

*Competition*". Upon careful reading and understanding of the other items mentioned in the form, he finally deleted item (c) and chose item (d), which in his view, accurately stated his situation. Prof CHANG Hsin-kang told the Select Committee that he had no difficulty in completing the form, as he and his family members had never participated in similar competitions or architectural or property businesses. In the view of Mrs Selina CHOW, the declaration requirements had been clearly spelt out in the declaration form. Members of the Jury were requested to declare interest with the objective to avoid conflict of interests. It was not difficult for her to complete and return the form within the given timeframe. The Select Committee notes that all five of the overseas members of the Jury completed and returned the declaration forms by the deadline set.

#### **Part IV - Mr LEUNG Chun-ying's participation as a member of the Jury in the adjudication process**

2.54 According to the proposed programme for the week of the Jury meeting in late February 2002 (Appendix 2(o)), which was attached to Mr Eric JOHNSON's letter dated 21 February 2002 to members of the Jury, they were invited to view the entry presentation boards at the Jury meeting venue at the Hong Kong City Hall on Sunday, 24 February 2002. In the morning of 25 February 2002, the Jury first met to consider, among others, the Report of the Technical Panel and the adjudication process. The Jury devoted 26 and 27 February 2002 to the adjudication of the entries and spent the morning of 28 February 2002 finalising its decisions

and compiling its commentary on the entries that it had selected as the five prize winners. This part gives an account of Mr LEUNG Chun-ying's participation as a member of the Jury in the adjudication process of the Competition.

### **Technical assessment of the entries**

2.55 At its meeting held in the morning of 25 February 2002 and before the commencement of its adjudication process, the Jury considered, among others, the Report of the Technical Panel. According to the evidence obtained by the Select Committee, the Technical Panel first met on 9 October 2001 to decide upon a process for the technical assessment of the 161 entries and assess each of them on 11, 12, 15 and 17 December 2001. The Technical Panel categorised the entries according to whether they had generally met the requirements of the Competition Brief in the Competition Document (Category 1), failed to meet the requirements of the Competition Brief in important respects (Category 2), or failed to abide by the rules, requirements or conditions set out in the Competition Document in important respects and should be recommended for disqualification (Category 3). Category 1 was sub-divided into Category 1(a) covering entries which were well presented with innovative ideas and commendable design concepts, and Category 1(b) covering entries which were of average quality with some good features. The outcome of the Technical Panel's assessment was that of the 161 entries, 54 were placed in Category 1, with 21 of them in Category 1(a). The Entry Concerned was one of these 21 entries. There were 95 entries placed in

Category 2. The other 12 entries were placed in Category 3 and were recommended by the Technical Panel for disqualification on the advice of the Professional Advisor.

2.56 Mr Bosco FUNG told the Select Committee that the Technical Panel was mindful of its role to assist the Jury without infringing on the Jury's ultimate adjudication responsibility. In adjudicating the entries, the Jury was not bound by the Technical Panel's assessment results. The Technical Panel's categorisation and assessment outcome of individual entries were dispatched to members of the Jury towards the end of January 2002 for their perusal prior to the adjudication process.

### **Mr LEUNG Chun-ying's participation in the adjudication process**

2.57 Mr LEUNG Chun-ying's participation in the adjudication process is elaborated below.

#### 24 and 25 February 2002 –viewing of entry presentation boards

2.58 On 24 February 2002, Mr LEUNG Chun-ying attended the viewing session of entry presentation boards, which were set up according to the Categories determined by the Technical Panel as mentioned in paragraph 2.55 above. Mr LEUNG Chun-ying's response at the hearing on 20 March 2012 was as follows (English translation) :

*"... on the 24<sup>th</sup> ... we went to view the presentation boards at the Hong Kong City Hall Low Block."*

Mr LEUNG Chun-ying submitted a list of 18 entries that he liked to the Organiser.

25 February 2002 – the Jury meeting

2.59 In the morning of 25 February 2002, before the start of the Jury meeting, in response to enquiries from the media about the Jury and its work, members of the Jury attended a photo opportunity for the media and the Chairman of the Jury answered media questions. On whether he had attended any media interview or any official function which would enable the public to know that he was a member of the Jury, Mr LEUNG Chun-ying told the Select Committee that he could not recall whether he had attended any media interview; nor was he certain whether the media had taken any photograph of him at the aforementioned media briefing. Mr LEUNG Chun-ying's response at the hearing on 21 April 2012 was as follows (English translation) :

*"I do not recall that there was any ... interview."*

*"I cannot recall whether the media had taken any photographs of me or whether the media had published my name after that day as one of the Jury members. I really had no recollection about it."*

2.60 Mr LEUNG Chun-ying took part in the Jury meeting on 25 February 2002. The agenda for the Jury meeting showed the following items: "*Chairman's opening remarks*", "*Conflict of interest declarations*", "*Report by the Chairman of the Technical Panel*", "*Consideration of the Report of the Technical Panel*" and "*Consideration of adjudication process*". "*Conflict of interest declarations*" was a new item which was not included in the draft proposed programme attached to Mr Eric JOHNSON's letter dated 8 February 2002 to Mr LEUNG Chun-ying.

2.61 The Jury decided on the strategy for the adjudication process at the meeting. Three local members of the Jury, viz. Mrs Selina CHOW, Prof CHANG Hsin-kang and Prof Patrick LAU, told the Select Committee that the Jury had made a conscious decision to consider all the 161 entries, while Mr Nicholas BROOKE recalled that the Jury had agreed to include Category 2 entries in its adjudication in addition to Category 1 entries as assessed by the Technical Panel.

#### 26 to 27 February 2002 – adjudication

2.62 The selection of the five prize winners by the Jury, which comprised seven rounds of adjudication, took place from 26 to 27 February 2002. Mr LEUNG Chun-ying was absent from Round 1 conducted in the morning of Tuesday, 26 February 2002 and present at all other rounds. A summary of the votes by the Jury and a table consolidating the voting records of each member of the Jury without showing their identities are in **Appendices 2(u)** and **2(v)** respectively.

*Selection of the first prize and second prize winners on 26 February 2002*

2.63 In Round 1, which took place at 10:00 am, each member of the Jury was invited to vote for five entries meriting further consideration as the winning entries, on a non-binding basis and without ranking them. Twenty entries received votes in this way. The Select Committee notes that seven of the 18 entries selected by Mr LEUNG Chun-ying during the viewing session on 24 February 2002 were also voted for by other members of the Jury. Mr Eric JOHNSON told the Select Committee that in view of Mr LEUNG Chun-ying's absence from Round 1, the Chairman of the Jury had raised the question at the meeting on how to handle Mr LEUNG Chun-ying's list of the 18 entries selected by him. The Chairman had decided and other members had agreed that despite Mr LEUNG Chun-ying's absence from Round 1, his selection of the seven entries which had also been voted for by other members should be reflected in the tally of votes by adding one more vote to the total number of votes received by each of these seven entries. After reviewing the votes cast, it was agreed by the Jury that the top nine entries, instead of the top five, with the highest number of votes should be considered further in Round 2. Out of the seven entries selected by Mr LEUNG Chun-ying, six (including the Entry Concerned) were among the top nine entries with the most votes. The Entry Concerned received a total of four out of 53 votes in Round 1.

2.64 In Round 2, which took place at 2:30 pm, members of the Jury each cast one vote on a non-binding basis to select a winner from the top nine entries with the most votes in Round 1. All 10 members cast

votes in Round 2. Mr LEUNG Chun-ying and two other members voted for the Entry Concerned. After reviewing the votes cast, the Jury decided to discuss further the three entries receiving the most votes. The Entry Concerned was among these three entries.

2.65 In Round 3, which took place at 3:40 pm, each member of the Jury cast a binding vote to select the first prize winner from the three entries with the most votes in Round 2. All 10 members cast votes in Round 3. Mr LEUNG Chun-ying and one other member voted for the Entry Concerned. The entry from a team led by Foster & Partners of the United Kingdom received eight out of the 10 votes and became the first prize winner.

2.66 In Round 4, which took place at 4:00 pm, the Jury discussed the nomination of five entries to select the second prize winner from the eight entries remaining from the original group of nine considered for selection as the first prize winner. All 10 members including Mr LEUNG Chun-ying were present in this round, which involved discussion only with no voting conducted. Five entries were selected for Round 5.

2.67 In Round 5, which took place at 4:15 pm, members of the Jury each cast a non-binding vote for one entry from the five entries nominated from Round 4. All members cast votes in Round 5. Mr LEUNG Chun-ying and two other members voted for the Entry Concerned. After reviewing the votes cast, the Jury decided to discuss the three entries receiving the most votes. The Entry Concerned was among these three entries.

2.68 In Round 6, which took place at 4:30 pm, members of the Jury each cast a binding vote to select the second prize winner from the three entries with the most votes in Round 5. All 10 members cast votes in Round 6. Mr LEUNG Chun-ying did not vote for the Entry Concerned but voted for the entry from a team led by Mr Philip Y K LIAO of Hong Kong, which received nine out of the 10 votes and became the second prize winner. The Entry Concerned received one vote from another member.

*Selection of the three honourable mentions on 27 February 2002*

2.69 In Round 7, which took place at 10:50 am on 27 February 2002, the Jury decided to invite members to nominate any one from among the seven entries remaining from the group of eight considered for selection as the second prize winner, or any other entry (even though not among these seven), that in their view merited further consideration of the selection of the three honourable mentions. After discussion (without voting taken), six entries including the Entry Concerned were nominated. Members of the Jury each cast three binding votes for three entries to select the three honourable mentions. All 10 members cast votes in Round 7. Mr LEUNG Chun-ying voted for three entries, including the Entry Concerned, which received the most votes (nine out of the 30 votes cast). The Entry Concerned and the other two entries which received the highest votes among the six nominated entries, together with the first prize and second prize winners, formed the provisional list of winning entries.