholder was ineligible for the Competition :

*"All those likely to be in conflict of interest are excluded from the Competition including but not necessarily limited to the following:*

- (i) Persons closely associated with the Competition and their immediate family members;*

- (ii) *Members of the Jury and the Technical Panel, and the Professional Advisor and their immediate family members;*
- (iii) *An employee, any person having an employment-type contract or at continuous and close professional association or partnership with a member in category (i) and (ii) above; or*
- (iv) *A company of which a member in category (i) and (ii) above is a director or major shareholder."*

2.11 The Select Committee notes that according to Mr Eric JOHNSON who took over from Mr PO Pui-leong as Competition Co-ordinator in August 2001, the Competition Document was silent on the question of making declaration of interest by individuals participating in decision-making at both the technical assessment and adjudication stages of the Competition.

### Disqualification

2.12 Paragraph 44 of the General Conditions of the Competition Document provides that "*[a]ny participant who does not abide by the rules, requirements or conditions as set out in this Competition Document may result in disqualification of the relevant submission*".

### Anonymity and confidentiality

2.13 The Select Committee notes that pursuant to paragraphs 25, 26, 27 and 33 of the General Conditions of the Competition Document in **Appendix 2(d)**, all submission materials were to be kept anonymous and should be wrapped twice. The inside wrapper should be free of any identifying marks and no letter of any sort should be attached. Full information on all of the persons participating in the Competition had to be provided in a sealed envelope attached to the inner wrapper of the entry. To maintain the anonymity of the participants, a serial number was assigned to each of the entrants for use by the Technical Panel and the Jury during the assessment and adjudication processes which were carried out in strict confidence. Paragraph 35 of the General Conditions of the Competition Document stated that "*[t]he results of the Competition will be announced through the mass media*", and "*[r]egistrants of the winning entries will be notified directly of the results*".

### Prizes and development right

2.14 The Select Committee notes that the five winning entries selected by the Jury would be awarded with cash prizes, viz. HK\$3 million for the first prize winner, HK\$1.5 million for the second prize winner, and HK\$0.8 million for each of the three honourable mentions. Pursuant to paragraphs 2, 3, 4 and 40 of the General Conditions of the Competition Document, there was no linkage between the Competition and the eventual development rights of the Scheme Area. It was the Government's intention that following the Competition, a team

would be appointed through normal consultants selection process to finalise a detailed masterplan for the Scheme Area on the basis of the winning entries, if appropriate. The Government would not be bound to adopt the winning entries as the basis for the finalisation of the detailed masterplan for the Scheme Area. Nevertheless, winners of the Competition would be automatically pre-qualified for inclusion in the list of consultants to be invited for bidding for the masterplanning work. They would also be invited to take part in bids for development and informed of the subsequent architectural design competitions for individual buildings/facilities in the Scheme Area. The Administration considered that these arrangements might enhance the incentives for joining the Competition.

2.15 The Select Committee further notes from paragraph 11 of the Competition Brief of the Competition Document that "*[t]o allow flexibility in the planning and design for this area, participants may submit proposals that extend beyond the boundary of the Scheme Area provided that full justifications are given to substantiate their proposals*". The Administration hoped that this provision would provide greater flexibility for participants to draw up innovative proposals for the Scheme Area and demonstrate how they would optimise the site potential and achieve integration with the surrounding areas.