

Part II - Appointment of Mr LEUNG Chun-ying as a member of the Jury

2.16 The Select Committee notes that during the period from CE's announcement in his 1999 Policy Address to hold a design competition for WKR to the end of the Competition in late February 2002, Mr LEUNG Chun-ying was a non-official Member and Convenor of the Executive Council ("ExCo"). According to the Register of Interests of Members of the Executive Council, Mr LEUNG Chun-ying declared in August 2000 and August 2001 that he was a remunerated director of DTZ. Mr LEUNG Chun-ying informed the Select Committee that he was the Chairman of DTZ in 2001-2002. On 13 March 2001, Mr LEUNG Chun-ying accepted the Government's invitation to serve as a member of the Jury for the Competition. The following gives an account of the process of appointment of Mr LEUNG Chun-ying as a member of the Jury.

Appointment of members of the Jury

2.17 With a view to putting together a respected panel of international and local jurors so as to add prestige to the Competition and attract international interest and participation, the Administration conducted overseas visits to identify and contact potential members of the Jury and invited nominations from local professional bodies. As shown in **Appendix 2(e)**, on 23 May 2000, Mr PO Pui-leong attended a meeting with CE on the composition of the Jury. The proposed list tabled at the meeting indicated that the Jury would comprise a non-official Chairman and 10 non-official members. Mr LEUNG Chun-ying was not on the

proposed list. CE directed that contact should first be made with Lord ROTHSCHILD as the Chairman of the Jury.

2.18 On 5 January 2001, Mrs Anson CHAN, then Chief Secretary for Administration, met with Lord ROTHSCHILD in Hong Kong and sought his views on how to take the Competition forward. On 18 January 2001, Mrs CHAN sent a letter to Lord ROTHSCHILD expressing gratitude for his agreement to chair the Jury and seeking his endorsement of the proposed list of members of the Jury (as at 10 January 2001) attached to the letter in **Appendix 2(f)**. Mr LEUNG Chun-ying was not on the proposed list.

2.19 The Select Committee notes that the proposed list of members of the Jury in Appendix 2(f) comprised 11 members with Lord ROTHSCHILD as the Chairman. Among the 10 other members, Mr Ieoh Ming PEI agreed to serve as the Honorary Special Advisor instead of a member of the Jury; eight members later accepted the Government's invitation extended to them on 17 February 2001 and became members of the Jury; and the remaining member was Mr Antony LEUNG, the Managing Director and Regional Manager (Greater China and the Philippines) of the Chase Manhattan Bank and an ExCo Member.

Replacement of Mr LEUNG Chun-ying for Mr Antony LEUNG

2.20 According to Mr Gordon SIU, the proposed appointment of Mr Antony LEUNG as a member of the Jury was based on two major considerations. Firstly, his financial expertise would contribute, where

necessary, to the consideration of the financial viability of individual entries to the Competition. More importantly, in anticipation of the attraction of the Competition to local and international media and in view of Mr Antony LEUNG's capacity as an ExCo Member, the Administration considered that he could assist CE and the top level of the Government in keeping abreast of the development of the Competition.

2.21 Following the Government's announcement on 15 February 2001 of the appointment of Mr Antony LEUNG as the Financial Secretary ("FS"), Mr Gordon SIU discussed with CE the need to identify a candidate to replace Mr Antony LEUNG as a member of the Jury. As the Jury should comprise non-official members only, Mr SIU told the Select Committee that in proposing to CE the appointment of Mr LEUNG Chun-ying as a replacement for Mr Antony LEUNG, the capacity of Mr LEUNG Chun-ying as a non-official Member of ExCo was the prime consideration.

2.22 According to Mr Gordon SIU, in considering the replacement of Mr LEUNG Chun-ying for Mr Antony LEUNG as a member of the Jury, both CE and himself were aware that Mr LEUNG Chun-ying was then the chairman of a major surveying company in Hong Kong. Mr SIU was directed by CE to contact Mr LEUNG Chun-ying personally. Mr SIU recalled that perhaps on the same day after his discussion with CE on Mr Antony LEUNG's replacement, he had called Mr LEUNG Chun-ying to sound out his interest in serving as a member of the Jury and explain to him the implications thereof. According to Mr SIU, he and his colleagues also conveyed a similar message to other

potential members of the Jury that pursuant to the Competition rules to be announced, members of the Jury and persons having working or business relationship with them, among others, might be excluded from the Competition. Mr SIU also informed Mr LEUNG Chun-ying that many persons invited to serve as members of the Jury had turned down the invitation because of their professional interest or the interest of their company in participating in the Competition. Mr SIU recalled that Mr LEUNG Chun-ying indicated that he fully understood the implications of serving as a member of the Jury for himself, his company and his family and was willing to accept the appointment as a member of the Jury in view of the importance of the Competition to Hong Kong.

2.23 In respect of the above telephone conversation, Mr LEUNG Chun-ying informed the Select Committee that he had recollection of having received a telephone call from Mr Gordon SIU regarding the invitation and Mr SIU had probably reminded him of the responsibility to avoid conflict of interests after becoming a member of the Jury. However, he could not recall the details of the conversation. Mr LEUNG Chun-ying's response at the hearing on 21 April 2012 was as follows (English translation) :

"As far as I can remember, our conversation did not go to such specific details. However, I am not sure about each and every word that Mr Gordon SIU had said. After all, it happened 11 years ago."

"Basically, it was Mr SIU who contacted me by telephone and invited me. He had probably said something like 'I wish to remind you that once you become a member of the Jury, you will have a responsibility to declare interest or avoid conflict of interests.'"

"I cannot remember the specific details."

2.24 Mr LEUNG Chun-ying told the Select Committee that it had not appeared to him that serving as a member of the Jury would have any implication on him and his company, as his company had not participated and had no knowledge in planning design competitions. His company had been engaged in estate surveying instead of architecture, building surveying or quantity surveying, and therefore its relationship with planning design competitions had been very remote. Mr LEUNG Chun-ying's response at the hearing on 21 April 2012 was as follows (English translation) :

"As far as I was concerned, our company did not participate in such planning design competitions, nor did we have the expertise in this area. Our company was engaged in estate surveying instead of architecture, building surveying or quantity surveying, and therefore its relationship with planning design competitions was very remote."

2.25 On 8 March 2001, Mr Gordon SIU informed CE's Office by email (**Appendix 2(g)**) of Mr LEUNG Chun-ying's indication of interest

in joining the Jury. In the email, Mr SIU advised that Mr LEUNG Chun-ying was "*fully aware of the implications for himself and his company*". On 9 March 2001, CE issued a letter to Mr LEUNG Chun-ying inviting him to serve as a member of the Jury. On 13 March 2001, Mr LEUNG Chun-ying replied to CE indicating his acceptance of the invitation. With the replacement of Mr LEUNG Chun-ying for Mr Antony LEUNG and the non-acceptance of Mr Ieoh Ming PEI for being a member of the Jury, the Jury was finally made up of five local and five overseas non-official members including the Chairman. The 10-member Technical Panel was also subsequently formed following the Government's invitation sent to potential members on 26 March 2001.

2.26 The Select Committee notes that following Mr Gordon SIU's telephone conversation with Mr LEUNG Chun-ying on 8 March 2001, Mr PO Pui-leong sent a letter in **Appendix 2(h)** to Mr LEUNG Chun-ying on 9 March 2001 enclosing a draft Competition Document for his reference and informing him of the Administration's plan to launch the Competition in end March/early April 2001 and schedule the Jury meeting in January 2002. In the draft Competition Document as at early March 2001, there was an ineligibility provision similar to paragraph 16 of the General Conditions of the Competition Document formally issued on 6 April 2001. In addition, on 6 April 2001, Mr PO Pui-leong sent a letter to each local member of the Jury informing them of the launch of the Competition and enclosing, among others, a Competition Folder which included a copy of the Competition Document issued on 6 April 2001.

2.27 The Select Committee notes that Mr YUEN Lup-fun of the Task Force for the Competition ("Task Force") sent a fax to Mr LEUNG Chun-ying on 10 March 2001 informing him of the Organiser's plan to produce a pamphlet on the Jury for publicity purposes and inviting him to provide a copy of his curriculum vitae ("CV") and a coloured photo for inclusion in the pamphlet. The fax enclosed a CV of Mr LEUNG Chun-ying which the Task Force had found from the webpage and a draft pamphlet for Mr LEUNG Chun-ying's consideration. It was pointed out in the fax that because of the limited size of the pamphlet, the CV was presented in a few points. The Select Committee notes that the CV of Mr LEUNG Chun-ying obtained from the webpage showed Mr LEUNG Chun-ying's occupation as "*Chairman, DTZ Debenham Tie Leung Limited*" but such information was not included in the draft pamphlet, nor was it included in the publicity pamphlet about the Jury subsequently published.

2.28 Mr LEUNG Chun-ying told the Select Committee that before his appointment as a member of the Jury and throughout the conduct of the Competition, the Organiser had been aware of his chairmanship and directorship of DTZ. The Select Committee notes that all letters from the Organiser to Mr LEUNG Chun-ying had been sent to his office at DTZ. Mr LEUNG Chun-ying's response at the hearing on 20 March 2012 was as follows (English translation) :

"I confirm that all documents relating to the West Kowloon Reclamation Concept Plan Competition had been delivered

to my office at DTZ and the name of DTZ was listed on all such correspondences."

Part III - Mechanism for dealing with conflict of interests and Mr LEUNG Chun-ying's declarations

2.29 As mentioned in paragraph 2.10 above, a company of which a member of the Jury was a director or major shareholder was ineligible to enter the Competition. The Competition Document did not provide for any mechanism for declaring interest or dealing with conflict of interests by members of the Technical Panel and the Jury. Mr Eric JOHNSON also told the Select Committee that the completion of declaration of interest forms by members of the Jury or the Technical Panel had not been a requirement in the Competition Document. It had been imposed separately as a supplementary requirement by the Organiser after the launch of the Competition. This part provides an account of the process of the Organiser's formulation of the mechanism for dealing with conflict of interests and sets out Mr LEUNG Chun-ying's declaration.

Formulation of the mechanism for dealing with conflict of interests

2.30 According to Mr Gordon SIU and Mr PO Pui-leong, the mechanism for dealing with conflict of interests was formulated after they left PLB in July 2001 and August 2001 respectively. Mr SIU advised that the basis for not formulating such mechanism earlier was the lack of general practice in relation to declaration of interest in international