

**LEGISLATIVE COUNCIL OF THE
HONG KONG SPECIAL ADMINISTRATIVE REGION**

**Report of the 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**

The minutes of evidence which comprise the verbatim transcripts, in their original language, of the public hearings are part of the Report and are available in CD-ROM only.

June 2012

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Chapter 1 Introduction

Background

1.1 On 8 February 2012, according to the Administration, in response to media enquiries about the alleged involvement of conflict of interests of Mr LEUNG Chun-ying, a member of the Jury for the West Kowloon Reclamation Concept Plan Competition ("the Competition") held in 2001-2002 for the development of an integrated arts, cultural and entertainment district at the West Kowloon Reclamation ("WKR") in Hong Kong, the Government issued a press release on the Competition stating, among other things, the following :

"...On February 25, 2002, Mr Leung declared that, to the best of his knowledge, none of his immediate family members or employees and no one who had an employment-type contract or close professional association or partnership with him had entered the competition, and that he was not a director or major shareholder of any company.

On the following two days (February 26 and 27), the Jury assessed the entries and selected the first prize winner, second prize winner and three honourable mentions by casting votes. Mr Leung took part in the adjudication process (including voting).

After the voting process had been completed, it came to the notice of the Competition Team that a project team member of an entrant on the preliminary list of winning entries appeared to be associated with Mr Leung.

On the following day (28 February) before the announcement of the competition results, the Competition Team informed Mr Leung of the above finding. Mr Leung reported the matter to the Jury that morning, and the Jury decided to disqualify the entry concerned in accordance with the conditions of the Competition. The results of the Competition were announced that afternoon..."

1.2 When the Government press release was issued on 8 February 2012, Mr LEUNG Chun-ying had already announced his intention to stand in the Fourth Term Chief Executive Election ("the CE Election") to be held on 25 March 2012. There were calls in the community for the Administration to disclose fully all information relating to the Competition in order to consider if the conflict of interest allegations against Mr LEUNG Chun-ying could be substantiated. On 24 February 2012, the House Committee of the Legislative Council ("LegCo") convened a special meeting and invited the relevant Government officials to attend the meeting to discuss the matter. The House Committee requested the Administration to provide before the special meeting all information in its possession, custody or control relating to the allegations of conflict of interests in the Competition. On the day of the special meeting of the House Committee, the Administration provided some

documents to Members which included, among others, the registration form for the Competition and the list of project team members of the entry submitted by T R Hamzah & Yeang Sdn Bhd ("Hamzah & Yeang") (the "Entry Concerned"), the declaration form completed by Mr LEUNG Chun-ying and a note compiled by the Home Affairs Bureau in February 2012 on the voting record of Mr LEUNG Chun-ying in the adjudication of the entries for the Competition on 26 and 27 February 2002.

1.3 After discussion with the Administration and having examined the documents provided for the special House Committee meeting on 24 February 2012, Members considered that the information disclosed by the Administration could not dispel public concerns and queries about the conflict of interest allegations against Mr LEUNG Chun-ying. Members agreed that a motion should be moved by the Chairman of the House Committee at the Council meeting of 29 February 2012 to appoint a select committee, which is given the power to summon under the Legislative Council (Powers and Privileges) Ordinance (Cap. 382) ("LCPPO"), to study Mr LEUNG Chun-ying's involvement as a member of the Jury in the Competition and related issues ("the Select Committee").

Appointment of the Select Committee and its terms of reference

1.4 The Council passed a resolution at its meeting of 29 February 2012 to appoint the Select Committee to study Mr LEUNG Chun-ying's involvement as a member of the Jury in the Competition and related issues ("the Resolution"). The Resolution also authorised the Select Committee, in the performance of its duties, to exercise the powers conferred by section 9(1) of LCPPO to order the attendance of witnesses to give evidence and the production of papers, books, records or documents by witnesses. The Resolution sets out the terms of reference of the Select Committee as follows :

"RESOLVED

that this Council appoints a select committee for the purpose of studying Mr LEUNG Chun-ying's involvement as a member of the Jury in the West Kowloon Reclamation Concept Plan Competition, and related issues; and that in the performance of its duties the committee be authorized under section 9(2) of the Legislative Council (Powers and Privileges) Ordinance (Cap. 382) to exercise the powers conferred by section 9(1) of that Ordinance."

Membership of the Select Committee

1.5 At the House Committee meeting on 2 March 2012, Members discussed the membership size of the Select Committee and the procedures for nomination of Members for appointment by the President of LegCo to the Select Committee. Members decided by a majority of votes on the membership size of 12 for the Select Committee. In the light of the concern raised by some Members that the Select Committee might be perceived to have a conflict of interests if its members comprised those who had nominated a candidate in the CE Election, a motion was moved to limit the membership to members who had not made such nomination. The motion was not passed by the House Committee following discussion. Nevertheless, in the light of the same concern, Members decided by a majority of votes that the chairman and deputy chairman of the Select Committee should only be those members who had not made any nomination of candidates in the CE Election.

1.6 On the recommendation of the House Committee, the President of LegCo appointed on 2 March 2012 the Chairman, Deputy Chairman and members of the Select Committee in accordance with Rule 78(2) of the Rules of Procedure of LegCo ("RoP"). The 12 members of the Select Committee are as follows :

Hon IP Kwok-him, GBS, JP (Chairman)

Hon Andrew CHENG Kar-foo (Deputy Chairman)

Dr Hon Philip WONG Yu-hong, GBS

Hon Abraham SHEK Lai-him, SBS, JP

Hon LEE Wing-tat

Hon Cyd HO Sau-lan

Dr Hon LAM Tai-fai, BBS, JP

Hon Paul CHAN Mo-po, MH, JP

Dr Hon Priscilla LEUNG Mei-fun, JP

Hon Paul TSE Wai-chun, JP

Hon Tanya CHAN

Hon WONG Yuk-man

1.7 The Select Committee notes that the C Y Leung Campaign Office sent a letter dated 2 March 2012, via email, to the President of LegCo and copied it to the Chairman of the Select Committee to express various concerns about the Select Committee. The C Y Leung Campaign Office was concerned, among others, that the investigation process and the impartiality of the Select Committee's conclusions might be affected by the situation that seven members of the Select Committee had made nomination of candidates in the CE Election. In addition, given the composition of the Select Committee, if hearings were to be conducted before the CE Election on 25 March 2012, it would be unfair to Mr LEUNG Chun-ying and would undermine the Select Committee's credibility. The C Y Leung Campaign Office hoped that LegCo would consider re-constituting the Select Committee. On the instructions of the President of LegCo, the Secretary General of the LegCo Secretariat replied to the C Y Leung Campaign Office in writing on 5 March 2012. In the reply, the Secretary General of the LegCo Secretariat stated that on the recommendation of the House Committee, the President of LegCo decided on the membership size of 12, and appointed members, the

Chairman and Deputy Chairman of the Select Committee in accordance with RoP 78(2). As the letter was copied to the Chairman of the Select Committee, he replied to the C Y Leung Campaign Office in writing on 5 March 2012. He stressed in his reply that select committees appointed by LegCo had all along operated independently and conducted their inquiries strictly in accordance with RoP and the practice and procedure made by the select committees. The letter from the C Y Leung Campaign Office and the replies of the Secretary General of the LegCo Secretariat and the Chairman of the Select Committee are in **Appendix 1(a)**.

Areas of study and work plan

1.8 Based on the terms of reference of the Select Committee as set out in the Resolution, the Select Committee decided, at its open meeting on 10 March 2012, to study the following major areas :

- (a) the conduct of the Competition. This includes the preparatory work in relation to the design of the Competition; criteria and decision-making process for the appointment of the Professional Advisor, Honorary Special Advisor and members of the Technical Panel and the Jury, and the respective roles and duties of these parties; compilation of the Competition Document issued at the launch of the Competition, including the rationale behind the General Conditions of the Competition, the parties responsible for the drafting and compilation of the

Competition Document, Competition rules and submission requirements, the method of assessment and scoring methods; as well as launching of the Competition, including how the Competition was launched, how entries were registered and proposals submitted, how information on the registration forms was verified, and the methods and process in ensuring anonymity of submissions until after the Jury had selected the winning entries;

- (b) mechanism and procedure for dealing with conflict of interests. This includes the decision-making process in formulating requirements and procedures to avoid conflict of interests; procedures and forms used for declaration of interest by registrants of the Competition, the Professional Advisor, the Technical Panel and the Jury, as well as by all other parties, including staff members in the Planning Department, Planning and Lands Bureau and other departments or organisations which took part in the organising of the Competition; method in verifying information on the completed declaration forms, parties responsible for verification, how conflict of interests was reported and dealt with; all cases which were reported to have conflict of interests in the Competition;

- (c) the adjudication process. This includes the process of assessment by the Technical Panel and the results of assessment; the process of assessment by the Jury including the consideration of the Report of the Technical Panel, the assessment criteria and process and the voting process, and the results of assessment; procedure and decision-making process leading to the disqualification of entries, including the Entry Concerned, and actions contemplated and/or undertaken in relation to the disqualification decisions; adjudication of the winning entries and the Entry Concerned; process in deciding on the final results of the Competition and the release of information in relation to the Competition, including the preparation and publication of the Report of the Jury; and
- (d) Mr LEUNG Chun-ying's association with the Entry Concerned. This includes the role of Mr LEUNG Chun-ying in the operation of DTZ Debenham Tie Leung Limited ("DTZ"), including the extent of involvement in the management and operation of DTZ in respect of the projects and prospective projects undertaken or to be undertaken by DTZ and the reporting mechanism; role and involvement of DTZ in respect of the Entry Concerned, including DTZ's relationship with Hamzah & Yeang, Davis Langdon & Seah Hong Kong Limited ("DLS") and LWK & Partners (HK) Ltd ("LWK"); and Mr LEUNG Chun-ying's knowledge of the role and

involvement of DTZ in the Competition before and during the adjudication of the entries.

1.9 The Select Committee also decided to conduct its study in three stages :

- (a) Stage I for undertaking preparatory work including drawing up the practice and procedure of the Select Committee, deciding on the major areas of study and information to be obtained from the relevant parties, identifying the witnesses to be summoned and determining the order of the witnesses to be summoned;
- (b) Stage II for conducting hearings to obtain evidence from witnesses and for deliberating on the evidence obtained; and
- (c) Stage III for holding internal deliberations for preparing and discussing the draft report of the Select Committee.

1.10 The Select Committee notes that in accordance with sections 6(3) and (4) of the Legislative Council Ordinance (Cap. 542), the Chief Executive specified in Government Notice No. 1529 published on 16 March 2012 in the Gazette that the Fourth LegCo stands prorogued from 18 July 2012, in order to enable the next LegCo general election to be held on 9 September 2012. Taking into account that the last Council meeting is scheduled for 11 July 2012 before prorogation, and that under

RoP 78(5) a select committee is dissolved at the end of a LegCo term, the Select Committee agreed to target to table its report under RoP 78(4) in the Council by late June 2012.

Practice and procedure

1.11 The proceedings of the Select Committee are governed by the LCPPO and RoP. In addition, the Select Committee has made its own practice and procedure at its open meeting on 10 March 2012 which covers matters not expressly provided for in LCPPO and RoP. A copy of the Practice and Procedure of the Select Committee is in **Appendix 1(b)**.

1.12 In determining its own practice and procedure, the Select Committee has drawn reference from those adopted by previous select committees and committees which carry out investigations, and has applied the following principles :

- (a) the practice and procedure should be fair and seen to be fair, especially to parties whose interests or reputation may be affected by the proceedings of the Select Committee;
- (b) there should be maximum transparency in its proceedings as far as practicable;

- (c) the practice and procedure should facilitate the ascertaining of the facts relevant to, and within the scope of, its inquiry, as set out in the Select Committee's Terms of Reference, which do not include the adjudication of the legal liabilities of any parties or individuals;
- (d) its proceedings should be conducted with efficiency; and
- (e) the cost of the proceedings should be kept within reasonable bounds.

Meetings of the Select Committee

1.13 In accordance with RoP 79(2), the meetings of a select committee shall be held in public unless the chairman otherwise orders in accordance with a decision of the committee. The Select Committee decided that as a general rule, the taking of evidence should be conducted at open hearings. Nevertheless, witnesses were informed that if they wished their evidence to be taken at closed meetings, they should submit their reasons in writing to the Select Committee for a decision. None of the witnesses sought to appear at a closed meeting, and all the hearings were held in public.

1.14 The Select Committee also decided that witnesses should be summoned, instead of being invited, to attend the hearings of the Select Committee, and that they should be examined on oath. The witnesses who are lawfully ordered to attend the hearings of the Select Committee

to give evidence or to produce documents are entitled, in respect of such evidence or documents, to the same right or privilege as before a court of law by virtue of section 14(1) of LCPPO. Noting that a witness summons may only be served on persons in Hong Kong, the Select Committee decided that special arrangements be made for those persons who may assist the Select Committee in its study but are outside Hong Kong to appear before the Select Committee to give evidence. The Select Committee invited four persons who were then outside Hong Kong to assist in its study by either coming to Hong Kong, who would then be served with summonses under LCPPO in order to give the witnesses the protection of immunities and privileges under LCPPO, or video conferencing, to give evidence or provide information. These four persons were Dr Kenneth YEANG of Hamzah & Yeang, Lord ROTHSCHILD who was the Chairman of the Jury, Mr Peter ROGERS who was a member of the Jury and Mr Edmund HO Hin-kwan of DTZ. Dr YEANG and Lord ROTHSCHILD declined the invitations, while Mr ROGERS and Mr HO replied in writing that they had no recollection of the matter under study by the Select Committee. The replies of these four persons are in **Appendix 1(c)**.

1.15 In line with the practice of previous select committees, the Select Committee decided that its internal deliberations should be held at closed meetings. The Select Committee agreed that members should not disclose its internal deliberations or documents considered at these meetings, and that the Chairman and Deputy Chairman should be the only persons authorised to handle enquiries from the media concerning the work of the Select Committee.

1.16 The Select Committee held the first meeting on 10 March 2012 to undertake preparatory work for its study. This was followed by six public hearings between 17 March and 21 April 2012 during which evidence was taken from 17 witnesses attending the hearings. The number of hearing hours was 25. The Select Committee spent another nine hours to prepare for these hearings. The Select Committee also held 10 meetings comprising a total of 31 hours to discuss the evidence obtained and deliberate on the report and matters relating to its study. A schedule of the hearings and the names of the witnesses are in **Appendix 1(d)**.

Impartiality of the study

1.17 The Select Committee has accorded paramount importance to the principle of impartiality in the conduct of its study. The spirit of impartiality is reflected in the decision of the House Committee made at its meeting on 2 March 2012 that the chairman and deputy chairman nominated by the House Committee for the President of LegCo's appointment to the Select Committee should only be those members who had not nominated any candidates for the CE Election.

1.18 The Select Committee noted that the polling date for the CE Election was 25 March 2012, and was of the view that where a witness called to give evidence at a hearing was a candidate running for the office of the Chief Executive in the CE Election, the Chairman would take care to ensure that members of the Select Committee followed strictly the practice and procedure of the Select Committee. That is to say, members

only asked questions for the purpose of ascertaining facts relevant to, and within the scope of, the Select Committee's study, and did not make comments or statements during these hearings.

Transparency of the study

1.19 Following the practice of previous select committees, members of the public may obtain copies of the sound recordings of public hearings of the Select Committee upon payment of a fee. In order to enhance the transparency of the Select Committee's proceedings and to assist members of the public in understanding the proceedings, they were provided with copies of the written statements of the witnesses who were appearing before the Select Committee. Their attention was, however, drawn to the fact that the statements were made available to them only for the purpose of assisting them in understanding the proceedings at the public hearings. They were also reminded that the use of the contents of the written statements for other purposes was not protected by the privileges provided under LCPPO, and they should obtain legal advice before doing so.

1.20 To further enhance the transparency of its work, the Select Committee decided that all unclassified documents obtained by the Select Committee, once produced by witnesses at open hearings, were uploaded onto the LegCo website for public inspection.

1.21 In order to keep the media updated on the work of the Select Committee, briefings for the media were conducted by the Chairman after each meeting/public hearing.

The relevant scope of the study

1.22 The Select Committee is mindful of its scope of study and the major areas of study as defined in the Resolution passed by the Council and agreed by members of the Select Committee on 10 March 2012. Where members proposed to obtain written information or evidence from witnesses or persons related to the Competition, the Select Committee considered whether the information requested to be obtained was relevant to its scope of study, whether the information could be or had been obtained during public hearings and whether the information could help its understanding of the matter under study.

1.23 In the course of the Select Committee's study, Dr Priscilla LEUNG proposed to obtain information on the details of the entry from a team led by Foster & Partners of the United Kingdom which subsequently became the first prize winner in the Competition, and to put forward written questions to Lord ROTHSCHILD, Chairman of the Jury, all other members of the Jury and, in particular, Mr Peter ROGERS, one of the overseas members of the Jury. According to Dr LEUNG, the purpose of seeking the requisite information was to examine how far the ineligibility provision governing the Competition also applied to entries submitted by other overseas participants and the association, if any, between Mr ROGERS and Foster & Partners. As the terms of reference

of the Select Committee was about Mr LEUNG Chun-ying's involvement in the Competition, some members considered that the examination of the association, if any, between Mr ROGERS and Foster & Partners would not be directly relevant to the study of the Select Committee. These members had suggested to Dr LEUNG that she might seek the requisite information from witnesses who appeared before the Select Committee. Should she consider that such witnesses could not provide the requisite information and the matter ought to be further followed up, she might propose the pursuit of the matter in a separate inquiry. Dr LEUNG's request to put forward written questions to Lord ROTHSCILD and Mr ROGERS, who were not witnesses as mentioned in paragraph 1.14, was hence not proceeded with¹.

1.24 During the hearings, Dr LEUNG had put forward questions to witnesses on the applicability of the eligibility requirements to entries submitted by overseas participants and whether arrangements had been put in place to check against the possible conflicts of interests between those entrants and members of the Jury. The evidence obtained has been incorporated in Chapter 2 of this Report.

¹ Members voted on Dr Priscilla LEUNG's proposal to amend paragraph 1.23. Mr Abraham SHEK and Dr Priscilla LEUNG voted in favour of the proposal. Mr Andrew CHENG, Mr LEE Wing-tat, Ms Cyd HO, Dr LAM Tai-fai, Mr Paul TSE, Miss Tanya CHAN and Mr WONG Yuk-man voted against the proposal. Dr Philip WONG and Mr Paul CHAN abstained from voting. The proposal was negatived (please refer to paragraphs 8 to 10 of the Minutes of Proceedings of the meeting on 19 June 2012 in this Report).

Disclosure of interests

1.25 In addition to RoP 83A and 84 governing the disclosure of pecuniary interest, the Select Committee decided that members who wished to declare non-pecuniary interest should write to the Chairman to declare such interest. The Chairman and nine members of the Select Committee have made such declarations. All these written declarations were uploaded onto the LegCo website for public inspection.

Verbatim transcripts of hearings

1.26 The minutes of evidence, in the form of verbatim transcripts made from the sound recordings of the proceedings of the meetings at which witnesses were examined, form part of the Select Committee's report to the Council. In order that witnesses can have a fair and reasonable opportunity to consider whether their oral evidence is accurately transcribed, the Select Committee sent to all witnesses the parts of the draft verbatim transcripts of their respective oral evidence so that they could have the opportunity to propose corrections, subject to their signing of an undertaking that they would not make any copy of the draft and would return it to the Select Committee before a specified date. The Select Committee accepted corrections proposed so long as they did not materially alter the general sense of the evidence so recorded.

1.27 The Select Committee also agreed that where considered appropriate, copies of the transcripts of evidence taken in public might be provided to witnesses and prospective witnesses on request upon payment

of a fee, subject to the unpublished and/or uncorrected status of the transcripts being stated clearly, and also subject to the conditions that the witnesses or prospective witnesses shall not make public use of the transcripts, or quote directly from the transcripts, or use the transcripts in a manner prejudicial to the interest of the Select Committee or other persons. This arrangement is based on the principles that :

- (a) the provision of verbatim transcripts to witnesses and prospective witnesses will enable them to keep track of the proceedings of the Select Committee and facilitate their response to questions raised by the Select Committee, which in turn will facilitate the conduct of the Select Committee's proceedings in an effective and efficient manner; and
- (b) it will enhance procedural fairness, especially to those whose interests or reputation may be affected by the Select Committee's proceedings.

1.28 Without prejudice to the authenticity of the evidence given, the Select Committee has followed the practice of using written Chinese instead of Punti dialect in the verbatim transcripts of its hearings in order to make the written record readable. On 30 April 2012, the solicitors acting for Mr LEUNG Chun-ying returned the draft verbatim transcripts of the proceedings of public hearings attended by Mr LEUNG Chun-ying to the Select Committee and informed that it would not be possible for them to render meaningful corrections if the verbatim transcripts are not

"word for word" record in respect of what had been said by Mr LEUNG Chun-ying at the hearings. The Select Committee considers that the proceedings of all public hearings have been uploaded onto the LegCo website and the draft verbatim transcripts in their current form would not limit Mr LEUNG Chun-ying in any manner in proposing corrections. Nevertheless, the Select Committee has taken into account Mr LEUNG Chun-ying's request that where his answers to questions raised at hearings are referred to in its report, word for word transcription is adopted as far as practicable. The correspondence between Mr LEUNG Chun-ying's solicitors and the Select Committee in this regard is in **Appendix 1(e)**.

1.29 The procedures for provision of transcripts of evidence are set out in Annex III to Appendix 1(b).

Written Evidence

1.30 For the purpose of its study, the Select Committee has ordered witnesses to produce certain papers, records and documents in their possession. The Select Committee has decided that all unclassified documents obtained by the Select Committee are uploaded onto the LegCo website for public inspection. The findings and observations of the Select Committee are based on the written and oral evidence given by the witnesses. The Select Committee understands that as the incident occurred over 10 years ago and some of the documents were not complete, most witnesses, in giving evidence, had to rely on the records and documents in their possession, as well as their own memory and

perspectives. The Select Committee has taken into account this situation when considering evidence given by witnesses.

Classification of documents

1.31 Two witnesses and the Administration had requested the Select Committee to treat some of the documents they had provided as confidential for the reason that such documents contained commercially sensitive or personal information. The Select Committee considered the nature of such documents, the principle of public interest and the need for its operational efficiency in deciding whether their requests should be acceded to on a case-by-case basis. The Select Committee acceded to the request of one of the above two witnesses in respect of one document which contained commercial information. The Select Committee decided not to accede to the Administration's request because there was a legitimate public interest in disclosing the documents concerned which were relevant to the subject matter of its study, but agreed that information on the identity of the persons in the documents concerned should be obliterated before they were released to the public and uploaded onto the LegCo website.

Draft findings and observations

1.32 The Select Committee attaches great importance to ensuring that its procedure is fair and seen to be fair to parties whose interests or reputation may be affected by its proceedings. Where the Select Committee considered appropriate, relevant parts of the draft findings and

observations of its report were provided to the witnesses to give them an opportunity to comment. After the comments were received from the witnesses, the Select Committee held two meetings comprising a total of five hours to consider the comments carefully before finalising its report.

Invitation of public views

1.33 Members of the public were invited to give views on the subject matter under study by the Select Committee. A general invitation for submissions was posted on the LegCo website on 22 March 2012. The Select Committee has received 14 submissions and uploaded these submissions onto the LegCo website. A list of the parties making the submissions is in **Appendix 1(f)**.

Report

1.34 Under RoP 78(4), the Select Committee shall, as soon as it has completed consideration of the matter referred to it, report to the Council thereon and shall thereupon be dissolved. The Select Committee has completed consideration of the matter specified in the Resolution which appointed it and submits the Report to the Council.

1.35 The Report of the Select Committee consists of the main report, lists of written evidence and relevant documents, the minutes of proceedings, as well as the minutes of evidence in the form of verbatim

transcripts in the original language used at the public hearings. For environmental protection purposes, the minutes of evidence are available on CD-ROM only. This Report is also accessible on the LegCo website at www.legco.gov.hk.

1.36 This report comprises four Chapters. This Chapter is mainly an introduction to the background and the sequence of events leading to the appointment of the Select Committee as well as important matters relating to the work of the Select Committee. Chapter 2 gives an account of the process of the appointment of Mr LEUNG Chun-ying as a member of the Jury for the Competition, the declarations made by him, his participation in the adjudication of the entries and the making of the decision by the Jury to disqualify the Entry Concerned. Chapter 3 gives an account of the association of DTZ with the Entry Concerned and examines whether and how far Mr LEUNG Chun-ying was aware of DTZ's participation in the Competition. Chapter 4 sets out the conclusions of the Select Committee.

Chapter 2 Involvement of Mr LEUNG Chun-ying as a member of the Jury in the Competition

2.1 In his 1999 Policy Address, Mr TUNG Chee-hwa, then Chief Executive ("CE"), announced the plan to develop a major world-class performance venue on WKR in Hong Kong and hold an open competition to create a new look for Victoria Harbour including the waterfront at WKR. On 6 April 2001, the Government launched the Competition to invite concept plan proposals ("entries") for the development of a 40-hectare prominent waterfront site at the southern tip of WKR ("the Scheme Area") into an integrated arts, cultural and entertainment district. The Competition was organised by the then Planning and Lands Bureau ("PLB") ("the Organiser"). The registration for the Competition began on 7 April 2001 and ended on 8 June 2001. By the 29 September 2001 deadline for submission of entries, the Organiser received a total of 161 entries. All entries were kept anonymous and adjudicated by a Jury of which Mr LEUNG Chun-ying was a member. The Jury met from 25 to 28 February 2002. On 27 February 2002, after completion of the Jury's voting process, the Organiser discovered that DTZ, of which Mr LEUNG Chun-ying was then the Managing Director and Chairman, was listed as one of the project team members of and by Hamzah & Yeang, an entrant on the provisional list of winning entries ("the Entry Concerned"), and the capacity of DTZ was stated as "Property Advisors". In the morning of 28 February 2002, before the announcement of the Competition results, both Mr LEUNG Chun-ying and other members of the Jury were

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.

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

competitions according to the Professional Advisor. Different competitions had adopted different arrangements. The Administration then considered that the formulation of such mechanism needed more research, and therefore decided to launch the Competition first and then follow up on the matter. According to Mr PO, the Competition Document was mainly provided for participants' reference, while declaration of interest was a matter for the Jury and the matter could be followed up after the launch of the Competition.

2.31 The formulation of the mechanism for dealing with conflict of interests was left to Mr PO Pui-leong's successor, Mr Eric JOHNSON. Mr JOHNSON told the Select Committee that when he took over the duty as Competition Co-ordinator, the Competition was well underway. The Jury and the Professional Advisor had already been appointed. The Competition Document establishing the rules and conduct of the Competition, including the membership of the Jury and the Technical Panel, had been issued. Registration of interest in entering the Competition had been received and the Organiser was awaiting receipt of entries. His immediate tasks were to devise procedures for the secure and proper handling of entries and for declaration of interest in consultation with the Professional Advisor and the Chairman of the Jury. The objective was to ensure that arrangements were in place for fair and efficient handling and adjudication of the entries.

2.32 The Select Committee notes that the Organiser initially considered applying the declaration arrangements to members of the Technical Panel first. At the first meeting of the Technical Panel on

9 October 2001, under the agenda item on "*declarations of interest*", Mr Eric JOHNSON informed members that PLB was looking into whether the provisions concerning ineligibility, anonymity and confidentiality in the General Conditions of the Competition Document should be supplemented with declarations of interest by members of the Technical Panel and had sought the advice of the Professional Advisor on the approach to be adopted. The Chairman of the Technical Panel reminded members to be aware of the competition rules on ineligibility and conflict of interests, notwithstanding that the onus of compliance was in most cases on the participants and that the Organiser was responsible for verifying ineligibility. After some discussion, members agreed that the best way forward might be a general declaration of no conflict of interests even though a declaration of interest was not required.

Consultation with Independent Commission Against Corruption ("ICAC")

2.33 On 18 October 2001, Mr Eric JOHNSON sent a memorandum attaching a draft declaration form in **Appendix 2(i)** to the Commissioner of ICAC seeking his views on the question of declaration of interest by members of the Technical Panel. The draft declaration form provided four items for declarants' selection, as reproduced below:

"*(a) *to the best of my knowledge, none of my immediate family members or employees and no-one who has an employment-type contract or close professional association or partnership with me, has entered the competition;*

**(b) I believe that the following, among my immediate family members or employees and those who have an employment-type contract or close professional association or partnership with me, have entered the competition;*

Name of entrant	Relationship with entrant

**(c) no company of which I am a director or major shareholder has entered the competition;*

**(d) a company of which I am a director or major shareholder has entered the competition. The company's name is:*

*(*delete as appropriate)"*

2.34 Mr Eric JOHNSON stated in his memorandum of 18 October 2001 that the Organiser was considering whether to require members of the Technical Panel to declare whether they were aware that any of their immediate family members, employees or close professional associates, or any company of which they were a director or major shareholder, had entered the Competition and, if so, the names of those concerned. The Organiser would be able to check any declared names against the information in the sealed envelopes submitted with the entries

and report the outcome to the Chairman of the Technical Panel for a ruling.

2.35 In the reply dated 6 November 2001 to Mr Eric JOHNSON in **Appendix 2(j)**, the Director of Corruption Prevention of ICAC advised that all persons closely associated with the Competition should be asked to declare conflict of interests to the best of their knowledge. The declaration requirement should apply not only to the Technical Panel but also the Jury and the Professional Advisor. To facilitate declaration and to check eligibility, they had to be informed of the identities of the entrants. ICAC recommended that entrants' consent be sought to waive the confidentiality and anonymity restrictions of the Competition Document. ICAC also suggested that *"if the declaration is made without disclosure of the entrants' identities, the revelation of their identities (for vetting of eligibility purpose) should be the last step before announcement of the winners. Alternatively, the declaration should be made based on the sight of a list of entrants but with anonymity of the proposals maintained"*.

2.36 On 23 November 2001, Mr Eric JOHNSON sent a memorandum in **Appendix 2(k)** to ICAC attaching the finalised version of the declaration form and stating that the Organiser *"shall extend the proposed declaration arrangements to the Jury and the Professional Advisor in addition to the Technical Panel"*. Mr JOHNSON also stated in the memorandum that the Organiser preferred to proceed initially on the basis of a declaration to the best of the declarants' knowledge. Accordingly, the Organiser considered it unnecessary to ask entrants for

consent to waive the confidentiality provisions so that declarations could be made with knowledge of the entrants' identities. The Competition Team would however consider ICAC's suggestion that there should be a further opportunity (for all those who had completed the initial "best of my knowledge" declaration) to declare any conflict of interests in the light of the identities of the winning entries before they were announced. The Organiser considered that this would help to safeguard the integrity of the Competition.

2.37 The Select Committee notes that compared to the draft declaration form attached to Mr Eric JOHNSON's memorandum dated 18 October 2001 to ICAC (Appendix 2(i)), the finalised version of the declaration form attached to his memorandum dated 23 November 2001 to ICAC (Appendix 2(k)) provided not only the four items in paragraph 2.33 above but also an additional option for declarants to choose, i.e. new item (c) was inserted and former items (c) and (d) became items (d) and (e), as reproduced below :

"(a) to the best of my knowledge, none of my immediate family members or employees and no-one who has an employment-type contract or close professional association or partnership with me, has entered the competition;*

**(b) I believe that the following, among my immediate family members or employees and those who have an employment-type contract or close professional*

association or partnership with me, have entered the competition;

Name of entrant	Relationship with entrant

#(c) I am not a director or major shareholder of any company;

#(d) no company of which I am a director or major shareholder has entered the competition;

#(e) a company of which I am a director or major shareholder has entered the competition. The company's name is:

**delete (a) or (b); if you delete (a), complete (b)*

#delete/complete as appropriate; whichever one applies, delete the other two"

Declarations by members of the Technical Panel

2.38 On 24 November 2001, the Competition Team wrote to members of the Technical Panel attaching the declaration form (**Appendix 2(I)**) and requesting them to make declaration of interest as soon as possible. The Competition Team received all the declaration

forms dated from 27 November 2001 to 10 December 2001 completed by the Chairman and members of the Technical Panel as well as the Professional Advisor. Mr Eric JOHNSON told the Select Committee that members of the Technical Panel had not experienced any particular problems in completing the declaration form.

2.39 At its meeting on 11 December 2001, the Technical Panel discussed the declarations made by members. Members noted that a member, Professor Alex LUI Chun-wan, had declared that one company for which he had occasionally provided consultancy service had participated in the Competition but he himself had not participated in the entrant's project and did not know which of the submissions was from that company. Members were satisfied that on the basis of the declarations, no conflict of interests arose for any member. A table summarising the declarations made by members of the Technical Panel in the declaration forms is in **Appendix 2(m)**.

Mr David LEE's declarations

2.40 The Select Committee notes that at the meeting of the Technical Panel on 9 October 2001, Mr David LEE, a member of the Technical Panel, informed members that in order to avoid inadvertent conflict of interests, he had informed his staff by circular that he had been appointed as a member of the Technical Panel and reminded them that as employees of his firm, they were ineligible to participate in the Competition. In this connection, Mr LEE attached to his declaration form dated 4 December 2001 a copy of two internal circulars issued by him on

12 June 2001 to the staff of his two firms, namely David C Lee Surveyors Limited and JADL Design Limited, on the subject of conflict of interests. A copy of Mr LEE's declaration form and internal circulars are in **Appendix 2(n)**. In the internal circulars, Mr LEE reproduced the ineligibility provision in paragraph 16 of the General Conditions of the Competition Document for his staff's reference. He hoped that his staff would "*refrain from entering the Competition in any way or form*", and stated that if he was aware of anyone of his staff taking part in the Competition, he would be duty bound to disclose the entry concerned and it would probably be disqualified.

2.41 Mr Eric JOHNSON told the Select Committee that Mr David LEE was the only person who attached to his declaration form internal circulars of that nature. Mr JOHNSON stated that it had been up to members of the Technical Panel to supplement their declarations. The Organiser had not sought any additional supplementation from them. In his view, the declaration form itself had provided sufficient declaration material to comply with paragraph 16 of the General Conditions of the Competition Document, which was reproduced in the first part of the form.

Declaration arrangements for the Jury

2.42 On 11 February 2002, in the light of the experience of the Technical Panel, Mr Eric JOHNSON asked Lord ROTHSCHILD, Chairman of the Jury, for approval to apply similar declaration

arrangements to the Jury. Lord ROTHSCHILD gave his approval on 12 February 2002. Mr JOHNSON informed the Select Committee that :

"Basically, when I took over the job, I thought no work had been done up to that point on the question of declaration of interest. Possibly because it was not an item mentioned in the Competition Document, and therefore had not attracted my predecessor's attention very much up to that point. But I recognized immediately that something had to be done. And I spent an inordinate amount of time, in fact, on developing the process for the conflict of interest exercise, developing the form for the declaration and consulting the Professional Advisor, consulting the ICAC, and all of this did take us into February. It was not until all that work had been done that we were in a position to issue the forms to the members of the Jury."

"...it was not a sort of 'quick quick' process, it was something which had to be thought through. ... I think we did it pretty expeditiously. I do not think that it was unduly late. But we had to do it before the Technical Panel started convening. And we did that. It was not late for that. Then we applied it to the Jury in reasonable time. So I do not think that we were dilatory in any way in producing these forms or in dealing with the subject generally of the declaration of interests."

Declaration form and requirements

2.43 On 21 February 2002, Mr Eric JOHNSON faxed a letter to members of the Jury informing them of the programme for the Jury from 21 February to 2 March 2002, including the viewing sessions of the entry presentation boards on 24 and 25 February 2002. The letter enclosed the declaration form in **Appendix 2(o)** in which the five items provided for the declarant to choose were identical to those listed in paragraph 2.37 above. In the letter, Mr JOHNSON requested members of the Jury to return the completed forms to him by fax by Saturday, 23 February 2002, so that the completed declarations would be reviewed initially by the Organiser and Lord ROTHSCILD on 24 February 2002 and be discussed at the first Jury meeting on 25 February 2002. Under the section on "*Conflict of interest declarations*" in his letter, Mr JOHNSON quoted the advice of the Professional Advisor that "...all Jurors and Technical Panel members are expected to sign a binding agreement of confidentiality and conflict of interest notification...", and asked members of the Jury to note the following points before completing the declaration form in Appendix 2(o) :

- "(i) *paragraph 16 of the General Conditions in the Competition Document provides among other things that the members of the Jury, their immediate family members, their employees, their close professional associates and any company of which they are a director or major shareholder are ineligible to enter the competition;*

- (ii) *as regards immediate family members, employees and close professional associates, the onus is on the prospective participant to check whether he has such a relationship with any member of the Jury, so that he does not enter the competition when ineligible. Hence it is sufficient in the declaration form for the juror to declare to the best of his knowledge (in item (a)) or belief (in item (b));*
- (iii) *it is not incumbent upon jurors to make enquiries of any close associate or contact to ascertain whether or not they have entered the competition;*
- (iv) *where item (b) applies, perhaps because the juror has been told by someone that he has entered the competition, this will not necessarily be a problem, as the likelihood is that no conflict of interest will arise if the juror has not participated in the entrant's project and does not know which of the entries is from that entrant;*
- (v) *as regards directorships and majority shareholdings, the juror is assumed to be aware of the activities of his companies, if any, and the onus is therefore on him to ensure that none enters the competition. Hence the declaration here - with a choice between items (c), (d)*

and (e) in the form - assumes full knowledge on the part of the declarant; and

(vi) the completed declarations will be reviewed initially by the organizer and Lord ROTHSCCHILD on 24 February and be discussed at the first Jury meeting on 25 February. It is therefore essential that you return the completed form to me by 23 February."

Mr JOHNSON's explanation of the five items in the declaration form is in **Appendix 2(p)**.

Deadline for submission of declarations

2.44 Given that Lord ROTHSCCHILD had given clearance to proceed with the declaration arrangements for the Jury on 12 February 2002, the Select Committee asked Mr Eric JOHNSON why members of the Jury were given only two days to complete and return the declaration forms. Mr JOHNSON stated that he could not recall why members of the Jury had not been given as much time as members of the Technical Panel to complete and return the declaration forms. He recalled that he had sent out all the declaration forms to members of the Jury at the same time and that was probably because he had been awaiting the arrival of the overseas members of the Jury on about 21 February 2002. He remembered giving the declaration forms to overseas members of the Jury with his letter of 21 February 2002 more or less as soon as they stepped off the plane. He was not sure whether any member of the Jury

had received the declaration form earlier but it would only have been the local members. Mr JOHNSON told the Select Committee at its hearing on 17 March 2012 that :

"I felt by that time it was a very simple form to complete actually, and it did not require or should not have required a lot of research on the part of the declarant...Anybody who was in pretty good contact with his family members, employees and close business associates, or if he was running a business, anybody who knew what was actually going on in his businesses or was in control of the situation, could complete the form easily and quickly".

He also told the Select Committee that members of the Jury had quite enough time to complete the declaration forms and nobody had complained to him that they had not had enough time to do so. As far as he could recall, no members of the Jury had sought further advice from him on how to interpret or complete the declaration form.

2.45 As regards the receipt of Mr LEUNG Chun-ying's declaration form, Mr Eric JOHNSON told the Select Committee that it was up to Mr LEUNG Chun-ying to decide whether he should fax the completed declaration form to him on 23 or 24 February 2002 or bring it back to him during the viewing session on 24 February 2002. Many members of the Jury who had not given him the completed declaration forms by the 23 February 2002 deadline actually handed the forms to him

during the viewing session. Mr LEUNG Chun-ying chose to hand the form to him at the Jury meeting of 25 February 2002.

2.46 Before the Sunday afternoon of 24 February 2002, Mr Eric JOHNSON received eight completed declaration forms from members of the Jury, with six of them dated 23 February 2002 or earlier and two of them (from Mr Nicholas BROOKE and Prof CHANG Hsin-kang) dated 24 February 2002. In that afternoon, Mr JOHNSON had an initial review of the eight declaration forms received with Lord ROTHSCHILD and the Professional Advisor, and they considered that such declarations appeared to pose no problem. The declaration forms from Mr LEUNG Chun-ying and Prof Patrick LAU had yet to be received at the time.

Declaration made by Mr LEUNG Chun-ying

2.47 At the first Jury meeting held in the morning of 25 February 2002, Mr Eric JOHNSON received the two outstanding declaration forms, both of which dated 25 February 2002, from Mr LEUNG Chun-ying and Prof Patrick LAU in **Appendices 2(q)** and **2(r)** respectively. Prof LAU told the Select Committee that he could not recall why he had submitted the declaration form after the specified deadline and this might have been caused by the short time given. The Select Committee notes that there was an agenda item on "*Conflict of interest declarations*" for the Jury meeting of that day. Mr JOHNSON stated that the purpose of the agenda item was to chase members of the Jury who had missed the deadline of 23 February 2002 for return of declaration forms and to provide a second opportunity – the first opportunity having been on 24 February – for

consideration by the Chairman of the Jury of any potential conflict of interests declared in any of the completed declaration forms.

2.48 In the declaration form submitted by Mr LEUNG Chun-ying in Appendix 2(q), he deleted items (b), (d) and (e) and chose the following two items :

"(a) to the best of my knowledge, none of my immediate family members or employees and no-one who has an employment-type contract or close professional association or partnership with me, has entered the competition"; and

"(c) I am not a director or major shareholder of any company".

Mr LEUNG Chun-ying's understanding of the declaration requirements

2.49 Mr LEUNG Chun-ying told the Select Committee that at the time of making his declaration, he believed that he was required to make a "*declaration of conflict of interests*" and not a "*declaration of interest*". Mr LEUNG Chun-ying's response at the hearing on 20 March 2012 was as follows (English translation) :

"...I do hope that we can clearly distinguish the difference between the two types of declaration requirements. One is about declaration of interests ... the other one is about

declaration of conflicts of interests. Up to now, I still hold the view that the form concerned required me to make a conflict of interest declaration. I believe that, among all members of the Technical Panel and members of the Jury, I was not the only one who had such an understanding. After that, Mr Eric JOHNSON had not asked me to fill in another form."

"It was stated clearly in the form that it was about conflict of interests, rather than interests ... These two concepts have all along been there. My understanding was that the declaration on this occasion was not a general declaration of interests, but a declaration of conflict of interests. Therefore, you can see that in both the guidance notes on the completion of the declaration form and the declaration form itself, the word 'conflict' had appeared on a number of occasions."

Mr LEUNG Chun-ying's understanding was that the sub-heading on page 3 of Mr Eric JOHNSON's letter dated 21 February 2002 (Appendix 2(o)) was *"Conflict of interest declarations"*. The passage on the Professional Advisor's advice reproduced in italics in the letter also mentioned *"conflict of interest notification"*. It would therefore be reasonable for him to believe that *"he was required to declare whether or not he would have a conflict of interest acting as a juror in the Competition, not whether or not he was a director or shareholder in any company"*. Mr

LEUNG Chun-ying's written evidence on his understanding of the declaration form and requirements is reproduced in **Appendix 2(s)**.

2.50 Mr LEUNG Chun-ying informed the Select Committee that he filled in the form by himself and did not seek advice or assistance from any other person. Mr LEUNG Chun-ying's response at the hearing on 21 April 2012 was as follows (English translation) :

- (a) *"I completed it ... er ... by myself because I recognized my own handwriting, and there was not much to fill in that required the assistance of others. As I said at the previous hearing, I had conducted the conflict search by checking "the Book"."*
- (b) In reply to the question raised by a member *"Please confirm once again that in the course of filling in the form, you had not asked anybody or any third party as to how to interpret the contents of the form."*, Mr LEUNG Chun-ying stated that *"No. I had not."*

Mr LEUNG Chun-ying informed the Select Committee that before completing the declaration form, he had conducted a conflict of interest check by calling a staff member of the DTZ office at Quarry Bay in Hong Kong ("the Staff Member Concerned") between 21 and 23 February 2002 to check whether DTZ had recently done or was in the course of doing any jobs in relation to WKR. The Staff Member Concerned called back later to confirm that there had been no such record in the Confirmed

Instruction Registry (which was called by DTZ as "the Book") indicating that DTZ had been retained and/or was in the process of carrying out work for retained clients in relation to WKR. The Select Committee requested Mr LEUNG Chun-ying to find out who the Staff Member Concerned was, but he responded that he could not recall the identity of and locate the Staff Member Concerned (please refer to paragraphs 3.41 to 3.54 of Chapter 3 for details).

2.51 The Select Committee notes that Prof Patrick LAU, a member of the Jury, and Prof CHOW Che-king, a member of the Technical Panel, had been a director or major shareholder of companies but had also chosen items (a) and (c) in their declaration forms. Prof LAU told the Select Committee that he had so declared because according to his understanding at the time, while he was a director and shareholder of Meritor Investment Limited, the company was only a property holding investment company without any actual business operation. There would not be any conflict of interests arising from his participation in the adjudication process of the Competition. He had therefore considered it unnecessary to make any declaration.

2.52 Mr Eric JOHNSON recalled that at the Jury meeting in the morning of 25 February 2002, he only had time for a quick look at the declaration forms from Mr LEUNG Chun-ying and Prof Patrick LAU, and his focus then was whether any company's name had been entered in items (b) and (e) of the forms because any company's name being entered in item (b) or (e) was of utmost importance to the Jury, as this could signal a potential conflict of interests. Mr JOHNSON told the Select

Committee that Mr LEUNG Chun-ying's declaration that he was not a director or major shareholder of any company "*was not of really immediate importance for the Jury*". As with the other eight declarations, no company's name was entered in item (b) or (e) in the declarations of Mr LEUNG Chun-ying and Prof LAU. He therefore reported to the Chairman of the Jury that "*everything appeared to be in order*" as regards potential conflict of interests. A table summarising the declarations made by members of the Jury in the declaration forms is in **Appendix 2(t)**.

2.53 The Select Committee notes that different views had been expressed by the local members of the Jury on the design of the declaration form. Prof Patrick LAU told the Select Committee that he had not been subject to such declaration requirements in his jury experiences in similar competitions. He considered the form "*rather difficult to understand*" and he filled in the form based on his understanding that members of the Jury should not have any relationship with the participants in the Competition. The Select Committee also notes that Mr Nicholas BROOKE, another member of the Jury whose company was similar in nature to that of Mr LEUNG Chun-ying, had made enquiries of the central file registry of the Accounts Department of his company to confirm whether jobs relating to WKR had been received before filling in his declaration form. According to Mr BROOKE, when he started to fill in the declaration form, he was "*somewhat confused*" by item (c) ("I am not a director or major shareholder of any company."), as "*it did not seem to relate specifically to the Competition*", whereas item (d) ("no company of which I am a director or major shareholder has entered the competition") was "*a very clear declaration*" and "*related to the*

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 24th ... 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.

Part V – Disqualification of the Entry Concerned and subsequent actions taken in relation to Mr LEUNG Chun-ying's declarations

2.70 Checking the identities of winners was the next task for the Organiser after the Jury had finalised its provisional list of winning entries. In the evening of 27 February 2002, Mr Eric JOHNSON returned to his office to check the identities of the winning entrants for vetting eligibility purposes and spotted that a company which appeared to be associated with Mr LEUNG Chun-ying was listed as a project team member of an entry (i.e. the Entry Concerned) on the provisional list of winning entries. This part provides an account of how the Organiser and the Jury, in particular Mr LEUNG Chun-ying, responded to the situation and why a decision was made by the Jury to disqualify the Entry Concerned, as well as the subsequent actions taken in relation to Mr LEUNG Chun-ying's declarations.

Discovery of the association of the Entry Concerned with Mr LEUNG Chun-ying's company

2.71 As described in paragraph 2.69 above, the Jury finalised the provisional list of the five winning entries on 27 February 2002. In that evening, Mr Eric JOHNSON opened the sealed envelopes submitted by the entrants on the provisional list of winning entries. He saw that one of these entrants had listed DTZ as one of its project team members. He associated this reference with Mr LEUNG Chun-ying, as PLB had all

along been corresponding with Mr LEUNG Chun-ying at his DTZ address. He then reviewed the set of declaration forms submitted by members of the Jury, which he did not find time to do so before that evening. He noticed from Mr LEUNG Chun-ying's declaration form that the name of the entrant concerned had not been declared in either item (b) or (e) of the form (Appendix 2(q)). Mr LEUNG Chun-ying had declared in the form that "*I am not a director or major shareholder of any company*". Mr JOHNSON told the Select Committee that on the face of it, there was an undeclared conflict of interests. He intended to report the finding to Mr John TSANG, then SPL, but Mr TSANG had left the office.

2.72 In the morning of 28 February 2002, Mr Eric JOHNSON reported the finding to Mr John TSANG. The Select Committee notes Mr JOHNSON's report of the finding to Mr TSANG as mentioned in paragraph 37 of his written statement submitted to the Select Committee on 17 March 2012 :

"I reported the matter to him first thing the next morning on Thursday, 28 February. I cannot recall exactly what Mr TSANG said at the time, but he treated the matter as serious and if I recall correctly, tried to reach Mr LEUNG by telephone but was unable to reach him at the first attempt..."

2.73 At the hearing on 17 March 2012, a member of the Select Committee asked Mr Eric JOHNSON why he reported the finding to Mr John TSANG first thing in the morning of 28 February 2002. Mr JOHNSON's response was as follows :

"I saw it as my duty. In fact, I recognised myself that this was a potentially serious issue for the Jury, and I needed to inform Mr TSANG. I think it did not matter who the Jury member concerned was, I still would have gone in to inform him, and because this was obviously a potentially serious matter."

2.74 At the hearing on 17 March 2012, in relation to Mr John TSANG's response to the finding of Mr Eric JOHNSON, a member of the Select Committee asked the following question (English translation) :

"...if I can confirm, you considered the just mentioned omission to declare by Mr LEUNG Chun-ying a serious matter?"

Mr TSANG responded as follows (English translation):

"This is a fact."

Mr TSANG also told the Select Committee that he considered that the matter should be resolved by the Jury, and therefore did not report the matter to more senior officers.

2.75 In relation to the finding concerned, Mr John TSANG responded at the hearing on 3 April 2012 as follows (English translation) :

"In relation to whether the matter was serious, this was mentioned by Mr Eric JOHNSON in his statement. At the time, I thought the matter should be dealt with expeditiously, as it was on 28th, and there would be an announcement in the afternoon. We therefore needed to deal with the matter expeditiously...I think I did not say, "regard the matter as serious""

"The fact is Mr LEUNG claimed that he was not a director or major shareholder of any company; that is the fact, the fact that I am referring to"

"I did not think it was serious, and did not think it was not serious"

2.76 Regarding Mr John TSANG's response above, Mr Eric JOHNSON advised at the hearing on 3 April 2012 that :

"When I mentioned the word "serious", it was in paragraph 37 of my first witness statement when I said that Mr John TSANG treated the matter as serious. I did not refer to the matter actually being serious in my own view. I said that Mr TSANG treated the matter as serious. And, when I referred to the matter, I talked about the two documents, the one which had been completed by the entrant, read with Mr LEUNG's declaration. The two things together comprised the whole matter. And I felt that this had to be shown to Mr

TSANG. And, as I say, he treated it as something serious. He was not dismissive about it or anything like that. He treated it as serious. "

2.77 The Select Committee notes from Mr LEUNG Chun-ying that he was asked by Mr Bosco FUNG to call Mr John TSANG in the morning of 28 February 2002. He was told by Mr TSANG that DTZ was named as property advisors by one of the entrants of the Competition. Mr LEUNG Chun-ying told Mr TSANG that he was not aware of that. Mr TSANG advised him to ask Mr Eric JOHNSON, who then told Mr LEUNG Chun-ying that Mr CHIU Kam-kuen was one of the DTZ personnel named in the Entry Concerned. Mr LEUNG Chun-ying immediately called Mr CHIU and asked him why DTZ was involved in the Competition. Mr CHIU then referred him to Mr WONG Kim-bon, who was also named in the Entry Concerned and was the person undertaking the task relating to the Competition. Mr LEUNG Chun-ying had a brief discussion over the phone with Mr WONG and asked Mr WONG to send him the file containing all the correspondence and reference documents on the task undertaken by Mr WONG in relation to the Competition.

Disqualification of the Entry Concerned

2.78 Mr Eric JOHNSON told the Select Committee that as far as he could recall, before the start of the Jury meeting at 9:30 am on 28 February 2002, he had informed Lord ROTHSCHILD that a company

apparently closely linked with Mr LEUNG Chun-ying was among the participants in one of the winning entries and this relationship was not reflected in Mr LEUNG Chun-ying's declaration form. Lord ROTHSCHILD had taken him and Mr LEUNG Chun-ying aside for a short discussion outside the meeting. According to Mr JOHNSON, Lord ROTHSCHILD had sought elaboration from Mr LEUNG Chun-ying as to how the apparent conflict of interests had arisen and Mr LEUNG Chun-ying, in turn, explained that he also found it difficult to understand how the situation could have arisen. The three of them then returned to the Jury meeting room.

2.79 According to Mr Eric JOHNSON, at the invitation of Lord ROTHSCHILD, Mr LEUNG Chun-ying explained to the Jury that he had difficulty in understanding how the situation of the apparent conflict of interests could have arisen. The local members of the Jury recalled that Mr LEUNG Chun-ying told them that he was unaware of the association of his company with the Entry Concerned. The members of the Jury were generally surprised at such a situation as any entrant would not have included a company which was associated with a member of the Jury as its team member. By such inclusion, the entrant was making itself ineligible as a result of the ineligibility provision in paragraph 16 of the General Conditions of the Competition Document. Mrs Selina CHOW informed the Select Committee that her reaction at that time was more a kind of "*hard to believe*" as Mr LEUNG Chun-ying, being an experienced participant in public service, should not have overlooked the important duty to declare his interest. Prof Patrick LAU regarded the matter as very unfortunate as it had led to the disqualification of an entrant. Prof

CHANG Hsin-kang, on the other hand, recalled that the matter was not viewed to be that significant at the time.

2.80 According to the local members of the Jury, upon knowing the association of Mr LEUNG Chun-ying's company with the Entry Concerned, their immediate concern was how to deal with the Entry Concerned. The Jury very quickly came to a consensus view that the Entry Concerned should be disqualified. Mrs Selina CHOW told the Select Committee that the disqualification of the Entry Concerned had been the best and only solution available. Mr Nicholas BROOKE considered that there had been no alternative but to disqualify the Entry Concerned. Prof Patrick LAU recalled that he had felt sorry about the disqualification of the Entry Concerned but had considered it necessary to take such a decision given the ineligibility provision in the Competition Document. The local members of the Jury had different recollections as to whether Mr LEUNG Chun-ying had participated in the making of the disqualification decision but Mr LEUNG Chun-ying confirmed that he was present when the decision was made and he raised no objection to the disqualification decision by the Jury. After the disqualification of the Entry Concerned, Mr LEUNG Chun-ying continued to participate in the Jury meeting. Lord ROTHSCILD reminded members of the Jury, following the disqualification of the Entry Concerned, that the matter of the disqualification should be kept confidential.

Actions taken in relation to Mr LEUNG Chun-ying's declarations

2.81 The Select Committee notes from the evidence that at the Jury meeting in the morning of 28 February 2002, Mr LEUNG Chun-ying undertook at the Jury meeting to provide information to Mr Eric JOHNSON regarding the role of DTZ in the Entry Concerned. The Jury did not have any further discussion on matters relating to Mr LEUNG Chun-ying's declarations at the meeting.

2.82 On 11 March 2002, Mr LEUNG Chun-ying sent a letter to Mr Eric JOHNSON regarding the role of DTZ associated with him in respect of the Entry Concerned in **Appendix 2(w)**. In the letter, Mr LEUNG Chun-ying reiterated that he had not been aware of DTZ being named as "Property Advisors" in one of the entrants in the Competition before completion of the Jury's voting process, and he had only been informed of this after 10:00 am on 28 February 2002. Mr LEUNG Chun-ying also provided a sequence of events relating to DTZ's contacts with DLS and LWK, which were two of the project team members of the Entry Concerned. Mr LEUNG Chun-ying stated in the letter that "*[t]here has been no agreement or understanding between DTZ and Davis Langdon & Seah or anyone else for any future role or fees in respect of this exercise. Neither was there any indication or promise of future work if the entrant wins the competition*". Mr LEUNG Chun-ying also stated that "*[t]o complete my declaration, I attach a full list of companies in the DTZ Group, in which DTZ Debenham Tie Leung is the main operating company*", and "*I am a shareholder and Managing Director of DTZ Debenham Tie Leung*".

2.83 On 23 March 2002, Mr Eric JOHNSON replied to Mr LEUNG Chun-ying in writing that he would inform Lord ROTHSCHILD that Mr LEUNG Chun-ying had provided "*the supplementary declaration agreed upon when the matter was discussed on 28 February 2002*".

2.84 On 15 May 2002, Mr Eric JOHNSON wrote to Lord ROTHSCHILD informing him, among others, that a member of the Jury (without mentioning the name of Mr LEUNG Chun-ying) had provided him with information "*stating his position as a shareholder and managing director of the company concerned, the names of other companies in which the company concerned is the main operating company and the names of other companies of which he is a director or major shareholder*". In the letter, Mr JOHNSON also stated that "*the member concerned did not request reconsideration of any of the decisions taken by the Jury*". Mr JOHNSON considered that "*no further action need be taken in connection with this matter*". On 27 May 2002, Lord ROTHSCHILD replied to Mr JOHNSON stating that "*it was good to hear that no further action was needed on the conflict of interest declaration point*". Mr JOHNSON told the Select Committee that this correspondence was purely within the context of the Jury and what Lord ROTHSCHILD might or might not have been able to do in his capacity as Chairman.

2.85 On 30 May 2002, with Lord ROTHSCHILD's authorisation, Mr LI Ho-kin of PLB circulated the draft Report of the Jury ("draft Report") to members of the Jury, including Mr LEUNG Chun-ying, for review. The Select Committee notes paragraph 19 of the draft Report,

which stated that "*[D]uring its consideration of the 161 submissions, the Jury, taking into account the recommendations of the Technical Panel and the Professional Advisor, as appropriate, disqualified a total of 13 entries for failing to meet the competition requirements in specific non-technical respects.*" The Select Committee notes that the aforesaid 13 entries comprised the 12 entries recommended by the Technical Panel for disqualification and the Entry Concerned disqualified by the Jury at its meeting on 28 February 2002.

2.86 On 17 June 2002, Mr LI Ho-kin informed Mr LEUNG Chun-ying, among others, of PLB's wish to receive his comments on the draft Report by 19 June 2002. On 8 July 2002, in response to Mr LEUNG Chun-ying's enquiry about the comments on the draft Report received from other members of the Jury, Mr Eric JOHNSON informed Mr LEUNG Chun-ying that PLB had received replies from four members of the Jury to the effect that they found the draft in order while Mr Nicholas BROOKE suggested amendment relating to the introduction of the draft Report. On 19 August 2002, Mr JOHNSON informed Mr LEUNG Chun-ying again of the replies received from three more members of the Jury to the effect that they found the draft Report in order, and reminded him to provide his reply. On the same day, Mr LEUNG Chun-ying wrote to Mr JOHNSON stating that he had no comments on the draft Report. On 27 August 2002, Mr JOHNSON informed Lord ROTHSCHILD that he had recast paragraphs 1 and 2 of the draft Report in accordance with Mr BROOKE's suggestion and amended a few paragraphs for greater accuracy. On 10 September 2002, Lord ROTHSCHILD approved for the publication of the Report of the Jury,

which included paragraph 19 of the draft Report to which no amendments had been made by members of the Jury or the Organiser. Paragraph 19 was as follows :

"During its consideration of the 161 submissions, the Jury, taking into account the recommendations of the Technical Panel and the Professional Advisor, as appropriate, disqualified a total of 13 entries for failing to meet the competition requirements in specific non-technical respects."

2.87 According to Mr Eric JOHNSON, the individual reasons for disqualification of the 13 entries were not elaborated in paragraph 19 of the Report of the Jury on disqualification of entries because they were considered to be governed by the provisions of paragraph 33 of the General Conditions of the Competition Document, which provided for the assessment process to be carried out in strict confidence. In keeping with these provisions, entrants which were disqualified were not notified of the reasons for their disqualification. Paragraph 35 of the General Conditions of the Competition Document only provided for the winning entrants to be notified.

2.88 The Select Committee notes that local members of the Jury raised no objection to paragraph 19 of the Report of the Jury. Mrs Selina CHOW told the Select Committee that the Jury had not discussed whether the individual reasons for disqualification of the 13 entries should be elaborated. She considered that paragraph 19 had provided a general description of the Jury's disqualification decisions on 13 entries.

The description in that paragraph might not be detailed and precise but was not factually wrong. Prof Patrick LAU considered it reasonable to adopt a general approach to the presentation of the Jury's disqualification decisions, having regard to the need to safeguard the confidentiality of the assessment details under paragraph 33 of the General Conditions of the Competition Document. Prof CHANG Hsin-kang considered the description in paragraph 19 correct, as there had been various reasons leading to the disqualification of the 13 entries and it might not be feasible to categorise these reasons clearly in the Report of the Jury.

Mr LEUNG Chun-ying's letter of 9 June 2003 to the ExCo Secretariat

2.89 On 9 June 2003, Mr LEUNG Chun-ying sent a letter in **Appendix 2(x)** to the ExCo Secretariat in respect of the *"Invitation of Proposals for the Development of the West Kowloon Cultural District"*. Mr LEUNG Chun-ying declared in the letter that he was a member of the Jury for the Competition and *"one of the entrants of the competition named DTZ Debenham Tie Leung (DTZ) as "Property Advisers". This entrant was not one of the winners"*.

2.90 After receipt of the letter of 9 June 2003 from Mr LEUNG Chun-ying, the Clerk to ExCo issued a letter in **Appendix 2(y)** to Mr LEUNG Chun-ying on 21 June 2003 reminding him to declare interest when the information paper entitled *"Progress Report on Development of the West Kowloon Cultural District"* was discussed at the ExCo meeting on 24 June 2003. The Clerk to ExCo advised Mr LEUNG Chun-ying to make declarations as mentioned in paragraph 2.89 above.

No record of deliberations on the adjudication process

2.91 The Select Committee notes that throughout the adjudication process, no minutes were taken of the Jury's discussions in the adjudication process, including the discussions leading to the making of the disqualification decision. According to Mr Eric JOHNSON, the Government had appointed an independent Jury of distinguished persons who were entrusted with the responsibility to adjudicate entries with impartiality and integrity. It was in keeping with such an arrangement that the Jury should be able to conduct its deliberations in closed session and its verdict should be respected. Paragraphs 32 and 33 of the General Conditions of the Competition Document provided that the decision of the Jury would be final and the assessment process would be carried out in strict confidence respectively. Accordingly, there was no expectation that the discussions in the Jury on the adjudication of entries and related matters would be minuted. He had not been asked or advised by any member of the Jury, the Professional Advisor or within the Administration to minute the Jury's discussions. Mr John TSANG also told the Select Committee that according to his understanding, there were normally no detailed records of the jury's discussions in the adjudication process of similar international competitions. Nevertheless, there were written records on the voting results in each round of adjudication of the entries for the Competition.

2.92 Regarding the lack of appeal mechanism against the Jury's decision, Mr Eric JOHNSON told the Select Committee that the provision of no appeal against the Jury's decision as stated in paragraph

32 of the General Conditions of the Competition Document was rooted in international practice. According to Mr Bosco FUNG, it would be impractical for the Organiser to put in place an appeal mechanism for a design competition, especially when the competition results needed to be announced by a certain date. The appeals lodged by the affected entrants could be indefinite, as the adjudication of entries by the Jury would usually involve subjective judgements.

Part VI - Observations

The Organiser's approach to handling conflict of interests

2.93 The Select Committee notes that as the Competition was positioned as a large-scale international competition, which was the first of its kind in Hong Kong, the Organiser made reference to international practices and adopted the arrangements for anonymity of submission materials and participants and confidentiality of the assessment process as provided in the General Conditions of the Competition Document. The Competition Document also provided for ineligibility of certain persons and companies for the Competition because of conflict of interests. The Select Committee observes that with the anonymity, confidentiality and ineligibility provisions included and the names of members of the Technical Panel and of the Jury shown in the Competition Document, the Organiser relied on the prospective participants to check whether they had a relationship with any member of the Technical Panel and of the Jury so that a participant who was ineligible because of the ineligibility

provision would not enter the Competition. In this connection, the Select Committee notes that the Organiser put the primary responsibility for avoiding conflict of interests on the participants. The Select Committee also notes that the Competition Document did not provide detailed information on the background of individual members of the Jury. For instance, it was only stated that Mr LEUNG Chun-ying was an ExCo Member, but there was no mention of Mr LEUNG Chun-ying being the Chairman and director of DTZ at the time.

2.94 The Select Committee further observes that it was the Organiser's conscious decision to launch the Competition in April 2001 before formulating the mechanism for handling conflict of interests in the assessment and adjudication process. The Select Committee notes that in the course of preparing for the launch of the Competition, the Organiser recognised that there was no common international practice for handling issues relating to conflict of interests in concept design competitions. Owing to the lack of such common practice and having considered that the Competition Document was mainly provided for participants' reference and declaration of interest was a matter for the Jury, the Organiser decided to launch the Competition first and then follow up on the matter.

2.95 The Select Committee notices that the Organiser came up with a mechanism for dealing with this important matter at a rather late stage. Mr PO Pui-leong, as the Competition Co-ordinator from March 2000 until August 2001, did not deal with that matter. It was not until August 2001, when Mr Eric JOHNSON took over from Mr PO as

Competition Co-ordinator and the Competition had been launched for four months, that the Organiser started devising procedures for declaration of interest. There were ongoing discussions within the Competition Team and consultation with the Professional Advisor. Nevertheless, when the Technical Panel met for the first time on 9 October 2001 to discuss the technical assessment of the entries, the question of declaration of interest was still under examination by the Organiser and members of the Technical Panel were only advised by Mr JOHNSON at the time that the Organiser was looking into whether the provisions concerning ineligibility, anonymity and confidentiality in the General Conditions of the Competition Document should be supplemented with declarations of interest by members of the Technical Panel.

2.96 The Select Committee notes that the Organiser initially considered applying the declaration arrangements to members of the Technical Panel first. The declaration form for members of the Technical Panel was only finalised in late November 2001 after Mr Eric JOHNSON had corresponded twice with ICAC. In its reply dated 6 November 2001 to the Organiser, ICAC pointed out that the declaration requirement should apply to not only the Technical Panel but also the Jury and the Professional Advisor. ICAC recommended that to facilitate declaration and check eligibility, the Organiser should seek the entrants' consent to waive the restrictions concerning confidentiality of entrants and anonymity of submission materials so that declarations could be made with knowledge of the entrants' identities. ICAC suggested that if declarations were made without disclosure of the entrants' identities, the

revelation of their identities by the Organiser to members of the Jury for the purpose of vetting eligibility should be the last step before announcement of the winners.

2.97 The Select Committee notices that were the Organiser to provide for declaration by members of the Technical Panel and of the Jury with knowledge of the entrants' identities in accordance with ICAC's recommendation, this would have amounted to a variation of the General Conditions for the Competition as the provisions concerning anonymity of submission materials and participants and confidentiality of the assessment process had been expressly provided in the Competition Document, and consent from each and every entrant of the 161 entrants would have to be obtained for the variation of the relevant General Conditions. The Select Committee notes that after having considered the advice of the Professional Advisor on how conflict of interests should be handled in similar international competitions, the Organiser decided to proceed on the basis of a declaration of interest to the best of the declarants' knowledge and considered it unnecessary to ask entrants for consent to waive the confidentiality provisions so that declarations could be made with knowledge of entrants' identities.

2.98 The Select Committee further notes that while not adopting ICAC's recommended approach to provide for declarations made with knowledge of the entrants' identities, the Organiser informed ICAC that it would consider the suggestion of providing a further opportunity (for all those who had completed the initial "best of my knowledge" declaration) to declare any conflict of interests in the light of the identities of the

winning entries before they were announced. The Select Committee notices that this was in fact one of the approaches suggested by ICAC to the Organiser on 6 November 2001 under which the identities of entrants be revealed to members of the Jury for vetting eligibility purposes before the announcement of the prize winners to provide a further opportunity to members of the Jury to declare any conflict of interests. In other words, there should be a second chance for members of the Jury to declare any conflict of interests after the identities of the winning entrants were revealed to them.

2.99 Nevertheless, the Select Committee notes that there was no mention in the letter dated 21 February 2002 from Mr Eric JOHNSON to members of the Jury and the programme for the Jury attached thereto that another opportunity would be provided for members of the Jury to declare any conflict of interests after their submission of the declaration forms. Mr JOHNSON only told the Select Committee that if, after the names of the winning entries were revealed to the Jury, any member of the Jury felt the need to change his/her declaration, he/she had the opportunity to do so then. There is however no evidence that members of the Jury were actually asked by the Organiser whether they needed to declare any conflicts of interests in the light of the identities of the winning entrants revealed to them on 28 February 2002.

2.100 The Select Committee notes that the Competition Team issued the declaration form to members of the Technical Panel on 24 November 2001 and the declarations made by them were discussed at the meeting of the Technical Panel on 11 December 2001. The Select

Committee observes that despite Mr Eric JOHNSON's indication to ICAC on 23 November 2001 that the declaration arrangements would be extended to the Jury and the smooth implementation of the declaration arrangements for members of the Technical Panel in November/December 2001, approval for extension of the declaration arrangements to the Jury was not sought by Mr Eric JOHNSON from the Chairman of the Jury until 11 February 2002, and the approval was given on 12 February 2002.

2.101 The letter from Mr JOHNSON to members of the Jury with a declaration form attached, which was identical to that for members of the Technical Panel, was not faxed or delivered by hand until 21 February 2002, four days before the first Jury meeting on 25 February 2002. In the letter, Mr JOHNSON requested members of the Jury to return their completed declaration forms to him by Saturday, 23 February 2002 for an initial review by the Organiser and the Chairman of the Jury on 24 February 2002 and for discussion at the first Jury meeting on 25 February 2002. The Select Committee notices that the declaration forms submitted by four out of the 10 members of the Jury were dated 24 or 25 February 2002 (beyond the deadline set by Mr JOHNSON). No members of the Jury sought from Mr JOHNSON any further explanation of the declaration form or any extension of time for completion of it.

2.102 The Select Committee considers that while the need for members of the Jury to make declaration was established in November 2001, there was no convincing reason for deferring the announcement of the declaration arrangements for members of the Jury to 21 February

2002, four days before the first Jury meeting on 25 February 2002, and for giving two days for members of the Jury to complete the declaration form, no matter how simple the form appeared to be, not to mention that some kind of checking might need to be undertaken by members of the Jury.

Mr LEUNG Chun-ying's approach to making the declaration

2.103 Mr LEUNG Chun-ying informed the Select Committee that before filling in the declaration form, he telephoned a staff member of DTZ between 21 and 23 February 2002 to check whether DTZ had done or was in the course of doing any jobs in relation to WKR at that time. The Select Committee also notes that before completing his declaration form, Mr Nicholas BROOKE, another member of the Jury whose company was involved in property consultancy business and similar in nature to that of Mr LEUNG Chun-ying, had made enquiries with the Accounts Department of his company to confirm that no jobs relating to WKR had been undertaken.

2.104 On the other hand, the Select Committee notes that Mr David LEE, a member of the Technical Panel, used a different approach to check for conflict of interests before completing his declaration form. Mr LEE, well before the Organiser contemplated the declaration arrangements for members of the Technical Panel, issued on 12 June 2001 an internal circular to staff of the two companies of which he was the Managing Director or the Director advising them of his appointment as a member of the Technical Panel. In the circular,

Mr LEE not only reproduced the ineligibility provision in the Competition Document, but also advised his staff to refrain from entering the Competition in any way or form. Mr LEE stated in the circular that *"if I am aware of anyone of our staff taking part in the competition, I will be duty bound to disclose it and that entry will probably be disqualified"*.

2.105 The Select Committee further notes that Mr David LEE also suggested at the first meeting of the Technical Panel on 9 October 2001 that members should declare whether they were aware of any conflict of interests. The Technical Panel then agreed that the best way forward might be a general declaration of no conflict of interests even if a declaration of interest was not required.

2.106 The Select Committee notes that both Mr David LEE and Mr LEUNG Chun-ying were in the surveying business. The Select Committee has therefore questioned why Mr LEUNG Chun-ying had merely checked against potential conflict of interests by requesting a staff member to confirm if DTZ had recently done or was in the course of doing any jobs in relation to WKR according to the records in the Book. Given the importance of the Competition and the extent of possible interests involved for the winners of the Competition, some members of the Select Committee question whether a simple phone call to a staff member to confirm whether a conflict of interests was involved was prudent for a person who was the Convenor of ExCo and had extensive public service experience.

2.107 The Select Committee notes from Mr LEUNG Chun-ying's evidence that Mr David LEE was in the building surveying profession and one of his two companies was engaged in building design, while DTZ was in estate surveying which had little part to play in the Competition. Mr LEUNG Chun-ying was therefore of the view that it was not likely that his DTZ staff members would take part in the Competition and DTZ was not the kind of surveying companies which would have any involvement in the WKR development, and therefore took no action to inform DTZ staff of his being a member of the Jury. Despite the said differences between the nature of businesses of DTZ and the two companies of Mr David LEE, the Select Committee considers that Mr David LEE's approach is more pro-active to prevent conflict of interests and should be followed.

2.108 Further, the Select Committee notes Mr Eric JOHNSON's advice to members of the Jury in his letter dated 21 February 2002 that the onus was on members of the Jury to ensure that none of the companies of which he was a director or major shareholder entered the Competition. It appears to the Select Committee that had Mr LEUNG Chun-ying informed DTZ of his appointment as a member of the Jury or its ineligibility for the Competition, the chances that DTZ would take up any jobs, be they fee or non-fee paying, for the Competition would become more remote.

2.109 The further observations of the Select Committee concerning the conflict of interest search conducted by Mr LEUNG Chun-ying and

DTZ's knowledge of Mr LEUNG Chun-ying's involvement in the Competition are in paragraphs 3.37 to 3.77 in Chapter 3.

Mr LEUNG Chun-ying's understanding of declaration of interests

2.110 The Select Committee notes a fine distinction drawn by Mr LEUNG Chun-ying between "declaration of interest" and "declaration of conflict of interests" in completing the declaration form for the Competition. According to Mr LEUNG Chun-ying, his directorship and chairmanship of DTZ were publicly known. He believed at the time of making his declaration that he was required to make a declaration of conflict of interests in the Competition and not a declaration of interest. Hence his selection of items (a) and (c) below in the declaration form following a conflict of interest search conducted by a DTZ staff member at his request :

"(a) to the best of my knowledge, none of my immediate family members or employees and no-one who has an employment-type contract or close professional association or partnership with me, has entered the competition"; and

"(c) I am not a director or major shareholder of any company".

The Select Committee also notes that Mr LEUNG Chun-ying completed the declaration form by himself and had not sought any advice or assistance from Mr Eric JOHNSON or any other person.

2.111 The Select Committee observes that Mr LEUNG Chun-ying did not explain his understanding of the difference between "declaration of conflict of interests" and "declaration of interest" at the Jury meeting after he was informed of the discovery of DTZ's association with the Entry Concerned in the morning of 28 February 2002. Nor did he explain such an understanding in his letter dated 11 March 2002 to Mr Eric JOHNSON in which he provided information on his association with DTZ to complete his declaration, which was the first time for him to afford such an explanation in writing to give a full account of what had happened during the material time. In the light of Mr LEUNG Chun-ying's letter of 11 March 2002 and in the absence of further evidence relating to Mr LEUNG Chun-ying's declaration, some members of the Select Committee have yet to be convinced that Mr LEUNG Chun-ying did draw such a fine distinction between "declaration of conflict of interests" and "declaration of interest" at the time of completing his declaration form in February 2002.

2.112 The Select Committee notes that in the view of Mrs Selina CHOW, the declaration requirements were clearly spelt out in the declaration form and the objective of the Organiser's requirement for declaration of interest was to avoid conflict of interests. On the other hand, the Select Committee notices that Prof CHOW Che-king, a member of the Technical Panel, and Prof Patrick LAU, another member of the

Jury, also chose items (a) and (c) in their declaration forms as Mr LEUNG Chun-ying did. The Select Committee notes that Prof CHOW and Prof LAU were at the material time the director or shareholder of companies. According to Prof LAU, his company was a property holding investment company without any actual business operation and there would not be any conflict of interests arising from his participation in the adjudication process of the Competition. This has led the Select Committee to think whether the declaration form itself did create some kind of confusion, making it easy for someone who was in a rush to complete the form (as both Prof LAU and Mr LEUNG Chun-ying missed the 23 February 2002 deadline and returned the completed forms first thing on 25 February 2002 before the Jury met) to misunderstand the meanings of the various items in the form.

2.113 The Select Committee observes that item (c) was inserted later by the Organiser and was not in the draft declaration form put forward to ICAC for advice. The Select Committee notes that items (b), (c) and (d) of the declaration form were relevant to the following item (iv) of paragraph 16 of the General Conditions of the Competition Document:

"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."*

2.114 The Select Committee notes that item (c) in the declaration form involved a general declaration, while items (d) and (e) were related to whether the company of which a member of the Jury was a director or major shareholder had entered the Competition. The Select Committee notices that when Mr Eric JOHNSON received the declaration form of Mr LEUNG Chun-ying at the Jury meeting on 25 February 2002, he only had a quick look at the two forms to see whether any company had been named at items (b) or (e) of the form, as that could signal a potential conflict of interests. According to Mr JOHNSON, he was too busy at that time and it was not until the evening of 27 February 2002 that he had time to revisit the set of declaration forms. The Select Committee notes that when Mr JOHNSON opened the sealed envelopes submitted by the entrants on the provisional list of winning entries in the evening of 27 February 2002, he discovered that DTZ was named by one of the entrants as one of its project team members. He associated this reference

with Mr LEUNG Chun-ying. He went on to inspect Mr LEUNG Chun-ying's declaration form and discovered that Mr LEUNG Chun-ying declared in the form that he was not a director or major shareholder of any company.

Approach taken by the Organiser and the Jury to handling the discovery of the association of the Entry Concerned with Mr LEUNG Chun-ying

2.115 The Select Committee observes that upon discovery of the association of DTZ with the Entry Concerned, both Mr Eric JOHNSON and Mr John TSANG had taken immediate actions. Mr JOHNSON had intended to report the discovery immediately to Mr TSANG in the evening of 27 February 2002, and Mr TSANG, after being informed of the discovery in the morning of 28 February 2002, had tried to contact Mr LEUNG Chun-ying immediately. The Select Committee further observes that notwithstanding their immediate follow-up actions, they had different understandings of the seriousness of the matter. While Mr JOHNSON considered that the revelation of the conflict of interests was serious, Mr TSANG was concerned about how the matter would be handled in view of the need to announce the results in a couple of hours' time on that day. Nevertheless, both Mr JOHNSON and Mr TSANG agreed that the disqualification of the Entry Concerned was the obvious solution because of the ineligibility provision stated clearly in the Competition Document. As regards Mr LEUNG Chun-ying's duty to explain to the Jury the omission in his declaration form, the Select Committee observes that most members of the Jury did not seem to

accord much importance to the matter and had left it to the Organiser and the Chairman of the Jury to handle the matter.

2.116 The Select Committee observes that the Jury did not have any discussion on the omission in Mr LEUNG Chun-ying's declaration after hearing his explanation that he was unaware of the association of DTZ with the Entry Concerned at its meeting in the morning of 28 February 2002. The Select Committee also notes that members of the Jury did not have detailed discussion on how to deal with the Entry Concerned. The Jury very quickly came to a consensus that the Entry Concerned should be disqualified given the ineligibility provision in the Competition Document. The Select Committee observes that the Jury could only disqualify the Entry Concerned in accordance with the ineligibility provision in the Competition Document, and the Entry Concerned had to be disqualified in accordance with the ineligibility provision in the Competition Document, irrespective of whether Mr LEUNG Chun-ying had declared his directorship and chairmanship of DTZ in his declaration form.

2.117 The Select Committee further observes that following the decision made by the Jury on 28 February 2002 to disqualify the Entry Concerned, the matter relating to Mr LEUNG Chun-ying's declaration was not actively pursued by the Jury or the Organiser upon Mr LEUNG Chun-ying's promise, on the same day, to provide information to Mr Eric JOHNSON regarding the role of DTZ in the Entry Concerned after his looking into the matter. After receipt of Mr LEUNG Chun-ying's letter of 11 March 2002, Mr JOHNSON replied to Mr LEUNG Chun-ying in

writing on 23 March 2002 that he would inform the Chairman of the Jury that Mr LEUNG Chun-ying had provided "*the supplementary declaration agreed upon when the matter was discussed on 28 February 2002.*" In his letter dated 15 May 2002 to the Chairman of the Jury, Mr JOHNSON stated, without mentioning the name of Mr LEUNG Chun-ying, that "*the member concerned did not request reconsideration of any of the decisions taken by the Jury*", and he therefore considered that "*no further action need be taken in connection with this matter*". Mr JOHNSON told the Select Committee that these statements were made in the context of the business of the Jury. It appears to the Select Committee that as far as the Organiser was concerned, the handling of the matter relating to Mr LEUNG Chun-ying's declaration was concluded.

Chapter 3 – Association of DTZ with the Entry Concerned and Mr LEUNG Chun-ying's awareness or unawareness of it before the adjudication of entries

3.1 As mentioned in paragraph 2.1 in Chapter 2, following the announcement of the Competition on 6 April 2001, the registration for the Competition began on 7 April 2001. On 8 June 2001, which was the deadline for registration, the Organiser received the Registration Form dated 5 June 2001 from Dr Kenneth YEANG of Hamzah & Yeang. Before the deadline for submission of entries for the Competition on 29 September 2001, Dr YEANG submitted to the Organiser a list of Project Team members dated 27 September 2001 on which Hamzah & Yeang was named as Lead Architect and Masterplanner, LWK as Local Architect and Masterplanner, DLS as Quantity Surveyor and DTZ as "*Property Advisors*". As described in paragraph 2.13 and Appendix 2(d) in Chapter 2, all submission materials were to be kept anonymous to the Jury and 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. The sealed envelope had to be kept intact and could not be opened by the Organiser until after the finalisation of the provisional list of winning entries. After completion of the voting process on 27 February 2002, Mr Eric JOHNSON opened the sealed envelope and discovered that DTZ was listed as one of the Project Team members of the Entry Concerned. On 28 February 2002, the Jury disqualified the Entry Concerned.

3.2 This Chapter comprises three parts. Part I gives an account of how DTZ was associated with the Entry Concerned, including the

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/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-kuen) 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(l)** 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

with the Entry Concerned. This part examines whether and how far Mr LEUNG Chun-ying was aware of the association of DTZ with the Entry Concerned before the adjudication of entries.

Immediate actions taken by Mr LEUNG Chun-ying upon discovery of DTZ's association with the Entry Concerned

3.37 According to Mr LEUNG Chun-ying, he was not aware of DTZ's association with an entry before the Jury had completed its voting process. He "*was informed of this well after 10:00 am on 28 February 2002*". He then telephoned Mr CHIU Kam-kuen. He asked Mr CHIU if DTZ had done any job relating to WKR. Mr CHIU recalled that Mr LEUNG Chun-ying sounded "*agitated*" ("勞氣") in their telephone conversation. Mr CHIU told Mr LEUNG Chun-ying that Mr WONG Kim-bon had prepared a letter to Mr Kenneth POON of DLS providing land value indications relating to WKR. As DTZ had only provided certain information to DLS and had not received any response from anyone afterwards, the matter had been considered concluded. Mr LEUNG Chun-ying told the Select Committee that his tone was "*hasty*" ("急促") when he spoke to Mr CHIU over the phone in the morning of 28 February 2002. At that time, he was just told that DTZ had been listed as a property advisor in an entry and he was very surprised at the matter and therefore anxious to understand the nature of DTZ's involvement before explaining it to the Chairman of the Jury. Mr LEUNG Chun-ying's response at the hearing on 21 April 2012 was as follows (English translation) :

"In comparison with my usual manner towards my colleagues, my tone on that day was relatively hasty. At that time, the Jury was holding a meeting and to my great surprise, I was suddenly informed that DTZ had been listed as a property advisor in an entry. I was asked to make a phone call to Mr TSANG who told me that my colleagues had been involved. This was the first time that I came to know about the case. I made a phone call to that colleague in order to find out the nature of the matter very quickly because I had to report the matter to the Chairman of the Jury. At that time, I was anxious to understand the nature of the matter."

3.38 After a brief telephone conversation with Mr CHIU Kam-kuen, Mr LEUNG Chun-ying talked with Mr WONG Kim-bon over the phone who gave similar information to Mr LEUNG Chun-ying. Mr LEUNG Chun-ying asked Mr WONG to deliver the file containing all the correspondence and reference documents relating to WKR to his office at Jardine House in Central for his review. The Select Committee notes that the file delivered to Mr LEUNG Chun-ying comprised eight documents, viz. the seven letters mentioned in paragraphs 3.23 to 3.28 above (Appendix 3(j) which enclosed a copy of the Area Schedule for the West Kowloon Waterfront Reclamation, and Appendices 3(k), 3(l), 3(m), 3(n), 3(o) and 3(p)) and a copy of draft concept drawings in **Appendix 3(q)**. Mr Ronald LIANG confirmed to the Select Committee that the aforesaid draft concept drawings were similar to that of the Entry Concerned. The Select Committee further notes that the aforesaid file did not contain a copy of Mr Kenneth POON's letter dated 11 September 2001 to LWK, which

was copied to Mr CHIU Kam-kuen and stated that Mr LEUNG Chun-ying was a member of the Jury (Appendix 3 (i)); nor did it contain a copy of the attachment (i.e. Dr Kenneth YEANG's letter of 7 September 2001) to Mr POON's cover letter of 19 September 2001.

3.39 According to Mr CHIU Kam-kuen and Mr WONG Kim-bon, prior to their telephone conversation with Mr LEUNG Chun-ying in the morning of 28 February 2002, they did not know that Mr LEUNG Chun-ying was a member of the Jury. They had not informed Mr LEUNG Chun-ying of DLS's request for DTZ's land value indications. According to Mr WONG, Mr LEUNG Chun-ying seldom came to the office of the Valuation Department. The directors and associate directors of the Valuation Department took charge of all valuation jobs and they reported to Mr CHIU. Mr WONG had not copied his correspondences with Mr Kenneth POON in September 2001 concerning the land valuation to Mr LEUNG Chun-ying. Both Mr CHIU and Mr WONG advised the Select Committee that they had never read the Competition rules or the submission documents of the Entry Concerned.

3.40 Mr LEUNG Chun-ying told the Select Committee that he did not remember whether he had informed, either formally or informally, Mr CHIU Kam-kuen or colleagues at DTZ of his appointment as a member of the Jury, given that the Jury was not a standing committee and its adjudication work lasted for three days only. Mr LEUNG Chun-ying's response at the hearing on 21 April 2012 was as follows (English translation) :

"The issue is two-fold. First of all, had I ever informed, either formally or informally, my colleagues that I had been appointed a member of the Jury for the Competition? ... The Jury took three days to complete its work and it was not a standing committee. For me, it was not a particularly important appointment, nor was it a long-term appointment. I therefore cannot remember whether I had mentioned to my colleagues my appointment by the Government as a member of the Jury. As to whether my colleagues had ever asked me when they read the newspapers, or whether we had ever talked about it in casual chats or during meal breaks or when we took a ride together, I really had no recollection about it."

Practice of checking conflict of interests by Mr LEUNG Chun-ying

3.41 According to Mr LEUNG Chun-ying, the checking of conflict of interests or potential conflict of interests had all along been conducted through a checking of the Book located in the Quarry Bay DTZ office. At the hearing on 21 April 2012, he told the Select Committee that *"it had all along been our practice to check the Book to verify whether there were conflicts of interests or potential conflicts of interests"*.

3.42 The Select Committee notes that pursuant to the Organiser's request for completing the declaration form and in accordance with his practice for checking against potential conflict of interests at the time, Mr LEUNG Chun-ying telephoned a staff member of the Quarry Bay DTZ office ("the Staff Member Concerned") between 21 and 23 February 2002

to check whether DTZ had recently done or had been doing any jobs in relation to WKR. The Staff Member Concerned had called back later to confirm that there was no such record in the Book indicating that DTZ had been retained and/or in the process of carrying out work for retained clients in relation to WKR.

3.43 According to Mr LEUNG Chun-ying, there was no designated staff member in the Quarry Bay DTZ office to conduct conflict searches for him at the time. At the hearing on 20 March 2012, in response to a member's question about whether the Staff Member Concerned was above a certain rank, Mr LEUNG Chun-ying confirmed and advised that (English translation) :

"this colleague, apart from being quite senior in rank and having served in the company for a long time, should be someone I knew and I would make a phone call to him/her directly. As for other junior or new colleagues, I might not even remember their names and would not ask them to do the conflict search for me over the phone."

3.44 When asked at the hearing on 20 March 2012 about the number of the aforesaid staff members who might conduct conflict searches for him at the time, Mr LEUNG Chun-ying advised as follows (English translation) :

"There were more than 10 such senior staff members."

3.45 However, at the hearing on 21 April 2012, when asked again whether the Staff Member Concerned was senior or junior in rank, Mr LEUNG Chun-ying responded as follows (English translation) :

"As far as I can remember, I have read the verbatim transcripts of the LegCo hearing. It seems that I had said that he/she should be a staff member with long years of service. Why was it that he/she should be a staff member with long years of service? As I said at the previous hearing, if a staff member had worked in our company for a long time, I would know him/her and would call him/her for assistance. What I have said just now did not mean that the staff member whom I called was not a staff member with long years of service or of a high rank but a junior one. What I have said was that I was looking for a staff member to do the job, instead of ... Even if you got a junior staff member (e.g. a search clerk who was mainly responsible for carrying out land searches at the Land Registry) to do the job, it could not be regarded as an imprudent act. I am not trying to repudiate what I said at the previous hearing, and I am not saying that I called a junior staff member to do the job. I remember that the Hon Andrew CHENG had asked me at the previous hearing about the number of such staff members in that department. I said that there were over ten such staff members."

"Miss Tanya CHAN read out my answer just now. Let me read it out once again because she was relatively fast in reading it

out. When I answered Mr Andrew CHENG's question ... Mr Andrew CHENG asked: 'What was the rank of this person? He/She must be quite senior in rank so that he/she could do the checking for you. Was that the case?' I said, 'Yes.'

This colleague, apart from being quite senior in rank and having served in the company for a long time, should be someone I knew and I would make a phone call to him/her directly. As for other junior or new colleagues, I might not even remember their names and would not ask them to do the conflict search for me over the phone.

The last part of my answer aims to illustrate that ... the key point was whether I knew this person. I knew him/her, and I knew his/her name and his/her intercom number. I therefore made a phone call to this person who could help me to do the conflict search. Such a colleague should be someone I knew. We should have been working together for quite some time, and this person might have been promoted to a higher position gradually. Since this person should have worked in the company for a long time, I therefore knew him/her, and asked him/her to do the conflict search. That is what I meant.

In fact, if you really want to have this task done, as I said just now, a search clerk in a law firm or surveying company who is responsible for doing land searches at the Land Registry or District Offices will be able to do so."

3.46 Mr LEUNG Chun-ying told the Select Committee that owing to the passage of time, he could not recall who the Staff Member Concerned was but could only recall that he had been informed of the result of the search before 25 February 2002. Mr CHIU Kam-kuen, Mr WONG Kim-bon, Mr Henry CHENG (who was also named in the Entry Concerned) and Miss Teresa NG told the Select Committee that they were not the Staff Member Concerned, and they did not know who the Staff Member Concerned was.

3.47 The Select Committee had requested Mr CHIU Kam-kuen and Mr LEUNG Chun-ying to make every effort to identify the Staff Member Concerned. Mr CHIU told the Select Committee that some staff members could not be located as they had left DTZ, while those still serving in DTZ could not recall who the Staff Member Concerned was. According to Mr LEUNG Chun-ying's written reply dated 17 April 2012 and formally submitted to the Select Committee at its open hearing on 21 April 2012, he had requested DTZ to provide a list of possible staff who might have conducted the conflict search for him between 21 and 23 February 2002 but as at 17 April 2012, he did not know whether these staff members (including former staff) had given consent to DTZ to provide their personal information to him; nor could he obtain their information through other channels. At the hearing on 21 April 2012, Mr LEUNG Chun-ying told the Select Committee that he could not locate the Staff Member Concerned.

3.48 Mr LEUNG Chun-ying also told the Select Committee that as the Staff Member Concerned had confirmed to him that there was no record in the Book indicating that DTZ had been retained and/or in the

process of carrying out work for retained clients in relation to WKR, he had therefore chosen items (a) and (c) in the declaration form (Appendix 2(q)) as mentioned in paragraphs 2.48 to 2.49 in Chapter 2, i.e.

"(a) to the best of my knowledge, none of my immediate family members or employees and no-one who has an employment-type contract or close professional association or partnership with me, has entered the competition"; and

"(c) I am not a director or major shareholder of any company."

In response to a question on the reasons for choosing items (a) and (c) above, Mr LEUNG Chun-ying advised the Select Committee that he considered that by choosing items (a) and (c), he was making a declaration of conflict of interests and not a general declaration of interest. Mr LEUNG Chun-ying's response at the hearing on 20 March 2012 was as follows (English translation) :

"It was stated clearly in the form that it was about conflict of interests, rather than interests."

"These two concepts have all along been there. My understanding was that the declaration on this occasion was not a general declaration of interests, but a declaration of conflict of interests."

3.49 According to Mr LEUNG Chun-ying, there was no omission in his declaration, and his directorship and chairmanship of DTZ were publicly known. He had nothing to hide. Nor was there any non-declaration. At the hearings on 20 March and 21 April 2012, Mr LEUNG Chun-ying told the Select Committee that (English translation):

"[u]p until now, I do not want to say that there was omission in my declaration because I had actually made my declaration according to my understanding of the requirements in the form."

"I did not think that there was omission in my declaration. I had made my declaration according to my understanding of the requirements in the form."

"It was a well known fact that I was a director and shareholder of DTZ... and therefore there was no question of a cover-up or omission".

3.50 In the view of Mr LEUNG Chun-ying, if there was a pre-meditated plan to cover up the involvement of DTZ in the Entry Concerned, the Entry Concerned would not have stated in its submission that DTZ was their property advisors. When asked whether the public would have a higher expectation on him as not only a member of the Jury but also the then Convenor of ExCo in making a declaration of interest as compared to other members of the Jury, Mr LEUNG Chun-ying considered that every

member of the Jury had an equal duty and the public had a common expectation on the 10 Jury members.

3.51 According to Mr CHIU Kam-kuen, it was the practice for DTZ staff to conduct conflict searches by checking the Book. Since DTZ's provision of land value information concerning WKR to DLS was merely an exchange of professional advice without fee, it was not recorded in the Book which only recorded fee-charging jobs undertaken by DTZ each of which was given a Valuation Job number. As far as WKR was concerned, DTZ did not receive any formal instruction from any party entrusting or appointing DTZ to provide land valuation information, and DTZ had not entered into any formal and contractual relationship with any parties. The Book did not record no-fee work, irrespective of the estimated values involved and the extent of the work done. At the time, DTZ did not have a formal record on no-fee enquiries.

3.52 Mr LEUNG Chun-ying told the Select Committee that he had been aware that the Book only recorded fee-paying transactions. This practice remained unchanged, even though the Book had been computerized. At the hearing on 21 April 2012, Mr LEUNG Chun-ying pointed out that (English translation) :

"Some time prior to my departure, "the Book" had already been computerized, but its nature remained unchanged, meaning that only fee-paying jobs were recorded in the relevant computer files. These fee-paying jobs were the targets of our conflict search."

3.53 In the view of Mr LEUNG Chun-ying, it was proper for Mr CHIU Kam-kuen not to have recorded DTZ's provision of land value information concerning WKR to DLS in the Book. It was a general practice followed by estate surveying companies of various sizes in Hong Kong and other places, including Insignia Brooke to which Mr Nicholas BROOKE was a consultant at the time, that conflict searches had all along been conducted with reference to the records of fee-charging work only and no-fee work was outside the scope of checking. The relevant views expressed by Mr LEUNG Chun-ying at the hearing on 21 April 2012 are set out below (English translation) :

"As everyone can see from Mr Nicholas BROOKE's statement, he had likewise conducted his conflict search through the Accounts Department of Insignia Brooke, an estate surveying company to which Mr Nicholas BROOKE was a consultant. Insignia Brooke was in the same discipline as DTZ. Why was it that the conflict search had to be conducted with the aid of the Accounts Department? That is because the conflict search had to be done upon fee-paying jobs. In other words, all fee-paying jobs invariably fell within the scope of conflict search whereas jobs (to be) undertaken free of charge would not warrant our checking. I do not believe that DTZ was alone in following such a practice. Insignia Brooke, a company to which Mr Nicholas BROOKE (also a Jury member) was a consultant, as well as other estate surveying companies of various sizes, likewise adopted this practice."

"He (Mr CHIU) was correct in doing so and this was in line with the practice adopted by DTZ as well as the entire industry at the time."

3.54 Mr LEUNG Chun-ying also told the Select Committee that should conflict checks cover each and every no-fee enquiry or job and those which had yet to be undertaken, many surveying companies would not be able to operate. His response at the hearing on 21 April 2012 was as follows (English translation) :

"Some clients will just make telephone enquiries over the phone in respect of certain properties and they may eventually decide to commission another surveying company to undertake the job. No fees will be charged for such telephone enquiries. If a company, after answering these telephone enquiries free-of-charge, cannot undertake any jobs in relation to the properties in question from other clients, for the sake of precluding the possibility of a conflict of interests, then, in my view, many surveying companies probably would be unable to operate."

No follow-up action taken in relation to the inclusion of DTZ in the Project Team

3.55 The Select Committee asked Mr LEUNG Chun-ying whether he or DTZ had taken any action in relation to the inclusion of DTZ as a member of the Project Team of the Entry Concerned without DTZ's consent. According to Mr LEUNG Chun-ying, no follow-up action was

considered necessary at the time because there was a confidentiality requirement imposed on the Jury regarding the adjudication of the entries and the Entry Concerned had been disqualified. It was inappropriate for him to follow up the matter with DLS, LWK or Hamzah & Yeang. Follow-up action, if any, should be taken by the Organiser. Mr LEUNG Chun-ying's response at the hearing on 21 April 2012 was as follows (English translation) :

"First of all, confidentiality requirements were in place for us and the Jury. Secondly, the entry concerned had already been disqualified. I did not see any need for me to take any follow-up action. All along, I had no direct contact with DLS over the matter. Neither had I been in any contact with the two architecture firms concerned in relation to any other matters. I also considered it inappropriate for me to initiate any such contact."

"Mr Chairman, for two reasons. The first reason is that follow-up actions, if any, should be taken by the Organiser. The Organiser did not follow up on the case. Secondly, there was no cover-up whatsoever, and therefore there was nothing to be uncovered. As for Dr Kenneth YEANG, he had put the name of DTZ into the list of project team members without giving DTZ any prior notice and seeking DTZ's prior consent. Therefore, on this particular issue, no one ever attempted to cover up anything. Because of the above reasons, I could see nothing that required further follow-up actions. If further

understanding of the case was needed, it should be the job of the Jury."

3.56 According to Mr LEUNG Chun-ying, the Jury, individual members of the Jury or the Organiser did not consider that he had completed his declaration form incorrectly or had covered up anything. At the hearing on 21 April 2012, he told the Select Committee that (English translation) :

"The Jury, individual members of the Jury and the Secretariat that was responsible for co-ordinating the adjudication work did not say that I had completed my declaration form incorrectly or had covered up anything. They did not give any negative comments, nothing of the kind."

3.57 The Select Committee notes that Mr LEUNG Chun-ying did not consider it necessary to take any follow-up action, including legal action against Hamzah & Yeang; nor did he consult Mr CHIU Kam-kuen on whether to take follow-up action. Mr CHIU told the Select Committee that DTZ did not take any action at the time because there had not been any loss on the part of DTZ. DTZ did not know whether the lead consultant was Dr Kenneth YEANG or Mr Ronald LIANG; nor was DTZ aware of the extent to which the information provided by DTZ to DLS had been used in the Entry Concerned. The whole matter was merely related to a competition, which was of no special importance to DTZ. On the other hand, Mr Nicholas BROOKE, a member of the Jury whose company was engaged in estate surveying, informed the Select Committee that if

somebody else used the name of his company without authorisation, *"I would obviously write to them and say that they have no right to do it and ask them to withdraw our name immediately. I would also, if necessary, go public and make it known that we have no association with this particular company or this particular project"*.

Part III – Observations

Whether the Project Team members were aware of Mr LEUNG Chun-ying's appointment as a juror

3.58 Given the ineligibility provision in the General Conditions of the Competition Document, whether the Project Team members were aware of the appointment of Mr LEUNG Chun-ying as a juror for the Competition was the focus of the Select Committee's study. The Select Committee notes that in his letter of 11 September 2001 to Mr Ronald LIANG of LWK, Mr Kenneth POON of DLS drew his attention to the situation that Mr LEUNG Chun-ying was a juror. It was stated in the aforesaid letter of Mr POON that *"[t]his had been discussed with DTZ who advised that Mr LEUNG will make the necessary appropriate declarations and there should be no problem on this matter"*. The Select Committee notes that Mr POON also confirmed at the hearings of the Select Committee that he was aware of Mr LEUNG Chun-ying being a juror and his association with DTZ, though he was unable to say how he came to know about it. Mr LIANG of LWK was also aware of this as he confirmed to the Select Committee his knowledge of the contents of the letter.

3.59 Mr Kenneth POON told the Select Committee that according to his letter of 11 September 2001 to Mr Ronald LIANG, he should have talked to DTZ about Mr LEUNG Chun-ying being a juror, although he could not recall with which person from DTZ he had talked and whether this was mentioned during the meeting with DTZ or over the phone after the meeting. Nevertheless, concerning whether he had told DTZ that Mr LEUNG Chun-ying was a member of the Jury, Mr POON advised that he "*must have said so*" and he "*has mentioned that to them under certain circumstances*". Mr POON also told the Select Committee that he felt at the time that Mr LEUNG Chun-ying joined the Jury in his personal capacity and there should be no problem if he had declared his interests.

3.60 Similarly, Mr Ronald LIANG told the Select Committee that despite his knowledge of Mr LEUNG Chun-ying being a juror and the Chairman of DTZ, he had raised no objection to the inclusion of DTZ into the Project Team because he had assumed that as a professional, every Project Team member should understand its position. He did not remember whether he had been aware of the ineligibility provision at the time. He told the Select Committee that had he known the ineligibility provision, he would question the inclusion of DTZ in the Project Team as a member.

3.61 Notwithstanding their awareness of Mr LEUNG Chun-ying being a juror, it appears to the Select Committee that both Mr Kenneth POON and Mr Ronald LIANG did not notice or pay sufficient attention to the ineligibility provision in the General Conditions of the Competition Document.

3.62 The Select Committee notes that Mr Kenneth POON's letter of 11 September 2001 was copied to Dr Kenneth YEANG of Hamzah & Yeang and Mr CHIU Kam-kuen of DTZ. Since the Select Committee has not obtained evidence from Dr YEANG because of his refusal to accept the Select Committee's invitation to attend its hearings, it has no evidence to indicate whether Hamzah & Yeang received the letter and was aware that DTZ's chairman was Mr LEUNG Chun-ying, who was a juror for the Competition.

3.63 As regards DTZ's knowledge of Mr LEUNG Chun-ying's appointment as a juror, the Select Committee notes inconsistent evidence. According to Mr Kenneth POON, he should have discussed with someone in DTZ about the matter; otherwise he would not have so stated in his letter of 11 September 2001. However, according to Mr CHIU Kam-kuen and Mr WONG Kim-bon, DTZ did not receive Mr POON's letter of 11 September 2001 and they had no knowledge of the letter at all. Prior to their telephone conversation with Mr LEUNG Chun-ying in the morning of 28 February 2002, they did not know that Mr LEUNG Chun-ying was a juror. According to Mr CHIU, his impression was that Mr POON had not talked to him about Mr LEUNG Chun-ying being a juror. Mr CHIU told the Select Committee that should he have known Mr LEUNG Chun-ying being a juror, DTZ would not have provided any advice to DLS in relation to land valuation on WKR.

3.64 The Select Committee observes that Mr CHIU Kam-kuen's fax number, i.e. 2530 1502, was shown in Mr Kenneth POON's letter of 11 September 2001. According to Miss Teresa NG, the aforesaid number

was the only fax number used by Mr CHIU to receive faxes, including those of a confidential nature. Mr CHIU Kam-kuen/Mr WONG Kim-bon had received a total of five letters (excluding Mr POON's letter of 11 September 2001) concerning the Competition from the Project Team members through this fax number between 19 and 26 September 2001. The Select Committee also notes that upon Mr LEUNG Chun-ying's request, Mr WONG Kim-bon delivered the file containing all the correspondence and reference documents relating to WKR from the office of DTZ Valuation Department at Quarry Bay to Mr LEUNG Chun-ying's office in Central in the afternoon of 28 February 2002, but the aforesaid letter of 11 September 2011 was not in the file.

Whether DTZ was aware of its being included in the Project Team as a member

3.65 The Select Committees notes that Dr Kenneth YEANG, in his letter of 7 September 2001, asked the Project Team members to provide him by email, by 25 September 2001, with information on their respective companies and key personnel who worked on the project to facilitate his 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. DTZ's name was not included on the list of recipients of Dr YEANG's letter. However, in Mr Kenneth

POON's letter of 11 September 2001, he told Mr Ronald LIANG that "*with the joining of DTZ, we now have a full team for the study*". On 19 September 2001, Mr POON sent a letter to Mr CHIU Kam-kuen with the aforesaid Dr YEANG's letter of 7 September 2001 attached. In his letter of 19 September 2001, Mr POON asked Mr CHIU to provide "*the necessary information*" to Hamzah & Yeang, without elaborating on what such information referred to.

3.66 While Mr CHIU Kam-kuen claimed that he had only received Mr Kenneth POON's letter of 19 September 2001 without the attachment (i.e. Dr Kenneth YEANG's letter of 7 September 2001 to Project Team members), the Select Committee observes that on the instruction of Mr CHIU or Mr WONG Kim-bon, Miss Teresa NG provided Hamzah & Yeang, by email on 25 September 2001, with the information as requested by Dr YEANG in his letter of 7 September 2001. The information included the name, type, registered address and contact details of DTZ; the relevant strength and experience of DTZ as Land Consultant; 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; and the CVs of Mr CHIU Kam-kuen, Mr WONG Kim-bon, Mr Wilfred CHAN and Mr Henry CHENG, as mentioned in paragraph 3.9. The Select Committee also observes that the relevant information was sent to the email address as requested in Dr YEANG's letter of 7 September 2001. The documents obtained by the Select Committee show that this was the only time that DTZ issued documents to the Project Team members by email. DTZ had all along exchanged correspondence with them by fax.

3.67 The Select Committees notes Mr CHIU Kam-kuen's evidence at the hearing on 14 April 2012 that "*DTZ had all along no direct contacts with Dr YEANG and no business relationship with him*". It appears to the Select Committee that unless Dr Kenneth YEANG's letter of 7 September 2001 had been seen, it seems highly unlikely that the types of information sent by Miss Teresa NG on 25 September 2001 (the deadline set by Dr YEANG) could be the same as the information requested in Dr YEANG's letter of 7 September 2001. It is also highly unlikely that the email address to which Miss NG sent the information could be the same as that stated in the aforesaid letter of Dr YEANG. Besides, in his letter of 19 September 2001, Mr Kenneth POON stated that "*I attach herewith copy of a fax from TR Hamzah & Yeang which is self explanatory*". The Select Committee found it perplexing that no one in DTZ followed up on the missing attachment to the letter. The Select Committee also notes that in Miss Teresa NG's email dated 25 September 2001 to Dr YEANG (Appendix 3(p)), the heading of one of the documents is "*Project Team information*".

3.68 The Select Committee notes that in response to Dr Kenneth YEANG's letter of 7 September 2001, DLS and LWK which were listed as Project Team members of the Entry Concerned sent the same type of information to Hamzah & Yeang on 24 and 25 September 2001 respectively as did DTZ. While Mr CHIU Kam-kuen told the Select Committee that DTZ's prior consent had not been sought for its inclusion into the Entry Concerned, the Select Committee observes that DTZ did not take any action against Hamzah & Yeang after being told on 28 February 2002 that it had been listed as "Property Advisors" by the entrant of the Entry Concerned. The Select Committee notes that according to Mr

Nicholas BROOKE, immediate action would have been contemplated should the name of his company, which was engaged in business of similar nature as DTZ, was used by other persons or companies without his consent. Mr BROOKE told the Select Committee that "*clearly I would take action. I would obviously write to them and say that they have no right to do it and ask them to withdraw our name immediately. I would also, if necessary, go public and make it known that we have no association with this particular company or this particular project.*". Although Mr CHIU Kam-kuen found it unacceptable that certain information supplied by DTZ had been incorrectly used in the Entry Concerned, the Select Committee observes that no follow-up action was taken on the part of DTZ, which was a sizable company with reputation in the industry.

Whether Mr LEUNG Chun-ying was aware of DTZ's association with the Entry Concerned

3.69 According to Mr LEUNG Chun-ying, he was unaware of DTZ being listed as a Project Team member until after he was informed of it in the morning of 28 February 2002. The Select Committee observes that all the correspondence and documents exchanged between Mr CHIU Kam-kuen/Mr WONG Kim-bon and the Project Team members at the time were not copied to Mr LEUNG Chun-ying. The Select Committee notes that Mr LEUNG Chun-ying was not involved in the daily operation of the Valuation Department of DTZ at the time of the Competition. Being the Executive Director of DTZ, Mr CHIU Kam-kuen could decide whether DTZ should provide land valuation information to DLS, the nature of which was similar to the kind of non-fee paying service DTZ provided to

other companies in the same field. Since there was no need for Mr CHIU to seek Mr LEUNG Chun-ying's agreement for the company to undertake this kind of service, the Select Committee notes that there was no evidence indicating that Mr LEUNG Chun-ying had knowledge of DTZ's provision of land value information on WKR to DLS at the time.

3.70 The Select Committee also notes that before completing the declaration form, Mr LEUNG Chun-ying had allegedly made a phone call to the Quarry Bay DTZ office and had asked the staff member ("the Staff Member Concerned") who received his call to conduct a conflict of interest search by checking the Book. Mr LEUNG Chun-ying could not recall who this person was. The four witnesses from DTZ, i.e. Mr CHIU Kam-kuen, Mr WONG Kim-bon, Mr Henry CHENG and Miss Teresa NG, told the Select Committee that they were not the Staff Member Concerned and were not able to identify this person either.

3.71 The Select Committee observes that Mr LEUNG Chun-ying's evidence on the ranking of the Staff member Concerned seems to be inconsistent. At the hearing on 20 March 2012, Mr LEUNG Chun-ying told the Select Committee that the Staff Member Concerned should not be a junior or new staff member as he usually called someone he knew to conduct conflict of interest searches, and therefore they were usually staff members who had served in DTZ for a long time and were relatively senior, and there were over 10 such staff members at the Quarry Bay DTZ office. However, when he explained why he could not recall the identity of the Staff Member Concerned at the hearing on 21 April 2012, Mr LEUNG Chun-ying told the Select Committee that a junior staff member could

conduct conflict of interest searches, as such searches were very similar to land searches undertaken by search clerks in law firms or surveying companies, who were usually junior staff members.

3.72 The Select Committee notes that Mr LEUNG Chun-ying was told by Mr Eric JOHNSON that DTZ was listed as part of the Project Team by the entrant of one of the winning entries in the morning of 28 February 2002. Mr CHIU Kam-kuen recalled that Mr LEUNG Chun-ying sounded "agitated (勞氣)" when making a telephone enquiry with him at that time. The Select Committee observes that the conflict of interest check, i.e. the telephone call to the Staff Member Concerned, was made a few days ago between 21 and 23 February 2002. The Select Committee observes that in the Book, there were no records of WKR. As such, whether the Staff Member Concerned did exist or not would not alter the result of the conflict of interest search.

3.73 The Select Committee observes that Mr LEUNG Chun-ying mentioned generally in his letter of 11 March 2002 to Mr Eric JOHNSON that "*[l]ike other professional firms, DTZ has a practice of checking against potential conflict of interest, to avoid subsequent and conflicting instructions on the same matter. As the indication of site value to Davis Langdon & Seah and LWK & Partners was not a formal instruction and was not fee paying, it does not feature amongst our assignments and was not given a Valuation Job number.*". The Select Committee notes that there is no evidence indicating that before 11 March 2002, Mr LEUNG Chun-

ying had mentioned any conflict of interest search undertaken by him or his DTZ staff in relation to WKR before he completed the declaration form³.

3.74 The Select Committee further observes that it was Mr LEUNG Chun-ying's practice to conduct conflict of interest searches by checking the Book. The Select Committee notes that the Book only recorded fee-paying jobs undertaken or confirmed to be undertaken by the Valuation Department of DTZ. As long as a job had yet to be confirmed and was not fee-paying, it was not recorded in the Book, irrespective of the amount of money involved and the extent of professional service rendered by DTZ. In other words, irrespective of whether Mr LEUNG Chun-ying had asked the Staff Member Concerned to conduct the conflict of interest search, and whether the Staff Member Concerned had actually conducted the conflict of interest search as requested by Mr LEUNG Chun-ying, the provision of land valuation information by DTZ to DLS concerning WKR would not have been revealed then by merely checking the Book because it was not fee-paying. Mr CHIU Kam-kuen informed the Select Committee that DTZ then did not have any formal record on no-fee paying jobs/enquiries or yet-to-be-confirmed fee-paying jobs for conflict of interest search purposes. The Select Committee notes that Mr Nicholas BROOKE's company, which was similar in nature to DTZ, also had a central file registry recording all fee-paying instructions.

³ Members voted on the proposal to retain the last sentence of this paragraph. Mr Andrew CHENG, Mr LEE Wing-tat, Ms Cyd HO, Mr Paul TSE, Miss Tanya CHAN and Mr WONG Yuk-man voted in favour of the proposal. Dr Philip WONG, Mr Abraham SHEK, Mr Paul CHAN and Dr Priscilla LEUNG voted against the proposal. The proposal was carried (please refer to paragraphs 12 to 14 of the Minutes of Proceedings of the meeting on 20 June 2012 in this Report).

3.75 The Select Committee is aware that it was common practice in the surveying industry at the material time to ascertain information on conflicts of interests by checking a central file registry like the Book. However, given the importance of the WKR project and the embarrassment which might have caused to Mr LEUNG Chun-ying in face of the revelation of a conflict of interests in front of an international jury, some members of the Select Committee believes that Mr LEUNG Chun-ying should have made a more in-depth enquiry into the matter rather than just reviewing the file.

Whether there was any omission in Mr LEUNG Chun-ying's declaration

3.76 The Select Committee observes that there was disagreement between Mr LEUNG Chun-ying and Mr John TSANG over the completeness of Mr LEUNG Chun-ying's declaration made in his declaration form dated 25 February 2002. Mr John TSANG considered it a fact that there was an omission in Mr LEUNG Chun-ying's declaration as Mr LEUNG Chun-ying did not declare his involvement in DTZ. However, according to Mr LEUNG Chun-ying, there was no omission in his declaration as the purpose of completing the form was to declare any "conflict of interests" rather than just "interests". He also stressed that he had nothing to hide. In this connection, the Select Committee observes that this was inconsistent with what Mr LEUNG Chun-ying stated in his letter dated 11 March 2002 that "*to complete my declaration*", he attached a full list of companies in the DTZ Group, in which DTZ was the main operating company and he was a shareholder and Managing Director of DTZ. The Select Committee observes that had Mr LEUNG Chun-ying drawn such a

distinction between "declaration of interest" and "declaration of conflict of interests" as he claimed at the time of completing the declaration form and had he believed that he was required to make a declaration of conflict of interests instead of a declaration of interest, he should have, after conducting the conflict of interest search, selected item (d) (i.e. *"no company of which I am a director or major shareholder has entered the competition"*) instead of item (c) (i.e. *"I am not a director or major shareholder of any company"*) in the declaration form.

3.77 The Select Committee notes that there was no linkage between the Competition and the eventual development right of the Scheme Area, but the winners would be automatically pre-qualified for inclusion into the list of consultants to be invited for bidding for the masterplanning work and informed of subsequent architectural design competitions for individual buildings or facilities in the Scheme area. The Select Committee also notes Mr LEUNG Chun-ying's view that DTZ had not participated or had any knowledge in planning design competitions, and its nature of business, i.e. estate surveying, as opposed to architecture, building surveying or quantity surveying, was related to planning design competitions "very remotely". The Select Committee observes that the relationship between DTZ and the planning design competitions was not as "remote" as Mr LEUNG Chun-ying understood, as DTZ's land valuation information provided in Mr WONG Kim-bon's letter of 18 September 2001 had been included largely in the Entry Concerned and DTZ had been included by Dr Kenneth YEANG in the Project Team as a member.

Chapter 4 - Conclusions

4.1 Ten years after the Competition held in 2001-2002, Mr LEUNG Chun-ying was reported in the media in recent months to have allegedly omitted declaring his interest as the Chairman of DTZ, which was included as a member of a participating team, while serving as a member of the Jury in the Competition. The Select Committee notes the fact that such media reports were made in the run-up to the Fourth Term CE Election at which Mr LEUNG Chun-ying was then a prospective candidate.

4.2 The matter relating to the conflict of interest allegation against Mr LEUNG Chun-ying was initially discussed by the House Committee, which requested the Administration to present a full picture of what had actually happened and to produce all the relevant documents. As the information disclosed by the Administration could not dispel public concerns and queries about the conflict of interest allegation against Mr LEUNG Chun-ying, the House Committee decided to propose to the Council that an inquiry ought to be conducted.

4.3 The decision made by the Council on 29 February 2012 to set up the Select Committee and to authorise it to exercise the power to summon was to address the public concerns about whether there was any conflict of interests involving Mr LEUNG Chun-ying as a member of the Jury given his association with DTZ, and the degree of DTZ's involvement in the Competition. The terms of reference of the Select Committee is set out in the Resolution passed in the Council, i.e. 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".

4.4 As described in paragraph 1.5, in the light of some Members' concern that the Select Committee might be perceived to have a conflict of interests if its members included those who had nominated a candidate in the CE Election, the House Committee decided that the chairman and deputy chairman of the Select Committee should only be those members who had not made any nomination of candidates in the CE Election.

4.5 The Select Committee also set out its major areas of study at the start of its work and obtained evidence from witnesses to assist its understanding of the conduct of the Competition, the mechanism and procedure for dealing with conflict of interests, the adjudication process and Mr LEUNG Chun-ying's association with the Entry Concerned. In Chapters 2 and 3 of this Report, the Select Committee has given an account of the involvement of Mr LEUNG Chun-ying as a member of the Jury in the Competition, DTZ's association with the Entry Concerned, and whether and how far Mr LEUNG Chun-ying was aware of DTZ's association with the Entry Concerned before the adjudication of the entries. A chronology of the relevant events is set out in **Appendix 4(a)**.

4.6 The Select Committee notes that following the Government's announcement of the appointment of Mr Antony LEUNG, who was originally on the proposed membership list of the Jury for the Competition, as the Financial Secretary, Mr LEUNG Chun-ying, then

Convenor of the non-official Members of ExCo, was invited to serve as a member of the Jury and he accepted the invitation on 13 March 2001. The Competition was launched on 6 April 2001. Pursuant to 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. Dr Kenneth YEANG of Hamzah & Yeang submitted his Registration Form dated 5 June 2001 and subsequently supplemented it with a sealed envelope containing a list of Project Team members dated 27 September 2001. As described in paragraph 2.13, pursuant to the anonymity and confidentiality provisions of the Competition Document, all submission materials were kept anonymous.

4.7 After consulting ICAC and the Professional Advisor to the Competition in October/November 2001, the Organiser decided to request members of the Technical Panel and of the Jury to declare conflicts of interests, with a view to enhancing the impartiality and integrity of the Competition. On 21 February 2002, the Organiser wrote to members of the Jury requesting them to complete a declaration form by 23 February 2002. Allegedly based on his understanding of the declaration form and the distinction between "declaration of interest" and "declaration of conflict of interests", Mr LEUNG Chun-ying completed his declaration form and submitted it to Mr Eric JOHNSON, the Competition Co-ordinator, on 25 February 2002. The adjudication of the entries took place on 26 and 27 February 2002.

4.8 In the evening of 27 February 2002, after the Jury had finalised the provisional list of five winning entries, Mr Eric JOHNSON

opened the sealed envelopes of the entries concerned and found in Dr Kenneth YEANG's list of Project Team members dated 27 September 2001 the name of DTZ being listed as "*Property Advisors*". As Mr JOHNSON was aware that Mr LEUNG Chun-ying was the Chairman of DTZ, he drew the attention of Mr John TSANG, then Secretary for Planning and Lands, to the finding in the following morning. Mr TSANG then told Mr LEUNG Chun-ying about the finding.

4.9 Mr LEUNG Chun-ying told the Select Committee that he explained to the Jury at its meeting in the morning of 28 February 2002 that he did not understand why DTZ was included as a member of the Project Team of the Entry Concerned after checking with Mr CHIU Kam-kuen and Mr WONG Kim-bon of DTZ who were named in the Entry Concerned, and he undertook to submit information to Mr Eric JOHNSON on the role of DTZ in the Entry Concerned. In the meantime, the Jury decided to disqualify the Entry Concerned in accordance with the ineligibility provision. On 11 March 2002, Mr LEUNG Chun-ying wrote to Mr JOHNSON reiterating his unawareness of DTZ's association with the Entry Concerned before the adjudication and providing information on the role of DTZ in the Entry Concerned. On 15 May 2002, Mr JOHNSON informed the Chairman of the Jury in writing of Mr LEUNG Chun-ying's provision of supplementary declaration and recommended that no further action be taken on the matter.

4.10 In this Chapter, based on the evidence and observations set out in Chapters 2 and 3, the Select Committee focuses on the following questions :

- (a) whether Mr LEUNG Chun-ying was aware of DTZ's association with the Entry Concerned before the adjudication of the entries;
- (b) whether there was any omission in Mr LEUNG Chun-ying's declaration form submitted to the Organiser on 25 February 2002; and
- (c) whether the omission, if any, in Mr LEUNG Chun-ying's declarations gave rise to a conflict of interests in the adjudication process.

Whether Mr LEUNG Chun-ying was aware of DTZ's association with the Entry Concerned before the adjudication

4.11 Before coming to its view as to whether Mr LEUNG Chun-ying was aware of DTZ's association with the Entry Concerned before the adjudication, the Select Committee has to consider, in the first place, whether Mr CHIU Kam-kuen and Mr WONG Kim-bon of DTZ were aware of the inclusion of DTZ as a Project Team member of the Entry Concerned before they were so informed by Mr LEUNG Chun-ying in the morning of 28 February 2002.

4.12 The Select Committee notes that there were two letters which might indicate the awareness of Mr CHIU Kam-kuen and Mr WONG Kim-bon of the inclusion of DTZ into the Project Team as a member. The first letter was the one dated 11 September 2001 issued by

Mr Kenneth POON of DLS to Mr Ronald LIANG of LWK following Mr POON's meeting with Mr CHIU and Mr WONG concerning the provision by DTZ of land value information on WKR. As described in paragraphs 3.17 to 3.20, the letter was copied to Mr CHIU Kam-kuen and Dr Kenneth YEANG, stating that "*with the joining of DTZ, we now have a full team for the study*". While Mr CHIU Kam-kuen confirmed that he and Mr WONG had met with Mr POON before 11 September 2001, he claimed that he did not receive the copy of Mr POON's letter of 11 September 2001.

4.13 The second letter which might indicate the awareness of Mr CHIU Kam-kuen and Mr WONG Kim-bon of the inclusion of DTZ into the Project Team was Mr Kenneth POON's letter of 19 September 2001 sent to Mr CHIU Kam-kuen, which enclosed a copy of Dr Kenneth YEANG's letter of 7 September 2001 to Project Team members. As described in paragraph 3.9, in his letter of 7 September 2001, Dr YEANG requested the Project Team members to provide him by email, by 25 September 2001, with information on their respective companies and key personnel who worked on the project to facilitate his preparation for the final submission documents for the Competition. Mr CHIU claimed that he had only received Mr POON's letter of 19 September 2001 without the attachment at the time. However, as observed in paragraphs 3.65 to 3.68, acting on the instruction of Mr CHIU or Mr WONG, Miss Teresa NG, Mr CHIU's secretary, was able to provide Hamzah & Yeang by email on 25 September 2001 with the information as requested in Dr YEANG's letter of 7 September 2001. This was the only time that Mr

CHIU or Mr WONG issued documents to the Project Team members by email instead of by fax.

4.14 The Select Committee observes that both letters of 11 and 19 September 2001 were faxed to Mr CHIU Kam-kuen through the fax number 2530 1502, which was the only number used by Mr CHIU to receive faxes. Mr CHIU and Mr WONG Kim-bon were able to receive a total of five letters related to the Competition from Project Team members through the same fax number between 19 and 26 September 2001.

4.15 The Select Committee has difficulty in understanding why Mr CHIU Kam-kuen and Mr WONG Kim-bon could receive all letters related to the Competition but not the two most crucial letters which pointed clearly to the joining of DTZ as a member of the Project Team. The Select Committee also has difficulty in accepting the explanation given by Mr CHIU and other staff members of DTZ that they did not follow up on the missing attachment (i.e. Dr YEANG's letter of 7 September 2001) to Mr POON's letter of 19 September 2001 but were able to provide the information as requested in Dr YEANG's letter of 7 September 2001.

4.16 Some members of the Select Committee also find it difficult to understand why DTZ did not take up with Hamzah & Yeang about its name being used in the Entry Concerned if it had not given its consent for Dr Kenneth YEANG to do so.

4.17 Against this background, the Select Committee considers the evidence given by Mr CHIU Kam-kuen and Mr WONG Kim-bon not credible. The Select Committee is satisfied that Mr Kenneth POON did send his letter of 11 September 2001 to Mr Ronald LIANG of LWK, as Mr LIANG confirmed to the Select Committee receipt of the letter. The Select Committee does not see any need for Mr POON to concoct the matters mentioned in the letter of 11 September 2001. The Select Committee believes that Mr CHIU and Mr WONG were aware of the inclusion of DTZ in the membership of the Project Team of the Entry Concerned before they were so informed by Mr LEUNG Chun-ying in the morning of 28 February 2002.

4.18 As observed in paragraphs 3.58 to 3.64, the Select Committee finds that none of the parties involved, including DTZ, DLS and LWK, had read the ineligibility provision in the Competition Document carefully. All parties might have knowledge about Mr LEUNG Chun-ying being a member of the Jury, but all were under the impression that this matter could be resolved by a declaration of conflict of interests.

4.19 The Select Committee does not find evidence that Mr CHIU Kam-kuen or Mr WONG Kim-bon informed Mr LEUNG Chun-ying of DTZ's association with the Entry Concerned before 28 February 2002. As observed in paragraph 3.69, all the correspondence and documents exchanged between Mr CHIU/Mr WONG and the Project Team members of the Entry Concerned during the material time were not copied to Mr LEUNG Chun-ying. There was also no need for Mr CHIU as the

Executive Director of DTZ to seek Mr LEUNG Chun-ying's agreement for DTZ to provide land value information to DLS or other companies in the same field, irrespective of whether it was fee-paying. Some members of the Select Committee consider that under these circumstances, Mr LEUNG Chun-ying should not know of DTZ's involvement in the Entry Concerned unless he took the initiative to find it out.

4.20 Mr LEUNG Chun-ying claimed that before completing his declaration form, he had made a phone call to the DTZ office at Quarry Bay and asked the staff member who received his call ("the Staff Member Concerned") to conduct a conflict of interest search by checking the Book. However, owing to the passage of time, he could not recall who the Staff Member Concerned was. At one public hearing, Mr LEUNG Chun-ying told the Select Committee that the Staff Member Concerned should be someone he knew who was senior in ranking and served in DTZ for a long time, and there were over 10 such staff members at the DTZ office in Quarry Bay. However, at another public hearing, Mr LEUNG Chun-ying told the Select Committee that a junior staff member could conduct conflict of interest searches, as such searches were very similar to land searches undertaken by search clerks in law firms or surveying companies, who were usually junior staff members. The Select Committee finds that the evidence given by Mr LEUNG Chun-ying on the Staff Member Concerned was inconsistent and does not facilitate the Select Committee to identify the Staff Member Concerned for giving evidence to it.

4.21 The Select Committee considers that Mr LEUNG Chun-ying, Mr CHIU Kam-kuen and Mr WONG Kim-bon should not forget the name of the Staff Member Concerned easily. The conflict of interest search was allegedly conducted between 21 and 23 February 2002, only a few days before Mr LEUNG Chun-ying was informed by the Organiser in the morning of 28 February 2002 of the inclusion of DTZ as a Project Team member of the Entry Concerned. Mr LEUNG Chun-ying might have mentioned the name of the Staff Member Concerned in his telephone conversations with Mr CHIU and Mr WONG in the morning of 28 February 2002. The Select Committee is surprised that Mr LEUNG Chun-ying, Mr CHIU and Mr WONG could be so forgetful as to be unable to recall the name of the Staff Member Concerned.⁴

4.22 As observed in paragraphs 3.70 to 3.75, Mr LEUNG Chun-ying did not mention his conflict of interest search to Mr Eric JOHNSON, the Chairman of the Jury or the Jury in the morning of 28 February 2002. In his letter of 11 March 2002 to Mr JOHNSON concerning the provision of information to complete his declaration, Mr LEUNG Chun-ying only mentioned generally that DTZ had a practice of checking against potential conflict of interest, without referring specifically to his conflict of interest search allegedly conducted between 21 and 23 February 2002. The Select Committee cannot find evidence indicating that Mr LEUNG

⁴ Members voted on the proposal to add a sentence to the end of this paragraph. Mr Andrew CHENG, Mr LEE Wing-tat, Ms Cyd HO, Miss Tanya CHAN and Mr WONG Yuk-man voted in favour of the proposal. Dr Philip WONG, Mr Abraham SHEK, Mr Paul CHAN, Dr Priscilla LEUNG and Mr Paul TSE voted against the proposal. As the votes were equally divided, the Chairman exercised his casting vote in accordance with Rule 79A(1) of the Rules of Procedure. The proposal was negated (please refer to paragraphs 18 to 20 of the Minutes of Proceedings of the meeting on 20 June 2012 in this Report).

Chun-ying did ask the Staff Member Concerned to conduct the conflict of interest search before completing his declaration form.

4.23 The Select Committee considers that even if Mr LEUNG Chun-ying did conduct the conflict of interest search as claimed, it would not reveal the association of DTZ with the Entry Concerned. The Select Committee notes from Mr LEUNG Chun-ying that it was his normal practice to check the Book for conflict of interest searches. The Select Committee however finds that the Book only recorded fee-paying jobs undertaken or confirmed to be undertaken by the Valuation Department of DTZ. As long as a job had yet to be confirmed or was not fee-paying, it was not recorded in the Book, irrespective of the amount of money involved and the extent of professional service DTZ rendered.

4.24 In the view of the Select Committee, given that the provision of land value information by DTZ to DLS concerning WKR in September 2001 was not fee-paying and hence was not recorded in the Book, the Book would not reveal DTZ's association with the Entry Concerned, regardless of whether Mr LEUNG Chun-ying had really requested the Staff Member Concerned to conduct the conflict of interest search or whether the Staff Member Concerned had really conducted the search.

4.25 The Select Committee notes that the Competition was part of the West Kowloon cultural district development project, which captured the attention of the whole construction industry in Hong Kong. Mr LEUNG Chun-ying should have fully understood the implications of serving as a member of the Jury for himself and his company, as Mr

Gordon SIU had so explained to him in sounding out his interest in serving as a member of the Jury in a telephone conversation as described in paragraph 2.22. Some members of the Select Committee consider the approach used by Mr LEUNG Chun-ying for checking conflict of interests loose, incomprehensive and imprudent, as compared with that adopted by a member of the Technical Panel, Mr David LEE, who issued a circular in June 2001, well before he was requested by the Organiser to complete a declaration form in November 2001, to inform his staff members of his appointment as a member of the Technical Panel and to advise them to refrain from joining the Competition.

4.26 On the other hand, some members of the Select Committee do not consider Mr LEUNG Chun-ying's checking with the Book against conflict of interests loose or imprudent. These members note that checking the central file registry (such as the Book) for any conflict of interests was the common practice adopted in the estate surveying industry. Mr Nicholas BROOKE, another member of the Jury, also adopted the same practice for checking any conflict of interests in the Competition before completing his declaration form. These members of the Select Committee consider that while the approach taken by Mr David LEE may be regarded as thorough, Mr LEUNG Chun-ying should not be criticized for not having adopted the same.

Whether there was any omission in Mr LEUNG Chun-ying's declaration form submitted to the Organiser

4.27 On the premise that Mr LEUNG Chun-ying was unaware of DTZ's association with the Entry Concerned before 28 February 2002, the Select Committee addresses the question as to whether there was any omission in his declaration form submitted to the Organiser on 25 February 2002. The Select Committee notes Mr LEUNG Chun-ying's selection of the following items in his declaration form:

"(a) to the best of my knowledge, none of my immediate family members or employees and no-one who has an employment-type contract or close professional association or partnership with me, has entered the competition"; and

"(c) I am not a director or major shareholder of any company".

4.28 As described in paragraphs 2.110 to 2.111, Mr LEUNG Chun-ying claimed that he drew a distinction between "declaration of conflict of interests" and "declaration of interest" at the time of filling in his declaration form. The Select Committee notices that there was no mention of such an understanding by Mr LEUNG Chun-ying in all the documents (except his witness statement dated 19 March 2012) obtained by the Select Committee in relation to his declaration. The Select Committee considers that if Mr LEUNG Chun-ying did draw such a

distinction and considered it important to his declaration at the time, he should have mentioned it at the Jury meeting after he was informed of DTZ's association with the Entry Concerned in the morning of 28 February 2002, or in his letter dated 11 March 2002 to Mr Eric JOHNSON, which was the first time for him to provide in writing a full account of what had happened concerning DTZ's association with the Entry Concerned.

4.29 In the view of the Select Committee, had Mr LEUNG Chun-ying believed that he was required to make a declaration of conflict of interests instead of a general declaration of interest as he claimed and according to the result of his conflict of interest search (if any), he should have chosen item (d) (i.e. *"no company of which I am a director or major shareholder has entered the competition"*) instead of item (c) (i.e. *"I am not a director or major shareholder of any company"*) in the declaration form. The Select Committee considers that the distinction allegedly drawn by Mr LEUNG Chun-ying fails to account for his selection of item (c) in the declaration form.

4.30 On the other hand, had Mr LEUNG Chun-ying believed that he was required to make a general declaration of interest at the time of filling in his declaration form, he should have declared his directorship in DTZ and should not have chosen item (c). The Select Committee considers that irrespective of whether Mr LEUNG Chun-ying really drew a distinction between "declaration of conflict of interests" and "declaration of interest" at the time, he made incorrect declarations in the declaration form. The Select Committee notes that apart from Mr

LEUNG Chun-ying, another member of the Jury and a member of the Technical Panel who were then directors or major shareholders of companies, also chose item (c) in their declaration forms.

4.31 The Select Committee further considers that Mr LEUNG Chun-ying himself acknowledged the incompleteness of his declaration; otherwise there was no need for him to state in his letter dated 11 March 2002 to Mr Eric JOHNSON that *"to complete my declaration, I attach a full list of companies in the DTZ Group, in which DTZ Debenham Tie Leung is the main operating company"* and *"I am a shareholder and Managing Director of DTZ Debenham Tie Leung"*. The Select Committee notes that this information was described by Mr JOHNSON in his letter dated 23 March 2002 to Mr LEUNG Chun-ying as *"the supplementary declaration agreed upon when the matter was discussed on 28 February 2002"*, and Mr LEUNG Chun-ying did not raise any objection to the description.

4.32 The Select Committee is not convinced by the evidence obtained to support Mr LEUNG Chun-ying's assertion that he had made the distinction between "declaration of conflict of interests" and "declaration of interest" at the time of filling in the declaration form. Whether or not Mr LEUNG Chun-ying made such a distinction, the declarations on his declaration form submitted to the Organiser on 25 February 2002 were incomplete. The Select Committee considers that

Mr LEUNG Chun-ying did not accord sufficient attention to completing his declaration form⁵, at which the Select Committee expresses dismay⁶.

Whether the omission in Mr LEUNG Chun-ying's declaration gave rise to a conflict of interests in the adjudication process

4.33 Given the anonymity and confidentiality provisions in the Competition Document, Mr LEUNG Chun-ying, like other members of the Jury and of the Technical Panel, should not know the identities of the participants in the adjudication process. While Mr CHIU Kam-kuen and Mr WONG Kim-bon were given by Mr Kenneth POON a copy of the draft concept drawings prepared by Dr Kenneth YEANG on which the Entry Concerned was largely based, the Select Committee cannot find any evidence that Mr LEUNG Chun-ying had seen the draft concept drawings before the adjudication.

4.34 The Select Committee does not notice any abnormality in Mr LEUNG Chun-ying's voting on entries during the adjudication process. As described in paragraphs 2.63 to 2.69, Mr LEUNG Chun-ying was absent from the first round of voting. The Select Committee

⁵ Members voted on the proposal that the paragraph should end with this sentence. Dr Philip WONG, Mr Abraham SHEK, Mr Paul CHAN and Dr Priscilla LEUNG voted in favour of the proposal. Mr Andrew CHENG, Mr LEE Wing-tat, Ms Cyd HO, Miss Tanya CHAN and Mr WONG Yuk-man voted against the proposal. Mr Paul TSE abstained from voting. The proposal was negatived (please refer to paragraphs 28 to 30 of the Minutes of Proceedings of the meeting on 20 June 2012 in this Report).

⁶ Members voted on the proposal to add this phrase to the paragraph. Mr Andrew CHENG, Mr LEE Wing-tat, Ms Cyd HO, Mr Paul TSE, Miss Tanya CHAN and Mr WONG Yuk-man voted in favour of the proposal. Dr Philip WONG, Mr Abraham SHEK, Mr Paul CHAN and Dr Priscilla LEUNG voted against the proposal. The proposal was carried (please refer to paragraphs 31 to 32 of the Minutes of Proceedings of the meeting on 20 June 2012 in this Report).

considers that had Mr LEUNG Chun-ying intended to ensure the inclusion of the Entry Concerned into the subsequent rounds of voting, he should have attended this round of voting. In addition, it was the Jury's conscious decision that despite Mr LEUNG Chun-ying's absence from the first round of voting, 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 the seven entries. The Select Committee observes that Mr LEUNG Chun-ying was not the only member of the Jury who consistently liked the Entry Concerned in most rounds of voting. He and another member of the Jury selected the Entry Concerned in five out of the six rounds of voting. This voting pattern was found in some other members of the Jury who liked a particular entry in most rounds of voting, as shown in Appendix 2(v).

4.35 The Select Committee considers that given the ineligibility provision in the Competition Document, the Entry Concerned had to be disqualified, irrespective of whether Mr LEUNG Chun-ying had declared DTZ's association with it. Moreover, given the anonymity of the participants and in the absence of evidence to the effect that the identities of the participants might be known through other channels, the Select Committee considers that Mr LEUNG Chun-ying and other members of the Jury should not be aware of the identities of the participants in the adjudication process.

4.36 However, as observed in paragraph 3.77, the winning entrants would be automatically included into the list of consultants to be invited for bidding for the masterplanning work and informed of subsequent architectural design competitions for individual buildings or facilities in the Scheme Area. For the avoidance of possible conflict of interests, Mr Eric JOHNSON reminded members of the Jury in his letter of 21 February 2002 of their onus to ensure that none of their companies of which they were directors or major shareholders would enter the Competition. Some members of the Select Committee are not convinced by Mr LEUNG Chun-ying's claim that the nature of DTZ's business, i.e. estate surveying, as opposed to architecture, building surveying or quantity surveying, was related to the Competition "very remotely". They consider that should this be the case, DTZ would not have been included as a Project Team member of the Entry Concerned.

4.37 Given the possible interests to be obtained by the winning entrants, the Organiser's reminder to Mr LEUNG Chun-ying regarding the implications of his appointment as a member of the Jury on his company, Mr LEUNG Chun-ying's extensive public service experience as well as the reasonable expectation on him as the Convenor of non-official Members of ExCo, the Select Committee considers that Mr LEUNG Chun-ying should endeavour to avoid possible conflict of interests and ensure that DTZ did not enter the Competition. Notwithstanding the common practice in the surveying industry to conduct conflict of interest searches by checking "the Book", the Select Committee expresses disappointment that Mr LEUNG Chun-ying did not take any action to inform DTZ of his appointment as a member of the Jury and DTZ's

ineligibility for the Competition, and considers that Mr LEUNG Chun-ying had unshirkable responsibility in this regard⁷.

4.38 The Select Committee is surprised that while Mr Kenneth POON and Mr Ronald LIANG were aware of Mr LEUNG Chun-ying being a member of the Jury, they did not take any action to ascertain the implications of inviting DTZ to join the Project Team as a member. The Select Committee finds that they paid little or no attention to the competition rules, such as the ineligibility provision, in the Competition Document. Had they studied the ineligibility provision, they should not have invited DTZ to join the Project Team. The Select Committee considers that their imprudence did not live up to the standard expected of professionals.

⁷ Members voted on the proposal to add the phrase "並認為梁振英先生有不可推卸的責任" to the end of this paragraph. Mr Andrew CHENG, Mr LEE Wing-tat, Ms Cyd HO, Miss Tanya CHAN and Mr WONG Yuk-man voted in favour of the proposal. Dr Philip WONG, Mr Abraham SHEK, Mr Paul CHAN and Dr Priscilla LEUNG voted against the proposal. The proposal was carried (please refer to paragraphs 37 to 38 of the Minutes of Proceedings of the meeting on 20 June 2012 in this Report).

Members voted on Dr Priscilla LEUNG's proposal to amend paragraph 4.37. Dr Philip WONG, Mr Abraham SHEK, Mr Paul CHAN and Dr Priscilla LEUNG voted in favour of the proposal. Mr Andrew CHENG, Mr LEE Wing-tat, Ms Cyd HO, Miss Tanya CHAN and Mr WONG Yuk-man voted against the proposal. The proposal was negatived (please refer to paragraphs 39 to 41 of the Minutes of Proceedings of the meeting on 20 June 2012 in this Report).

Members voted on Ms Cyd HO's proposal to add three new paragraphs after paragraph 4.37. Mr Andrew CHENG, Mr LEE Wing-tat, Ms Cyd HO, Miss Tanya CHAN and Mr WONG Yuk-man voted in favour of the proposal. Dr Philip WONG, Mr Abraham SHEK, Mr Paul CHAN, Dr Priscilla LEUNG and Mr Paul TSE voted against the proposal. As the votes were equally divided, the Chairman exercised his casting vote in accordance with Rule 79A(1) of the Rules of Procedure. The proposal was negatived (please refer to paragraphs 43 to 45 of the Minutes of Proceedings of the meeting on 20 June 2012 in this Report).

Members voted on Dr Priscilla LEUNG's proposal to add a new paragraph after paragraph 4.37. Dr Philip WONG, Mr LEE Wing-tat and Dr Priscilla LEUNG voted in favour of the proposal. Mr Andrew CHENG, Ms Cyd HO, Mr Paul TSE, Miss Tanya CHAN and Mr WONG Yuk-man voted against the proposal. The proposal was negatived (please refer to paragraphs 46 to 48 of the Minutes of Proceedings of the meeting on 20 June 2012 in this Report).

Related issues

Implementation of the declaration arrangements for the Jury

4.39 As observed in paragraphs 2.94 to 2.102, the Organiser took more than 10 months, following the launch of the Competition in early April 2001, to come up with the declaration arrangements, mainly a one-page declaration form, for members of the Jury. It was not until 21 February 2002, only four days before the first Jury meeting on 25 February 2002, that members of the Jury were informed of the declaration arrangements. The Select Committee is surprised and finds it unacceptable that as compared with members of the Technical Panel, who were allowed more than two weeks to complete and return their declaration forms, members of the Jury were given only two days to do so, no matter how simple the form appeared to be, not to mention that some form of conflict of interest checking might need to be conducted. The Select Committee expresses disappointment at the belated and hasty implementation of the declaration arrangements for the Jury and considers the declaration arrangements too loose. The Organiser should have informed members of the Jury earlier of the declaration requirements, provided them with reasonable time for making declarations, and explained clearly the guidelines on conflict of interests. As declaration of interest is a sensitive and important matter in planning design competitions, the Select Committee hopes that the relevant arrangements would be formulated and implemented in a timely manner in future.

Effectiveness of the declaration arrangements

4.40 The Select Committee notes the Organiser's intention to enhance the integrity and impartiality of the Competition by devising a mechanism for members of the Jury to make declarations before the start of the adjudication process. The Organiser did not adopt a recommendation made by ICAC to seek the entrants' consent to waive the restrictions concerning confidentiality of the entrants and anonymity of submission materials in the Competition Document. The Organiser decided to proceed on the basis of a declaration of interest to the best of the declarant's knowledge and considered it unnecessary to ask entrants for consent to waive the anonymity and confidentiality restrictions. Nevertheless, the Organiser undertook to consider ICAC's suggestion that there should be a further opportunity for members of the Jury to declare any conflict of interests in the light of the identities of the winning entries revealed to them before they were publicly announced.

4.41 However, the Select Committee does not find any evidence that the Organiser provided members of the Jury with a further opportunity to make declarations in the light of the revelation of the identities of the five provisional winning entries in the morning of 28 February 2002. The Select Committee only notes that the Jury received a brief explanation from Mr LEUNG Chun-ying on DTZ's association with one of the provisional winning entries. There was no agenda item on further declaration of conflict of interests at the Jury meeting of 28 February 2002; nor were members of the Jury asked whether they had

any interests to declare in addition to those made in their declaration forms.⁸

4.42 The Select Committee is of the view that the declaration arrangements adopted by the Organiser for members of the Jury and of the Technical Panel were an honour system. The Select Committee notes that the Organiser had not arranged any briefings for members of the Jury and of the Technical Panel on the declaration of interest requirements and how to complete the declaration forms. The Select Committee also does not see any measure taken by the Organiser to check whether the declarations made by members of the Jury in their declaration forms had any obvious omissions or problems arising from misunderstanding of the declaration requirements. The Select Committee considers the Organiser's handling of the issue of declaration of interest defective. In the view of the Select Committee, the Organiser should consider introducing the aforesaid safeguards when organising similar planning design competitions in future, with a view to enhancing the integrity and impartiality of the competitions.

⁸ Members voted on Dr Priscilla LEUNG's proposal to amend paragraphs 4.41 and 4.42 and add two new paragraphs. Dr Philip WONG and Dr Priscilla LEUNG voted in favour of the proposal. Mr Andrew CHENG, Mr LEE Wing-tat, Ms Cyd HO, Mr Paul TSE, Miss Tanya CHAN and Mr WONG Yuk-man voted against the proposal. The proposal was negatived (please refer to paragraphs 52 to 54 of the Minutes of Proceedings of the meeting on 20 June 2012 in this Report).

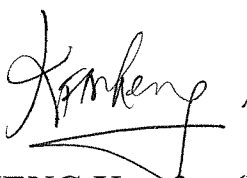
Acknowledgement

The 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 wishes to thank the Administration, all witnesses who have appeared before it to give evidence and all parties who have produced documents and/or made submissions to facilitate its inquiry. The Select Committee also records its appreciation to the staff of the Legislative Council Secretariat for their support and assistance throughout its work.

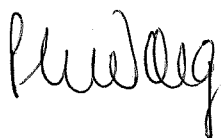
Signatures of members of the Select Committee



IP Kwok-him (Chairman)



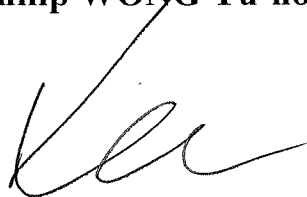
Andrew CHENG Kar-foo (Deputy Chairman)



Dr Philip WONG Yu-hong



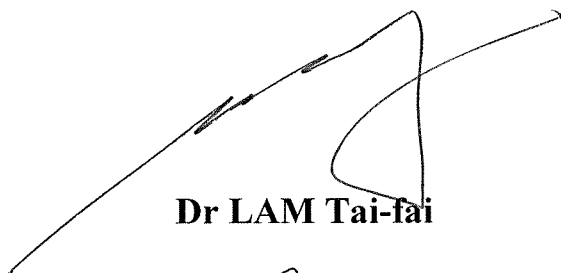
Abraham SHEK Lai-him



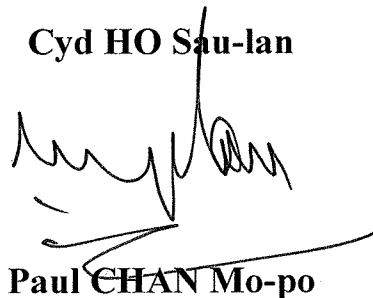
LEE Wing-tat



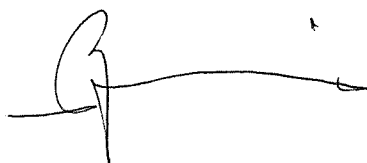
Cyd HO Sau-lan



Dr LAM Tai-fai



Paul CHAN Mo-po



Dr Priscilla LEUNG Mei-fun



Paul TSE Wai-chun



Tanya CHAN



WONG Yuk-man

Abbreviations

Abbreviations

Benoy	Benoy Limited
CE	Chief Executive of the Hong Kong Special Administrative Region
CV	curriculum vitae
DLS	Davis Langdon & Seah Hong Kong Limited
DLS Malaysia	Davis Langdon & Seah Malaysia
DLS - DTZ meeting	meeting between Mr Kenneth POON of Davis Langdon & Seah (Hong Kong) Limited and Mr CHIU Kam-kuen and Mr WONG Kim-bon of DTZ Debenham Tie Leung Limited held between 21 August and 10 September 2001
DTZ	DTZ Debenham Tie Leung Limited
entries	concept plan proposals
ExCo	Executive Council
FS	Financial Secretary
Hamzah & Yeang	T R Hamzah & Yeang Sdn Bhd
ICAC	Independent Commission Against Corruption
LCO	Legislative Council Ordinance (Cap. 542)
LCPPPO	Legislative Council (Powers & Privileges) Ordinance (Cap. 382)
LegCo	Legislative Council
LWK	LWK & Partners (Hong Kong) Limited
PLB	Planning and Lands Bureau

RoP	Rules of Procedure of the Legislative Council
SPL	Secretary for Planning and Lands
Task Force	Task Force set up by the then Planning and Lands Bureau for the West Kowloon Reclamation Concept Plan Competition
the Book	Confirmed Instruction Registry of the Valuation Department of DTZ Debenham Tie Leung Limited
the CE Election	Fourth Term Chief Executive Election
the Competition	West Kowloon Reclamation Concept Plan Competition
the Entry Concerned	the entry submitted by T R Hamzah & Yeang Sdn Bhd to the Organiser
the Organiser	the then Planning and Lands Bureau
the project	the proposed submission prepared by the project team which submitted the Entry Concerned
the Resolution	Resolution passed by the Legislative Council on 29 February 2012 to appoint a 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
the Scheme Area	40-hectare prominent waterfront site at the southern tip of the West Kowloon Reclamation
the Select Committee	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

the Staff Member
Concerned

a staff member of the Quarry Bay office of
DTZ Debenham Tie Leung Limited who,
according to Mr LEUNG Chun-ying, received
Mr LEUNG's phone call and was requested to
conduct conflict of interests search between 21
& 23 February 2002

WKR

West Kowloon Reclamation

Appendices



To

cc

bcc

Subject Fw: *****SPAM***** 梁振英競選辦公室致立法會主席的信

寄件人: <_____@cyleung2012.com>
日期: 2012年3月2日 GMT+08:00 下午8時04分57秒
收件人: "plc@legco.gov.hk" <plc@legco.gov.hk>
副本: "ipkh@dab.org.hk" <ipkh@dab.org.hk>
標題: *****SPAM***** 梁振英競選辦公室致立法會主席的信

立法會曾鈺成主席，

立法會通過引用《立法會(權力及特權)條例》，委任一個專責委員會，研究與梁振英先生以「西九龍填海區概念規劃比賽」評審團成員身份在該比賽中的參與及相關事宜。

梁振英先生尊重立法會的決定，並會配合專責委員會的工作。

為了維持專責委員會的公信力及對梁振英先生公平起見，我們認為，凡可能對梁振英先生抱有成見，或抱有既有立場的議員，都不應加入專責委員會作為成員，否則公眾人士會認為專責委員會有偏袒之嫌，影響專責委員會的研究過程及結論的公正性。

今日成立的十二人專責委員會成員當中，共有七位為各行政長官候選人的提名人。

同時，有報章報道，指李永達議員表示應趕於三月廿五日行政長官選舉之前展開研訊，此舉明顯令研訊蒙上政治色彩；一如李鳳英議員在2月29日立法會會議上發言稱：「我不同意立法會在特首選舉期間…成立專責委員會，對任何候選人作調查，避免立法會的公權力介入選舉，影響我們極為珍重，並努力維繫的選舉公正。」

本競選辦認為，專責委員會必須公平、公正及不涉及任何偏袒之嫌。按委員會目前的組成，如在三月廿五日前展開研訊，會對梁振英先生不公平，亦有損專責委員會的公信力。

本競選辦希望立法會重新考慮重組委員會成員，由沒有提名任何候選人的議員出任，也不應在三月廿五日選舉日前展開研訊。

梁振英競選辦公室啟

2012年3月2日

副本：送專責委員會葉國謙主席



中華人民共和國香港特別行政區
Hong Kong Special Administrative Region of the People's Republic of China



立法會秘書處

LEGISLATIVE COUNCIL SECRETARIAT

來函編號 (INCOMING)

本函編號 (OUTGOING)

電話 (TELEPHONE)

圖文傳真 (FACSIMILE)

3919 3003

2877 9600

電郵地址： png@legco.gov.hk

梁振英競選辦公室
中環都爹利街一號十三樓

敬啟者：

立法會主席已收到貴辦公室於2012年3月2日發出的電郵，並指示本人作覆。

立法會主席理解貴辦公室在信中所指出的擔憂。他希望梁振英先生及貴辦公室明白研究梁振英先生以西九龍填海區概念規劃比賽評審團成員身份在該比賽中的參與及相關事宜專責委員會是立法會在2012年2月29日的會議上通過決議委任的。

《議事規則》第78(2)條規定，立法會主席須考慮內務委員會的建議，決定專責委員會的委員人數，並任命委員會的主席、副主席及委員。立法會主席已按這規定，於2012年3月2日分別任命了內務委員會建議的12位議員為該專責委員會的主席、副主席和委員。名單見附件。

就貴辦公室認為專責委員會不應在3月25日選舉日前展開研訊的意見，你也許知道，立法會委任的專責委員會是會按照立法會議事規則和適用於個別專責委員會的程序和行事方式獨立地進行研究。立法會主席知悉貴辦公室已將電郵副本發予專責委員會主席葉國謙議員，並相信電郵表達的意見將獲適當處理。

秘書長

(吳文華女士)

連附件

副本抄送： "研究梁振英先生以西九龍填海區概念規劃比賽評審團成員身份在該比賽中的參與及相關事宜專責委員會"主席葉國謙議員

2012年3月5日

香港中區立法會道1號立法會綜合大樓 | LEGISLATIVE COUNCIL COMPLEX, 1 LEGISLATIVE COUNCIL ROAD, CENTRAL, HONG KONG

附件

研究梁振英先生
以西九龍填海區概念規劃比賽評審團成員身份
在該比賽中的參與及相關事宜
專責委員會

委員名單

主席 葉國謙議員, GBS, JP

副主席 鄭家富議員

委員 黃宜弘議員, GBS
石禮謙議員, SBS, JP
李永達議員
何秀蘭議員
林大輝議員, BBS, JP
陳茂波議員, MH, JP
梁美芬議員, JP
謝偉俊議員, JP
陳淑莊議員
黃毓民議員

(合共：12位議員)

立法會秘書處

2012年3月5日



To
cc
bcc
Subject Fw: 專責委員會主席就梁振英競選辦公室3月2日的來函所作出的回覆

----- Original Message -----

From: 葉國謙議員

To: enquiry@cyleung2012.com

Sent: Mon 12/03/05 15:32

Subject: Fwd: 專責委員會主席就梁振英競選辦公室3月2日的來函所作出的回覆

梁振英競選辦公室

中環都爹利街一號十三樓

敬啟者：

本人已收到 貴辦公室 於2012年3 月2 日致立法會主席的電郵副本。

" 研究梁振英先生以西九龍填海區概念規劃比賽評審團成員身份在該比賽中的參與及相關事宜專責委員會 " ("專責委員會 ") 將於2012 年3月10日星期六上午9 時舉行第一次會議。專責委員會將會在該次會議中考慮研究範圍以及工作時間表。我會將貴辦公室的意見在會議上提出。

立法會委任的專責委員會一向獨立運作，並嚴格遵守立法會議事規則以及按專責委員會的程序及行事方式進行研究工作。我稍後會將本專責委員會就貴辦公室的意見所作的決定告知梁振英先生。

葉國謙
專責委員會主席

Practice and Procedure of the Select Committee

The Legislative Council ("LegCo") passed a resolution to appoint the Select Committee on 29 February 2012. The resolution sets out the Terms of Reference of the Select Committee and authorizes the Select Committee to exercise the powers conferred by section 9(1) of the Legislative Council (Powers and Privileges) Ordinance (Cap. 382). The Chairman, Deputy Chairman and the 10 members of the Select Committee were appointed by the President on 2 March 2012.

2. The procedures of select committees are regulated by the Rules of Procedure of the Legislative Council and Cap. 382. The practice and procedure in this paper include those not expressly provided for in the Rules of Procedure and Cap. 382.

Principles

3. In determining its own practice and procedure, the Select Committee has drawn reference from those adopted by previous select committees and committees which carry out investigations and has applied the following principles:

- (a) the practice and procedure should be fair and seen to be fair, especially to parties whose interests or reputation may be affected by the proceedings of the Select Committee;
- (b) there should be maximum transparency in its proceedings as far as practicable;
- (c) the practice and procedure should facilitate the ascertaining of the facts relevant to, and within the scope of, its inquiry, as set out in the Select Committee's Terms of Reference, which do not include the adjudication of the legal liabilities of any parties or individuals;
- (d) its proceedings should be conducted with efficiency; and
- (e) the cost of the proceedings should be kept within reasonable bounds.

Practice and procedure

Term of office

4. In accordance with Rules 78(4) and (5) of the Rules of Procedure, the Select Committee shall be dissolved upon reporting to the Council or at the end of a term. If the Select Committee is of the opinion that it will not be able to complete consideration of the matter before the end of a term, it shall so report to the Council.

Chairmanship

5. All meetings of the Select Committee are chaired by the Chairman or, in his absence, by the Deputy Chairman. In accordance with Rule 79(3) of the Rules of Procedure, in the event of the temporary absence of the Chairman and Deputy Chairman, the Select Committee may elect a chairman to act during such absence.

Quorum

6. Rule 78(3) of the Rules of Procedure provides that the quorum of a select committee shall be one-third of the members excluding the chairman (a fraction of the whole number being disregarded). The Clerk to the Select Committee ("the Clerk") will draw to the attention of the Chairman on the absence of a quorum as and when there is such absence.

Voting

7. In accordance with Rules 79(5), 79(6), and 79A(1) of the Rules of Procedure, divisions in the Select Committee shall be taken by the Clerk who shall ask each member separately how he/she wishes to vote and record the votes accordingly. Neither the Chairman nor any other member presiding shall vote, unless the votes of the other members are equally divided in which case he/she shall have a casting vote, which shall not be exercised in such a way as to produce a majority vote in favour of the question put.

8. Decisions of the Select Committee shall be decided by a majority of the members present and voting, which is done by a show of hand. Abstentions are not counted for the purpose of determining the result of the vote.

Obtaining evidence

9. The Select Committee may, subject to sections 13 and 14 of Cap. 382, order any person to attend before it and to give evidence or to produce any paper, book, record or document in the possession or under the control of such person.

10. The Select Committee may also request any person or body to attend a meeting to give evidence orally, invite any person or body to give evidence in writing or any person or body to produce specified documents to the Select Committee.

11. The privileges and immunities provided in Cap. 382 are available in proceedings before the Select Committee which include hearings and deliberative meetings. Any person not lawfully ordered to attend to give evidence or to produce any paper, book, record or document before the Select Committee is not protected by privileges given to witnesses by section 14(1) of Cap. 382.

Conduct of meetings

General principles

12. In accordance with Rule 79(1) of the Rules of Procedure, the deliberations of the Select Committee shall be confined to the matter or matters referred to it by the Council.

13. A schedule of meetings for the Select Committee is usually agreed beforehand, but the Chairman has the authority to determine the agenda, and to vary the schedule by changing the date, time and venue of meetings, which includes venues outside of the Legislative Council Complex. Members of the Select Committee will be notified by the Clerk of the agenda or any variations determined by the Chairman.

14. In accordance with Rule 79(2) of the Rules of Procedure, meetings of the Select Committee shall be held in public unless the Chairman otherwise orders in accordance with a decision of the Select Committee.

Meetings for the examination of witnesses

15. Examination of witnesses will normally be conducted in public. Exceptions to open hearings may be made as decided by the Select Committee, based on the individual circumstances of each occasion.

16. During open hearings, members should only ask questions for the purpose of ascertaining facts relevant to, and within the scope of, the Select Committee's inquiry. Members should not make comments or statements during these hearings.

17. Public hearings are generally conducted in the following manners:

- (a) at the beginning of each open hearing, the Chairman reminds the public and the media that dissemination or disclosure of the evidence given at the hearing outside of the proceedings of the Select Committee is not protected under Cap. 382. The media should obtain legal advice as to their legal responsibilities;
- (b) where it is decided that witnesses should be examined on oath, the Chairman will administer the oath under section 11 of Cap. 382 before the examination starts;
- (c) facts are established by questions and evidence given at hearings. Usually, the Chairman will first make an introduction and then ask the witness an appropriate opening question, giving him/her an opportunity to state his/her case;
- (d) members wishing to ask questions should so indicate by a show of hand and they will ask the questions when called upon by the Chairman. The Chairman will ensure, as far as possible, that members have equal opportunities to ask questions and that the hearing is conducted in a structured and fair manner;
- (e) the Chairman will decide whether a question or evidence is relevant to, and within the scope of, the Select Committee's inquiry, as set out in its Terms of Reference;
- (f) short follow-up questions may be allowed to seek further answers to the original question or clarifications to the answers given. The Chairman has the discretion to decide whether a question is a follow-up question and whether it should be allowed or otherwise; and
- (g) the privileges provided in Cap. 382 are available only within the context of the hearings. All members, including non-Select Committee Members should refrain from making comments relating to the hearing outside of the proceedings of the Select

Committee. Evidence given in closed meetings should not be made public by any members.

18. Unless excused under section 13(2) of Cap. 382 or justifiably claiming privilege under section 15, a witness ordered to attend a hearing under section 9 of Cap. 382 must answer all lawful and relevant questions from the Select Committee. If he/she refuses to do so, he/she commits an offence under section 17 of Cap. 382 and is liable to prosecution. If the witness claims privilege from disclosure of evidence on grounds of public interest immunity, the procedure as set out in the Council's resolution concerning the usage and practice in regard to the determination of claims of public interest privilege in **Annex I** will be followed.

19. Subject to the Select Committee's decision, witnesses attending before the Select Committee may be allowed to be accompanied by other persons, who may include legal adviser(s), to assist the witnesses concerned. However, such accompanying person(s) may not address the Select Committee.

20. Witnesses attending before the Select Committee at its hearings to give evidence or to produce any paper, book, record or document may be eligible for claiming an allowance at specified rates to recompense loss of income or expenses incurred for attending the hearings. The details are in **Annex II**.

Measures taken to avoid possible prejudice to a person's interest in pending legal proceedings

21. In accordance with Rule 41(2) of the Rules of Procedure, a Member shall not make reference in his/her speech to a case pending in a court of law in such a way as, in the opinion of the President or the Chairman, might prejudice that case. This rule applies to the proceedings of the Select Committee by virtue of Rule 43 of the Rules of Procedure.

22. If there are pending legal proceedings arising from matters which are related to the subject of the Select Committee's inquiry, the following measures will be adopted to avoid possible prejudice to a person's interest in pending legal proceedings:

- (a) the Department of Justice will be asked to keep the Select Committee informed of the development of the criminal proceedings concerned, if any;

- (b) the Chairman would explain to each witness that the function of the Select Committee is not to adjudicate on the legal liability of any party or individual and advise him/her of the Chairman's power to disallow the making of any reference to a case pending in a court of law if such reference might, in the Chairman's opinion, prejudice the proceedings;
- (c) where it is considered necessary and justified, either on an application by a witness or on the Select Committee's own motion, the Select Committee may determine to hold closed meetings to obtain evidence from a witness;
- (d) where the Select Committee considers necessary, it will provide the Department of Justice with a copy of the draft findings and observations of the Select Committee and request it to comment whether the contents of the draft might prejudice pending criminal proceedings, if any; and
- (e) the report of the Select Committee should not contain any material which might prejudice a pending jury trial.

23. In respect of pending civil proceedings, the following principles will, in addition to any applicable measures stated in paragraph 23 above, apply:

- (a) references to matters awaiting adjudication in a court of law should be excluded if there is a risk that they might prejudice its adjudication;
- (b) references referred to in (a) would include comments on, inquiry into and the making of findings on such matters;
- (c) matters awaiting adjudication referred to in (a) would include matters in respect of which proceedings have been initiated by the filing of the appropriate documents; and
- (d) prejudice referred to in (a) might arise from an element of explicit or implicit prejudgment in the proceedings of the Select Committee in two possible ways -
 - (i) the references might hinder the court or a judicial tribunal in reaching the right conclusion or lead it to reach other than the right conclusion; and

- (ii) whether the court or judicial tribunal is affected in its conclusion or not, the references might amount to an effective usurpation of the judicial functions of the court or judicial tribunal.

Handling of requests for classifying documents as confidential

24. If requests are made by witnesses for classifying certain information or documents as confidential, the Select Committee shall consider carefully the circumstances of each case and the justifications provided.

Handling of information contained in classified documents or obtained at closed hearings

25. In fairness to persons who have provided classified documents for the Select Committee, if information contained in such documents is to be used at a public hearing, the source of the information will only be disclosed if it is necessary to do justice to the witness or to enable him to understand a question.

26. If closed hearings are held to obtain evidence from a witness who is a party to pending legal proceedings, information obtained in these closed hearings should be used with care, and the identity of the witness who has provided the information should not be disclosed if it is so decided by the Select Committee.

27. Where the Select Committee is inclined to refer to information obtained in closed hearings in the Select Committee's report, an extract of the relevant part of the report in draft form should be provided to the witness concerned for comment. The comments received will be carefully considered by the Select Committee before its report is finalized.

28. Any information obtained by way of oral evidence or in the form of documents provided at closed hearings shall not be disclosed.

Internal deliberations

29. Subject to Rule 79(2) of the Rules of Procedure, the Select Committee may hold closed meetings to deliberate on procedural matters, progress of its work, the logistical arrangements for hearings, the evidence obtained, the draft report of the Select Committee and any other matters relevant to the Select Committee's work. Members including the Chairman and the Deputy Chairman should not disclose any information about the internal deliberations held or documents considered at these meetings. The Select Committee

Chairman or the Deputy Chairman should be the only persons authorized to handle media enquiries.

Handling of documents

30. All documents submitted to the Select Committee are numbered: by document and by page. Each member of the Select Committee will be given a copy of the documents produced to the Select Committee, unless advised otherwise with the consent of the Select Committee. Where a document is classified confidential, members should not make photocopy of it, in whole or in part.

Disclosure of interests

31. Rules 83A and 84 of the Rules of Procedure relating to Members' pecuniary interest shall apply to the proceedings of the Select Committee.

32. In addition, there may be situations in which a member wishes to declare non-pecuniary interests. In such a case, he/she should write to the Chairman to declare such interests. Where appropriate, the Chairman may announce at public meetings or hearings of the Select Committee the nature of interests so declared by individual members.

Participation of Non-Select Committee Members

33. While meetings held in public shall be attended by members of the Select Committee, non-Select Committee Members may also be in attendance at these meetings, but may not speak at the meeting. If a non-Select Committee Member wishes to direct any questions to a witness, he/she should put his/her questions in writing and pass them to the Chairman without interrupting the proceedings, and the Chairman will decide whether or not the Chairman will ask the questions.

34. Non-Select Committee Members are not allowed to be present at closed meetings of the Select Committee or at hearings held at closed meetings.

Minutes of proceedings of the Select Committee

35. All proceedings of hearings and meetings are sound-recorded. Members of the public may obtain copies of the sound recordings of hearings and meetings held in public upon the payment of a fee.

36. Minutes of evidence, usually in the form of a verbatim transcript, are kept for each meeting at which witnesses are examined. Relevant parts of the draft transcript are forwarded to the person or body giving evidence for sight and correction, if any, before being incorporated into the minutes of evidence, subject to their signing of an undertaking that they would not make any copy of the draft and would return it to the Select Committee before a specified date. The procedures in **Annex III**, which apply to witnesses, shall also apply to persons or bodies other than the witnesses giving evidence requesting copies of transcripts of evidence. Any person may obtain a copy of the finalized form of transcript for meetings held in public upon the payment of a fee.

37. For hearings held in closed meetings, no transcripts will be provided for any person including the witnesses concerned. All witnesses however are provided with the relevant parts of the draft transcripts of evidence for sight and correction. The undertaking they are required to sign includes an additional requirement that any part of the draft transcript in question must not be divulged.

38. For meetings not attended by any outside party, the minutes of meetings are normally presented in a condensed form, recording the Select Committee's decisions, follow-up actions required, procedural matters and declarations of interest made by members. Verbatim record of such meetings may be prepared on the direction of the Select Committee.

Report of the Select Committee

39. The draft report of the Select Committee is considered by the Select Committee at closed meetings. In accordance with Rule 79(9) of the Rules of Procedure, the minutes of proceedings of the Select Committee record all proceedings on the consideration of the report and on every amendment proposed thereto, with a note of divisions, if divisions were taken in the Select Committee, showing the names of members voting in the division or declining to vote.

40. In order to ensure that the procedure is fair and seen to be fair to people whose interests or reputations may be affected by its proceedings, any party, person or organization against whom adverse comments are intended to be made in the Select Committee's report will be given an opportunity to comment on relevant parts of the draft findings and observations of its report. The comments received will be carefully considered by the Select Committee before its report is finalized.

41. In accordance with Rule 79(10) of the Rules of Procedure, a report of the Select Committee, with the minutes of proceedings and the minutes of evidence, if evidence was taken, shall be laid on the Table of the Council by the Chairman of the Select Committee.

Premature publication of evidence

42. In accordance with Rule 81 of the Rules of Procedure, the evidence taken before the Select Committee and documents presented to it shall not, except in the case of its meetings held in public, be published by a member of the Select Committee or by any other person before the Select Committee has presented its report to the Council. Any member of the Select Committee who fails to comply with this Rule may be admonished or reprimanded by the Council on a motion to that effect.

**Resolution under Legislative Council (Powers and Privileges) Ordinance
passed on 25 May 1994 and amended on 20 November 1996
and further amended on 16 April 1997**

That with effect from 25 May 1994 the usage and practice in regard to the determination of claims of "public interest privilege" made by persons appearing before a committee of the Council shall be as set out in the Schedule annexed to this Resolution.

1. In this Schedule –

"relevant body", (有關方面) in relation to a committee before which a witness is attending to give evidence or to produce any paper, book, record or document, means -

- (a) the chairman and deputy chairman of the committee, where both are present (and references to the delivering of the opinion of the relevant body shall be taken to mean the opinion of the chairman where the chairman and deputy chairman disagree);
- (b) the chairman alone where the deputy chairman is absent;
- (c) the deputy chairman alone where the chairman is absent; or
- (d) where both the chairman and deputy chairman are absent, the member elected to act as chairman during such absence.

"witness" (證人) means –

- (a) a person lawfully ordered to attend to give evidence or to produce any paper, book, record or document before a committee; and
- (b) any public officer designated by the Governor under section 8A(2)(b) of the Legislative Council (Powers and Privileges) Ordinance (Cap. 382) for the purpose of attending sittings of a committee.

2. If, at a public sitting of a committee, a witness refuses to answer publicly or privately any question that may be put to him, or to produce any paper, book, record or document, and claims privilege on the ground that the giving of the answer or the production of the paper, book, record or document

would be contrary to the public interest the following procedure will apply -

- (1) The chairman shall inform the witness that he may explain his reasons in confidence to the relevant body and that the relevant body will then deliver an opinion to the committee without disclosure of any information or paper, book, record or document claimed by the witness to be privileged from disclosure.
- (2) If the witness agrees to explain his reasons to the relevant body the relevant body shall make arrangements to consider the reasons and deliver its opinion to the committee.
- (3) If the relevant body delivers its opinion that the claim of privilege by the witness is justified in respect of an answer to a question or the production of any paper, book, record or document the committee shall excuse the answering of such question or the production of such paper, book, record or document.
- (4) If the relevant body delivers its opinion that the claim of privilege by the witness is not justified in respect of any answer to a question or the production of any paper, book, record or document the committee may order the answering or production thereof.
- (5) If the witness continues to refuse to answer any question or produce any paper, book, record or document the committee may take such action within its powers as it considers appropriate.
- (6) If the witness does not agree to explain his reasons to the relevant body under subparagraph (2) the committee may take such action within its powers as it considers appropriate.

3. If, at a public sitting of a committee, a witness refuses to answer in public any question that may be put to him, or to produce in public any paper, book, record or document on the ground of public interest privilege, but requests to answer such question or produce such paper, book, record or document at a private sitting of the committee, the following procedure will apply -

- (1) The committee will deliberate in private whether to agree to the request by the witness.
- (2) The decision of the committee will be taken by formal vote.
- (3) If the committee decides to agree to the request by the witness no answer given by the witness at a private sitting nor any paper, book, record or document produced by him thereat shall be made public unless the committee decides during the private sitting that the request by the witness for confidentiality is not justified. Before reaching such a decision the committee shall give the witness an opportunity to state the grounds upon which he claims public interest privilege in respect of the particular answer or paper, book, record or document.

Allowance for witnesses

The following shall apply to the provision of an allowance ("the allowance") for witnesses attending before the 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 at its hearings to give evidence and/or to produce documents -

I. Eligibility

- (a) Subject to (c) below, the allowance is payable to witnesses attending before the Select Committee at its hearings, whether or not they have the opportunity to give evidence at the particular hearings.
- (b) Witnesses who are ex-civil servants and have ceased active service with the Government and left the Government on expiry of their final leave will be eligible for the allowance.
- (c) The allowance is not payable to public officers¹ or persons in the service or employment of statutory bodies or other organizations which are funded by public money for attending the Select Committee's hearings in the course of their duties.

II. Rates

The allowance payable shall be a sum not exceeding \$180 for each attendance at a hearing of the Select Committee not exceeding four hours, and a sum not exceeding \$360 for each attendance exceeding four hours.

III. Application procedure

Eligible witnesses may submit to the Clerk claims for payment of the allowance no later than 14 days from the date of the hearings attended by the witnesses by completing the prescribed form.

¹ The term "public officer" is defined in section 3 of the Interpretation and General Clauses Ordinance (Cap. 1) to mean any person holding an office of emolument under the Government, whether such office be permanent or temporary.

Legislative Council Secretariat Application form for payment of allowance for witness
--

*Please complete in BLOCK letters using black or blue pen

Part I : Personal details			
Surname		Given names	
Home/Correspondence Address			
Contact telephone no.			
Part II : Hearing details			
Name of Committee			
Date of hearing(s)	Starting time of attendance required by the Committee	Ending time of attendance required by the Committee	
(Please use separate sheet(s) if space is not sufficient)			
Declaration of Applicant: I hereby apply for the payment of allowance for witness in respect of the above hearings which I have attended/been ordered to attend. I understand that any allowance so approved will be payable by cheque in my name and the cheque will be sent to my home/correspondence address as stated above.			
Signature _____		Date _____	
For Official use only			
Part III (To be completed by Secretariat officers of the relevant Committee)		Part IV (To be completed by Accounts Office)	
Total amount to be paid	\$	Payment made on _____. Charged to cost center of _____. Signature _____ Post _____ Date _____	
Checked by:	Approved by:		
_____ Signature/Title	_____ Signature/Title		
Date _____	Date _____		

- Notes:
- (i) A claim must be made within 14 days from the date of a hearing attended by a witness.
 - (ii) The witness allowance payable shall be \$180 for each attendance at a hearing not exceeding four hours, and \$360 for each attendance exceeding four hours.

Provision of Transcripts of Evidence

The following procedures shall apply to the provision of transcripts of evidence taken by the 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 -

- (a) where considered appropriate, the Select Committee may permit copies of the transcripts of evidence taken in public be provided to witnesses and prospective witnesses on request;
- (b) "witnesses" refers to persons on whom summonses have been served by the Select Committee to order their appearance before it; "prospective witnesses" refers to witnesses whom the Select Committee has decided to summon to appear before it;
- (c) where copies of transcripts of evidence taken in public are provided to witnesses or prospective witnesses, the unpublished and/or uncorrected status of the transcripts shall be stated clearly; and
- (d) the provision of unpublished and/or uncorrected transcripts of evidence taken in public to witnesses or prospective witnesses be made on the condition that they shall not make public use of the transcripts; shall not quote directly from the transcripts; and shall not use the transcripts in a manner prejudicial to the interest of the Select Committee or other persons.

Our Ref.
Your Ref.

Sent by:

☐ by fax (1 of _____ page/s)
☐ by post
☒ by registered post
☒ by courier
☐ by hand
☐ by email
☐ attachment



17 March 2012

The Chairman, Select Committee,

LEGCO,

Hong Kong Special Administrative Region of the People's Republic of China,

Hong Kong

Attn: Mr Thomas KWOK, Clerk to Select Committee

Dear Sirs,

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 Matters ; Assistance at the Hearings

Thank you for your email letter of 17 March 2012 (below).

We advise that we shall be unable to attend your hearing on 31 March 2012 due to a prior engagement elsewhere.

May we again make it evidently clear that as we have stated in our email letter to your Home Affairs Bureau dated 5 March 2012 that it is our local Hong Kong architectural team member, namely LWK & Partners (HK) Ltd. who was responsible for the selection and inclusion of DTZ in our Project Team for the Competition.

Now that you have contacted Mr. Ronald LIANG of LWK & Partners (HK) and have summoned him to attend the hearing of your Select Committee on 31 March 2012, there is absolutely nothing that we can further add to the matter.

In this regard while we would like to be helpful in your enquiry, we do not see how our attendance to the aforesaid hearing on 31 March 2012 shall be of any use whatsoever.

Best wishes.

Yours sincerely,

Ken Yeang (Dato' Dr)

T. R. HAMZAH & YEANG Sdn. Bhd. ARKITEK

Company N°: 41743A

TENGKU ROBERT HAMZAH A A Dipl. APAM

Dato' Dr. KENNETH YEANG A A Dipl. PhD (Cantab). APAM. ARIBA. MSIA

8 JALAN 1, TAMAN SRI UKAY, Off JALAN ULU KELANG, 68000 AMPANG, SELANGOR, MALAYSIA. TEL: 03-42571966, 42571948, 42571969. FAX: 603-42561005/603-42569330

E-mail: trhy@trhamzahyeang.com Website: www.trhamzahyeang.com

Affiliated Offices: London, Stuttgart, Sydney, Tokyo, Beijing



Ken Yeang

27/03/2012 11:53

To <skwong@legco.gov.hk>

cc

Subject 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 Matters

For the attention of:

The Chairman,

Select Committee,

LEGCO,

Hong Kong Special Administrative Region of the People's Republic of China,
Hong Kong

% Mr. Thomas S. K. Wong

Clerk to Select Committee

Skwong@legco.gov.hk

Sirs,

Thank you very much for your very kind letter.

If we may, could we please refer your Select Committee to our earlier email letter to yourselves of 17 March 2012 that makes it evidently clear that we do not know Mr Leung Chung-Ying before the competition nor after the competition nor have we ever met him.

Neither has our company any business or professional dealings with his company, DTZ nor anyone from this company before the competition nor after the competition.

In no uncertain terms it should be made clear to your Select Committee that It was our lead architect for the competition, Mr. Ronald Liang of LWK & Partners (HK) (who is registered as an architect in Hong Kong) who had approached DTZ to be in the competition team. May we ask your Select Committee to please follow-up with LWK & Partners (HK) in this regard?

We are so sorry but do please inform your Select Committee that we shall not be able to attend the Select Committee Hearings on 3, 14 and 21 April due to prior engagements.

May we request that this email-letter be presented to your Select Committee.

Our very best wishes and may we wish you a successful hearing.

Ken Yeang (Dato', Dr.)

T. R. Hamzah & Yeang Sdn Bhd



"Jacob Rothschild"

21/03/2012 20:24

To <skwong@legco.gov.hk>

cc

Subject Select Committee Study

Dear Mr Wong

Thank you for your letter but I have problems in accepting your invitation. First, my memory of what happened 10 years ago at the competition is not good. Second, between now and the end of April I'm in an impossible position work-wise with business commitments both here and overseas unrelenting during this period. I hope you understand in the circumstances that it is not possible for me to accept your invitation at such notice. I am very sorry.

Yours sincerely
Jacob Rothschild



Peter Rogers

<

23/03/2012 01:29

To Thomas SK WONG <skwong@legco.gov.hk>,

cc

bcc

Subject RE: 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 Matters,
Legislative Council of Hong Kong

Dear Mr Wong,

I thank you for the above letter, which I have to say caught me somewhat by surprise.

I am now semi-retired and travelling for a considerable amount of time, in addition it is more than 10 years and I have to say that I have no recollection of the gentleman member of the jury that you mention.

I have contacted Stanhope to see whether they have retained any of my original files, but it appears that except for some of the organisational correspondence prior to my going to Hong Kong they have been unable to find any information relating to the actual period when I was in Hong Kong.

I therefore regret to say that there is little I can do to assist you, but please contact me should you feel that I can be of any help.

Regards,

Peter

Date : 11 April 2012

BY Fax 852-28400269 and by Post

STRICTLY CONFIDENTIAL

Mr. Thomas Wong

Clerk to Select Committee

Legislative Council Complex

1 Legislative Council Road

Central

Hong Kong

Dear Sir,

Re: 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

I refer to your letter of 6 April 2012 to me in relation to the above matter.

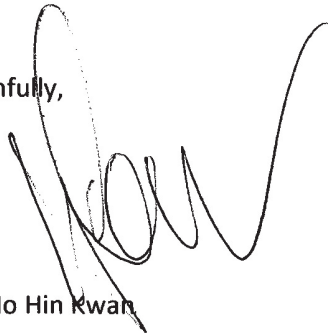
My responses are as follows:

1. I was then the Chief Operation Officer of DTZ Debenham Tie Leung Limited.
2. I cannot recollect the events happened 10 years ago in relation to the captioned subject.
3. After reading Mr. Poon's Witness Statement you forwarded to me, I still

cannot recollect whether that those events mentioned in Mr. Poon's said Statement did occur. All I am sure is that Mr. Poon is a good friend of mine and we used to call each other to exchange market information.

4. If Mr. Poon did ask for information concerning land value, there is no doubt that I would refer him to our Valuation Department headed by Mr. KK Chiu. But I trust that, at that time, as valuation is not my scope of duties, I would not have involved in detailed discussions with Mr. Poon. I would simply make straight referral to Mr. KK Chiu. Thus I had made no record and have no documents relating to the subject matter for production.
5. As I could not recollect if Mr. Poon had ever mentioned those details as he has stated in his said Statement, not to mention who was the Judge in the Panel or would there be any fee or no fee for answering his enquiry on the information he wished to obtain. I have no recollection that Mr. Poon made any invitation to DTZ joining the "Project Team". Consideration to join the "Project Team" would only be made by the Department Head providing services if at all.
6. I have a blurred memory that one day I read in the newspaper that the result of the Design Competition was announced and it did come to my attention that Mr. CY Leung was one of the Panel Judges. That was the first time I learned that Mr. CY Leung was one of the Panel Judges.

Yours faithfully,

A handwritten signature in black ink, appearing to be 'Edmund Ho', written over a horizontal line.

Edmund Ho Hin Kwan

Schedule of hearings and names of witnesses

<u>Hearing</u>	<u>Dates of public hearings</u>	<u>Names of witnesses</u>
1	17 March 2012	<p>Mr Raymond YOUNG Lap-moon Permanent Secretary for Home Affairs</p> <p>Mr John TSANG Chun-wah Former Secretary for Planning and Lands</p> <p>Mr Eric JOHNSON Former Principal Assistant Secretary (Planning and Lands) Planning and Lands Bureau Co-ordinator of the West Kowloon Reclamation Concept Plan Competition ("the Competition")</p> <p>Mr Bosco FUNG Chee-keung Former Director of Planning Chairman of the Technical Panel for the Competition</p>
2	20 March 2012	<p>Mr LEUNG Chun-ying Member of the Jury for the Competition</p>
3	31 March 2012	<p>Mr CHIU Kam-kuen DTZ Debenham Tie Leung Limited ("DTZ")</p> <p>Mr WONG Kim-bon DTZ</p> <p>Mr CHENG Hung-yan DTZ</p> <p>Miss NG Chor-yee, Teresa DTZ</p>

<u>Hearing</u>	<u>Dates of public hearings</u>	<u>Names of witnesses</u>
		<p>Mr Ronald LIANG LWK & Partners (HK) Limited ("LWK")</p> <p>Mr Kenneth POON Kan-young Davis Langdon & Seah Hong Kong Limited ("DLS")</p>
4	3 April 2012	<p>Mr PO Pui-leong Former Principal Assistant Secretary (Special Duties) Planning and Lands Bureau</p> <p>Mr Raymond YOUNG Lap-moon Permanent Secretary for Home Affairs</p> <p>Mr John TSANG Chun-wah Former Secretary for Planning and Lands</p> <p>Mr Eric JOHNSON Former Principal Assistant Secretary (Planning and Lands) Planning and Lands Bureau Co-ordinator of the Competition</p> <p>Mr Bosco FUNG Chee-keung Former Director of Planning Chairman of the Technical Panel for the Competition</p>
5	14 April 2012	<p>Mr C. Nicholas BROOKE Member of the Jury for the Competition</p> <p>Professor CHANG Hsin-kang Member of the Jury for the Competition</p> <p>Mrs Selina CHOW LIANG Shuk-yee, Member of the Jury for the Competition</p>

<u>Hearing</u>	<u>Dates of public hearings</u>	<u>Names of witnesses</u>
		<p>Professor Patrick LAU Sau-shing Member of the Jury for the Competition</p> <p>Mr CHIU Kam-kuen DTZ</p> <p>Mr WONG Kim-bon DTZ</p> <p>Mr CHENG Hung-yan DTZ</p> <p>Miss NG Chor-yee, Teresa DTZ</p> <p>Mr Ronald LIANG LWK</p> <p>Mr Kenneth POON Kan-young DLS</p>
6	21 April 2012	<p>Mr Gordon SIU Kwing-chue Former Secretary for Planning and Lands</p> <p>Mr LEUNG Chun-ying Member of the Jury for the Competition</p>

Note: The above post titles were those held by the witnesses at the time when they attended the hearings of the Select Committee.



薛馮鄺岑律師行

SIT, FUNG, KWONG & SHUM

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Direct Line: 2909 7388Your Ref : CB2/SC/11
Our Ref : PS/96363-5/12

30 April 2012

Select Committee
Legislative Council Complex
1 Legislative Council Road
Central
Hong Kong**By Email and By Hand**Attn: Mr Raymond Lam
Clerk to Select Committee

Dear Sirs,

Re: 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

We act for Mr Leung Chung-ying ("Mr Leung") and we have been handed a copy of the draft verbatim transcript for the hearing on 21 April 2012 together with your letter of 25 April 2012. Your letter requested Mr Leung to return the 'draft verbatim transcript' before 2 May 2012 together with his proposed corrections, if any. You further added that proposed corrections, if any, should be limited to editorial inaccuracies or matters of fact which do not materially alter the general sense of an answer ("Restrictions").

The document you presented to Mr Leung is not exactly a verbatim transcript of the proceeding on 21 April 2012 as the transcriber has used his/her own interpretation in rewording the questions and answers, using more formal Chinese instead of colloquial Punt dialect in the transcription, also changes have been rendered to some of the sentence structure, making the text perhaps more readable.

..../Pg.2

PARTNERS

• # Peter K. P. Sit LL.B.
• @ C. K. Kwong JP LL.B., F.C.M.
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• Margaret Choi LL.B., LL.M.
• V. S. Wong LL.B., LL.M.
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楊先權
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何麗嫻

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• Alfred C. Y. Fung LL.B.
Cecilia M. N. Lee LL.B.

林漢標
容嘉琪
許倩敏
葉曼儀
吳詠詩
黃潔嫻
梁麗麗

In association with
Lefèvre Pelletier
& associés,
Paris, France

In association with
AJ PARK
New Zealand

• NOTARY PUBLIC
• CHINA - APPOINTED
ATTESTING OFFICER
• CHARTERED ARBITRATOR 特許仲裁員

國際公証人
中國委託公証人
中國委託公証人

西安分行：中國陝西省西安市唐延路3號唐延國際中心大廈CD座14樓 • 郵編：710065 • 電話：(86 29) 8720 3203 • 圖文傳真：(86 29) 8720 3033
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S F K S

薛馮鄺岑律師行

SIT, FUNG, KWONG & SHUM

That with respect is not the purpose of a verbatim transcript which should be a 'word for word' record in respect of what had been said by the person. The 'word for word' transcription is a common practice adopted by the Police, the ICAC, the Courts and even the Law Society in its disciplinary proceedings when doing verbatim reports. If a transcription involves the transcriber's own interpretations, reorganization of verbal expressions and sentence structure, the transcription is inaccurate and in our view not usable as a verbatim transcription of the proceeding.

While we appreciate that the current method of transcription may be the practice of the Select Committee, we are unable to render corrections as there will be changes to almost all the passages under review, which is not the task intended for Mr Leung to undertake. Also the proposed corrections may go beyond the Restrictions set out in your letter.

For the reasons abovementioned, we are returning the document for your further actions. We also return as requested a note to you signed by Mr Leung dated 26 April 2012.

For the same reason abovementioned, we are returning the draft verbatim transcript for 20 March 2012 for your further actions.

Yours faithfully,



SIT, FUNG, KWONG & SHUM

Encl.



中華人民共和國香港特別行政區
Hong Kong Special Administrative Region of the People's Republic of China



立法會

LEGISLATIVE COUNCIL

來函檔號 YOUR REF :

本函檔號 OUR REF :

電話 TELEPHONE :

圖文傳真 FACSIMILE :

電郵地址 E-mail : skwong@legco.gov.hk

CB2/SC/11

3919 3207

2840 0269

By Email and By Hand

9 May 2012

SIT, FUNG, KWONG & SHUM
18/F Gloucester Tower
The Landmark
11 Pedder Street
Central
Hong Kong

Dear Sirs,

**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**

**Draft verbatim transcripts of the Select Committee hearings
on 20 March and 21 April 2012**

On the instruction of the Chairman of the Select Committee, I reply to your letter of 30 April 2012 concerning the captioned draft verbatim transcripts sent to Mr LEUNG Chun-ying for comments.

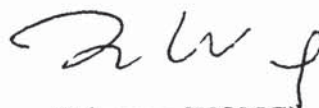
You may note that pursuant to paragraph 3(a) of the Practice and Procedure of the Select Committee ("P&P"), the practice and procedure of the Select Committee should be fair and seen to be fair, especially to parties whose interests or reputation may be affected by the proceedings of the Select Committee. Against such background, paragraphs 35 to 38 of P&P prescribe matters relating to minutes of proceedings of the Select Committee. As regards the issues raised in your letter, paragraph 36 of P&P is particularly in point. The paragraph provides that "[m]inutes of evidence, usually in the form of a verbatim transcript, are kept for each meeting at which witnesses are examined. Relevant parts of the draft transcript are forwarded to the person or body giving

evidence for sight and correction, if any, before incorporated into the minutes of evidence". The principle of fairness is enshrined in the process of providing the witness, in this circumstance, Mr LEUNG, with the relevant parts of the draft transcript for correction. It does not appear that the "restrictions" referred to in your letter would limit Mr LEUNG in any manner in his proposing corrections to the captioned draft verbatim transcripts.

You may also note that without prejudice to the authenticity of the evidence given, the Select Committee has followed the practice of using written Chinese instead of Punti dialect in the verbatim transcripts of its hearings in order to make the written record more readable. You may agree that the nature of the proceedings of hearings of the Select Committee is different from that of the court or disciplinary tribunal. The word for word transcription in judicial or quasi-judicial setting may not be suitably transplanted to the parliamentary setting of proceedings of the Select Committee.

However, if Mr LEUNG is minded to make a request, with reasons, to the Select Committee to provide a copy of word-for-word verbatim transcripts of the captioned hearings in Punti dialect for comments, such request will be submitted to the Select Committee for consideration.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'T. Wong', written in a cursive style.

(Thomas WONG)
Clerk to Select Committee

c.c. Chairman of the Select Committee



薛馮鄺岑律師行

SIT, FUNG, KWONG & SHUM

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Your Ref : CB2/SC/11

11 May 2012

Our Ref : PS/96363-5/12

Select Committee

Legislative Council Complex

1 Legislative Council Road

Central

Hong Kong

By Email and By Hand

Attn: Mr Thomas Wong

Clerk to Select Committee

Dear Sirs,

Re: 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

Draft Verbatim transcripts of the Select Committee hearings on 20 March and 21 April 2012

Thank you for your letter dated 9 May 2012. We now understand the practice of the Select Committee in the keeping of minutes of evidence and the Select Committee takes the view that 'the word for word transcription in judicial or quasi-judicial setting may not be suitably transplanted to the parliamentary setting of proceedings of the Select Committee'. We appreciate the current practice of using written Chinese instead of Punti dialect in verbatim transcripts of its hearings is 'to make the written record more readable'.

Our letter of 30 April 2012 did not suggest that the Select Committee will have to change its practice just for the current Study. Also our letter of 30 April 2012 did not request the Select Committee to produce a word for word verbatim report for Mr Leung.

f.

..../Pg.2

PARTNERS

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吳詠詩
黃淑嫻
梁嘉雯

蕭詠儀
馮昌詒
李美寧

In association with
Lefèvre Pelletier
& associés,
Paris, France

In association with
AJ PARK
New Zealand

* NOTARY PUBLIC 國際公証人
CHINA - APPOINTED 中國委託公証人
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@ CHARTERED ARBITRATOR

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Tel: (86 29) 8720 3203 • Fax: (86 29) 8720 3033



薛 馮 鄺 岑 律 師 行

SIT, FUNG, KWONG & SHUM

The sole purpose of our above letter was to inform you that it would not be possible for us on behalf of Mr Leung to render meaningful 'corrections' if the document was meant to be a verbatim transcript when it was not prepared as a verbatim transcript. For us and Mr Leung, as all the hearings have been video-taped and the videos have been very helpfully uploaded onto your website, it is not really necessary for us to have a verbatim transcript be that 'word for word' or in the present 'more readable' format in order for us or Mr Leung to maintain a record of what the witnesses had said at the hearings.

In the event the draft report of the Select Committee shall refer to specific questions and answers that are relevant to Mr Leung, Mr Leung wishes that those passages reflecting the questions and answers in the draft report will be transcribed word for word and that he will have an opportunity to review them to ensure their accuracy.

We think this may be a more sensible and less cumbersome approach than to produce a word for word verbatim transcript now for the whole Study which, we have to emphasize again, has never been our or Mr Leung's request.

We hope the above suggestion is useful.

Yours faithfully,

SIT, FUNG, KWONG & SHUM

**List of parties submitting
views to the Select Committee**

1. A member of the public
2. A member of the public
3. A member of the public
4. Hong Kong Alternatives
5. KY WONG
6. Lotto LAI
7. KY WONG
8. SME (Small & Medium Enterprises) Quality Management Association
9. 林小姐
10. Mr CHENG Tsuk-man, Sha Tin District Council Member
11. 梁燕媚及洪卓友
12. Mr YEUNG Wai-sing, Eastern District Council Member
13. Ms TSANG
14. A member of the public

Membership of the Jury for the Competition

Chairman

The Lord Rothschild, GBE

Jury Member, The Pritzker Architecture Prize; Chairman of the Hermitage Development Trust, the Gilbert Collection Trust and the Heather Foundation for the Arts at Somerset House in London, England

Members

Mr C. Nicholas Brooke, BBS, JP

Vice-Chairman, Metro Planning Committee, Town Planning Board, Hong Kong

Professor CHANG Hsin-kang, JP

Chairman, Culture and Heritage Commission, Hong Kong

The Hon Mrs Selina CHOW, JP

Chairman, Hong Kong Tourism Board, Hong Kong

Professor Peter F.V. Droege

Professor of Urban Design, Faculty of Architecture, University of Sydney, Australia

Professor LAU Sau-shing, Patrick, SBS

Professor of Architecture, The University of Hong Kong

The Hon LEUNG Chun-ying, GBS, JP

Convenor, Executive Council, Hong Kong

Mr Peter W. Rogers

Director, Stanhope Plc., London, England

Professor Peter G. Rowe

Dean, Graduate School of Design, Harvard University, Cambridge, Massachusetts, USA

Professor WU Liangyong

Professor and Director, Institute for Architecture and Urban Studies, School of Architecture, Tsinghua University, Beijing, China

Source : Competition Document issued on 6 April 2001 and produced by Mr Raymond YOUNG, witness appearing before the Select Committee

Assessment criteria of the Competition

(I) Planning and Design Merits

- (1) Ability to provide a compelling and plausible vision to shape the future use of the Scheme Area as an integrated arts, cultural and entertainment district
- (2) Ability to translate waterfront and harbour presence into development of distinguished identity
- (3) Ability to optimize site potential and development opportunities
- (4) Ability of adopting innovative and viable ideas and imaginative solutions to planning constraints
- (5) Ability to achieve integration and connectivity with surroundings
- (6) Ability to meet changing needs
- (7) Ability to demonstrate broad feasibility in traffic arrangements

(II) Overall Benefits to Hong Kong

- (1) Meeting the overall objective of enhancing Hong Kong's position as Asia's premiere centre of arts, culture and entertainment
- (2) Bringing planning and urban design benefits to Hong Kong
- (3) Meeting public aspirations and generating civic pride

Source : Annex 2 to the Competition Document issued on 6 April 2001 and produced by Mr Raymond YOUNG, witness appearing before the Select Committee

Membership of the Technical Panel for the Competition

Chairman : (1) Director of Planning

Members : **Officials**

(2) Director of Architectural Services or his representative

(3) Director of Leisure and Cultural Services or his representative

Non-officials

(4) Mr Leslie H.C. CHEN
Member, the Hong Kong Institute of Landscape Architects

(5) Ir Professor CHOW Che-king
Member, the Hong Kong Institution of Engineers

(6) Professor LAM Kin-che
Member, Advisory Council on the Environment

(7) Mr David C. LEE
Member, the Hong Kong Institute of Surveyors

(8) Professor LUI Chun-wan, Alex
Member, the Hong Kong Institute of Architects

(9) Mr TSAO Sing-yuen, Willy, BBS
Member, Hong Kong Arts Development Council

(10) Mr YIP Cho-tat, Stanley
Member, the Hong Kong Institute of Planners

Source : Annex 1 to the Competition Document issued on 6 April 2001 and produced by Mr Raymond YOUNG, witness appearing before the Select Committee

Extract from the General Conditions of the Competition Document

X X X X X X X X

ANONYMITY

25. Submission materials shall be kept anonymous. No mark of any sorts, which can identify the participants, their multi-disciplinary teams, consultants or associates, shall be made on all submission materials. Participants shall mark clearly in their submission materials an identification number (to be chosen by themselves) comprising a six-digit number and two letters of the alphabet 10mm high. For the bound document (paragraph 20 refers), only one copy shall be marked with the identification number, which shall only be shown at the lower right hand corner of the cover page. For the presentation materials (paragraph 21 refers), the identification number shall appear in the lower right hand corner at the back of the boards.
26. All submission materials shall be wrapped twice. The bound document and the presented materials should be individually wrapped. After receipt and checking, staff of the Organizer shall remove and destroy the outer wrapper. The inside wrapper shall be free of any identifying marks whatsoever. No covering letter of any sort shall be produced.
27. A sealed and opaque envelope containing:
- (i) a copy of the acknowledged duplicate of the completed official Registration Form (paragraph 13 refers);
 - (ii) in the case of project team, updated information on all participants as shown in the Registration Form (paragraph 12 refers), where appropriate; and
 - (iii) a summary, at no more than two pages of A4 size, of the curriculum vitae of all the team members

should be affixed to the inner wrapper of the bound document. Only the identification number of 10mm high should be marked in the lower right hand corner of the envelope. The Organizer shall remove the envelope and keep it in a secured place.

X X X X X X X X

CONFIDENTIALITY

33. The Organizer shall keep the identification numbers (paragraph 25 refers) confidential and shall replace them by serial numbers for use by the Jury and the Technical Panel to maintain the anonymity of the participants. The assessment process will be carried out in strict confidence. The Organizer shall not disclose the details of the assessments. Before the completion of the Competition, any person, without prior authorization of the Organizer, shall **not** disclose, exhibit or publish the submitted proposals in any form.

X X X X X X X X

Source : Competition Document issued on 6 April 2001 and produced by Mr Raymond YOUNG, witness appearing before the Select Committee

ML 1

File Note

Encl. (6) was tabled at the meeting with CE on 23 May. CE directed that the Chairman of the Jury should be a non-official from overseas. He agreed with the priority and directed that contact should be made with Lord Rothschild first. CS(Atg.) mentioned to CE that we would consider appointing Bill Lacy as Professional Advisor.

1
(P L PO)
PAS(SD)
23.5.2000

COMPOSITION OF THE JURY

(Non-official Chairman + 10 Non-Official Members)

I. Chairman

Nomination	Background
<div style="background-color: black; width: 100px; height: 15px; margin-bottom: 5px;"></div> <div style="background-color: black; width: 100px; height: 15px;"></div>	<ul style="list-style-type: none"> • <div style="background-color: black; width: 200px; height: 15px; display: inline-block;"></div> • <div style="background-color: black; width: 200px; height: 15px; display: inline-block;"></div> • <div style="background-color: black; width: 200px; height: 15px; display: inline-block;"></div>
Alternative 1 Lord Jacob ROTHSCHILD (UK)	<ul style="list-style-type: none"> • A banker by profession • Jury member, 2000 Pritzker Architecture Prize • Former Chairman, National Heritage Memorial Fund (1992-1998) • Former Chairman, Board of Trustees : National Gallery (1985-1991)
Alternative 2 <div style="background-color: black; width: 100px; height: 15px; margin-bottom: 5px;"></div> <div style="background-color: black; width: 100px; height: 15px;"></div>	<ul style="list-style-type: none"> • <div style="background-color: black; width: 150px; height: 15px; display: inline-block;"></div> • <div style="background-color: black; width: 200px; height: 15px; display: inline-block;"></div> • <div style="background-color: black; width: 150px; height: 15px; display: inline-block;"></div> • <div style="background-color: black; width: 250px; height: 15px; display: inline-block;"></div>
Alternative 3 Professor Peter ROWE (USA)	<ul style="list-style-type: none"> • An urban designer and educator • Dean, Graduate School of Design, Harvard University • Honorary Professor, Xian University of Architecture and Technology • Board member, Centre Canadien d' Architecture • Former member, Institute for Urban Design (1980-1990)

Nomination	Background
Alternative 4 Mrs Anson CHAN, JP (HK)	<ul style="list-style-type: none"> • Chief Secretary for Administration

II. Members

2. Vice-Chairman, Metro Planning Committee, Town Planning Board
3. Chairman, Culture and Heritage Commission
4. Chairman, Hong Kong Tourist Association
5. & 6. Business (2)
7. Academic in town planning/ architecture (1)
8. – 11. Prominent overseas experts in town planning/architecture (4)

Source : Mr Raymond YOUNG, witness appearing before the Select Committee

**Proposed list of members of the Jury for the Competition
attached to the letter dated 18 January 2001
from the Chief Secretary for Administration to Lord ROTHSCHILD**

CONFIDENTIAL

COMPOSITION OF THE JURY

As at 10.1.2001

(Chairman + 10 Non-Official Members)

I. Chairman

The Lord Rothschild, GBE

II. Members

Nominee	Background
Mr I M PEI (USA) (貝聿銘)	<ul style="list-style-type: none"> Internationally renowned works include National Gallery of Art, East Building, Washington, DC (1978), Musée du Louvre extension (1987) and National Gallery, extension, London (1988)
Professor Peter G ROWE (USA)	<ul style="list-style-type: none"> Urban designer and educator Dean, Graduate School of Design, Harvard University Honorary Professor, Xian University of Architecture and Technology Board member, Centre Canadien d'Architecture Author of numerous publications and Principal Investigator of numerous research projects on urban design

CONFIDENTIAL

Nominee	Background
<p>Professor WU Liangyong (China) (吳良鏞)</p>	<ul style="list-style-type: none"> • Professor and Director of Institute for Architectural and Urban Studies, School of Architecture, Tsinghua University • Former Vice President of the International Union of Architects • Recipient of the UIA Architectural Education Prize in 1996 • President, The Urban Planning Society of China • Member of the Chinese Academy of Sciences • Member of the Chinese Academy of Engineering
<p>Professor Peter F V DROEGE (Australia)</p>	<ul style="list-style-type: none"> • Head, Urban Design Program, Faculty of Architecture, Sydney University • Chairman, Urban Design Advisory Committee, Australia • Advisor on urban development and design, City of Amsterdam, the Netherlands (1991-92) • Advisor on waterfront development and design strategies, City of Dordrecht, the Netherlands (1993) • Advisor to the Inner Harbour Development Study, City of Port Adelaide, Australia (1993)

CONFIDENTIAL

Nominee	Background
Mr Peter W ROGERS (UK)	<ul style="list-style-type: none"> • Director of Stanhope Properties Plc • Involved in development projects most notably the Broadgate development in the City of London and Stockley Park adjacent to Heathrow Airport • Advisor to the Royal Shakespeare Theatre at Stratford • Member of the Government Technology Foresight Panel
Mr C Nicholas BROOKE, BBS, JP (蒲祿祺)	<ul style="list-style-type: none"> • Consultant of Insignia Brooke and real estate advisor • Vice-Chairman, Metro Planning Committee, Town Planning Board • Chairman of the Real Estate Services Committee of the Hong Kong Chamber of Commerce
Professor CHANG Hsin-kang, JP (張信剛)	<ul style="list-style-type: none"> • President of the City University of Hong Kong • Chairman, Culture and Heritage Commission
Hon Mrs Selina CHOW, JP (周梁淑怡)	<ul style="list-style-type: none"> • Company Director • Chairman, Hong Kong Tourist Association • Member, Legislative Council
Hon Antony K C LEUNG, GBS, JP (梁錦松)	<ul style="list-style-type: none"> • Managing Director & Regional Manager, Greater China and the Philippines, The Chase Manhattan Bank • Member, Executive Council

CONFIDENTIAL

Nominee	Background
Professor LAU Sau-shing, Patrick, SBS (劉秀成)	<ul style="list-style-type: none"> • Professor and Head of Dept of Architecture, HKU • Consultant Architect, Design Consultants Ltd • Member, Town Planning Board

Source : Mr Raymond YOUNG, witness appearing before the Select Committee

Message Contents

I have spoken with the CE. He agrees. Please prepare a letter for signature by CE. Many thanks.

>-----
|
| To: Richard MF
| YUEN/CEO/HKSARG@CE0@GCN-NOTES@GCN-Gateway@CSTDI
| cc:
| Subject: Re: 2030
|----->

G SIU

- 227 -

PERSONAL & CONFIDENTIAL

香港特別行政區政府

The Government of the Hong Kong Special Administrative Region

規劃地政局
香港花園道美利大廈



PLANNING and LANDS BUREAU
MURRAY BUILDING, GARDEN ROAD,
HONG KONG

本局網址: OUR WEBSITE: <http://www.plb.gov.hk>

本局檔號 OUR REF.:

來函檔號 YOUR REF.:

Tel. No. : 2848 2568

Fax No. : 2899 2916

9 March 2001

The Honourable LEUNG Chun-ying, GBS, JP,
DTZ Debenham Tie Leung Limited,
10/F., Jardine House,
Central,
Hong Kong.

By Hand

Dear Mr. Leung,

West Kowloon Reclamation Concept Plan Competition

*Tentative
action plan
not
attached to
Appendix
2(h)*

I refer to your telephone conversation with Mr. Gordon K.C. Siu, Secretary for Planning and Lands on the above Competition. We are most delighted and honoured that you have indicated interest as a member of the panel of jurors. I enclose a draft Competition Document together with a tentative action plan on the Competition for your personal reference. I have taken the liberty to update the list of members of the panel of jurors in the Document (paragraph 27 of Section I) in this light.

*According to
the
Administration,
there is no file
record of the
draft
Competition
Document
attached to the
letter*

We plan to launch the Competition in end March/early April 2001 and allow 6 months for the preparation of the submissions. Submissions will be adjudicated by the panel of jurors, which will be supported by a technical panel, chaired by the Director of Planning and an independent Special Advisor to be appointed. The technical panel is expected to meet in November/December 2001 with a view to providing advice to the panel of jurors on the technical assessment of individual submissions. We have set aside a few days in early January 2002 for the jury meeting, with the exact dates to be agreed among the jurors.

I will be pleased to answer any questions on the Competition. Please feel free to contact the undersigned. In addition to the above telephone and fax numbers, I can be reached by e-mail at the following address : pl.po@plb.gov.hk.

With best regards.

Yours sincerely,



(P. L. PO)
Coordinator

West Kowloon Reclamation Concept Plan Competition

Source : Mr Raymond YOUNG, witness appearing before the Select Committee

CONFIDENTIAL

By Hand

MEMO

From Secretary for Planning and Lands

Ref. _____ in PLB(CR) 51/57/15

Tel. No. 2848 2568

Fax. No. 2845 3489(open) 2869 0167(CR)

Date 18 October 2001

To Commissioner, ICAC

(Attn: Corruption Prevention Department)

Your ref. _____ in _____

Dated _____ Fax. No. _____

Total Pages _____

West Kowloon Reclamation Concept Plan Competition Declarations of Interest

I am writing to seek your views on the question of declarations of interest by members of the Technical Panel assessing entries to the West Kowloon Reclamation Concept Plan Competition (the competition).

Background

2. The West Kowloon Reclamation Concept Plan Competition is an international competition to find the best conceptual designs for the integrated arts, cultural and entertainment district that the Government intends to see developed on the reclamation. Full information on the competition is contained in the Competition Document attached. This contains, among other things, the General Conditions and the Competition Brief. The document is also available from the competition website at www.plb.gov.hk/competition. The deadline for entries has passed and the competition has attracted 161 entries. The next step is for a Technical Panel to undertake a technical assessment of the entries by mid December 2001 as preparation for consideration of the entries by the Jury in February 2002.

3. The Technical Panel comprises three departmental heads and seven other persons appointed in a personal capacity from relevant professional and advisory fields in the private sector, as shown in Annex 1 to the Competition Document. The Jury is entirely non-official, as shown in paragraph 8 of the General Conditions. The competition also has a Professional Advisor based in the USA.

4. The competition is open to all qualified planners and architects, as defined by the requirements in existence in their respective place of practice, who registered for participation by 8 June 2000. Such a person may enter as an individual or as the representative of a company or project team. Full information on all of the persons participating in the entry has to be provided in a sealed envelope attached to the inner wrapper of the entry.

5. Provisions concerning ineligibility, anonymity and confidentiality have been included in the Competition Document to preserve the integrity and impartiality of the competition. These are as set out in paragraphs 16, 25 and 33 of the General Conditions.

Competition
Document not
attached to
Appendix 2(i)

Areas of potential conflict of interest

6. We wish to ensure, as far as possible, that we maintain a fair and level playing field and that we are not faced with question marks over a winning entry because of any perceived conflict of interest which might arise after the winning participants are identified. We are therefore considering whether to supplement the ineligibility, anonymity and confidentiality provisions of the Competition Document with requirements for declarations of interest and, if so, on what basis. The arrangements for declarations of interest by members of government advisory boards and committees, though a useful reference, normally apply to situations where the project proponent's identity is known to the committee. This is not the case with entries to the competition.

7. Paragraph 25 of the General Conditions provides for submission materials not to identify any of the participants or their teams, consultants or associates and paragraph 33 provides for entries to be identified only by serial numbers during the assessment process. It might therefore be argued that there is no need for any declarations of interest because members of the Technical Panel (and the Jury) will not know and cannot come to know the identity of any participant during the assessment process.

8. On the other hand, paragraph 16 of the General Conditions provides among other things that the members of the Technical Panel, their immediate family members, their employees, their close professional associates and any company of which they are a director or major shareholder are ineligible to enter the competition.

9. As regards immediate family members, employees and close professional associates, the onus is on the prospective participant to check whether he has such a relationship with any member of the Technical Panel, so that he does not enter the competition when ineligible. As regards directorships and majority shareholdings, the member of the Technical Panel is assumed to be aware of the activities of his companies, if any, and the onus is therefore on him to ensure that none enters the competition.

10. We are therefore considering whether we should require members of the Technical Panel to declare whether they are aware that any of their immediate family members, employees or close professional associates, or any company of which they are a director or major shareholder, has entered the competition and, if so, the names of those concerned. We would be able to check any declared names against the information in the sealed envelopes submitted with the entries and report the outcome to the Chairman of the Panel for a ruling.

11. We could go further and require Panel members to make such a declaration based on sight of a list of participants named in the sealed envelopes. This would remove doubt over who might have entered the competition and reduce the possibility of a Panel member claiming no prior knowledge that someone had entered. If we proceed on this basis, however, we run the risk of members revealing to third parties who has entered the

competition. We might then come to be accused of failing properly to protect the anonymity of the participants.

12. Either way, there would continue to be a risk of, for example, an employee of a Panel member having entered the competition and this not becoming known until much later. This might happen if the Panel member concerned was genuinely unaware that his employee had entered in his private capacity or could not conclusively identify a person by name only as being his employee. If the entry went on to win a prize and the relationship became known after the winning participants were announced, we could be in the position of having publicly to disqualify it. But this is a risk that we are running without requiring declarations of interest. At least with a declaration there is a greater chance of such an entry surfacing early, enabling the Panel to recommend it to the Jury for disqualification.

13. The above considerations have been put to the Professional Advisor for his advice in the light of his experience of how such matters have been handled in similar international competitions.

14. On balance, and subject to the advice of the Professional Advisor, our feeling at this stage is that we should require declarations of interest by Technical Panel members on the basis of the approach in paragraph 10 above. We have prepared a draft declaration form for this purpose. A copy is attached.

15. The question of declarations of interest by members of the Jury will be considered separately later.

Preliminary views of the Technical Panel

16. At the meeting of the Technical Panel on 9 October 2001, we informed members that we were examining the question of declarations of interest and had sought the advice of the Professional Advisor. One member suggested that a declaration along the lines in paragraph 10 above would be appropriate. No objections were raised.

Advice sought

17. I should be grateful to know whether you have any views on our proposed approach to this matter. The Bureau and the Planning Department are ready to discuss the matter with you as necessary.



(Eric Johnson)

for Secretary for Planning and Lands

c.c. D of Plan (Attn. Mr C K Li)

Fax : 2881 0636 (4 pages)

Source : Mr Raymond YOUNG, witness appearing before the Select Committee

DRAFT

West Kowloon Reclamation Concept Plan Competition

DECLARATION BY MEMBERS OF THE TECHNICAL PANEL

I, being a member of the Technical Panel for the West Kowloon Reclamation Concept Plan Competition, declare that I have read paragraph 16 of the General Conditions of the Competition Document, reproduced below:

16. *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.*

and that, in relation to paragraph 16 (ii), (iii) and (iv) above –

- *(a) *to the best of my knowledge, none of my immediate family members or employees and no-one who has an employment-type contract or close professional association or partnership with me, has entered the competition;*
- *(b) *I believe that the following, among my immediate family members or employees and those who have an employment-type contract or close professional association or partnership with me, have entered the competition;*

Name of entrant	Relationship with entrant

- *(c) *no company of which I am a director or major shareholder has entered the competition;*
- *(d) *a company of which I am a director or major shareholder has entered the competition. The company's name is:*

(*delete as appropriate)

Signed : _____

Name : _____

Date : _____

CONFIDENTIAL
MEMO

From : <u>Director of Corruption Prevention</u> Ref. : <u>(2) in CPD/PD/6</u> Tel. No. : <u>2826 3187</u> Fax No. : <u>2521 8479</u> Date : <u>6 November 2001</u>	To : <u>Secretary for Planning and Lands</u> (Attn : <u>Mr. Eric Johnson</u>) Your Ref. : <u>in PLB(CR) 51/57/19</u> Fax No. : _____ dated : <u>18.10.2001</u> Total No. of Pages : _____
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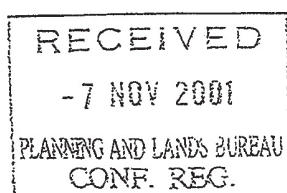
West Kowloon Reclamation Concept Plan Competition
Declarations of Interest


Thank you for inviting our views concerning declaration of interest by members of the Technical Panel of the above competition.

2. We note your dilemma that, on the one hand, you want the members to declare conflict of interest, and on the other, they are not informed of the identities of the entrants. The Competition Document lists the Technical Panel and the Jury members, and the Professional/Special Advisors, and clearly states that persons closely associated with them are ineligible for the competition. Nevertheless, you wish to identify any ineligible entrants at an early stage to avoid the situation of having to disqualify publicly the winner who is ineligible in the first place.

3. From the corruption prevention viewpoint, we always advocate the avoidance of conflict of interest and encourage declaration when such conflict arises. Therefore, all persons closely associated with the Competition (including Technical Panel members) should be asked to declare conflict of interest to the best of their knowledge. In this regard, the declaration requirement should apply to not only the Technical Panel but also the Jury and the Professional Advisor. To facilitate declaration and to check eligibility, they have to be informed of the identities of the entrants. However, the Competition Documents pledge strict confidentiality of the entrants and anonymity of the submitted proposals. We recommend that you seek the entrants' consent to waive the restrictions as appropriate.

4. In order that the integrity of the technical assessment and the final selection of the winners will not be compromised, we suggest that if the declaration is made without disclosure of the entrants' identities, the revelation of their identities (for vetting eligibility purpose) should be the last step before announcement of the winners. Alternatively, the declaration should be made based on the sight of a list of entrants but with anonymity of the proposals maintained.




 (Evelyn Chan)
 for Director of Corruption Prevention
 Independent Commission Against Corruption

C.C.

D of Plan (Attn. Mr. C. K. Li)

Fax : 2881 0636

Source : Mr Raymond YOUNG, witness appearing before the Select Committee

CONFIDENTIAL

By Fax

MEMO

From Secretary for Planning and Lands
 Ref. (8) in PLB(CR) 51/57/19
 Tel. No. 2848 2568
 Fax. No. 2845 3439(open) 2869 0167(CR)
 Date 23 November 2001

To Director of Corruption Prevention, ICAC
 (Attn: Ms Evelyn Chan)
 Your ref. (2) in CPD/PD/6
 Dated 6.11.01 Fax. 2521 8479
 Total Pages 2

West Kowloon Reclamation Concept Plan Competition
 Declarations of Interest

Thank you for your helpful comments and advice.

2. I mentioned in my memo of 18 October that the considerations therein had been also put to the Professional Advisor to the competition for his advice in the light of his experience of how such matters have been handled in similar international competitions. He has advised as follows –

"I think it is not an imposition on Technical Panel members, Jury members, or anyone officially connected with the competition to declare whether or not their association with a contestant or a business represents a conflict of interest, either real or implied. I would be happy to review such cases on an individual basis if your group feels it would be helpful. Normally, all Jurors and Technical Panel members are expected to sign a binding agreement of confidentiality and conflict of interest notification, such as the one you have developed."

3. We shall extend the proposed declaration arrangements to the Jury and the Professional Advisor in addition to the Technical Panel. They will then apply to everyone participating in the decision-making at both the technical assessment and adjudication stages of the competition. I attach the finalised version of the declaration to be made by members of the Technical Panel.

4. We prefer to proceed initially on the basis of a declaration to the best of the declarant's knowledge. Accordingly, we consider that it is unnecessary to ask entrants for consent to waive the confidentiality provisions so that declarations can be made with knowledge of entrants' identities. We will however consider your suggestion that there should be a further opportunity (for all those who have completed the initial "best of my knowledge" declaration), to declare any conflicts of interest in the light of the identities of the winning entries, before they are announced. We agree that this would help to safeguard the integrity of the competition.



(Eric Johnson)

for Secretary for Planning and Lands

c.c. D of Plan (Attn: Mr C K Li)

Fax: 2881 0636

Source: Mr Raymond YOUNG, witness appearing before the Select Committee

West Kowloon Reclamation Concept Plan Competition

DECLARATION BY MEMBERS OF THE TECHNICAL PANEL

I, being a member of the Technical Panel for the West Kowloon Reclamation Concept Plan Competition, declare that I have read paragraph 16 of the General Conditions of the Competition Document, reproduced below:

16. 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.

and that, in relation to paragraph 16 (ii), (iii) and (iv) above –

*(a) to the best of my knowledge, none of my immediate family members or employees and no-one who has an employment-type contract or close professional association or partnership with me, has entered the competition;

*(b) I believe that the following, among my immediate family members or employees and those who have an employment-type contract or close professional association or partnership with me, have entered the competition;

Name of entrant	Relationship with entrant

*(c) I am not a director or major shareholder of any company;

*(d) no company of which I am a director or major shareholder has entered the competition;

*(e) a company of which I am a director or major shareholder has entered the competition. The company's name is:

I understand that the entries to the competition are issued to me for my personal and confidential assessment and that the assessment of entries by the Technical Panel is to be carried out in strict confidence.

* delete (a) or (b); if you delete
(a), complete (b)

Signed : _____

Name : _____

delete/complete as appropriate;
whichever one applies, delete the
other two

Date : _____

West Kowloon Reclamation Concept Plan Competition

DECLARATION BY MEMBERS OF THE TECHNICAL PANEL

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I understand that the entries to the competition are issued to me for my personal and confidential assessment and that the assessment of entries by the Technical Panel is to be carried out in strict confidence.

* delete (a) or (b); if you delete (a), complete (b)

Signed : _____

Name : _____

delete/complete as appropriate; whichever one applies, delete the other two

Date : _____

Source : Mr Raymond YOUNG, witness appearing before the Select Committee

Declarations made by members of the Technical Panel

Declarations made	Members
<p>Declarations by members who chose items (a) and (c) in the declaration forms, which are reproduced as follows :</p> <p><i>"(a) to the best of my knowledge, none of my immediate family members or employees and no one who has an employment-type contract or close professional association or partnership with me, has entered the competition"; and</i></p> <p><i>"(c) I am not a director or major shareholder of any company".</i></p>	<p>Mr Bosco FUNG (Chairman) Mr PAU Shiu-hung Miss CHOI Suk-kuen Mr Leslie CHEN Ir Professor CHOW Che-king</p>
<p>Declarations by members who chose items (a) and (d) in the declaration forms, which are reproduced as follows :</p> <p><i>"(a) to the best of my knowledge, none of my immediate family members or employees and no one who has an employment-type contract or close professional association or partnership with me, has entered the competition"; and</i></p> <p><i>"(d) no company of which I am a director or major shareholder has entered the competition".</i></p>	<p>Professor LAM Kin-che Mr David LEE Mr Willy TSAO Mr Stanley YIP</p>
<p>Declaration by member who chose items (b) and (c) in the declaration forms, which are reproduced as follows :</p> <p><i>"(b) I believe that the following, among my immediate family members or employees and those who have an employment-type contract or close professional association or partnership with me, have entered the competition"; and</i></p> <p><i>"(c) I am not a director or major shareholder of any company".</i></p>	<p>Professor Alex LUI</p>

Source : compiled by the Select Committee on the basis of the declaration forms of members of the Technical Panel produced by Mr Raymond YOUNG, witness appearing before the Select Committee

West Kowloon Reclamation Concept Plan Competition

DECLARATION BY MEMBERS OF THE TECHNICAL PANEL

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Name of entrant	Relationship with entrant

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I understand that the entries to the competition are issued to me for my personal and confidential assessment and that the assessment of entries by the Technical Panel is to be carried out in strict confidence.

* delete (a) or (b); if you delete (a), complete (b)

Signed : 

Name : David C Lee

delete/complete as appropriate; whichever one applies, delete the other two

Date : 4 December 2001

Source : Mr Raymond YOUNG, witness appearing before the Select Committee

DAVID C LEE SURVEYORS LTD
李頌熹測量師有限公司



4 December 2001

Planning and Lands Bureau
Murray Road
Garden Road
Hong Kong

Attn: Mr Eric Johnson

Dear Mr Johnson

West Kowloon Reclamation Concept Plan Competition

I return herewith the Décoration duly signed for your record. I also wish to inform you that I have issued Circulars to the staff of David C Lee Surveyors Ltd and JADL Design Ltd on the subject of conflict of interest. Copies of these circulars are enclosed for your reference.

Regards

David C Lee

DCL/mw/h:letter2:069

MANAGING DIRECTOR
董事總經理

David C Lee 李頌熹
FRICS, FHKIS, ASVA,
ACI(Arb, AP, RPS (BS),
Chartered Valuation Surveyor

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Thomas C P Kam
甘志邦

CONSULTANTS
顧問

Stephen P Mather
馬德賢
ARICS, FHKIS, RPS (BS)
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A member of **King & Co. CORFAC**
INTERNATIONAL



DAVID C LEE SURVEYORS LTD



INTERNAL CIRCULAR NO. (394)

Competition for West Kowloon Reclamation

I have been appointed as a non-official member of the Technical Panel for the Competition for West Kowloon Reclamation.

Para 16 of the Competition Document clearly states that persons having employment-type relationship, or close professional association, or partnership with a member of the Technical Panel; and a company of which a member of the Technical Panel is a director, or major shareholder, are ineligible to enter the competition. For your reference, para 16 is reproduced below:-

INELIGIBILITY

16. *All those likely to be in conflict of interest are excluded from the Competition including but not necessarily limited to the following:*
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The Government was put in a very embarrassing situation as the Director of Architectural Services is also a member of the Technical Panel and that rules out all the staff of the ASD from entering the competition, even in their personal capacity.

I hope you all understand the commitment that I have made in this case and will refrain from entering the competition in any way or form. If I am aware of anyone of our staff taking part in the competition, I will be duty bound to disclose it and that entry will probably be disqualified.

A handwritten signature in dark ink, appearing to be 'David C Lee'.

David C Lee BBS, JP
Managing Director

12 June 2001
o:\a&a\circular\394.doc

JADL DESIGN LTD



INTERNAL CIRCULAR

Competition for West Kowloon Reclamation

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A handwritten signature in black ink, appearing to be 'DCL', followed by a horizontal line.

David C Lee BBS, JP
Director

12 June 2001
DCL/mw/h:letter2:017

香港特別行政區政府
The Government of the Hong Kong Special Administrative Region

規劃地政局
香港花園道美利大廈



PLANNING and LANDS BUREAU
MURRAY BUILDING, GARDEN ROAD,
HONG KONG

本局網址 OUR WEBSITE: <http://www.plb.gov.hk>

本局檔號 OUR REF.:

來函檔號 YOUR REF.:

Eric Johnson tel. no. : 2848 2568
E-mail : e.johnson@plb.gov.hk
Agnes Tang tel. no. 2848 2570
E-mail : aiktang@plb.gov.hk
Fax No. : 2845 3489

BY FAX

21 February 2002

Personal and Confidential



Dear [REDACTED]

West Kowloon Reclamation Concept Plan Competition

Further to my letters of 29 January and 7 February 2002, I attach the proposed programme for the week of the Jury meeting. The programme has the general approval of the Chairman of the Jury and the Secretary for Planning and Lands.

There are a number of points that I should like to highlight, as follows –

Viewing of presentation boards

Sunday 24 February is devoted to the viewing of presentation boards at the Jury meeting venue, which is on the first floor of the City Hall, Low Block, so that all jurors may have a good sight of all of the boards in an informal atmosphere before adjudication begins on 25 February. Individual jurors are free to attend at times of their choosing during morning and afternoon sessions.

After consultation with Lord Rothschild, we are setting up the presentation boards for viewing according to the category into which the corresponding entries were placed by the Technical Panel. A layout plan will be available for you on arrival at City Hall.

Preliminaries

The morning of 25 February will be devoted mainly to consideration of the report of the Technical Panel and adopting a strategy for the adjudication process. As required by the Competition Document, the Chairman of the Technical Panel, Mr Bosco Fung, will attend the meetings of the Jury to present the Panel's assessments.

Lunch on 25 February will be hosted by the Secretary for Planning and Lands, Mr John Tsang. If you have any special dietary requirements, please let me or [REDACTED] know beforehand.

In the afternoon, jurors will be taken to view the West Kowloon Reclamation area from one or two suitable vantage points. Afterwards, there will be a further opportunity for viewing of the presentation boards.

Adjudication sessions

The 26, 27 and the morning of 28 February will be devoted to adjudication of the entries.

Media conference on 28 February

Lord Rothschild has consented to chair a media conference in the afternoon of 28 February to announce the winning entries. The event will be broadcast live on the Government's internet home page. We hope that all jurors will be available to attend the media conference to assist Lord Rothschild in answering questions from the floor and make themselves available for post-conference interviews with the media. The Secretary for Planning and Lands and the Director of Planning will also be attending.

Cocktail reception on 28 February

The Secretary for Planning and Lands will hold a cocktail reception at Government House in honour of the Jury. We have invited members of the Technical Panel and a wide variety of people in the community, including representatives of the professional organizations and advisory bodies with an interest in the project. We anticipate an attendance of about 140 people.

Kindly note that there will be no need for formal attire at any of the functions in the programme for the Jury.

In addition -

Conflict of interest declarations

Before the Technical Panel met, I sought the Professional Advisor's advice on whether the competition requirements concerning ineligibility of certain persons and on maintaining anonymity throughout the assessment process should be supplemented with declarations of interest by Panel members. He advised as follows -

"I think it is not an imposition on Technical Panel members, Jury members, or anyone officially connected with the competition to declare whether or not their association with a contestant or a business represents a conflict of interest, either real or implied. I would be happy to review such cases on an individual basis if your group feels it would be helpful. Normally, all Jurors and Technical Panel members are expected to sign a binding agreement of confidentiality and conflict of interest notification, such as the one you have developed."

The declaration form used on that occasion was completed by all members of the Technical Panel and Mr Lacy. Lord Rothschild is content that a similar form should be completed by jurors.

I attach the declaration form and should be grateful if you would complete it and return it to me by fax by 23 February.

Please note the following points before completing the form -

- (i) paragraph 16 of the General Conditions in the Competition Document provides among other things that the members of the Jury, their immediate family members, their employees, their close professional associates and any company of which they are a director or major shareholder are ineligible to enter the competition;
- (ii) as regards immediate family members, employees and close professional associates, the onus is on the prospective participant to check whether he has such a relationship with any member of the Jury, so that he does not enter the competition when ineligible. Hence it is sufficient in the declaration form for the juror to declare to the best of his knowledge (in item (a)) or belief (in item (b));
- (iii) it is not incumbent upon jurors to make enquiries of any close associate or contact to ascertain whether or not they have entered the competition;

- (iv) where item (b) applies, perhaps because the juror has been told by someone that he has entered the competition, this will not necessarily be a problem, as the likelihood is that no conflict of interest will arise if the juror has not participated in the entrant's project and does not know which of the entries is from that entrant;
- (v) as regards directorships and majority shareholdings, the juror is assumed to be aware of the activities of his companies, if any, and the onus is therefore on him to ensure that none enters the competition. Hence the declaration here - with a choice between items (c), (d) and (e) in the form - assumes full knowledge on the part of the declarant; and
- (vi) the completed declarations will be reviewed initially by the organizer and Lord Rothschild on 24 February and be discussed at the first Jury meeting on 25 February. It is therefore essential that you return the completed form to me by 23 February.

Policy appraisal of entries

The Competition Brief states that the submitted proposals should be in compliance with the policy objectives of the Government in promoting arts and culture. Briefly, these are to support and promote the development of the arts and culture in Hong Kong and the preservation of the community's cultural heritage. The Government promotes the pluralistic development of the cultural scene in Hong Kong and aims to make available to the community a wide choice of arts and cultural facilities.

The Home Affairs Bureau, which is responsible for arts and cultural policy, has assessed the individual entries, in strict confidence, as to their broad consistency with the Government's policy objectives in promoting the arts and culture.

The Bureau finds that 131 of the entries are broadly consistent with the policy objectives, whereas 18 entries are either broadly inconsistent with them (7 entries) or fail to provide sufficient information to allow proper assessment (11 entries). The 7 entries broadly inconsistent with the policy objectives either fail to provide sufficient cultural facilities or put far too much emphasis on sports and/or entertainment facilities. These entries carry the serial numbers 014, 031, 055, 075, 113, 120 and 140. The 11 entries failing to provide sufficient information to allow proper assessment carry the serial numbers 003, 021, 029, 076, 078, 079, 085, 117, 122, 123 and 139.

All of the 18 entries whose serial numbers are quoted above are in the Technical Panel's Category 2 (entries which fail to meet the technical requirements of the competition brief in important respects).

The remaining 12 entries - out of the grand total of 161 - were not assessed by the Home Affairs Bureau, as the Technical Panel has recommended their disqualification. (The Panel decided that its findings should be made known to the Bureau to assist it in its task.)

With best regards,

Yours sincerely,

Eric Johnson

(Eric Johnson)
Competition Co-ordinator

Source : Mr Raymond YOUNG, witness appearing before the Select Committee

West Kowloon Reclamation Concept Plan Competition

PROGRAMME FOR THE JURY
21 February to 2 March 2002
(As at 21 February)

Date/ time	Event
	Arrival of overseas jurors
21 Feb	
10.00 am – 1.00 pm	Viewing of entry presentation boards at City Hall by individual jurors at times convenient to them (morning session)
2.30 pm – 6.00 pm	Viewing of entry presentation boards at City Hall by individual jurors at times convenient to them (afternoon session)
3.00 pm	Preparatory meeting at City Hall attended by the Chairman of the Jury, the Professional Advisor, the Chairman of the Technical Panel and the Competition Co-ordinator, to discuss the Jury's work programme and related activities
22 Feb	
10.00 am – 12.30 pm	Jury meeting at City Hall <u>Agenda items</u> <i>Chairman's opening remarks</i> <i>Conflict of interest declarations</i> <i>Report by the Chairman of the Technical Panel</i> <i>Consideration of the Report of the Technical Panel</i> <i>Consideration of adjudication process</i>
Lunch (12.45 pm)	Hosted by Mr. John Tsang, Secretary for Planning and Lands, at Victoria Seafood Restaurant, CITE Tower and [redacted] also attending
2.15 pm	Jury to view the West Kowloon Reclamation area from suitable vantage points
4.15 pm – 6.00 pm	Viewing of entry presentation boards at City Hall by individual jurors
Evening	Free
23 Feb	
9.30 am	Jury meeting at City Hall <u>Agenda</u>

	Adjudication of entries (until 12.30 pm)
Lunch	Subject to individual commitments, with other members of the Jury
2.30 pm	Jury meeting at City Hall <u>Agenda</u> Adjudication of entries (until 5.30 pm)
Evening	Free
9.30 am	Jury meeting at City Hall <u>Agenda</u> Adjudication of entries (until 12.30 pm)
Lunch	Subject to individual commitments, with other members of the Jury
2.30 pm	Jury meeting at City Hall. <u>Agenda</u> Adjudication of entries (until 5.30 pm)
Evening	Free
9.30 am	Jury meeting at City Hall <u>Agenda</u> Adjudication of entries (continued, if necessary) Jury's views on winning entries (for publication) Identity of winners Form and content of the Jury Report Arrangements for the rest of the day
Lunch	Subject to individual commitments, with other members of the Jury
3.30 pm – 4.30 pm	Media conference chaired by Lord Rothschild, accompanied by the Secretary for Planning and Lands, at Central Government Offices New Annexe, Lower Albert Road, to announce and display the winning entries; other Jury members, Professional Advisor and Director of Planning to attend
4.30 pm – 5.00 pm	Opportunity for one-on-one interviews by the media with members of the Jury and senior officials
Evening 6.15 pm – 7.30 pm	Cocktail reception for the Jury hosted by the Secretary for Planning and Lands, at Government House, Upper Albert Road, to be attended by Lord Rothschild, other members of the Professional Advisor, members of the Technical Panel, Members of the Legislative Council

	and representatives of professional organizations, advisory bodies and government departments concerned
	Departure of overseas jurors

West Kowloon Reclamation Concept Plan Competition

DECLARATION BY MEMBERS OF THE JURY

I, being a member of the Jury for the West Kowloon Reclamation Concept Plan Competition, declare that I have read paragraph 16 of the General Conditions of the Competition Document, reproduced below:

16. 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.

and that, in relation to paragraph 16 (ii), (iii) and (iv) above –

*(a) to the best of my knowledge, none of my immediate family members or employees and no one who has an employment-type contract or close professional association or partnership with me, has entered the competition;

*(b) I believe that the following, among my immediate family members or employees and those who have an employment-type contract or close professional association or partnership with me, have entered the competition;

Name of entrant	Relationship with entrant

#(c) I am not a director or major shareholder of any company;

#(d) no company of which I am a director or major shareholder has entered the competition;

#(e) a company of which I am a director or major shareholder has entered the competition. The company's name is:

I understand that the entries to the competition are issued to me for my personal and confidential assessment and that the adjudication of entries is to be carried out in strict confidence.

* delete (a) or (b); if you delete (a), complete (b)

Signed : _____

Name : _____

delete/complete as appropriate; whichever one applies, delete the other two

Date : _____

**Mr Eric JOHNSON's explanation of the five items in the declaration form
attached to his letter dated 21 February 2002 to members of the Jury**

X X X X X X X X

3. When completing the declaration, jurors had to read five statements – (a) to (e) in the form – and delete those which did not apply.

4. Statements (a) and (b) in the form are about persons (immediate family, employees, close professional associates, etc) known to the juror and whether any of them had entered the Competition. The juror had to choose between (a) and (b). If, to the best of the juror's knowledge, no-one among such persons had entered the Competition, he needed to leave (a) and delete (b) – Mr Leung Chun-ying did this. If, on the other hand, the juror believed that someone among such persons had entered the Competition, he needed to supply particulars in (b) and delete (a).

5. Statements (c), (d) and (e) were concerned with whether the juror was a director or major shareholder of any company and, if so, whether any such company had or had not entered the Competition. The juror had to choose the one that applied to him or her (of the three, only one could apply) and delete the other two.

6. If no company of which a juror was a director or major shareholder had entered the Competition, he or she needed to leave (d) – "*no company of which I am a director or major shareholder has entered the competition*" – and delete (c) and (e).

7. A juror who knew from the outset or from a subsequent discovery that a company of which he or she was a director or major shareholder had entered the Competition, needed to leave and complete (e) – "*a company of which I am a director or major shareholder has entered the competition. The company's name is:*" and delete (c) and (d).

8. In his declaration, Mr Leung Chun-ying left (c) – "*I am not a director or major shareholder of any company*" – and deleted (d) and (e). His leaving of (c) subsequently conflicted with the discovery that one of the provisional prize-winning entries had included one of his companies as a project team member.

9. The contents of the declaration form were consistent with the rules of paragraph 16 of the Competition Document. As far as I can recall, none of the jurors approached me to enquire about how to complete the form.

X X X X X X X X

*Source : Extract from the second written statement produced by Mr Eric JOHNSON,
witness appearing before the Select Committee*

West Kowloon Reclamation Concept Plan Competition

DECLARATION BY MEMBERS OF THE JURY

I, being a member of the Jury for the West Kowloon Reclamation Concept Plan Competition, declare that I have read paragraph 16 of the General Conditions of the Competition Document, reproduced below:

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 - (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.*

and that, in relation to paragraph 16 (ii), (iii) and (iv) above –

- *(a) to the best of my knowledge, none of my immediate family members or employees and no-one who has an employment-type contract or close professional association or partnership with me, has entered the competition;
- *(b) I believe that the following, among my immediate family members or employees and those who have an employment-type contract or close professional association or partnership with me, have entered the competition;

Name of entrant	Relationship with entrant

#(c) I am not a director or major shareholder of any company;

~~#(d) no company of which I am a director or major shareholder has entered the competition;~~

~~#(e) a company of which I am a director or major shareholder has entered the competition. The company's name is:—~~

I understand that the entries to the competition are issued to me for my personal and confidential assessment and that the adjudication of entries is to be carried out in strict confidence.

* delete (a) or (b); if you delete
(a), complete (b)

Signed : 

Name : Mr. Raymond Young

delete/complete as appropriate;
whichever one applies, delete the
other two

Date : 28 Feb 2002

Source : Mr Raymond YOUNG, witness appearing before the Select Committee

West Kowloon Reclamation Concept Plan Competition

DECLARATION BY MEMBERS OF THE JURY

I, being a member of the Jury for the West Kowloon Reclamation Concept Plan Competition, declare that I have read paragraph 16 of the General Conditions of the Competition Document, reproduced below:

16. *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.*

and that, in relation to paragraph 16 (ii), (iii) and (iv) above --

*(a) to the best of my knowledge, none of my immediate family members or employees and no-one who has an employment-type contract or close professional association or partnership with me, has entered the competition;

~~*(b) I believe that the following, among my immediate family members or employees and those who have an employment-type contract or close professional association or partnership with me, have entered the competition; --~~

Name of entrant	Relationship with entrant

#(c) I am not a director or major shareholder of any company;

~~#(d) no company of which I am a director or major shareholder has entered the competition;~~

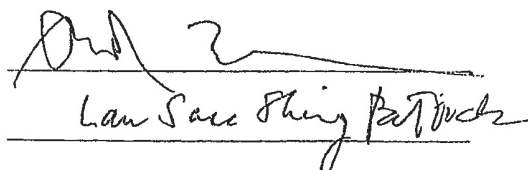
~~#(e) a company of which I am a director or major shareholder has entered the competition. The company's name is:~~

I understand that the entries to the competition are issued to me for my personal and confidential assessment and that the adjudication of entries is to be carried out in strict confidence.

* delete (a) or (b); if you delete (a), complete (b)

Signed

:



Name

:

Lam Sai Shing Patrick

delete/complete as appropriate; whichever one applies, delete the other two

Date

:

25.2.02

Source : Mr Raymond YOUNG, witness appearing before the Select Committee

Mr LEUNG Chun-ying's understanding of the declaration requirements

X X X X X X X X

The Nature of Mr Leung's Declaration

31. Mr Eric Johnson's fax letter dated 21 February 2002 was the first time when the organizers, on the recommendation of Lord Rothschild (see page 3 of that letter), suggested to the jurors that they should complete a conflict of interests declaration. Mr Leung was only late by one day, such lateness had no effect on the Competition.

32. At the time of making Mr Leung's Declaration, Mr Leung believed that he was required to make a 'declaration of *conflict of interests*', not a 'declaration of interest'. The difference between the two can be illustrated as follows:

- a. If Mr Leung was asked at the time, "Are you a director or shareholder of any company", he would have answered "Yes, of course".
- b. If Mr Leung was asked at the time, "Are you a director or shareholder of any company that is likely to be in conflict with the Competition", he would have answered "No, none of my companies is in conflict".

The answers to the two questions could be diagonally opposite. It depends on how the requirements and the declaration form were presented to Mr Leung and what Mr Leung perceived them to mean.

33. On 'requirement', on page 3 of Eric Johnson's letter of 21 February 2002, the sub-heading is "conflict of interest declarations". In the passage reproduced in italics, it also mentioned that the requirement and purpose was one of "conflict

of interest” notification. The declaration form was also attached to the letter. It would therefore be reasonable for Mr Leung to believe that he was required to declare whether or not he would have a conflict of interest acting as a juror in the Competition, not whether or not he was a director or shareholder in any company.

34. Mr Leung’s belief of the requirement and purpose of the declaration was reinforced by the format of the declaration.
- a. It refers to paragraph 16 of the General Conditions of the Competition Document in the Competition Brief;
 - b. Paragraph 16 started with “All those likely to be in conflict of interest are excluded from the Competition etc”;
 - c. Roman (i) to (iv) are examples only, they do not intend to be exclusive;
 - d. In answering the question starting from the middle part of the declaration, it asks Mr Leung to take on board of paragraphs 16(ii), (iii) and (iv) (i.e. the phrase “in relation to”);
 - e. Paragraph 16(iii) and (iv) refer to (i) as well, hence (i) to (iv) have to be considered in the answers;
 - f. Among (c), (d) and (e), only one of them can be chosen. See the “#” and the remarks.
35. Mr Leung’s belief can be further reinforced upon a closer reading of ‘the points to note before completing the form’ on pages 3 and 4 of Mr Eric Johnson’s letter of 21 February 2002. Please refer to paragraphs 39 to 41 in this statement.
36. Mr Leung sets out his purposive reading of the declaration in Annex 1 hereof.
37. If the organizers of the Competition simply wanted to know whether Mr Leung was a director or shareholder of any company, they could have given him a declaration form without the first half of the content starting from “*(a)”,

the meaning without that first half would then be clearer.

38. Mr Leung noted that in their letter to the Legislators dated 24 February 2012, Home Affairs Bureau ("HAB") included an attachment entitled "Legislative Council House Committee West Kowloon Reclamation Concept Plan Competition". On pages 4 and 5 of that attachment, HAB now used the description "Declaration of interests" in describing the requirement. The government's present presentation of the requirement of the declaration to the Legislators is a 'declaration of interests', not a 'declaration of conflict of interests', however, it should be pointed out that it was not how the requirement was presented to Mr Leung in the 21 February 2002 letter.

The Different Roles of the entrants, organizers and jurors in identifying Conflict of Interest

39. In Mr Eric Johnson's letter of 21 February 2002, he asked Mr Leung to note the points in pages 3 and 4 before completing the form, in essence:-
- a. Mr Leung and his companies are ineligible to enter the Competition (see (i));
 - b. the onus is on the prospective participant to check whether he has a relationship with any member of the jury (see (ii));
 - c. it is not incumbent upon jurors to make enquiries of any close associate or contact to ascertain whether or not they have entered the Competition (see (iii));
 - d. if a juror has been told by someone who has a relationship with that juror that he has entered the Competition, this will not necessarily be a problem (see (iv));
 - e. the juror is assumed to be aware of the activities of his companies and the onus is on him to ensure that none enters the Competition (see (v));
 - f. the completed declarations will be reviewed by the organizer and Lord Rothschild on 24 February and be discussed at the first jury meeting on

25 February (see vi)).

40. To Mr Leung, the following three groups of people all had some duties in checking conflict of interest:-
- a. *First:* the jurors would have to check whether they might be in conflict of interest when acting as jurors in the Competition;
 - b. *Second:* the prospective participants or entrants would have to ensure that they were not in conflict when they entered the Competition; and
 - c. *Third:* the organizers would have to check conflict and advise the jurors.
41. From the way the points to note were presented in pages 3 and 4 of Mr Eric Johnson's letter of 21 February 2002 (see paragraph 39), the primary obligation to check conflict rested with the prospective participants or entrants as they were the ones who would decide whether or not to 'enter the Competition'.

X X X X X X X X

Source : Extract from the second written statement produced by Mr LEUNG Chun-ying, witness appearing before the Select Committee

Annex 1

Mr Leung's reading of the declaration form

I am not a director or major shareholder of any company that:-

- (i) has people (including their immediate family members) in it who are closely associated with the Competition;**
- (ii) has people (including their immediate family members) in it who are members of the Jury or the Technical Panel, or the Professional Advisor;**
- (iii) has in it employees, or persons having an employment-type contract or who are at a continuous and close professional association or partnership with a person in category (i) or (ii) above; or**
- (iv) a member in category (i) and (ii) above is a director or major shareholder**

and is likely to be in conflict of interest with me as a member of the Jury.

Declarations made by members of the Jury

Declarations made	Members
<p>Declarations by members who chose items (a) and (c) in the declaration forms, which are reproduced as follows :</p> <p><i>"(a) to the best of my knowledge, none of my immediate family members or employees and no one who has an employment-type contract or close professional association or partnership with me, has entered the competition"; and</i></p> <p><i>"(c) I am not a director or major shareholder of any company".</i></p>	<p>Mr LEUNG Chun-ying Professor Patrick LAU Professor Peter ROWE Professor WU Liangyong</p>
<p>Declarations by members who chose items (a) and (d) in the declaration forms, which are reproduced as follows :</p> <p><i>"(a) to the best of my knowledge, none of my immediate family members or employees and no one who has an employment-type contract or close professional association or partnership with me, has entered the competition"; and</i></p> <p><i>"(d) no company of which I am a director or major shareholder has entered the competition".</i></p>	<p>Lord ROTHSCHILD (Chairman) Mr Nicholas BROOKE Professor CHANG Hsin-kang Mrs Selina CHOW Professor Peter DROEGE Mr Peter ROGERS</p>

Source : compiled by the Select Committee on the basis of the declaration forms of members of the Jury produced by Mr Raymond YOUNG, witness appearing before the Select Committee

Summary of votes by the Jury

Voting round	Date and time	Voting to select	Binding (Yes/No)	Jurors voting	Entry serial no.	No. of votes	Mr LEUNG Chun-ying's votes	Remarks
1	26.2.02 10.00 a.m.	Best 5 from 161 for further consideration as winner (no ranking)	No	9 present + 1 absent	005 007 020 036 041 043 054 060 062 065 067 070 073 081 082 084 109 110 115 144	4 1 3+1 1 5+1 3+1 4+1 1 1+1 1 3 3+1 1 7 1 1 2 2+1 1 1	020 041 043 054 062 070 070 110	<i>see Note 1</i> <i>Top 9 are</i> <i>005</i> <i>020</i> <i>041</i> <i>043</i> <i>054</i> <i>067</i> <i>070</i> <i>081</i> <i>110</i>
2	26.2.02 2.30 p.m.	Winner (1 from top 9)	No	10	041 043 081	1 3 6	043	
3	26.2.02 3.40 p.m.	Winner (1 from top 3)	Yes	10	043 081	2 8	043	<i>Winner is 081</i>
4	26.2.02 4.00 p.m.	Runner-up (nominations from among the remaining 8 from the top 9)	No	All present	005 041 043 054 067	n/a	n/a	
5	26.2.02 4.15 p.m.	Runner-up (1 from the 5 nominated)	No	10	005 041 043 054	1 2 3 4	043	
6	26.2.02 4.30 p.m.	Runner-up (1 from top 3)	Yes	10	043 054	1 9	054	<i>Runner-up is 054</i>
7	27.2.02 10.50 a.m.	Three honourable mentions (nominations from the remaining 159)	Yes	10	005 043 067 070 109 144	3 9 7 1 8 2	043 067 070	<i>Hon</i> <i>Mentions</i> <i>are</i> <i>005</i> <i>067</i> <i>109</i> <i>see Note 2</i>

Note 1: Mr LEUNG Chun-ying was absent with apologies for round 1. It was agreed that 7 of his list of 18 selections made during the viewing session on 24.2.02 that were also voted for by other jurors should be added to the tally (indicated by "+1"). Of the 7, 6 received enough votes to be considered further. Mrs Selina Chow, at her request, was permitted to select 6 entries. Hence there are (8x5)+7+6=53 votes in total.

Note 2: Entry 043 was disqualified in Jury discussion in the morning of 28.2.02.

Source : compiled by the Select Committee on the basis of the summary of votes by the Jury produced by Mr Raymond YOUNG, witness appearing before the Select Committee

Voting record of individual members of the Jury

Juror Voting round	A	B	C	D[#]	E	F	G	H	I	Mr LEUNG[^] Chun-ying	Remarks
1	020 041 054 067 081	007 020 070 109 115	036 060 070 109 110	005 020 041 054 081 084	041 054 067 070 081	043 054 073 081 082	005 041 065 081 144	005 041 043 067 081	005 043 062 081 110	020 041 043 054 062 070 110	
2	081	041	043	081	081	043	081	081	081	043	
3	081	081	043	081	081	081	081	081	081	043	<i>Winner is 081</i>
4	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	<i>Non-voting round</i>
5	054	041	043	054	054	043	054	041	005	043	
6	054	054	054	054	054	043	054	054	054	054	<i>Runner-up is 054</i>
7	043 067 109	043 067 109	043 067 109	043 005 109	005 109 144	043 067 109	043 067 109	043 067 109	043 005 144	043 067 070	<i>Hon mentions* are 005, 067 109</i>

[#] This juror was permitted by the Jury to select 6 entries. This juror was Mrs Selina CHOW according to the document provided by the Administration (SC(2)(WK)Paper No. A7).

[^] It was agreed by the Jury that 7 of Mr LEUNG's list of 18 selections made during the viewing session that were also voted for by other jurors should be added to the tally. Of the 7, 6 received enough votes to be considered further.

* Entry 043 was disqualified in Jury discussion in the morning of 28.2.02.

Source: compiled by the Select Committee on the basis of the voting record of individual members of the Jury produced by Mr Raymond YOUNG, witness appearing before the Select Committee

中華人民共和國
香港特別行政區
行政會議 (召集人)
梁振英議員



The Hon. CY Leung, GBS, JP
Convener of the Executive Council
Hong Kong Special Administrative Region
The People's Republic of China

PERSONAL & CONFIDENTIAL

Ref: CYMAR26/im

11 March 2002

Mr Eric Johnson
Planning and Lands Bureau
9/F Murray Building
Garden Road
Hong Kong

Dear Mr Johnson,

West Kowloon Reclamation Concept Plan Competition

I refer to our conversation on 28 February 2002. I was in Shenzhen on the following day, and for the best part of last week, I was in Shanghai attending a Trade Development Council function.

I undertook to come back to you regarding the role of DTZ Debenham Tie Leung in one of the entries.

I have been given to understand that one of the entrants named DTZ Debenham Tie Leung as "Property Advisers".

I was not aware of this before the Jury, including myself as a member, had completed the voting process. I was informed of this well after 10:00 am on 28 February 2002. I took the first opportunity to report this to the Jury that morning, after brief discussions with my DTZ colleagues. I also undertook to write to you.

I have spoken to KK Chiu and KB Wong who were among the four DTZ personnel named by the entrant. I have also read the file that has been handed to me by KB Wong. To the best of my knowledge, the following was the sequence of events. These events were in essence the same as what I reported to the Jury on the morning of 28 February 2002.

.../2

香港中環皇后大道中10/F 德輔道中 電話 Tel: (852) 2507 0596 傳真 Fax: (852) 2530 1555
10/F, Jardine House, Central, Hong Kong



1. DTZ was approached by Davis Langdon & Seah, a firm of quantity surveyors, in September 2001 to provide land value, on a no fee basis, based on the schedule of accommodation and free-hand sketches of a design concept.
2. KB Wong wrote to LWK & Partners on 18 September 2001, providing his opinion of land premium for the retail, residential, hotel and office uses. The last paragraph of his letter says "the estimations are however rough ball park indications and are subject to the terms of sale and other development conditions. They are based on current market prices. It is also important to note that the factor of time value (i.e. the effect of discounting the future land sale revenue to present day value) has not been reflected in the above calculation."
3. In response to queries by Davis Langdon & Seah, KB Wong wrote the second and last letter on 25 September 2001 clarifying certain assumptions used in his earlier letter.
4. There has been no agreement or understanding between DTZ and Davis Langdon & Seah or anyone else for any future role or fees in respect of this exercise. Neither was there any indication or promise of future work if the entrant wins the competition.
5. On 25 September 2001, a secretary of DTZ faxed over information of the firm and brief CV of KK Chiu, KB Wong and two other DTZ personnel. These names were given in a paragraph headed "the key personnel who worked on the project". This was the end of DTZ's correspondence with the entrant and the end of DTZ's involvement.

Like other professional firms, DTZ has a practice of checking against potential conflict of interest, to avoid subsequent and conflicting instructions on the same matter. As the indication of site value to Davis Langdon & Seah and LWK & Partners was not a formal instruction and was not fee paying, it does not feature amongst our assignments and was not given a Valuation Job number.

.../3

中華人民共和國
香港特別行政區
行政會議(召集人)
梁振英議員



The Hon. C.Y. Leung, GBS, JP
Convener of the Executive Council
Hong Kong Special Administrative Region
The People's Republic of China

To complete my declaration, I attach a full list of companies in the DTZ Group, in which DTZ Debenham Tie Leung is the main operating company. I am a shareholder and Managing Director of DTZ Debenham Tie Leung. I also attach names of other companies, including publicly listed companies, of which I am a director or major shareholder. To the best of my knowledge, with the exception of the correspondence described above, none of these companies had any interests or involvement in the Competition.

Yours sincerely,

C.Y. Leung

Encl.

香港中環皇后大道中107號 電話 Tel: (852) 2507 0598 傳真 Fax: (852) 2530 1555
107, Jardine House, Central, Hong Kong

Source : Mr Raymond YOUNG, witness appearing before the Select Committee

DIRECTORSHIPS OF LEUNG CHUN YING

<i>Name of Company</i>	<i>Place of Incorporation</i>	<i>Nature of Business</i>	<i>Date of Commencement of Directorship</i>
DTZ Debenham Tie Leung Project Services Ltd.	Hong Kong	Project Consultancy Project Management	23 June 1998
DTZ Debenham Tie Leung Property Management Ltd.	Hong Kong	Property Management	01 May 1996
DTZ Debenham Tie Leung Investments Services Ltd.	Hong Kong	Dormant	14 October 1998
DTZ Debenham Tie Leung Assets Management Ltd.	Hong Kong	Dormant	09 October 1998
DTZ Debenham Tie Leung Ltd	Hong Kong	Real Estate Consultants	30 November 1991
DTZ world.com Ltd.	Hong Kong	e-Commerce	27 June 2000
DTZ Debenham Tie Leung - Beijing	Beijing	Real Estate Consultancy	12 August 1997
DTZ Debenham Tie Leung - Shanghai	Shanghai	Real Estate Consultancy	26 December 1992
DTZ Debenham Tie Leung - Guangzhou	Guangzhou	Real Estate Consultancy	01 December 1997
DTZ Debenham Tie Leung - Tianjin	Tianjin	Real Estate Consultancy	19 July 1998
DTZ Debenham Tie Leung - Dalian	Dalian	Real Estate Consultancy	25 January 1998
DTZ Debenham Tie Leung - Chongqing	Chongqing	Real Estate Consultancy	12 November 1999
HK Millennium Ltd.	British Virgin Islands	Investment Holdings	25 October 1999
Wintrack Worldwide Ltd.	British Virgin Islands	Investment Holdings	19 November 1999
DTZ Pacific Holdings Ltd.	British Virgin Islands	Investment Holdings	20 November 1999

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DTZ Tie Leung Co. Ltd.	British Virgin Islands	Investment Holdings	19 November 1999
CY Leung (China) Ltd.	British Virgin Islands	Dormant	16 August 1995
CY Leung & Co. Ltd.	Hong Kong	Dormant	21 December 1999
Banson Investments Ltd.	Hong Kong	Dormant	22 June 1994
Beson Investments Ltd.	Hong Kong	Dormant	22 June 1994
Brilliant Time Investment Ltd.	Hong Kong	Service Company	06 April 1993
ACE Link Property Ltd.	British Virgin Islands	Investment Holdings	21 September 2001
DTZ Japan Ltd.	British Virgin Islands	Investment Holdings	28 September 2001
EuroAsia Properties Ltd.	British Virgin Islands	Investment Holdings	21 September 2001
Dragon Foundation Ltd.	Hong Kong	Charity/public services	12 February 2000
Jumbo Land Ltd.	Hong Kong	Family Assets	15 December 1994
Lotvest Ltd.	Hong Kong	Family Assets	13 April 1985
One Country Two Systems Research Institute Ltd.	Hong Kong	Public Policy Research	06 June 1990
China Homes Ltd.	Singapore	Development of affordable housing in Mainland China	28 August 1998
Global China Technology Group Ltd.	Hong Kong	Technology & Media	20 July 2000
Ascendas Pte Ltd	Singapore	Business Space Investor	25 April 2001
Dao Heng Bank Group Ltd.	Bermuda	Holding Company	21 July 2001
Dao Heng Bank Ltd.	Hong Kong	Banking	27 July 2001
Dao Heng Finance Ltd.	Hong Kong	Finance	27 July 2001
Overseas Trust Bank Ltd.	Hong Kong	Banking	27 July 2001

Updated on 2002/3/12

中華人民共和國
香港特別行政區
行政會議
梁振英議員



The Hon. C Y Leung, GBS, JP
Member of the Executive Council
Hong Kong Special Administrative Region
The People's Republic of China

PERSONAL & CONFIDENTIAL

Ref: CYJUN04/im

9 June 2003

Ms Maisie Cheng
Clerk to the Executive Council
Executive Council Secretariat
2/F Central Government Offices
East Wing, Lower Albert Road
Hong Kong

Dear *Maisie*

Invitation of Proposals for the Development of the West Kowloon Cultural District

In respect of the subject submission to the Executive Council, I have two declarations to make:-

1. I was a member of the Jury that adjudicated the "West Kowloon Reclamation Concept Plan Competition". The adjudication was completed in February 2002.
- 2.1 One of the entrants of the competition named DTZ Debenham Tie Leung (DTZ) as "Property Advisers". This entrant was not one of the winners.
- 2.2 The relationship between DTZ and this entrant was as follows:-
 - 2.2.1 DTZ was approached by Davis Langdon & Seah, a firm of quantity surveyors, in September 2001 to provide land value, on a no fee basis, based on the schedule of accommodation and free-hand sketches of a design concept. Such value was provided by DTZ on a "ball-park basis" in the same month.

...../2



2.2.2 There was no agreement or understanding between DTZ and Davis Langdon & Seah or anyone else for any future role or fees in respect of this exercise. Neither was there any indication or promise of future work if the entrant wins the competition.

3. Other than the above, I or my firms do not have any association with the project.

Yours sincerely,

C.Y. Leung

CONFIDENTIAL



政府總部
香港下亞厘畢道

GOVERNMENT SECRETARIAT
LOWER ALBERT ROAD
HONG KONG

本署編號 OUR REF.: ExCo CR 4/1136/81 (03) Pt 16

來函編號 YOUR REF.:

21 June 2003

Tel No.: 2810 2527

The Honourable LEUNG Chun-ying, GBS, JP
DTZ Debenham Tie Leung Limited
10/F, Jardine House
Central
Hong Kong

Dear Mr Leung,

Executive Council Meeting: 24 June 2003
Declaration of Interest

The agenda for the above meeting includes the following items -


- (a) [REDACTED]
- (b) Progress Report on Development of the West Kowloon Cultural District [XCCI(2003)12].

[REDACTED]

CONFIDENTIAL

CONFIDENTIAL

Item (b) informs Members of the progress of the work of the Steering Committee for Development of the West Kowloon Cultural District (WKCD), and that the private sector will shortly be invited to submit proposals for the development and operation of the WKCD on the basis of the arrangements set out in the memorandum. You may wish to declare your interest as Member of the Jury that adjudicated the "West Kowloon Reclamation Concept Plan Competition" and that your company, DTZ Debenham Tie Leung, was named "Property Advisers" of one of the entrants of the above Competition. This entrant was not one of the winners.

Yours sincerely,


(Ms Maisie Cheng)
Clerk to the Executive Council

Source : Mr Raymond YOUNG, witness appearing before the Select Committee

CONFIDENTIAL

Our Ref.
Your Ref.

Sent by: ☒ by fax [1 of 4 page(s)]
☐ by post
☐ by registered post
☒ by courier
☐ by hand
☐ by email
☒ attachment

5th March 2012

Elizabeth Tai
Principal Assistant Secretary for Home Affairs
Government Secretariat
Home Affairs Bureau
25F Wanchai tower
12 Harbour Road
Wan Chai
Hong Kong.

Ms. Tai,

West Kowloon Reclamation Competition Disclosure of Information

We refer to your letters on the above subject matter including your recent letter dated 28 February 2012 requesting our permission for the disclosure of information. We note that the information referred to comprise the above Competition Form, your letters and our email to you related to the above.

We are prepared to consent to the disclosure of the above information on condition that this letter is also disclosed at the same time with the rest of the above information, the reason being that we believe that the Panel is entitled to further clarification with regard to our role on the Competition.

At the outset of the Competition, we were approached by the Hong Kong architect firm of LWK Architects who enquired whether we could team up with them for the Competition. Our role was to be that of the Concept Designer, to which we agreed.

As LWK Architects were the local Hong Kong architects that initiated the participation in the Competition, and given that we had no office in Hong Kong nor were we familiar with the local practice and local consultants who could provide the required design support to our design, LWK as the 'leading architect' led the project to establish the Project Team. It is important that you note that except for Benoy (the international specialist retail architect that was recommended by us), the rest of the Project Team members, including DTZ were put together by LWK. We had no role whatsoever in the selection of these Project Team members.

We should make it absolutely clear and in no uncertain terms that we do not know anyone from DTZ nor have any contact with them before or after the competition whatsoever.

The original intention was that as LWK was leading the project, LWK shall be the Lead Architect. In some countries (e.g. In Singapore, the local architect is regarded as the 'Lead Architect', being professionally and legally registered to practice and in that country).

...../-2

T. R. HAMZAH & YEANG Sdn. Bhd. ARKITEK

Company N^o: 41743A

TENGKU ROBERT HAMZAH A A Dipl. APAM

Dato' Dr. KENNETH YEANG A A Dipl. PhD (Cantab). APAM. ARIBA. MSIA

8 JALAN 1, TAMAN SRI UKAY, Off JALAN ULU KELANG, 68000 AMPANG, SELANGOR, MALAYSIA. TEL: 03-42571966, 42571948, 42571969. FAX: 603-42561005/603-42569330

E-mail: trhy@trhamzahyeang.com Website: www.trhamzahyeang.com

Affiliated Offices: London, Stuttgart, Sydney, Tokyo, Beijing

5th March 2012

Elizabeth Tai

Principal Assistant Secretary for Home Affairs

Government Secretariat

Home Affairs Bureau

Hong Kong.

(page 2) - West Kowloon Reclamation Competition Disclosure of Information

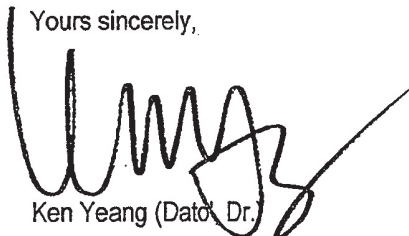
We note the Competition Form was to be signed by the Lead Architect that meant that the copyright to the design would by implication rest with the Lead Architect. As the Concept Architect we were naturally concerned that under such an arrangement with LWK Architects as the Lead Architect, there would be an implicit acknowledgement on our part that the copyright to our design would belong to LWK Architects, which was obviously unacceptable to us.

It was finally decided that we would sign the Form as the Lead Architect in order to protect our copyright, although in reality LWK was responsible for leading the project. While we did the design concept, all other administrative matters including the filling in of the Competition Form was undertaken by LWK, to which in good faith we put our signature to it. We 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.

We sincerely hope that the above clarifies our position and wish to assure you that we shall be pleased to provide further clarification as necessary.

Thank you.

Yours sincerely,



Ken Yeang (Dato' Dr.)

T. R. HAMZAH & YEANG Sdn. Bhd. ARKITEK

Company No: 41743A

TENGKU ROBERT HAMZAH A A Dipl. APAM

Dato' Dr. KENNETH YEANG A A Dipl. PhD (Cantab). APAM. ARIBA. MSIA

8 JALAN 1, TAMAN SRI UKAY, OFF JALAN ULU KELANG, 68000 AMPANG, SELANGOR, MALAYSIA. TEL: 03-42571966, 42571948, 42571969. FAX: 603-42561005/603-42569330

• E-mail: trhy@trhamzahyeang.com Website: www.trhamzahyeang.com

Affiliated Offices: London, Stuttgart, Sydney, Tokyo, Beijing

Source : Mr Raymond YOUNG, witness appearing before the Select Committee

Fax: 032559660

23 May '01 13:29 P.02

FAX☐ Urgent ☐ ConfidentialA copy is sent: ☐ by hand ☐ by post ☐ by courier

To Fax No : 253 1012
 Firm / Company : **Davis Langdon & Seah Malaysia**
Mr Ong See Lian

Country : Malaysia

Attention of

From : Dr Kenneth Yeang/Mr Andy Chong
T. R. Hamzah & Yeang Sdn. Bhd. (Company No: 41743A)
Architecture/Interior Planning - Building Technology
 6, Jalan Sulu, Taman Sri Ukay, 68000 Ampang, Selangor, Malaysia.
 Tel. 03-42571966 / 42571948 Fax: 60-3-42569330 / 42561005
 E-mail: trhy@tm.net.my Website: www.trhamzah-yeang.com
 Affiliated Offices: London, Stuttgart, Sydney, Tokyo, Beijing

Project Reference : Kowloon Waterfront Reclamation Competition
 Re : Design Competition

Date : 22 May 2001 Total pages (incl. this page) : 1 + 3 page(s)

Dear See Lian

1. We are assembling a project team to register for the Kowloon Reclamation Competition and write to ask if Davis Langdon & Seah Malaysia will be interested in being exclusively part of our Team as the Quantity Surveyor for this project? An executive summary of the Design Brief and site plan for the Competition is attached.
2. We do not have budget for fees, as the competition is an open competition and only the top 5 winning submission will receive prize money. However, should our submission become the winning scheme, we will apportion a sum from the prize money to yourselves, and recommend yourselves as part of the project team to be appointed by the Client.
3. Please could you respond by return if Davis Langdon & Seah Malaysia is interested in being exclusively part of our team?

Thank you.

Yours faithfully

(KEN YEANG)

encs.

KY/AC:10

☐ Please write below and fax back your reply:

Name:

Signed:

Please fax back your reply to: T. R. Hamzah & Yeang Sdn Bhd Fax: 60-3-42569330, 42561005 (Malaysia).

05 22 01 14:34

RECEIVED FROM: 603 42569330

P.01

EXECUTIVE SUMMARY

- The Competition** : To invite conceptual proposals for the development of a prominent waterfront area at the West Kowloon Reclamation in Hong Kong into an integrated arts, cultural and entertainment district.
- Objective** : Through the development, to enhance Hong Kong's position as Asia's premiere centre of arts, culture and entertainment and create a new look for Victoria Harbour.
- Scheme Area** : A newly reclaimed site of 40 hectares at the southern tip of the West Kowloon Reclamation in Kowloon Peninsula, Hong Kong. It is in close proximity to Tsim Sha Tsui which is a vibrant tourist, shopping and entertainment district with a wide range of leisure, entertainment as well as arts and cultural facilities.
- The Proposals** : The concept plan proposals should provide vision and innovative and viable ideas that will shape the future development of this waterfront area as a unique attraction for both local people and visitors. The proposals should be aesthetically attractive, functional, broadly feasible and in compliance with the policy objectives of the Government of the Hong Kong Special Administrative Region (the HKSARG) in promoting arts and culture.
- Development Right** : There is no linkage between the Competition and the eventual development right of the Scheme Area.
- Development of Scheme Area** : It is the intention of the HKSARG that following the Competition, a team will be appointed through the normal consultants selection process, to finalize a detailed masterplan for the Scheme Area on the basis of the winning conceptual proposals, if appropriate. Winners of the Competition will be automatically pre-qualified for inclusion in the list of consultants to be invited for bidding for the masterplanning work.
- Based on the detailed masterplan, the HKSARG will then decide on how the Scheme Area will be developed. Packages within the Scheme Area suitable for private sector development will be decided by public tender, which will be open to all. Subsequent architectural design competitions may be conducted for selected individual buildings/facilities. Winners of the Competition will 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.
- Eligibility** : The Competition is open to all qualified planners and architects.
- Registration** : Begins : 7 April 2001
Deadline : 8 June 2001 (5:00 p.m. Hong Kong time)
- Submission** : Deadline : 29 September 2001 (12:00 noon Hong Kong time)

Fax:032559660

23 May '01 13:30 P.04

2

Awards : First Prize : HK\$3.0 million
Second Prize : HK\$1.5 million
Honourable Mentions (3) : HK\$0.8 million each

For Further Information : Coordinator for the West Kowloon Reclamation Concept Plan Competition
Room 723, 7/F, North Point Government Offices,
333 Java Road, North Point,
Hong Kong
Fax : (852) 2117 0772
Email : wkrcpc@pland.gov.hk
Website: <http://www.plh.gov.hk/competition>

05-22-01 14:34

RECEIVED FROM:603 4569330

P.04

05-22-01 14:34

RECEIVED FROM:603 4569330

P.04

Source : Mr Kenneth POON, witness appearing before the Select Committee

Fax: 032559660

DAVIS LANGDON & SEAH (MALAYSIA) SDN BHD (520443-11)

QUANTITY SURVEYORS : CONSTRUCTION COST CONSULTANTS
 JURU UKUR BAHAN : PENASIHAT EKONOMI PEMBINAAN



124, Jalan Kasah,
 Damansara Heights,
 50490 Kuala Lumpur,
 Malaysia.
 Tel: 03-2543411
 Fax: 03-2531012 & 2534517
 E-mail: info@dlsjbm.com.my
 http://www.davislangdon.com

TRHY/LKT/BB0101-01
 23rd May 2001

BY FAX

Dr. Ken Yeang
 T.R. Hamzah & Yeang Sdn Bhd
 8 Jalan 1 Taman Sri Ukay
 Off Jalan Ulu Kelang
 68000 Ampang
 Fax: 42561005

Dear Dr. Yeang

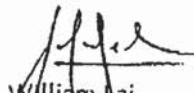
INVOICE	
CONFIDENTIAL FAX	
DAVIS LANGDON & SEAH	
HONG KONG/CHINA LTD.	
REC'D	23 MAY 2001
ACTION	
FILE	

Kowloon Waterfront Reclamation Design Competition

Thank you for your fax message dated 22 May 2001.

We confirm that Davis Langdon & Seah (Malaysia) Sdn Bhd would be interested in being exclusively part of your project team for the Kowloon Reclamation Competition.

Yours sincerely,


 William Lai

Bcc Mr. ML Ku - As spoken, please see attached.

CAWPD0CSUK101SMSB.DOC:ubh

• K T Lai MSISV • M C Loo BSc. (Hons) MSc, MISM, ARICS

29, 1st Floor, Lebuh Pantai, 10300 Penang, Tel: 04-2642071 Fax: 04-2642068
 49-01, Jalan Tun Abdul Razak, Susur 1/1, Medan Cahaya, 80000 Johor Bahru, Tel: 07-2236229 Fax: 07-2235975
 Suite 8A, Wisma Pendidikan, Jalan Padang, 88817 Kota Kinabalu, Sabah, Tel: 088-223369 Fax: 088-216537



MS ISO 9001 REG. No. AR0599
 IJBM Permit No. 2001/FC00302

DAVIS LANGDON & SEAH INTERNATIONAL

Davis Langdon & Seah Singapore Hong Kong Kuala Lumpur Kota Kinabalu Penang Johor Bahru Bandar Seri Begawan Kuala Belait Manila Bangkok Beijing Shanghai Guangzhou Seoul Jakarta
 Davis Langdon & Everest United Kingdom Davis Langdon Edinco Spain Davis Langdon Economistes France Davis Langdon Cesko* Slovensko The Czech Republic Davis Langdon Polska: Poland
 Davis Langdon Arabian Gulf Qatar Bahrain United Arab Emirates Saudi Arabia Davis Langdon Lebanon: Lebanon
 Davis Langdon Australia Australia Davis Langdon Knapman (Clark) New Zealand
 Davis Langdon Vietnam United States of America
 Davis Langdon Farrow (Pty) Ltd South Africa Lesotho Botswana Swaziland

Associate Companies: Ireland Nigeria

Source : Mr Kenneth POON, witness appearing before the Select Committee

eived Event (Event Succeeded)

ate: 21/08/2001
 'ages: 15

Time: 17:20
 Sender: 603 4561005

21.AUG.2001 17:23

TR HAMZAH & YEANG 603 4561005

NO.532 P.1

FAX

60-3-4561005 / 4569330

☐ Urgent ☐ Confidential

 A copy is sent: ☐ by hand ☐ by post ☐ by courier

To Fax. No	:	00-852-25724908	Countries : Hong Kong (LWK)
	:	00-852-25760416	Countries : Hong Kong (DLS)
	:	00-44-2074047980	Countries : UK (Benoy)
	:	00-44-2074408292	Countries : UK (Battle McCarthy)
Firm / Company	:	LWK & Partners Ltd., Benoy Architects, BattleMcCarthy, Davis Langdon Seah (HK)	
Attention of	:	Mr. Ron Liang (LWK); John Davies & Simon Bloye	
	:	(Benoy; Chris McCarthy (BattleMcCarthy))	
Copy to	:		
From	:	Dr Ken Yeang / Mr Andy Chong T. R. Hamzah & Yeang Sdn. Bhd. (Company N°: 41743A) • Architecture/Interior/Planning • Building Technology 8, Jalan Satu, Taman Sri Ukay, 68000 Ampang, Selangor, Malaysia. Tel. 60-3-4571966 / 4571948 Fax: 60-3-4569330 / 4561005 E-mail: trhy@tm.net.my ; trhamzahandyang@ecworld.com.my	
Project Reference	:	Kowloon Waterfront Competition	
Re	:	Follow-up from Kuala Lumpur meeting	
Date	:	21/08/01	Total pages (Incl. this page) : 15 page(s)

MESSAGE

Dear Team,

1. Following on from discussion with Benoy Architects on 6 to 8 August and the latest meeting with LWK & Partners on 14th August, we enclose our latest drawings for your review and comments. These are as follows:

- Site Context Plan (1:7000)
- Basement 1 Plan (1:4000)
- Level 1 Plan (1:4000)
- Level 2 Plan (1:4000)
- Level 3 Plan (1:4000)
- Level 4 Plan (1:4000)
- Level 20 (Typical Tower Level) Plan (1:4000)
- Roof Level Plan (Masterplan) (1:4000)
- Section A-A (1:1000)
- Section B-B (1:1000)
- Parcellation Plan 1 (1:4000)
- Parcellation Parking Plan 2 (1:4000)
- Schedule of Areas

FAX OUT/IN		
DAVIS LANGDON & SEAH HONG KONG/CHINA LTD.		
REC'D	21 AUG 2001	
ACTION		
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2. Comments by LWK & Partners

(i) Traffic Issues

Please could you review these drawings for your comments and discuss with your traffic engineers to advise us on the acceptability of the following:

- a) Traffic circulation, site ingress and egress
- b) Road widths (please provide typical section through access road)
- c) Carparking requirements
- d) Extent of bridging-over permitted over public roads, eg. is it possible to extend the entire floor plate over internal access roads and if so, what is the minimum height requirement?

[] : Please write below and fax back your reply:

Name: _____ Signed: _____

Please fax back your reply to: T. R. Hamzah & Yeang Sdn Bhd Fax: 60-3-4569330, 4561005 (Malaysia).

Received Event (Event Succeeded)

Date: 21/08/2001

Time: 17:20

Pages: 15

Sender: 603 4561005

21.AUG.2001 17:24

TR HAMZAH & YEANG 603 4561005

NO.532 P.2

(ii) Parcellation

- a) Please could you advise on the parcellation suitability and compliance to the planning regulations?
- b) Do you foresee any problems with extending the building over site boundaries into the water?
- c) Is the development density acceptable?

3. Comments by Benoy

- a) Please would you comment on the retail layouts, eg. connections to MTRC, KCRC and Tsim Sha Tsui if these are acceptable.
- b) Please check the areas and grouping of the retail lots if these are acceptable.
- c) Please provide a concept for the retail zoning and mix.
NOTE: As discussed, Light Rail Stations have been proposed along Austin Road which plugs into the retail blocks at the atrium nodes. These are vertically integrated with the park roof and basement parking through landscaped ramps, escalators and lifts.
- d) Comment on integration of the retail and arts/cultural within the overall masterplan.

4. Comments by Battle McCarthy

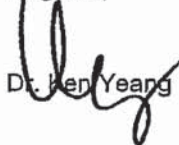
- a) Please could you identify opportunities for use of sustainable devices within the scheme?
- b) The active park has been conceived of as a series of overlapping planes with buildings between, above and below the park. Generally, the entire roofscape of the podium level will be landscaped. Our initial ideas for planting were for a 'tropical forest' treatment to the roof level (L4) at the northern part of the site. Smaller ornamental plants are proposed for the 'quiet park' to the south of the site at levels B1 to L1 to avoid blocking views towards the harbor. Please could you revert with suggestions for suitable planting species and images of these.
- c) Please also propose suggested activities for the 'quiet park' next to the waterfront area?
- d) Please comment on any engineering issues which we should address.

5. Comments by DLS (HK)

- a) Please provide an indicative cost for the project.
- b) Please could you review the development mix and comment on project feasibility.

6. Please return to us with your feedback within a week effective from this letter.

Regards,


Dr. Ken Yeang

[] Please write below and fax back your reply:

Name: _____

Signed: _____

Please fax back your reply to: T. R. Hamzah & Yeang Sdn Bhd Fax: 60-3-4569330, 4561005 (Malaysia).

Source : Mr Kenneth POON, witness appearing before the Select Committee

FAX

60-3-42561005 / 42569330

**[] Urgent [] Confidential**A copy is sent: ☐ by hand ☐ by post ☐ by courier ☐ by emailTo Fax, No
Firm / Company

LWK (HK)

- Attn: Mr. Ron Llang

(fax: 00 852 2572 4908)

DLS (HK)

- Attn: Mr. Kenneth Poon

(fax: 00 852 2576 0416)

Benoy (UK)

- Attn: Mr. Simon Blore

(fax: 00 44 207 404 7980)

Battle McCarthy - Attn: Mr. Chris McCarthy /
(UK) Mr. Mike Luszczak

(fax: 00 44 207 440 8292)

Copy to

From

Dr. Ken Yeang / Andy Chong

T. R. Hamzah & Yeang Sdn. Bhd. (Company No. 41748A)

Architecture/Interior/Planning - Building Technology

8, Jalan Satu, Taman Sri Uday, 68000 Ampang, Selangor, Malaysia.

Tel. 03-42571966 / 42571948 Fax: 60-3-42569330 / 42561005

E-mail: trhy@tm.net.my Website: www.trhamzah-yeang.com

Affiliated Offices: London, Stuttgart, Sydney, Tokyo, Beijing

Project Reference

Kowloon Waterfront Competition

Re

Updated Project Team Information

Date

07 September 2001 Total pages (incl. this page): 1 + 2 page(s)

MESSAGE

Dear Project Team,

1. In preparation for the final submission documents, please could you provide us with the following information of your respective companies and individuals:-
 - a) Company name
 - b) Company type (eg. 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
2. Please also include information of any Sub-consultants (eg. Traffic Engineers) used by yourselves for this project.
3. May we ask that you e-mail the information to us latest by Tuesday, 25/09/2001?

Thank you.

Yours faithfully

(KEN YEANG)

encl.

...../.....
KY/AC/jy

A

FAX OUT/IN	
DAVIS LANGDON & SEAH HONG KONG/CHINA LTD.	
REC'D	19 SEP 2001
ACTION	
FILE	

[] Please write below and fax back your reply:

Name: _____

Signed: _____

Please fax back your reply to: T. R. Hamzah & Yeang Sdn Bhd Fax: 60-3-42569330, 42561005 (Malaysia).

P. 1/3 NO. 281

TR HAMZAH & YEANG 603 4569330

19.SEP.2001 16:21

Sender: 603 4569330

Date: 19-09-2001

Pages: 3
Time: 16:12

Received Event (Event Succeeded)

In the case of a Project Team, the registrant should provide the name of the Project Team (if applicable) and the names, citizenship, full addresses of all members of the Team, stating whether the members are individuals, firms or limited companies/corporations below* :

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There is no handwriting or other markings on the paper.

sort shall be produced.

27. A sealed and opaque envelope containing :

(i) a copy of the acknowledged duplicate of the completed official Registration Form (paragraph 13 refers);

(ii) in the case of project team, updated information on all participants as shown in the Registration Form (paragraph 12 refers), where appropriate; and

(iii) a summary, at no more than two pages of A4 size, of the curriculum vitae of all the team members

should be affixed to the inner wrapper of the bound document. Only the identification number of 10mm high should be marked in the lower right hand corner of the envelope. The Organizer shall remove the envelope and keep it in a secured place.

SUBMISSION DEADLINE

28. All submission materials must reach the Organizer on or before 29 September 2001 (12:00 noon Hong Kong time). **Late submissions will not be accepted.**

29. After participants have submitted their proposals, **no new or additional information shall be admitted or considered by the Jury** unless the Organizer requests such information in writing. All communications shall be made in writing.

INSURANCE

30. It is the responsibility of participants to insure the submission materials under delivery to the Organizer as well as to assume the cost of delivery. The Organizer shall insure the submission materials from the time they are received to the close of the exhibition (paragraph 6 refers).

ASSESSMENT CRITERIA

31. All submissions will be judged in accordance with the broad assessment criteria as set out in *Annex 2*, details of which shall be established by the Jury.

32. The decisions of the Jury shall be final and cannot be appealed against.

P.3/3 NO.281

TR HAMZAH & YEANG 603 4569330

19.SEP.2001 16:22

Sender: 603 4569330

Date: 19-09-2001

Pages: 3

Time: 16:12

Received Event (Event Succeeded)

Emma Tse

寄件者: Emma Tse
 寄件日期: Monday, September 24, 2001 17:13
 收件者: trhy@tm.net.my; trhsyb@tm.net.my
 副本: Moses Leung
 主旨: Updated Project Team Information

Dear Mr. Ken Yeang / Mr. Andy Chong

Re: Updated Project Team Information

Please find herewith the particulars of our firm as suggested:

1. Company Name: LWK & Partners (HK) Ltd.
2. Company Type: Limited Company
3. Address: 9/F Pacific Plaza, 410 Des Voeux Road West, Hong Kong
4. Particulars of director in charge & key personnel:
 - * Director in charge: Mr. Ronald Liang, Australian
 - * Design Leader: Mr. Moses Leung, Chinese
 - * Designer: Mr. Luke Ma, Chinese
 - * Designer: Mr. Koman Cheong, Chinese

5. Our company was founded in 1986 and has grown to become a well established office with the capacity to offer a comprehensive and diverse range of architectural and urban design services. Blending sophisticated design with an intimate understanding of local conditions has earned LWK a reputation for excellence and reliability across all stages of the building program.

The office mandate is founded upon a fundamental respect of the clients requirements and aspirations for the building.

With experience on a wide range of building types, the practice has achieved particular recognition on the areas of : Luxury Residences, Quality Mass Housing, Office and Retails, Industrial Complexes, Institutional Buildings & Urban Planning.

As a mature practice with a proven record LWK has the capacity and the experience necessary to deliver the building on time and budget. Constant upgrading of our technical facilities and the introduction of Quality Assurance systems ensures that LWK is continuing to satisfy the detailed demands of clients both in Hong Kong and the Greater China Region.

5. Sub-consultant: Traffic Engineer, Ms. Oliver Cheung (further related information will be advised shortly)

Thanks for your kind attention.

Best Regards
 Moses

LWK & Partners (HK) Ltd	
FAX NOTE #0042	
Date: 25/9/2001	No. of Pages: 1
To: Mr. Ken Yeang / Andy Chong	
Call Ref: T.R. Hamzah & Yeang	
Ext. No. 603 425 61005	
From: Moses Leung	
Phone No. 2574 1633	
Fax No. 2572 4908	

LWK & Partners (HK) Ltd	
25/9/2001	
RL	EL
IF	RS
TL	RC
CL	NP
WC	PN
EP	LM
KL	TW
AM	CC
PL	AT
LT	TY
BW	TC
SC	BM
RC	AY
FILE NO. 0042	
FILE CODE: CS - HTS	
ACTION:	

Source : Mr Ronald LIANG, witness appearing before the Select Committee

DAVIS LANGDON & SEAH HONG KONG LIMITED

QUANTITY SURVEYORS ; CONSTRUCTION COST CONSULTANTS
威寧謝香港有限公司：工料測量師及建設本值顧問



25 September 2001
Our Ref.: PKY/2001/295

T.R. Hamzah & Yeang Sdn. Bhd.
8, Jalan 1, Taman Sri Ukay
Off Jln Ulu Kelang
68000 Ampang Selangor
Malaysia

2101 Leighton Centre
77 Leighton Road
Hong Kong
Tel: 2830 3500
Fax: 2576 0416
E-Mail: dlshk@dlshk.com
www.davislangdon.com

For the attention of
Dr. Ken Yeang/Mr Andy Chong

Dear Sirs,

KOWLOON WATERFRONT COMPETITION

Further to your fax of 19/9/01, we submit herewith our write-up for your further action.

We shall be sending, by e-mail, our cost estimate to you tomorrow.

Yours faithfully,

Kenneth K Y Poon
For and on behalf of
DAVIS LANGDON & SEAH HONG KONG LIMITED

Encls.

c.c. LWK – Mr Ronald Liang

PKY/tl



Directors: Ku Moon Lun Kenneth K Y Poon Joseph Y K Lee D C Mackay Eric K F Au Cheung Sek Hoi
A G Ruxton Peter K M Ho Francis K M Au
Deputy Directors: Chan Chi Kai John W Chiang Ricardo C P Cheung Tsui Shek Kuen Simon K M So M J Johnston
Assistant Directors: K S Yam Dilys L L Ho Peter H M Law M O Lai Frank H L Kwok William K H Fong Jonathan C K Lo
Lysander M L Lam Wong Chin Ying Daniel P Luk Cynthia K F Szeto Lai Pak Hung

DAVIS LANGDON & SEAH INTERNATIONAL

Davis Langdon & Seah: Singapore Hong Kong Kuala Lumpur Bandar Seri Begawan, Jakarta Kota Kinabalu Kuching Manila Bangkok
Johor Bahru Penang Shanghai Beijing Guangzhou Hanoi Ho Chi Minh City Seoul
Davis Langdon & Everest: United Kingdom Davis Langdon Edetco: Spain Davis Langdon Economistes: France
Davis Langdon Polska: Poland Davis Langdon Lebanon: Beirut
Davis Langdon Arabian Gulf: Qatar Bahrain United Arab Emirates Saudi Arabia Davis Langdon Adamson: The United States of America
Davis Langdon Australia: Australia Farrow Laing Niemi: South Africa Botswana Lesotho Swaziland Davis Langdon Knapman Clark: New Zealand



Source : Mr Kenneth POON, witness appearing before the Select Committee



KOWLOON WATERFRONT COMPETITION

Company Name : Davis Langdon & Seah Hong Kong Limited

Discipline : Quantity Surveying

Company Type : Limited Company

Contact : 2101 Leighton Centre
77 Leighton Road
Causeway Bay
HONG KONG

Tel : 2830 3500

Fax : 2576 0416

e-mail : dlshk@dlshk.com

Director-in-charge : Mr Kenneth K Y Poon
FRICS, FHKIS, RPS (QS)
(HKSAR Resident)

Project Surveyor : Mr Joe H O Chan
ARCIS, AHKIS, RPS (QS)
(HKSAR Resident)

Description of Company :

Davis Langdon & Seah is an independent firm of quantity surveyors, cost engineers and construction cost consultants providing professional consultancy services to the architectural and engineering sections of the construction industry. The firm was first established in Hong Kong in 1949 and has maintained a continuous presence in the territory since.

The Davis Langdon & Seah International group of practices forms the largest quantity surveying and cost consultancy practice in the world with 79 offices in 22 countries and a total staff count exceeding 2,300. The Hong Kong Office covers Hong Kong and China and currently has 9 Directors, 14 Deputy or Assistant Directors and over 300 staff.

The practice is currently involved in both private and public sectors developments. The range of projects for which the practice has provided quantity surveying services include infrastructural, residential, commercial, industrial, educational, health care and recreation facilities.



KOWLOON WATERFRONT COMPETITION

A copy of our firm's registration is attached.

Professional registration in Hong Kong is done on an individual basis. A copy of Mr Kenneth K Y Poon's Certificate of Registration is attached.

C.V. of Major Personnel :

Mr Kenneth K Y Poon FRICS, FHKIS, RPS(Q.S)

Kenneth Poon graduated from the Hong Kong Polytechnic in 1975 and joined Davis Langdon and Seah in the same year. He was promoted to Associate Director in 1982 and Director in 1988. He headed the Cost Estimation Team from 1984 to 1990, working on estimates and feasibility studies for various types of developments. He pioneered quantity surveying work in China in 1985 has been working on projects in China, mainly Beijing, ever since. During his 26 years experience, he has been responsible for the quantity surveying work of many mega-size and complicated projects, including the Hong Kong Convention and Exhibition Centre (Phase 1) and the China World Trade Centre (Phases 1 and 2) in Beijing.

Mr Joe H O Chan ARICS, AHKIS, RPS(QS)

Joe Chan graduated from the City Polytechnic with a BSc in Building in 1993. He joined Davis Langdon & Seah Hong Kong upon graduation, specializing in estimates, cost plans, cost analysis and feasibility studies. He was promoted to Team Leader in 1997 and is presently deputy supervisor of the DLS Cost Estimation Team.

0/4 01 / 11

《商業登記條例》(第 310 章)
BUSINESS REGISTRATION ORDINANCE (Chapter 310)

《商業登記規例》
BUSINESS REGISTRATION REGULATIONS

商業／~~XXX~~登記證
Business/~~XXXXX~~Registration Certificate



業務/分行名稱	*****
Business/ Branch Name	*****

地 址 FLAT/RM 2101
Address LEIGHTON CENTRE
77 LEIGHTON RD
HK

業務性質 PRO OF QUANTITY SURVEYING SER
Nature of Business

法律地位 Status	BODY CORPORATE
----------------	----------------

生效日期 Date of Commencement	屆滿日期 Date of Expiry	登記證號碼 Certificate No.	登記費及徵費 Fee and Levy
01/01/2001	31/12/2001	04378041-000-01-01-3	\$2,250

請注意下列《商業登記條例》的規定 (SEE OVERLEAF FOR ENGLISH VERSION)

第 6(6) 條規定就任何業務發出商業登記證或分行登記證，不得當作隱含以下意思：有關該業務或經營該業務的人或受僱於該業務的僱員的任何法律規定已獲遵從。

第 7(2) 條規定任何經營業務人士，倘在現有商業登記證期滿後未有收到繳款通知書，須於 1 個月內以書面通知稅務局局長。

第 8 條規定凡申請登記表格內所列業務詳情有任何變更時或凡某項業務經已結束，任何經營有關業務的人或任何在結束前經營該項業務的人須於該變更發生時或該項業務結束時起計 1 個月內，以書面通知局長。

第 12 條規定各業務須將其有效的商業登記證或有效的分行登記證於每一營業地點展示。

第 15(1) 條規定對觸犯本條例者可施行的罰則，包括罰款 \$5,000 及監禁 1 年。

第 21 條規定須將收取徵費所得的全部款項撥付破產欠薪保障基金。

繳款時請將此商業登記證及繳款通知書完整交出。在付款後，本繳款通知書方成為有效的商業登記證。

PLEASE PRODUCE THIS CERTIFICATE AND DEMAND NOTE INTACT AT TIME OF PAYMENT. THIS DEMAND NOTE WILL ONLY BECOME A VALID BUSINESS REGISTRATION CERTIFICATE UPON PAYMENT.

機印所示登記費及徵費收訖。(請參閱背頁繳款辦法所載內容)

RECEIVED FEE AND LEVY HERE STATED IN PRINTED FIGURES. (Please see payment instructions overleaf.)

IRDB 101 (5/2000)

\$2,250.00 S

香港測量師學會
The Hong Kong Institute of Surveyors

Diploma
證書

This is to Certify that
茲証明

Poon Kan Young
潘根濃

was today elected a Fellow of the Institute
於是日成為本會資深會員

President

會長

Honorary Secretary

秘書長

Date

日期

Diploma No.

證書編號

ISSUED SUBJECT TO BYE LAW 2.6.1

本證書乃根據本會會章第2.6.1條頒發

ORGANIZER :
PLANNING
AND LANDS
BUREAU

**Concept Plan Competition for the Development of an
Integrated Arts, Cultural and Entertainment District
at the West Kowloon Reclamation, Hong Kong**

**REGISTRATION
FORM**

(If there is insufficient space to complete your information in this Registration Form, please continue on a separate sheet and add the signature of the registrant and the company seal (if applicable) at the end of the attached sheet.)

Name of Registrant[®] : Kenneth King Mun, Yeang

Address of the Registrant: (no., street, city, country)

8 Jalan 1, Taman Sri Ukay, 68000 Ampang, Selangor,
Malaysia

Citizenship : Malaysian

Telephone Number : 603-4257 1966 Fax. No. : 603-4256 1005

Email Address (if any) : trhy@tm.net.my

Application is hereby made by the registrant to participate in the Competition (please tick) :

☐ In the capacity of an individual participant, or

☒ In other capacity as specified hereunder :

(see * below and tick)

- * (a) ☐ (i) as a partner for and on behalf of a single partnership firm (See Note 3); or
- ☐ (ii) as a representative (non-partner) for and on behalf of a single partnership firm (See Note 1).
- (b) ☐ (i) as a director for and on behalf of a participating company/corporation (See Note 3).
- ☐ (ii) as a representative (non-director) for and on behalf of a participating company/corporation (See Note 2).
- (c) as a representative for and on behalf of a Project Team comprising of different individuals, firms and/or companies/corporations in which the registrant is :
- ☐ (i) an individual who is a direct member of the Project Team
- ☐ (ii) a partner of a firm which is a member of the Project Team (See Note 3).
- ☐ (iii) a representative (non-partner) of a firm which is a member of the Project Team (See Note 1).
- ☒ (iv) a director of a company/corporation which is a member of the Project Team (See Note 3).
- ☐ (v) a representative (non-director) of a company/corporation which is a member of the Project Team (See Note 2).
- (d) ☐ Others (Please specify) _____

Note 1 : In this case, this Form must also be signed by a partner of the firm with the firm's chop affixed.

Note 2 : In this case, this Form must also be signed by a Director of the company with the company chop affixed.

Note 3 : In this case, the registrant's position in the firm/company must be stated and the firm's/company's chop must be affixed as appropriate.

**REGISTRATION
FORM FOR WEST
KOWLOON
RECLAMATION
CONCEPT PLAN
COMPETITION**

For participation by a limited company/corporation or a firm either as a single participant or as a member of a Project Team, the following information should be provided :

Name of Company/Firm# :

T.R. HAMZAH & YEANG SDN BHD

Registered address : (no., street, city, country)

8 JALAN 1, TAMAN SRI UKAY, 68000 AMPANG, SELANGOR,
MALAYSIA

The registrant's position in or relationship with the Company/ Firm* (Partner/Director/Others, please specify hereunder) :

DIRECTOR

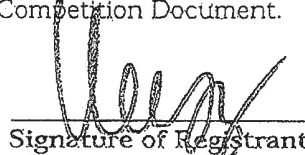
In the case of a Project Team, the registrant should provide the name of the Project Team (if applicable) and the names, citizenship, full addresses of all members of the Team, stating whether the members are individuals, firms or limited companies/corporations below* :

Please see updated list of project team members attached
dated 27 September 2001.

**REGISTRATION
FORM FOR WEST
KOWLOON
RECLAMATION
CONCEPT PLAN
COMPETITION**

I / 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; and
- (b) consent that in the event that my/our* concept plan proposal is selected as one of the winning proposals, all intellectual property rights subsisting in my/our* proposal shall be licensed to the Government of the Hong Kong Special Administrative Region upon the terms set out in the Competition Document.


Signature of Registrant

05 June 2001

Date

KENNETH, KING MUN, YEANG
Name in BLOCK LETTERS

T.R. HAMZAH & YEANG SENDIRIAN BERHAD (CO. NO. 417400)
3, Jalan 1, Taman SRI UKAY, OFF JLN ULU KELANG
Seremban, Malaysia. Tel: 03-4571366, 4571348
Fax: 03-4561005, 4569330

DIRECTOR
(Position in the participating
Firm/Company) (if applicable)

T.R. HAMZAH & YEANG SDN BHD
Firm/Company Chop
(if applicable)

If the participation is made on behalf of a firm/limited company but the registrant is not a partner/director of the Firm/Company, please provide the name and signature of a partner/director of the Firm/Company and affix the Firm/Company's chop below.


Signature

Firm/Company Chop

Name and position
in BLOCK LETTERS

Date

On behalf of the Organizer, I hereby acknowledge receipt of the Registration Form.


Signature of Organizer

Date

JUN 2001



West Kowloon Reclamation Concept Plan Competition

Updated List of Project Team Members

(27 Sept 2001)

Lead Architect and MasterPlanner:

T.R. Hamzah & Yeang Sdn Bhd

No 8, Jalan 1, Taman Sri Ukay, 68000 Ampang, Selangor, Malaysia

Tel : + 603 4257 1966 Fax: + 603 4256 1005

Email: trhy@tm.net.my

Principal-in-Charge

Director (Design Management)

Director (Design)

Design Architect

Design Architect

Design Architect

Dr Ken Yeang (Malaysian)

Andy Chong (Malaysian)

Ridzwa Fathan (Malaysian)

Lim Beng Hin (Malaysian)

Kenneth Cheong (Malaysian)

Lena Ng (Malaysian)

Local Architect & Masterplanner:

LWK & Partners (HK) Ltd

9/F Pacific Plaza, 410 Des Voeux Road West, Hong Kong

Tel: + 852 2574 1633 Fax: + 852 2572 4908

Email: lwkp@lwkp.com

Director in charge

Design Leader

Designer

Designer

Mr Ronald Liang (Australian)

Mr Moses Leung (Chinese)

Mr Luke Ma (Chinese)

Mr Koman Cheong (Chinese)

Retail Architect:

Benoy Limited

London Office : 210 High Holborn, London, WC1V 7DL, United Kingdom.

Tel: + 44 20 7404 7666 Fax: + 44 20 7404 7980

Email: london@benoy.co.uk

Hong Kong Office: C/o LPT Architects Ltd, 19/F 1063 Kings Road, Quarry Bay, Hong Kong

Tel: + 852 2861 6536 Fax: + 852 2529 6419

Email: simon.blore@benoy.co.uk

Design Director

Architect

Senior Associate

Architect

Simon Blore (British)

John Dawes (British)

James Utting (British)

James Fudge (British)

Consultant Engineers & Landscape Architect :

Battle McCarthy

Consulting Engineers & Landscape Architects, Dog & Duck Yard, Princeton Street, London WC1R 4BH

Tel: + 44 20 7440 8282 Fax: + 44 20 7440 8292

Email: admin@battlemccarthy.com

Director in Charge (C&S Engineer)

Associate Director (Landscape Architect)

Associate (Landscape Architect)

Manager (Architectural Technician)

Christopher McCarthy (British)

Mike Luszczak (British)

Pippa Henshall (British)

Bob Thomas (British)

Quantity Surveyor :

Davis Langdon & Seah Hong Kong Limited

2101 Leighton Centre, 77 Leighton Road, Hong Kong

Tel: 2830 3500 Fax: 2576 0416

Email: dishk@dishk.com

Director in charge

Project Surveyor

Mr Kenneth K Y Poon (Hong Kong)

Mr Joe H O Chan (Hong Kong)

Property Advisors :

DTZ Debenham Tie Leung Limited

10th Floor, Jardine House, Central, Hong Kong

Tel: 2507 0602 fax: 2530 1502

Email: kkechiu@dtz.com.hk

Executive Director

Director

Manager

Manager

K K Chiu (Hong Kong)

K B Wong (Hong Kong)

Wilfred Chan (Hong Kong)

Henry H Y Cheng (Hong Kong)

Feng Shui Consultant:

Chung Hua Geomancy & Fate Analysis Centre

346 Jalan Air Pusing, Setapak, 53200 Kuala Lumpur, Malaysia

Tel: + 603 402 20415 /012 203 8263

Feng Shui Master

Jerry Too (Malaysian)

Traffic Consultant:

Oliver Cheung

1703, 17/F, CLI Building, 313 Hennessy Road, Wanchai, Hong Kong.

Tel: + 852 2831 9191 Fax: + 852 2831 0003

Email: lla@lla.com.hk

West Kowloon Reclamation Concept Plan Competition (Entry Code: 473218 AP)

Project Team CVs

T.R. Hamzah & Yeang Sdn Bhd

T. R. Hamzah & Yeang Sdn. Bhd. is an international architect firm with its HQ in Kuala Lumpur, Malaysia that is best known for its "green" or environmental sustainable approach to the design of large buildings and sites.

The firm has been in existence over 2 decades, with projects in Europe, USA and Asia. Key projects include the high-rise National Library Board building (Singapore), the 40-storey Eco-Tower at Elephant & Castle, the 24-storey IBM Building (Malaysia) and 15-storey Mesiniaga Building (IBM franchise) (Malaysia), Wirtina Cove Condominium (Australia).

The firm's design expertise is in their ecological approach for the design of large projects and buildings that include consideration given to their impacts of the site's ecology and to the building's use of energy and materials over its life-cycle. Much of the firm's early work pioneers the passive low-energy design of skyscrapers, as the 'bioclimatic skyscraper'. The firm is a long-serving member of the Council on Tall Buildings and Urban Habitat (USA). The firm practices Cost Planning (in delivering Projects to be within Client's budget) with great emphasis on rigorous in-house project management and control.

The principals are Tengku Robert Hamzah and Dr Ken Yeang. Both the principals' architectural education were at the AA (Architectural Association) School (London). Tengku Robert Hamzah, a prince in the Malay Royal family, also completed the AA Tropical Architecture School course under Dr. Otto Koenigsberger. Dr. Yeang subsequently received a doctorate from Cambridge University (UK) on ecological design.

The firm has received over 20 awards including the Aga Khan Award for Architecture (1995) and the RAI International Award (in 1997 and 1999). The firm's work has been published extensively in the international press.

The firm's technical ideas are published in the book, "The Green Skyscraper: The Basis for Designing Sustainable Intensive Buildings" by Ken Yeang (Prestel 1999) and other publication.

LWK & Partners (HK) Ltd

LWK & Partners (HK) Ltd company was founded in 1986 and has grown to become a well established office with the capacity to offer a comprehensive and diverse range of architectural and urban design services. Blending sophisticated design and an intimate understanding of local conditions has earned LWK a reputation for excellence and reliability across all stages of the building program.

The office mandate is founded upon a fundamental respect of the clients requirements and aspirations for the building. With experience on a wide range of building types, the practice has achieved particular recognition on the areas of : Luxury Residences, Quality Mass Housing, Office and Retails, Industrial Complexes, Institutional Buildings & Urban Planning.

As a mature practice with a proven record LWK has the capacity and the experience necessary to deliver the building on time and budget. Constant upgrading of our technical facilities and the introduction of Quality Assurance systems ensures that LWK is continuing to satisfy the detailed demands of clients both in Hong Kong and the Greater China Region.

Benoy Limited

Benoy has a reputation for providing clients worldwide, with design solutions that achieve their commercial objectives without compromising on creativity.

The practice offers the full range of design skills, from masterplanning, urban design and architecture to interior and graphic design.

Benoy understand that the art of masterplanning is in the development of a framework that, from the outset, creates a strong identity, whilst facilitating long-term growth and success.

High-profile projects for which Benoy are best known include:

- Royal Victoria Docks - part of the continued regeneration of the London Docklands
- Mermaid Quay, Cardiff - part of the regeneration of Cardiff Bay
- Kowloon Station, Hong Kong - retail podium and tower scheme over Kowloon Metro Station
- Bluewater, Kent - Europe's largest retail and leisure destination
- Brindleyplace, Birmingham - which received a Top Honor Award for 'Excellence on the Waterfront'
- The Manchester Millennium masterplan, following on from the IRA bombing.
- The Bull Ring, Birmingham - Europe's largest city centre regeneration project.
- Masterplanning projects are at an early stage in Malaysia, Saudi Arabia and Kuala Lumpur.

Battle McCarthy

Battle McCarthy is a multidisciplinary engineering consultancy, which specialises in the design of low energy, high quality, and environmentally responsive buildings and landscapes. The firm can provide a holistic design team approach including the following services:

- Environmental Engineering
- Structural Engineering
- Building Services Engineering
- Landscape Design
- Sustainable Masterplanning

Battle McCarthy are known internationally for our sustainable design approach and we have worked on a range of projects throughout the UK and overseas and with a diverse group of clients and architects. The company was formed over 7 years ago and now has a staff of over 50, principally located in London.

Davis Langdon & Seah Hong Kong Limited

Davis Langdon & Seah is an independent firm of quality surveyors, cost engineers and construction cost consultants providing professional consultancy services to the architectural and engineering sections of the construction industry. The firm was first established in Hong Kong in 1949 and has maintained a continuous presence in the territory since.

The Davis Langdon & Seah International group of practices forms the largest quantity surveying and cost consultancy practice in the world with 79 offices in 22 countries and a total staff count exceeding 2,300. The Hong Kong Office covers Hong Kong and China and currently has 9 Directors, 14 Deputy or Assistant Directors and over 300 staff. The practice is currently involved in both private and public sectors development. The range of projects of which the practice has provided quantity surveying services include infrastructural, residential, commercial, industrial, educational, health care and recreation facilities.

DTZ Debenham Tie Leung Limited

DTZ Debenham Tie Leung Limited (formerly DTZ Debenham Thorpe of Europe, Edmund Tie & Co. of South East Asia - Pacific and C.Y. Leung & Co. of North East Asia - Pacific respectively) provides a full spectrum of independent real estate services including valuations, feasibility studies, research, property management, leasing and sale of residential, commercial, and industrial properties, auctions, tenders, as well as acquisitions and disposal of real estate on behalf of clients.

DTZ land consultancy team has advised numerous clients on land grant matters and modification of lease conditions, planning issues, and consultancy jobs. Moreover, the team also prepared the feasibility study, including the financial analysis, of property developments.

In 2000, the Firm has participated in the KCRC West Railway Project as land consultant for property developments of Tuen Mun, Long Ping and Tin Shui Wai Stations. In addition, we are one of the consultants of KCRC in the development study consultancy for the Shatin to Central Link Property Development Proposal.

Source : Mr Raymond YOUNG, witness appearing before the Select Committee

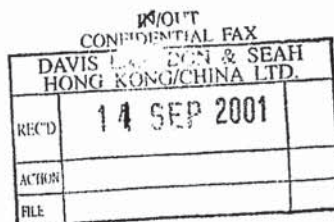
**DAVIS LANGDON & SEAH
HONG KONG LIMITED**
QUANTITY SURVEYORS : CONSTRUCTION COST CONSULTANTS
威寧謝香港有限公司：工料測量師及建設本值顧問



11 September 2001
Our Ref.: PKY/2001/268

LWK & Partners (HK) Ltd.
9/F, Pacific Plaza
410 Des Voeux Road West
HONG KONG

2101 Leighton Centre
77 Leighton Road
Hong Kong
Tel: 2830 3500
Fax: 2576 0416
E-Mail: dlshk@dlshk.com
www.davislangdon.com



For the attention of
Mr Ronald Liang

Dear Ronald,

WEST KOWLOON WATERFRONT DESIGN COMPETITION

As discussed, we have contacted Debenham Tie Leung Limited (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.

Yours sincerely,

Kenneth K Y Poon
For and on behalf of
DAVIS LANGDON & SEAH HONG KONG LIMITED

c.c. T. R. Hamzah & Yeang Sdn. Bhd. - Mr Ken Yeang) (603) 4561005
DTZ Debenham Tie Leung Limited - Mr K K Chiu) 2530 1502

Directors: Ku Moon Lun Kenneth K Y Poon Joseph Y K Lee D C Mackay Eric K F Au Cheung Sek Hoi
PKY/tl A C Ruxton Peter K M Ho Francis K M Au
Deputy Directors: Chan Chi Kai John W Chiang Ricardo C P Cheung Tsui Shek Kuen Simon K M So M J Johnston
Assistant Directors: K S Yam Dilys L L Ho Peter H M Law M O Lai Frank H L Kwok William K H Fong Jonathan C K Lo
Lysander M L Lam Wong Chin Ying Daniel P Luk Cynthia K F Szeto Lai Pak Hung

DAVIS LANGDON & SEAH INTERNATIONAL

Davis Langdon & Seah: Singapore Hong Kong Kuala Lumpur Bandar Seri Begawan Jakarta Kota Kinabalu Kuching Manila Bangkok
Johor Bahru Penang Shanghai Beijing Guangzhou Hanoi Ho Chi Minh City Seoul
Davis Langdon & Everest: United Kingdom Davis Langdon Edetecor Spain Davis Langdon Economistes France
Davis Langdon Polska: Poland Davis Langdon Lebanon: Beirut
Davis Langdon Arabian Gulf: Qatar Bahrain United Arab Emirates Saudi Arabia Davis Langdon Adamson: The United States of America
Davis Langdon Australia: Australia Farrow Laing Nienc: South Africa Botswana Lesotho Swaziland Davis Langdon Knapman Clark: New Zealand

Source : Mr Kenneth POON, witness appearing before the Select Committee



COPY



戴德梁行

Our Ref : KB/yl-0220/01
 Direct Tel : 2507 0618
 Direct Fax : 2530 1502
 E-mail : kbwong@dtz.com.hk

Formerly C Y Leung & Company
 原梁振英測量師行

18th September, 2001

LWK & Partners (HK) Ltd.
 9/F, Pacific Plaza
 410 Des Voeux Road Central
 Hong Kong

By Fax (2572 4908) & By Post

Attn: Mr. Ronald Liang

Dear Sirs,

RE: WEST KOWLOON WATERFRONT DESIGN COMPETITION

We refer to our recent meeting with Mr. Kenneth Poon of Davis Langdon & Seah Hong Kong Limited where we were provided with a proposal on development of the West Kowloon Waterfront Reclamation. A copy of an Area Schedule summarising the proposed development is attached at the Appendix for reference.

The proposal will leverage the unique prominent waterfront location and good accessibility of the area to develop it into a cultural/recreational focus infilled with commercial property developments.

According to the area schedule, the proposed main contents of private property developments comprise:-

Plot	Land Use	Land Area (sq.m.)	No. of Floors	Total Gross Floor Area (sq.m.)
2	Retail	30,800	3	92,400
3	Retail & Entertainment	31,500	3	94,500
			Sub-total (retail)	186,900
8	Residential (1,600 units)	38,500	1 x 60 1 x 50 1 x 40 1 x 30	144,000
			Sub-total (residential)	144,000 (90 sq.m. per unit)

DTZ Debenham Tie Leung Limited 16th Floor 1063 King's Road Quarry Bay Hong Kong
 Telephone (852) 2250 8888 Fax (852) 2530 1502 Website www.DTZworld.com Licence No. C-000630

戴德梁行有限公司 香港鰂魚涌英皇道1063號16樓
 電話 (852) 2250 8888 傳真 (852) 2530 1502 網址 www.DTZworld.com 牌照號碼 C-000630

120 offices in 31 countries 全球31個120家辦事處

DTZworld.com
 DTZ Debenham Tie Leung a Service

Plot	Land Use	Land Area (sq.m.)	No. of Floors	Total Gross Floor Area (sq.m.)	
14	Hotel (860 rooms)	7,700	38	61,500	
15	Hotel (1,000 rooms)	9,000	45	72,000	
			Sub-total (hotel)	133,500	(1,860 rooms)
16	Offices	11,000	55	88,000	
17	Offices	14,000	60	120,000	
			Sub-total (offices)	208,000	
			Grand Total	672,400	

For information and comparison purpose, the development on top of the Airport Express Kowloon Station which is to the immediate north of the subject area, comprising 7 development packages, will provide in total about 1,090,000 sq.m. of fully integrated residential, office, retail and hotel facilities. The details of the development are:-

Site Area	:	135,400 sq.m.
Residential GFA	:	608,026 sq.m. 5,814 unit (i.e. average 104.6 sq.m. per unit)
Office GFA	:	231,778 sq.m.
Retail GFA	:	82,750 sq.m.
Hotel/Service apartment GFA	:	163,472 sq.m. (1,700 rooms)

It is noted that the proposed development plans to provide similar floor area of offices and hotel/service apartment as the Kowloon Station. However, the component of retail provision is significantly larger than the Kowloon Station development.

In the following paragraphs, we will try to comment on the viability and value of each of the above components of development.

(A) RETAIL

- ◆ The stock in Tsim Sha Tsui (including Hunghom reclamation) as at the end of 2000 is 824,900 sq.m.. The proposed development will add 22.66% to the existing stock. The addition is very substantial and the market will take time to absorb.
- ◆ The vacancy rate of retail property in Tsim Sha Tsui as at the end of 2000 is 10.3%.

- ◆ For reference and comparison, the details of various high quality shopping developments are set out below:-

Ocean Terminal, Harbour City (Tsim Sha Tsui)	60,200 sq.m.
Ocean Centre, Harbour City (Tsim Sha Tsui)	20,810 sq.m.
Ocean Galleries, Harbour City (Tsim Sha Tsui)	35,860 sq.m.
Gateway I, Harbour City (Tsim Sha Tsui)	10,033 sq.m.
Gateway II, Harbour City (Tsim Sha Tsui)	37,160 sq.m.
Sub-total	164,063 sq.m.
Pacific Place (Admiralty, Central)	66,070 sq.m.
Festival Walk (Kowloon Tong)	91,165 sq.m.

- ◆ The current rent for shops in Harbour City is about \$70 to \$200 per sq.ft. of lettable area.
- ◆ Being prominently located and next to cultural facilities to be of international standard, the proposed retail shops are capable of attracting high income population and upper end tenants who can afford higher rent.
- ◆ However, retail property market is softening as a result of continuous shrinkage in consumption expenditure amid the on-going contractionary economy and the current vacancy rate is high.
- ◆ The proposed supply is very substantial, larger than the aggregate of the whole of the Harbour City shopping complex.
- ◆ The subject location is separated from the present shopping hub at the Nathan Road and Harbour City. It may not be easy to attract shoppers to this new area.
- ◆ There is therefore a concern that the proposed retail floorspace may be overprovided.

Opinion on Value

Capital value of the shops (average)	HK\$6,300 per sq.ft. (HK\$67,813 per sq.m.)
Accommodation value (i.e. land value per sq.ft. of gross floor area)	HK\$1,550 per sq.ft. (HK\$16,684 per sq.m.)

(B) RESIDENTIAL

- ◆ The stock of domestic units in Tsim Sha Tsui at the end of 2000 is 18,064 and the vacancy stood at a high level of 14.7%.
- ◆ Upcoming supply will mainly come from the developments above the Kowloon Station, totally about 5,800 units.

- ◆ The current sale price of the domestic units above Kowloon Station is about \$4,700 p.s.f. to \$5,500 p.s.f. (gross).
- ◆ The average unit size of 90 sq.m. appears large in today's weak market.

Opinion on Value

Capital value of the residential units (average) HK\$4,800 per sq.ft. (HK\$51,667 per sq.m.)

Accommodation value (i.e. land value per sq.ft. of gross floor area) HK\$1,750 per sq.ft. (HK\$18,837 per sq.m.)

(C) HOTEL

- ◆ Tsim Sha Tsui is a renowned tourist area with a high concentration of 4 or 5-star hotels. Merely in Harbour City, there are three hotels namely the Marco Polo Hongkong Hotel, the Marco Polo Gateway Hotel and the Marco Polo Prince Hotel providing a total of 1,503 rooms.
- ◆ With the edge of easy access to Central on Hong Kong Island and the International Airport via the Airport Express as well as the unique waterfront location, the subject site is an attractive location for high-tariff hotel.
- ◆ The tariff rates and occupancy rates of high-tariff hotels have picked up remarkably since 2000.
- ◆ The former Regent Hotel (with 514 rooms) was recently sold to Inter-Continental Group at a price of HK\$2,340 million (i.e. \$4.55 mil per room)..

Opinion on Value

Capital value of the hotel (average) HK\$5,000,000 per room

Accommodation value (i.e. land value per sq.ft. of gross floor area) HK\$2,100 per sq.ft. (HK\$22,604 per sq.m.)

(D) OFFICE

- ◆ Office rent and price in Tsim Sha Tsui, although the highest in Kowloon, are considerably below Central District. This lies to the fact that most banks and financial institutions cannot accept Kowloon as locations for their headquarters. However, it also ends up in that the rent and price in Tsim Sha Tsui are not as volatile as the Central area.

- ◆ Grade A offices in Tsim Sha Tsui are found mainly along the waterfront at Canton Road stretching north from the Tsim Sha Tsui Ferry Pier.

Ocean Terminal	929 sq.m.
Ocean Centre	62,895 sq.m.
New T&T Centre	23,875 sq.m.
World Commerce Centre	23,875 sq.m.
World Finance Centre	47,566 sq.m.
Gateway I	104,793 sq.m.
Gateway II	145,856 sq.m.
	<u>409,789 sq.m.</u>

- ◆ The proposed supply of office space is about 208,000 sq.m.. It is quite substantial when compared with the total stock of 1,360,900 sq.m. in the whole Tsim Sha Tsui area as at the end of 2000 (representing about 15%).
- ◆ The current rent of offices in Gateway is about \$21-\$25 per sq.ft. gross.
- ◆ The proposed office development will offer significant attractions in terms of more spacious layout and better planning of the area, waterfront location ensuring unobstructed panoramic seaview and good accessibility to Central.
- ◆ Therefore, although the supply is large, it may be able to capture tenants from other office developments in Tsim Sha Tsui and even Central District.
- ◆ There is a recent auction of government land at Hung Hom waterfront for commercial development. It was sold for \$1,090 million and is restricted to a maximum gross floor area of 107,444 sq.m.. The sale is slightly below market expectation. The price equals to an accommodation value of \$10,144.8 per sq.m. (\$942 p.s.f.).

Opinion on Value

Capital value of the office	HK\$4,000 per sq.ft. (HK\$43,056 per sq.m.)
Accommodation value (i.e. land value per sq.ft. of gross floor area)	HK\$1,050 per sq.ft. (HK\$11,302 per sq.m.)

Land Sale Revenue

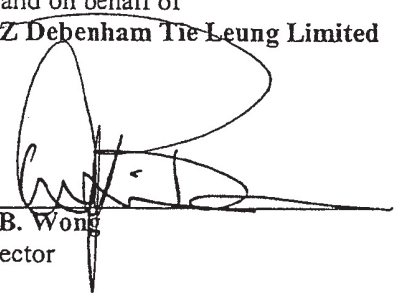
If the parcels of land (sites) planned for the abovesaid retail, residential, hotel and office developments are to be sold off as separate lots to private developers for development after due land formation, our estimation of land revenue derived from the sale of those sites is:-

Use	Proposed Floor Area	Accommodation Value	Land Premium
Retail	186,900 sq.m.	HK\$16,684 per sq.m.	HK\$3,118,239,600
Residential	144,000 sq.m.	HK\$18,837 per sq.m.	HK\$2,712,528,000
Hotel	133,500 sq.m.	HK\$22,604 per sq.m.	HK\$3,017,634,000
Office	208,000 sq.m.	HK\$11,302 per sq.m.	HK\$2,350,816,000
Total:			HK\$11,199,217,600

The estimations are however rough ball-park indications and are subject to the terms of sale and other development conditions. They are based on current market prices. It is also important to note that the factor of time value (i.e. the effect of discounting the future land sale revenue to present day value) has not been reflected in the above calculation.

If you have any enquiry, please feel free to contact us.

Yours faithfully,
for and on behalf of
DTZ Debenham Tie Leung Limited


K. B. Wong
Director

c.c. Davis Langdon & Seah Hong Kng Limited – Mr. Kenneth Poon

Fax: 2576 0416

Source : Mr CHIU Kam-kuen, witness appearing before the Select Committee

West Kowloon Waterfront Reclamation
Area Schedule (30 Aug 2001)

Plot & Land Use	Land Area (sq.m)	Floor plate size (sq.m)	No. of Floors	Total Gross Area (sq.m)	Plaza / Landscape roof (sq.m)	Carpark
1. Imax Centre	12,000	3,600	3	3,600	3,600	400 cps @ 1 cps per 4 units @ say 1,600 units
2. Retail	30,800	30,800	3	92,400	30,800	
3. Retail & Entertainment	31,500	31,500	3	94,500	31,500	
4. Art Gallery	8,100	8,100	1-2	8,100	8,100	
5. Performing Arts Centres	19,800	19,800	1-2	19,800	19,800	
6. Outdoor Amphitheatre	28,000	10,000	1-2	10,000	28,000	
7. Recreational Park	22,400			-	22,400	
8. Residential (1,600 units)	38,500	900 900 900 900	1 x 60 1 x 50 1 x 40 1 x 30	144,000	16,900	
Sports/leisure/ amenities/ facilities		21,600	1	21,600		
9. Services (exist.)	6,500			-		
10. Opera House	25,000	5,000	2.5	12,500	25,000	
11. Services (exist.)	7,900			-		
12. Media-theque	33,600	5,700	1.5	8,550	27,900	
13. Landscape Park	51,800				51,000	
14. Hotel (860 rooms)	7,700	1,600	38	61,500	3,000	366 cps @ 1 per 240 sq.m
15. Hotel (1,000 rooms)	9,000	1,600	45	72,000	4,000	
16. Offices	11,000	1,600	55	88,000	5,000	500 cps @ 1 per 240 sq.m
17. Offices	14,000	2,000	60	120,000	6,000	
18. Utilities	8,800					
19. Road reserve	53,460					
sub-total	419,860	146,500		756,550	283,000	
20. Marina & Marine Centre	55,000					
21. Water Park	26,600				13,000	
sub-total	81,600					
Total	501,460	146,500		756,550	296,000	

Site area = 400,000 sq.m

Percentage green area = 296,000/400,000 = 74% total site area

Total GFA = 756,550 sq.m

DAVIS LANGDON & SEAH HONG KONG LIMITED

QUANTITY SURVEYORS : CONSTRUCTION COST CONSULTANTS
威寧謝香港有限公司：工料測量師及建設本值顧問

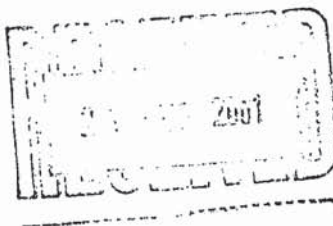


Ref : MB122/01/LTR60973

20th September 2001

LWK & Partners (HK) Ltd
9/F, Pacific Plaza
410 Des Voeux Road West
HONG KONG

Attn : Mr. Moses Leung



2101 Leighton Centre
77 Leighton Road
Hong Kong
Tel: (852) 2830 3500
Fax: (852) 2576 0416
E-Mail: dlshk@dlshk.com
www.davislangdon.com

Dear Sirs,

WEST KOWLOON WATERFRONT DESIGN COMPETITION

Further to the discussion with DTZ, we would propose to carry out the financial feasibility study in following approach :

- 1) The gross floor areas shown in your proposed Accommodation Schedule shall be splitted into "Government constructed" and "Private Constructed" 2 categories.
- 2) Our cost estimate shall allow for the infrastructures and "Government Constructed" areas construction costs only.
- 3) No allowance shall be made for the "Private Constructed" areas. These will be reflected as Accommodation Values (AV) to be advised by DTZ after considering our estimate on the premium deductible works involved.
- 4) All costs and AV shall be at present day value.

Continued...../

Directors: Ku Moon Lun Kenneth K Y Poon Joseph Y K Lee D C Mackay Eric K F Au Cheung Sek Hoi
A G Ruxton Peter K M Ho Francis K M Au
Deputy Directors: Chan Chi Kai John W Chiang Ricardo C P Cheung Taul Shek Kuen Simon K M So M J Johnston
Assistant Directors: K S Yam Dilys L L Ho Peter H M Law M O Lai Frank H L Kwok William K H Fong Jonathan C K Lo
Lysander M L Lam Wong Chin Ying Daniel P Luk Cynthia K F Szeto Lai Pak Hung

DAVIS LANGDON & SEAH INTERNATIONAL

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Johor Bahru Penang Shanghai Beijing Guangzhou Hanoi Ho Chi Minh City Seoul
Davis Langdon & Everest: United Kingdom Davis Langdon Edetco: Spain Davis Langdon Economistes: France
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Davis Langdon Australia: Australia Farrow Laing Ntene: South Africa Botswana Lesotho Swaziland Davis Langdon Knapman Clark: New Zealand



ISO 9001 : 1994
Certificate No.: CC 271



We have grouped the items of the proposed project under the above 2 categories in the attached page for your comment.

Should you have any queries or comments on the above approach, please feel free to contact us.

Yours faithfully,

For and on behalf of
DAVIS LANGDON & SEAH HONG KONG LIMITED

Encl.

c.c. T.R. Hamzah & Yeang Sdn. - Mr. Ken Yeang (603) 4256 1005 ✓
 DTZ Debenham Tie Leung Limited - Mr. K.K. Chiu 2530 1502 ✓

CHO/fc

Source : Mr Ronald LIANG, witness appearing before the Select Committee

West Kowloon Waterfront Design Competition



		<u>GFA</u> <u>m2</u>
1.	<u>Government Constructed</u>	
1.1	Imax Centre	3,600
1.2	Art Gallery	8,100
1.3	Performing Art Centre	19,800
1.4	Sports/leisure/amenities facilities	21,600
1.5	Opera House	12,500
1.6	Outdoor Amphitheatre	
1.7	Recreational Park *	
1.8	Landscape Park	
1.9	Water Park	
1.10	Cultural Waterfront Walk	
1.11	Footbridge to Kowloon Park	
1.12	Roadwork	
1.13	Mono Rail	
1.14	Relocation of existing Fire Station	
1.15	Relocation of existing School	
	Total GFA for Public Facilities	<u>65,600</u>
2.	<u>Private Constructed</u>	
2.1	Basement Carpark (633 Nos.)	
2.2	Carpark above Ground (633 Nos.)	
2.3	Retail	92,400
2.4	Retail & Entertainment	94,500
2.5	Residential	16,900
2.6	Hotel	133,500
2.7	Office	208,000
2.8	Media-theatre *	8,550
2.9	Marina *	
2.10	Footbridge to Adjacent Developments	
	Total GFA for Commercial Developments	<u>553,850</u>

* Please comment whether these facilities are Government or Private Constructed.

DAVIS LANGDON & SEAH

QUANTITY SURVEYORS : CONSTRUCTION COST CONSULTANTS

威寧謝：工料測量師及建設本值顧問

Facsimile Message

To: Mr. K.B. Wong

From: Kenneth Poon/Joe Chan

Of: DTZ Debenham Tie Leung Limited

Date: 24 September 2001

Fax No: 25301502

Ref: DLS/HK/2001/20666

Total pages (including this cover sheet): 2

2101 Leighton Centre,

77 Leighton Road,

Hong Kong

Tel: 28303500

Fax: 25760416

Email: dlshk@dlshk.com

**WEST KOWLOON WATERFRONT DESIGN COMPETITION
ESTIMATE FOR PREMIUM DEDUCTABLE WORKS**

We refer to your Accommodation Value calculation in your letter ref. KB/y1-0220/01 dated 18th September. We have estimated the costs for premium deductible works (see attached page). Please advise whether these costs will affect your Accommodation Value calculation.

Best Regards

For and on behalf of
Davis Langdon & Seah Hong Kong Limited

c.c. L.W.K. & Partners (HK) Ltd. - Attn : Mr. Moses Leung (2572 4908)

T.R. Hamzah & Yeang Sdn. - Attn : Mr. Ken Yeang (603-42561005)

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502042/CHO

Source : Mr CHIU Kam-kuen, witness appearing before the Select Committee

West Kowloon Waterfront Design Competition
Estimate for Premium Deductable Works

21st September 2001

GFA (m2)	Residential 144,000 HK\$	Hotel 133,500 HK\$	Office 208,000 HK\$	Retail 186,900 HK\$	Media Theatre 8,550 HK\$	Carpark - HK\$	Total 680,950 HK\$
Premium Deductable Works							
1. Additional cost for 50m deep marine piles comparing with normal piling provision (25m deep on ground)	396,000,000	417,200,000	598,000,000	-	-	-	1,411,200,000
2. Additional cost for 50m deep piles on ground comparing with normal piling provision (25m deep on ground)	-	-	-	161,200,000	8,000,000	42,700,000	211,900,000
3. Additional cost for marine deck comparing with normal sub-structure	36,400,000	38,400,000	55,000,000	-	-	-	129,800,000
4. Additional cost for retail structural frame to take loading of soil above retail	-	-	-	70,000,000	-	-	70,000,000
5. Extensive landscaping to roof of retail area	-	-	-	186,900,000	-	-	186,900,000
Total :	432,400,000	455,600,000	653,000,000	418,100,000	8,000,000	42,700,000	2,009,800,000
Cost/m2 GFA :	3,003	3,413	3,139	2,237	936	-	2,951



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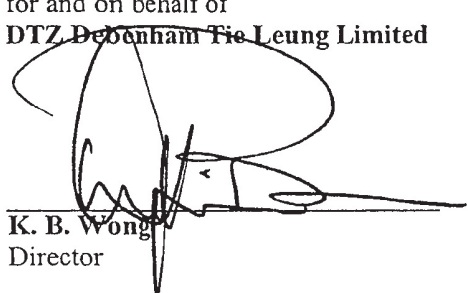
For Addressee Only

TO	Mr. Kenneth Poon	COMPANY	Davis Langdon & Seah
FAX NO.	2576 0416	PAGES	1
FROM	K.B. Wong	DATE	25th September, 2001
TEL NO.	2507 0618	REPLY FAX	2530 1502
SUBJECT	West Kowloon Waterfront Design Competition		

Dear Sirs,

In our previous calculation of land value (i.e. Accommodation Value), we have assumed average construction cost in normal site conditions (from foundation to completion) and that the sites are ready for immediate development. If the "Premium Deductable Works" are additional building costs incurred by a private developer in carrying out the development (residential, hotel, office or retail) on top of normal building costs, the cost will have to be deducted from the land value. If these "premium deductible works" relate to site formation works and are carried out or borne by the government, they will not affect the land value.

Yours faithfully,
for and on behalf of
DTZ Debenham Tie Leung Limited



K. B. Wong
Director

c.c.	L.W.K. & Partners (HK) Ltd	– Attn: Mr. Moses Leung	Fax: 2572 4908
	T.R. Hamzah & Yeang Sdn.	– Attn: Mr. Ken Yeang	Fax: 603 4256 1005

Ref: KB/yl-0229/01

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DTZ Debenham Tie Leung Limited 16th Floor, 1063 King's Road, Quarry Bay, Hong Kong.

Source : Mr CHIU Kam-kuen, witness appearing before the Select Committee

DAVIS LANGDON & SEAH CHINA LIMITED

QUANTITY SURVEYORS : CONSTRUCTION COST CONSULTANTS

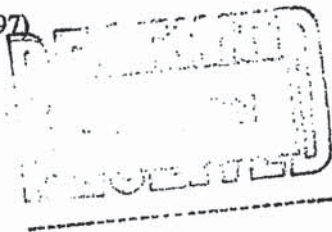
威寧謝中國有限公司：工料測量師及建設本值顧問

香港禮頓道 77 號禮頓中心 2101 室 電話：28303500 圖文傳真：25760416 E-mail: dlskh@dlskh.com

26 September 2001

Our Ref.: MB-122/01 (PKY/2001/297)

LWK & Partners (HK) Ltd.
9/F, Pacific Plaza
410 Des Voeux Road West
HONG KONG



2101 Leighton Centre
77 Leighton Road
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E-Mail: dlskh@dlskh.com
www.davislangdon.com

For the attention of
Mr Ronald Liang/Mr Moses Leung

Dear Sirs,

WEST KOWLOON WATERFRONT DESIGN COMPETITION PRELIMINARY CONSTRUCTION COST AND DEVELOPMENT LAND VALUE ESTIMATES

We have pleasure in enclosing our write-up on the financial section for the captioned for your reference.

Should you have any query or require any further input from our office or DTZ, please do not hesitate to contact us.

Yours faithfully,

Kenneth K Y Poon
For and on behalf of
DAVIS LANGDON & SEAH HONG KONG LIMITED

Encls.

c.c. T.R. Hamzah & Yeang Sdn. Bhd. - Dr. Ken Yeang) (603) 4256 1005 and e-mail 0042
DTZ Debenham Tie Leung Limited - Mr K B Wong) 2530 1502

PKY/tl

Directors 董事 : Ku Moon Lun 古滿麟 Kenneth K Y Poon 潘根漢 Joseph Y K Lee 李應祺 D C Mackay 麥佳 Eric K F Au 歐錦輝
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Daniel P Luk 陸晉 Cynthia K F Szeto 司徒潔芳 Lai Pak Hung 黎北熊

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Brisbane 布里斯班 Hobart 霍巴特 Perth 珀斯 Cairns 健仕 United Kingdom 英國 Spain 西班牙 United States of America 美國
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Associated Offices 聯絡事務所 : Canada 加拿大 West Africa 西非 East Africa 東非 New Zealand 紐西蘭

Source : Mr Ronald LIANG, witness appearing before the Select Committee

WEST KOWLOON WATERFRONT DESIGN COMPETITION
PRELIMINARY CONSTRUCTION COST AND DEVELOPMENT
LAND VALUE ESTIMATES

1. Basis of Estimate

The Master Planning incorporates Public Facilities (e.g. Arts and Recreational Facilities, Parklands etc.) and Private Facilities (e.g. Offices, Hotels and Residential Towers etc.) It is assumed in our cost estimate that the infrastructure and Public Facilities shall be undertaken by the Hong Kong Government, directly or indirectly, and the Private Facilities shall be constructed by private developers after sales of the respective land parcels.

Our Preliminary Construction Cost Estimate therefore covers only the infrastructure and construction cost of Public Facilities only. Certain landscaping works that forms a part of the overall design concept but which falls within the site boundaries of the Private Facilities have not been allowed for, assuming such works shall form part of the future Land Lease Conditions which the private developers would have to carry out as part of their obligations.

We have done a Preliminary Development Land Value Estimate for the proposed Private Facilities. The respective values have been based on total accommodation values as recommended by the Land Consultant less estimated extra-ordinary expenses that the private developers would encounter in the development of the respective land lots (e.g. marine piles, marine deck etc.)

The two estimates together give a balanced picture of the costs incurred and value created by the proposed Master Plan.

WEST KOWLOON WATERFRONT DESIGN COMPETITION
PRELIMINARY CONSTRUCTION COST ESTIMATE OF
PUBLIC FACILITIES

25th September, 2001

	GFA	Estimated Construction Cost
	(m2)	(HK\$)
1. Indoor Facilities		
1.1 Imax Centre (bare shell)	3,600	36,000,000
1.2 Art Gallery	8,100	162,000,000
1.3 Performing Art Centre	19,800	396,000,000
1.4 Sports/leisure/amenities facilities	21,600	324,000,000
1.5 Opera House	12,500	375,000,000
	65,600	1,293,000,000
2. Outdoor Facilities		
2.1 Works to existing seawalls		65,000,000
2.2 Outdoor Amphitheatre (10,000m2)		50,000,000
2.3 Recreational Park (22,400m2)		134,400,000
2.4 Landscape Park (51,800m2)		207,200,000
2.5 Water Park (26,600m2)		35,000,000
2.6 Cultural Waterfront Walk		270,000,000
		761,600,000
3. Infra-structure		
3.1 Roadworks (53,460m2)		278,000,000
3.2 Mono Rail (1.6km and 3 stations)		400,000,000
3.3 Footbridge to Kowloon Park		100,000,000
3.4 Provisions for fresh water, flushing water, fire services, stormwater and sewer for both Government Constructed and Private Constructed developments		227,000,000
		1,005,000,000
4. Relocation of Existing Public Facilities		
4.1 Relocation of existing Fire Station		200,000,000
4.2 Relocation of existing School		110,000,000
		310,000,000
Total Anticipated Construction Cost at August 2001 Price Level	HK\$	3,369,600,000
5. Exclusions		
5.1 Professional fees, project supervision fees and legal fees;		
5.2 Financing charges;		
5.3 Fitting out works to Imax Centre;		
5.4 Fluctuation in construction costs from August 2001 price level to those at the date of tenders.		
5.5 Soft costs, e.g. opening and operating expenses for the various facilities.		

3. WEST KOWLOON WATERFRONT DESIGN COMPETITION
ESTIMATE OF DEVELOPMENT LAND VALUES

25th September, 2001

	GFA	Estimated Land Value
	(m2)	(HK\$)
1. Retail	186,900	2,692,140,000
2. Residential	144,000	2,266,630,000
3. Hotel	133,500	2,562,030,000
4. Office	208,000	1,668,620,000
Total Estimated Land Value at August 2001 accommodation values		9,189,420,000

5. Exclusions

- 5.1 Auction or Land Tender fees.
- 5.2 Fluctuation in accommodation values from August 2001 level to those at date of land sales.

DAVIS LANGDON & SEAH CHINA LIMITED

QUANTITY SURVEYORS : CONSTRUCTION COST CONSULTANTS

威寧謝中國有限公司：工料測量師及建設本值顧問

香港禮頓道 77 號禮頓中心 2101 室 電話：28303500 圖文傳真：25760416 E-mail: dlshk@dlshk.com

19 September 2001

Our Ref.: PKY/2001/283

DTZ Debenham Tie Leung Limited
16th Floor
1063 King's Road
Quarry Bay
HONG KONG

BY FAX
2530 1502



2101 Leighton Centre
77 Leighton Road
Hong Kong
Tel: 2830 3500
Fax: 2576 0416
E-Mail: dlshk@dlshk.com
www.davislangdon.com

For the attention of
Mr K K Chiu

URGENT

Dear Sirs,

KOWLOON WATERFRONT COMPETITION

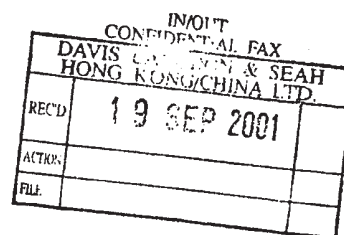
I attach herewith copy of a fax from TR Hamzah & Yeang which is self explanatory.

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

Thank you.

Yours faithfully,

Kenneth K Y Poon
For and on behalf of
DAVIS LANGDON & SEAH HONG KONG LIMITED



Encls.

c.c. LWK & Partners (HK) Ltd. - Mr Ronald Liang) 2572 4908
T. R. Hamzah & Yeang Sdn. Bhd. - Dr Ken Yeang/Mr Andy Chong) (603) 42561005

PKY/tl

Directors 董事 : Ku Moon Lun 古滿麟 Kenneth K Y Poon 潘根震 Joseph Y K Lee 李應祺 D C Mackay 麥佳 Eric K F Au 歐錦輝
Cheung Sek Hoi 張石開 A G Ruxton 黎誠敦 Peter K M Ho 何錦銘 Francis K M Au 區啟明
Deputy Directors 副董事 : Chan Chi Kai 陳智佳 John W Chiang 蔣維 Ricardo C P Cheung 張志平 Tsui Shek Kuen 徐錦權
Simon K M So 蘇健文 M J Johnston 麥甘莊士敦
Assistant Directors 助理董事 : K S Yam 任銀森 Dilys L L Ho 何麗玲 Peter H M Law 羅漢文 M O Lai 黎文安 Frank H L Kwok 郭曉嵐
William K H Fong 方劍豪 Jonathan C K Lo 盧志強 Lysander M L Lam 林美玲 Wong Chin Ying 黃展營
Daniel P Luk 陸晉 Cynthia K F Szeto 司徒潔芳 Lai Pak Hung 黎北熊

DAVIS LANGDON & SEAH INTERNATIONAL 威寧謝國際

Offices 事務所 : Hong Kong 香港 Beijing 北京 Shanghai 上海 Guangzhou 廣州 Singapore 新加坡 Manila 馬尼拉 Bangkok 曼谷
Bandar Seri Begawan 斯里巴加灣市 Penang 檳城 Kuala Lumpur 吉隆坡 Kota Kinabalu 哥打基納巴盧 Johor Bahru 巴魯
Kuching 古晉 Jakarta 雅加達 Hanoi 河內 Ho Chi Minh City 胡志明市 Surabaya 泗水 Melbourne 墨爾本 Sydney 悉尼
Brisbane 布里斯班 Hobart 霍巴特 Perth 柏斯 Cairns 健仕 United Kingdom 英國 Spain 西班牙 United States of America 美國
The Czech Republic 捷克 Qatar 卡塔爾 Bahrain 巴林 United Arab Emirates 阿拉伯聯合酋長國 France 法國 Beirut 貝魯特 Africa 非洲
Associated Offices 專營事務所 : Canada 加拿大 West Africa 西非 Eric 愛爾蘭 New Zealand 新西蘭

Source : Mr Kenneth POON, witness appearing before the Select Committee

Teresa Ng

From: "Teresa Ng" <teresa.ng@dtz.com.hk>
To: <trhy@tm.net.my>
Sent: 25/09/2001 PM 12:34
Attach: Team Information.doc; Curriculum Vitae.doc; Relevant Strength.doc; Covering.doc
Subject: Kowloon Waterfront Competition

Refer to attached files.

25/09/2001

To: T.R. Hamzah & Yeang Sdn. Bhd.
Dr. Ken Yeang / Mr. Andy Chong

Dear Sir,

Re: Kowloon Waterfront Competition

Pursuant to instruction of Davis Langdon & Seah China Limited, we attach herewith copy of the information about our company.

c.c. Davis Langdon & Seah Hong Kong Ltd.
Attn: Mr. Kenneth K.Y. Poon (Fax No.: 2576 0416)

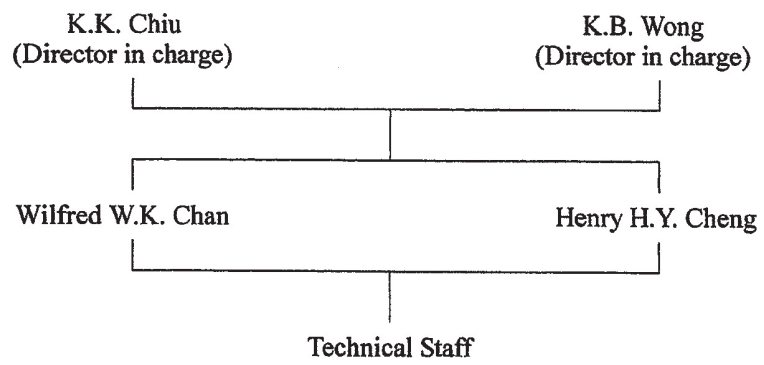
Source : Mr CHIU Kam-kuen, witness appearing before the Select Committee

CURRICULUM VITAE OF THE TEAM MEMBERS:

- 317 -

KOWLOON WATERFRONT COMPETITION

TEAM STRUCTURE



RELEVANT STRENGTH AND EXPERIENCE

Land Consultant: DTZ Debenham Tie Leung Limited
Strength of the Company in Providing Services

DTZ Debenham Tie Leung Limited (formerly DTZ Debenham Thorpe of Europe, Edmund Tie & Co. of South East Asia - Pacific and C.Y. Leung & Co. of North East Asia - Pacific respectively) provides a full spectrum of independent real estate services including valuations, feasibility studies, research, property management, leasing and sale of residential, commercial, and industrial properties, auctions, tenders, as well as acquisitions and disposal of real estate on behalf of clients.

Our land consultancy team has advised numerous clients on land grant matters and modification of lease conditions, planning issues, and consultancy jobs. Moreover, the team also prepared the feasibility study, including the financial analysis, of property developments.

In 2000, the Firm has participated in the KCRC West Railway Project as land consultant for property developments of Tuen Mun, Long Ping and Tin Shui Wai Stations. In addition, we are one of the consultants of KCRC in the development study consultancy for the Shatin to Central Link Property Development Proposal.

KOWLOON WATERFRONT COMPETITION

Project Team Information:-

a. Name of Company/Firm:

DTZ Debenham Tie Leung Limited

b. Company type:

Limited Company

c. Registered address:

10th Floor, Jardine House, Central, Hong Kong.

d. Contact details:

Telephone No.: 2507 0602

Fax No.: 2530 1502

e. The key personnel who worked on the project (for the curriculum vitae, please refer to the attached):

K.K. Chiu (Executive Director)

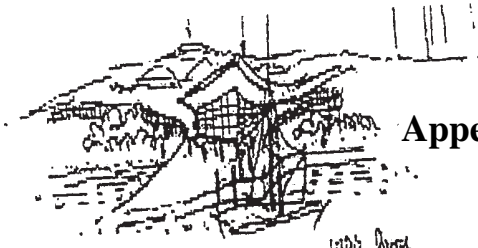
Tel: 2507 0602

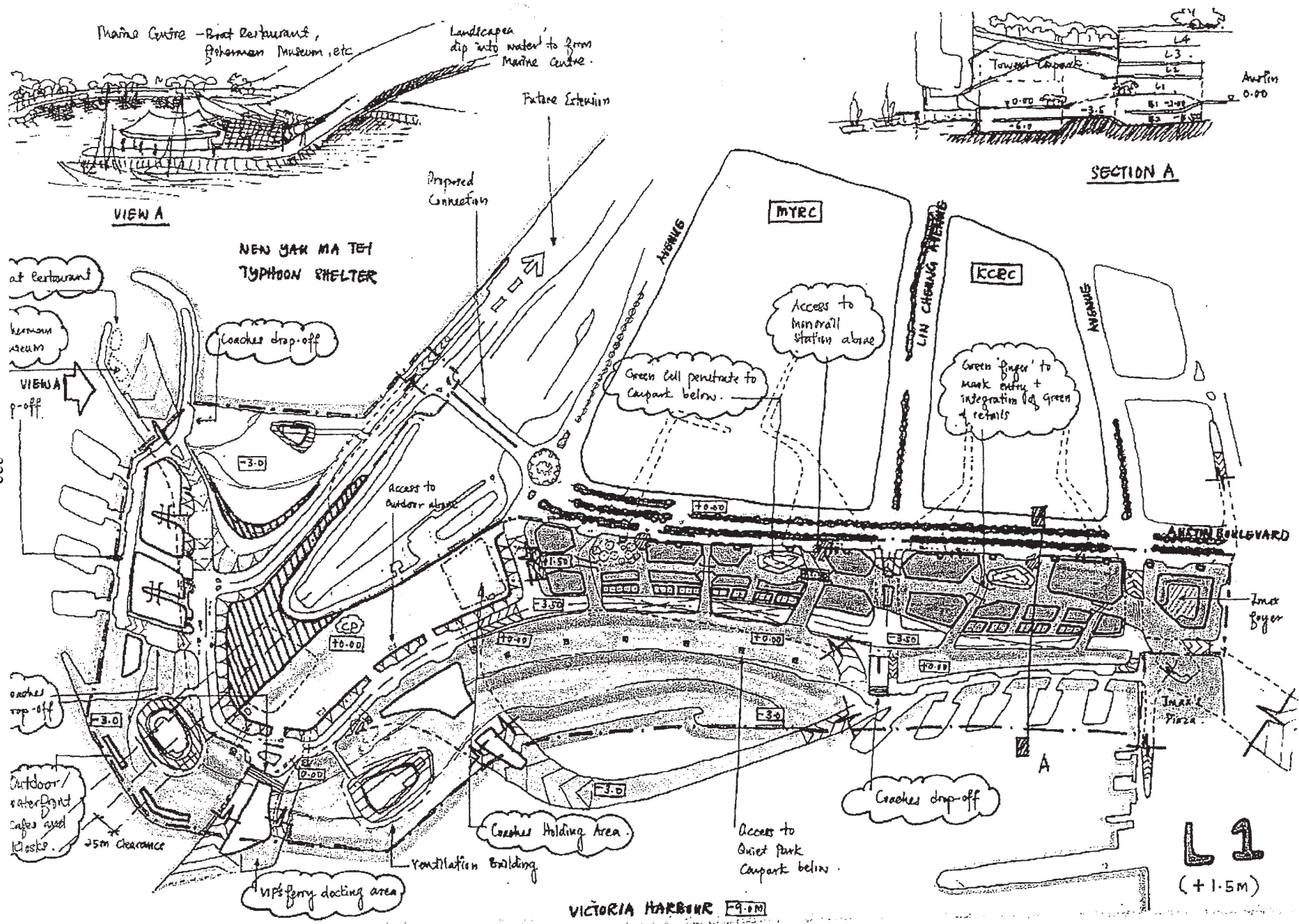
e-mail: kkchiu@dtz.com.hk

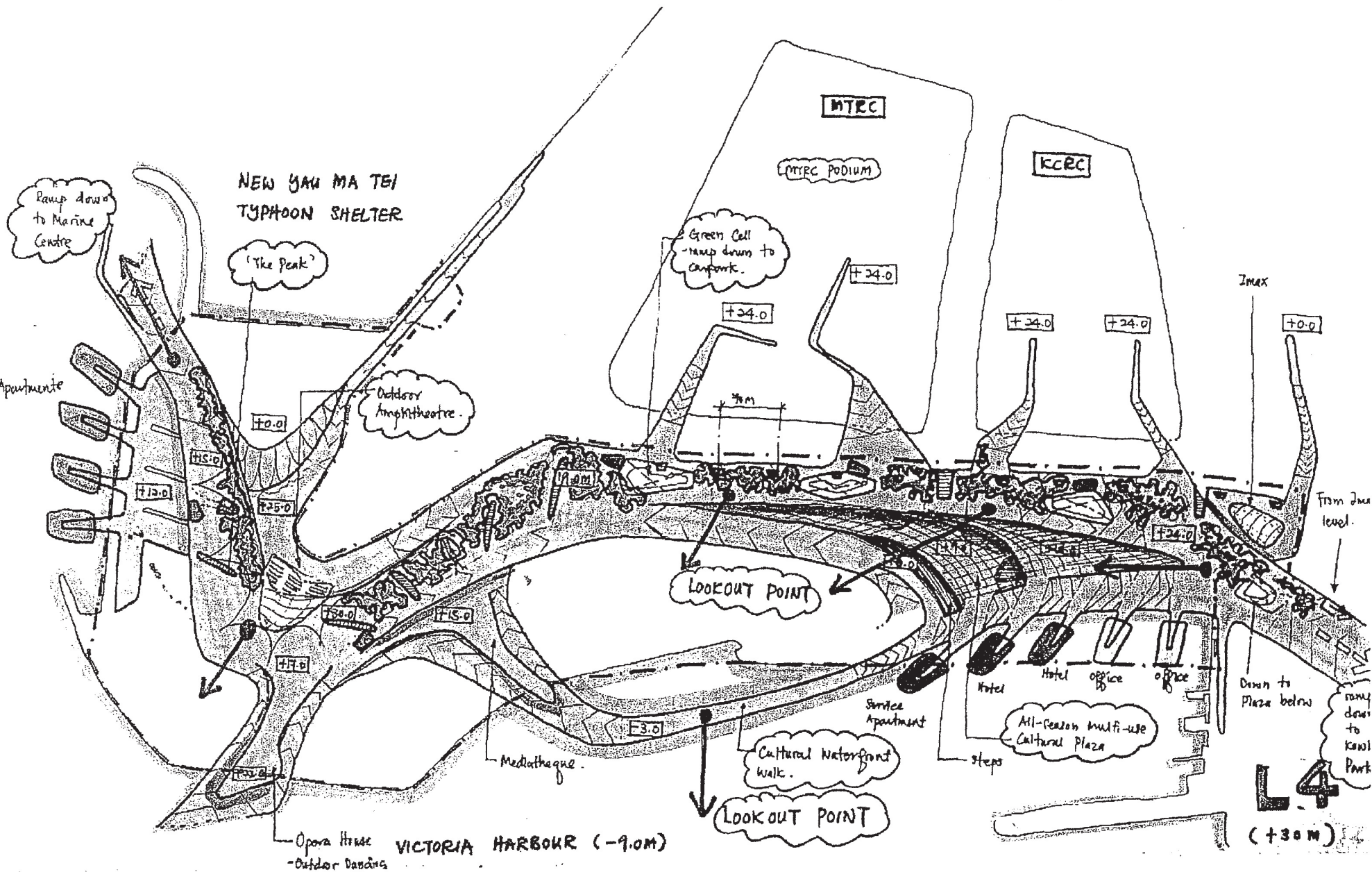
K.B. Wong (Director)

Tel: 2507 0618

e-mail: kbwong@dtz.com.hk







Linked to recreational
and retail area at
B1 & L4.

Linked to
retail and
cultural area
at B1 & L4.

apartment
(5 floors)

apartment
(5 floors)

apartment
(5 floors)

apartment
(5 floors)

Service
Apartment
(25 floors)

Hotel
(30 floors)

Hotel
(55 floors)

Office
(50 floors)

Office
(70 floors)

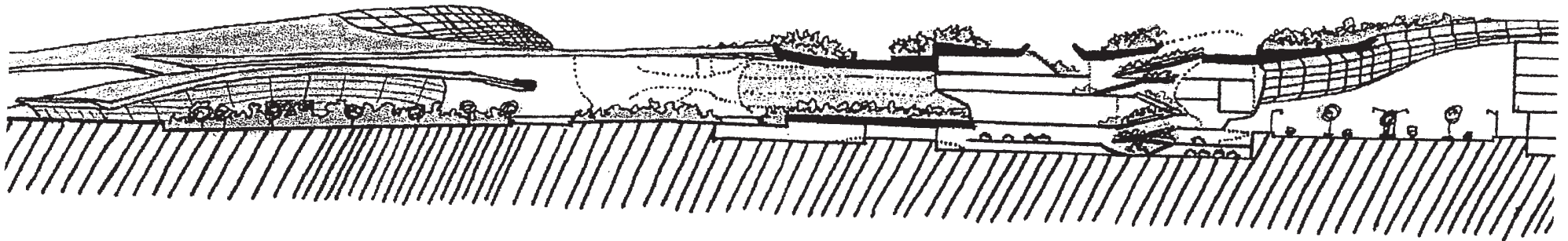
60m

60m

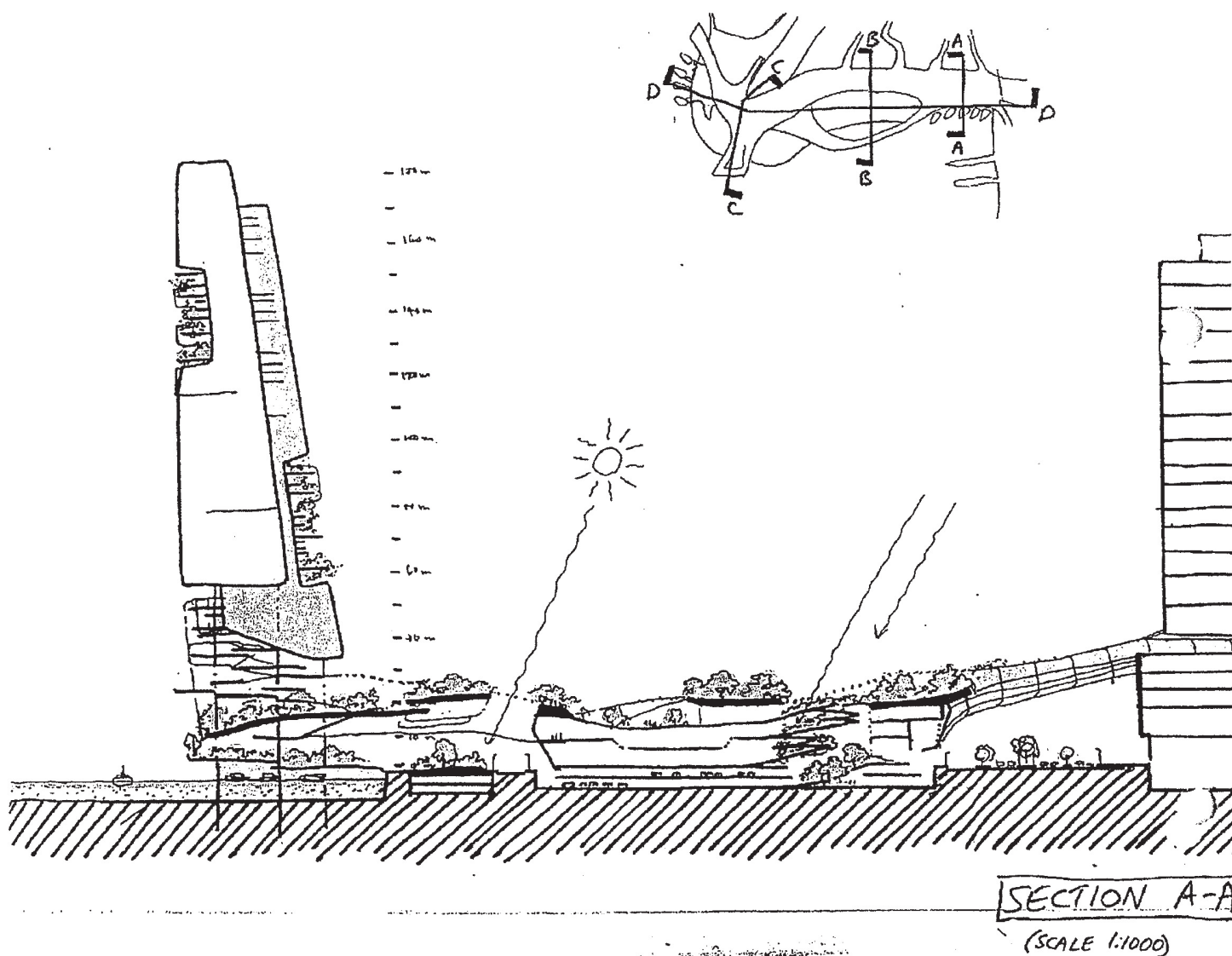
60m

L20

(TYPICAL TOWER
LEVEL = +75m)



SECTION B-B
(SCALE 1:1000)



Source : Mr CHIU Kam-kuen, witness appearing before the Select Committee

**Chronology of events relating to Mr LEUNG Chun-ying's involvement
as a member of the Jury in the Competition**

Date	Event	Reference
6 October 1999	Mr TUNG Chee-hwa, then Chief Executive ("CE"), announced in his 1999 Policy Address the plan to develop a world-class performance venue on West Kowloon Reclamation ("WKR") and hold an open competition to create a new look for Victoria Harbour including the waterfront at WKR.	A11
March 2000	A Competition Team was set up in the then Planning and Lands Bureau ("PLB"), which was the Organiser of the Competition.	W22(C)
6 March 2000	An informal briefing on the Competition was conducted for non-official Members of the Executive Council ("ExCo").	CB(2)1403/ 11-12(01)
9 March 2000	PLB submitted an information paper to the Panel on Planning, Lands and Works of the Legislative Council informing members of the progress of the open competition for WKR.	A11
23 May 2000	The proposed composition of the Jury for the Competition ("the Jury") was tabled at a meeting attended by CE, who directed that contact should be made with Lord ROTHSCHILD for appointment as the Chairman of the Jury.	A65
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 forward the Competition.	A66
18 January 2001	Mrs Anson CHAN invited Lord ROTHSCHILD, who had agreed to chair the Jury, to endorse a proposed list of members of the Jury (as at 10 January 2001), which included Mr Antony LEUNG.	A66
15 February 2001	The Government announced the appointment of Mr Antony LEUNG as the Financial Secretary.	

Date	Event	Reference
16 February 2001	Memorandum from Mr PO Pui-leong, then Principal Assistant Secretary (Special Duties) of PLB and Competition Coordinator, to the Private Secretary to CE advising that a replacement was being identified for an earlier proposed candidate from the business/financial sector.	A68
17 February 2001	CE issued invitations to prospective jurors.	A68 (pp.2-20)
8 March 2001	Mr Gordon SIU, then Secretary for Planning and Lands ("SPL"), informed CE's office by email that he had spoken to Mr LEUNG Chun-ying, who indicated interest in being a member of the Jury, and that Mr LEUNG was <i>"fully aware of the implications for himself and his company"</i> .	A69
9 March 2001	<p>CE formally invited Mr LEUNG Chun-ying to serve as a member of the Jury.</p> <p>Mr PO Pui-leong sent a letter to Mr LEUNG Chun-ying 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 the schedule of the Jury meeting in January 2002.</p>	<p>A36</p> <p>A35</p>
10 March 2001	Mr YUEN Lup-fun of the Task Force for the Competition sent a fax to Mr LEUNG Chun-ying inviting him to provide a copy of his curriculum vitae and a photo for inclusion in the pamphlet on the Jury to be produced by the Organiser for publicity for the Competition.	A38
13 March 2001	Mr LEUNG Chun-ying replied to CE accepting the invitation to be a member of the Jury.	A37
26 March 2001	Mr Gordon SIU issued invitations to potential members of the Technical Panel.	A72-73

Date	Event	Reference
6 April 2001	The Competition was launched. 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 the same day.	A39
7 April 2001	Registration for the Competition began.	A1
22 May 2001	Dr Kenneth YEANG of T R Hamzah & Yeang Sdn Bhd ("Hamzah & Yeang") faxed a letter to Davis Langdon & Seah Malaysia Sdn Bhd ("DLS Malaysia") asking if it was interested in being part of Hamzah & Yeang's project team for the Competition.	DLS1(C)
23 May 2001	DLS Malaysia confirmed in writing its interest in being exclusively part of the project team of Hamzah & Yeang. The project was then referred to Davis Langdon & Seah Hong Kong Limited ("DLS").	DLS2(C); W13(C) (para. 6)
8 June 2001	Deadline for registration for the Competition. PLB received a registration form dated 5 June 2001 from Dr Kenneth YEANG of Hamzah & Yeang.	A1 A1(C)
6 July 2001	Dr Kenneth YEANG met with Mr Ronald LIANG of LWK & Partners (HK) Ltd ("LWK") in Hong Kong.	LWK37
16 July 2001	Mr John TSANG replaced Mr Gordon SIU as SPL.	W2(C)
Mid-to-late July 2001	LWK delivered materials and documents relating to the preparation of a submission to the Competition to Hamzah & Yeang in Malaysia.	LWK 33-36
Early August 2001	Mr Eric JOHNSON replaced Mr PO Pui-leong as the Competition Co-ordinator	W3(C)
6-14 August 2001	Hamzah & Yeang discussed the project with Benoy Limited ("Benoy") and Mr Ronald LIANG in Malaysia.	DLS3(C); LWK30

Date	Event	Reference
21 August 2001	Dr Kenneth YEANG faxed a letter to LWK, DLS, Benoy and Battle McCarthy calling them "Team" and enclosing Hamzah & Yeang's latest drawings in relation to its proposed submission to the Competition for their review and comments.	DLS3(C)
Between 21 August and 10 September 2001	<p>According to Mr Kenneth POON, he contacted Mr Edmund HO of DTZ Debenham Tie Leung Limited ("DTZ") and invited DTZ to join the project team to carry out land value assessments for Hamzah & Yeang's proposed submission to the Competition on a no-fee basis.</p> <p>Before 11 September 2001, Mr POON met with Mr CHIU Kam-kuen and Mr WONG Kim-bon of DTZ and handed them a copy of the Accommodation Schedule and the draft concept drawings for their study and initial advice.</p>	W13(C) DTZ1(C); DLS6(C)
7 September 2001	Dr Kenneth YEANG faxed a letter to LWK, DLS, Benoy and Battle McCarthy calling them "Project Team" and asking them to email the information on their respective companies to Hamzah & Yeang by 25 September 2001.	DLS5(C)
11 September 2001	Mr Kenneth POON sent a letter to Mr Ronald LIANG and copied it to Dr Kenneth YEANG and Mr CHIU Kam-kuen by fax, advising DTZ's agreement to assist in the land valuation for the "West Kowloon Waterfront Design Competition".	DLS6(C); LWK27
18 September 2001	Pursuant to Mr Kenneth POON's request, Mr WONG Kim-bon sent a letter to Mr Ronald LIANG providing DTZ's opinion on the land premium for the development proposal provided by Mr POON for the Competition.	DTZ1(C)
19 September 2001	Mr Kenneth POON faxed a letter to Mr CHIU Kam-kuen and copied it to Mr Ronald LIANG and Dr Kenneth YEANG enclosing a copy of Dr YEANG's letter dated 7 September 2001.	DLS9(C); DTZ2 (p.15)

Date	Event	Reference
20 September 2001	Mr Kenneth POON sent a letter to LWK and copied it to Dr Kenneth YEANG and Mr CHIU Kam-kuen proposing the approach to the financial feasibility study on their project for the Competition.	DTZ2 (p.9); LWK17
24 September 2001	<p>Mr Kenneth POON sent a written enquiry to Mr WONG Kim-bon by fax and copied it to LWK and Dr Kenneth YEANG regarding DTZ's accommodation value calculation provided in Mr WONG's earlier letter of 18 September 2001 to Mr Ronald LIANG.</p> <p>LWK provided its company information to Dr Kenneth YEANG as requested in his letter of 7 September 2001.</p>	DTZ2 (p.7) LWK4
25 September 2001	<p>Mr WONG Kim-bon sent a fax reply to Mr Kenneth POON and copied it to LWK and Hamzah & Yeang providing clarifications on DTZ's accommodation value calculations.</p> <p>Mr Kenneth POON faxed a letter to Dr Kenneth YEANG and copied it to Mr Ronald LIANG enclosing DLS's write-up on the requested information in Dr YEANG's letter of 7 September 2001.</p> <p>Miss Teresa NG Chor-yee of DTZ sent an email to Hamzah & Yeang and copied it to Mr Kenneth POON by fax enclosing the company information on DTZ and the curriculum vitas of its key personnel.</p>	DTZ2 (p.6) DLS7(C) DTZ1
26 September 2001	Mr Kenneth POON sent a letter to Mr Ronald LIANG and copied it to Dr Kenneth YEANG and Mr WONG Kim-bon by fax enclosing DLS's write-up on the financial section for the " <i>West Kowloon Waterfront Design Competition/ Preliminary construction cost and development land value estimates</i> ".	DTZ2 (pp.1-4)
Late September 2001	The Organiser received Dr Kenneth YEANG's Registration Form with an updated list of project team members dated 27 September 2001.	A1(C)

Date	Event	Reference
29 September 2001	The Organiser received a total of 161 entries by the closing date for submission of conceptual proposals.	A10
Early October 2001	Mr Eric JOHNSON sought the advice of Professional Advisor to the Competition on the question of declaration of interest by members of the Technical Panel.	W3(C) (para. 23)
9 October 2001	The Technical Panel held its first meeting to discuss, among others, the matter of conflict of interests and the process for the technical assessment of the entries.	A6 (para. 6); W4(C)
18 October 2001	Mr Eric JOHNSON sent a memorandum attaching a draft declaration form to the Independent Commission Against Corruption ("ICAC") seeking its views on the question of declaration of interest by members of the Technical Panel.	W3(C); A26
6 November 2001	ICAC replied to Mr Eric JOHNSON advising that all persons closely associated with the Competition, including Jury members, should be asked to declare conflict of interests to the best of their knowledge.	A27
23 November 2001	Mr Eric JOHNSON sent a memorandum to ICAC attaching the finalised version of the declaration form and stating that the proposed declaration arrangements would be extended to the Jury and the Professional Advisor in addition to the Technical Panel.	A28
24 November 2001	The Competition Team wrote to members of the Technical Panel attaching the declaration form and requesting them to make declarations as soon as possible.	A21 (para. 13)
27 November to 10 December 2001	The Competition Team received all the declaration forms completed by the Chairman and members of the Technical Panel.	A3(C) – A12(C)
11, 12, 15 and 17 December 2001	The Technical Panel met to assess the 161 entries. At its meeting on 11 December 2001, the Technical Panel discussed the declarations made by members.	A5; A6 (para. 6)

Date	Event	Reference
End of January 2002	The Competition Team dispatched the 161 entries and the Report of the Technical Panel to members of the Jury in an anonymous manner.	A42
11 February 2002	Mr Eric JOHNSON sought the approval of the Chairman of the Jury for applying the declaration arrangements, which were similar to those for the Technical Panel, to the Jury.	W3(C) (para. 29)
12 February 2002	The Chairman of the Jury gave approval to apply the declaration arrangements to the Jury.	W3(C) (para. 29)
21 February 2002	Mr Eric JOHNSON faxed a letter to members of the Jury requesting them to complete a declaration form, which was the same as that for members of the Technical Panel, by Saturday, 23 February 2002.	A3
Between 21 and 23 February 2002	According to Mr LEUNG Chun-ying, he telephoned a staff member of the DTZ office in Quarry Bay to check whether DTZ had recently done or was in the course of doing any jobs in relation to WKR.	W5(C) (para.11)
24 February 2002	Mr LEUNG Chun-ying attended the viewing session on the entry presentation boards and selected 18 entries. Mr Eric JOHNSON received eight completed declaration forms from members of the Jury.	W21C (Q.8) W3(C) (para. 30)
25 February 2002	The first Jury meeting was held to consider conflict of interest declarations, the Report of the Technical Panel and the adjudication process. Mr Eric JOHNSON received the two outstanding declaration forms, both of which dated 25 February 2002, from Mr LEUNG Chun-ying and Prof Patrick LAU at the Jury meeting.	A3; W3(C) A4; A18(C)

Date	Event	Reference
26 February 2002	<p>The Jury selected the first prize and second prize winners.</p> <p>Mr LEUNG Chun-ying was absent from the first round of voting and present at all other rounds.</p>	A7
27 February 2002	<p>The Jury selected the three honourable mentions.</p> <p>After completion of the Jury's voting process, Mr Eric JOHNSON discovered in the evening that DTZ, of which Mr LEUNG Chun-ying was then the Managing Director and Chairman, was listed as one of the project team members of Hamzah & Yeang ("the Entry Concerned"), an entrant on the provisional list of winning entries. He also noted from Mr LEUNG's completed declaration form that the name of the entrant concerned was not declared.</p>	A7 W3(C) (para. 36)
28 February 2002	<p>Mr Eric JOHNSON reported the finding on the association of Mr LEUNG Chun-ying's company with the Entry Concerned to Mr John TSANG and the Chairman of the Jury before the start of the Jury meeting.</p> <p>Mr John TSANG informed Mr LEUNG Chun-ying that DTZ was named as property advisors by one of the entrants.</p> <p>Mr LEUNG Chun-ying told Mr CHIU Kam-kuen and Mr WONG Kim-bon over the phone that he was a member of the Jury.</p> <p>Mr LEUNG Chun-ying reported the matter to the Jury at its meeting and undertook to provide information regarding the role of DTZ in the Entry Concerned to Mr Eric JOHNSON.</p> <p>The Jury decided that the Entry Concerned be disqualified.</p> <p>The Chairman of the Jury announced the results of the Competition.</p>	W3(C); W5(C)

Date	Event	Reference
Between 28 February and 11 March 2002	At Mr LEUNG Chun-ying's request, Mr WONG Kim-bon delivered a file containing all the correspondence and reference documents on DTZ's involvement in the Entry Concerned to Mr LEUNG's office at Jardine House in Central.	W5(C) (para. 19)
11 March 2002	Mr LEUNG Chun-ying sent a letter to Mr Eric JOHNSON regarding the role of DTZ associated with him in respect of the Entry Concerned and attached to the letter a full list of companies in the DTZ Group in which DTZ was the main operating company.	A8
23 March 2002	Mr Eric JOHNSON wrote to Mr LEUNG Chun-ying advising that he would inform the Chairman of the Jury that Mr LEUNG had provided the supplementary declaration agreed upon when the matter was discussed on 28 February 2002.	A9
15 May 2002	Mr Eric JOHNSON informed the Chairman of the Jury in writing that a member of the Jury had provided him with information on the companies of which he was a director or major shareholder, and the member concerned did not request reconsideration of any of the decisions taken by the Jury. Mr JOHNSON also advised that no further action need be taken in connection with the matter.	A29
27 May 2002	The Chairman of the Jury replied to Mr Eric JOHNSON giving approval for circulation of the draft Report of the Jury to other members of the Jury and stating that it was good to hear that no further action was needed on the conflict of interest declaration point.	A30
30 May 2002	Mr LI Ho-kin of PLB circulated the draft Report of the Jury to members of the Jury for review.	A44; A45
17 June 2002	Mr LI Ho-kin informed Mr LEUNG Chun-ying of PLB's wish to receive his comments on the draft Report of the Jury by 19 June 2002.	A53

Date	Event	Reference
19 August 2002	Mr Eric JOHNSON reminded Mr LEUNG Chun-ying to provide his response to the draft Report of the Jury. Mr LEUNG informed Mr Eric JOHNSON that he had no comments on it.	A59; A60
10 September 2002	The Chairman of the Jury approved the publication of the Report of the Jury.	A63
9 June 2003	Mr LEUNG Chun-ying sent a letter to the ExCo Secretariat making declarations in respect of the item <i>"Invitation of Proposals for the Development of the West Kowloon Cultural District"</i> .	A64
21 June 2003	The Clerk to ExCo issued a letter to Mr LEUNG Chun-ying reminding him to declare interest when the information paper entitled <i>"Progress Report on Development of the West Kowloon Cultural District"</i> was discussed at the ExCo meeting on 24 June 2003.	A81
8 February 2012	The Administration issued a press release in response to media enquiries about the alleged involvement of conflict of interests of Mr LEUNG Chun-ying as a member of the Jury.	L5

Lists of written evidence/documents

Lists of written evidence/documents

- A. Evidence/documents provided by the Home Affairs Bureau
- B. Evidence/documents provided by DTZ Debenham Tie Leung Limited
- C. Evidence/documents provided by Davis Langdon & Seah Hong Kong Limited
- D. Evidence/documents provided by LWK & Partners (HK) Limited
- E. Evidence/documents provided by witnesses and other parties
- F. Documents provided by individuals and other parties
- G. Documents referred to by the Select Committee

A. Evidence/documents provided by the Home Affairs Bureau

Documents	Select Committee reference no.
1. Competition Document for the Concept Plan Competition for the Development of an Integrated Arts, Cultural and Entertainment District at the West Kowloon Reclamation, Hong Kong	A1
2. The declaration form prepared by the Competition Team in consultation with the Professional Advisor and the Independent Commission Against Corruption ("ICAC")	A2
3. Letter dated 21 February 2002 from Mr Eric JOHNSON to members of the Jury requesting them to make declarations of interests in a standard form attached and providing guidelines on how the form should be completed	A3
4. Declaration Form of Mr LEUNG Chun-ying	A4
5. Records and/or minutes on the deliberations of the Technical Panel on the assessment of entries	A5
6. Report of the Technical Panel	A6
7. Voting records of jurors – summary of votes by the Jury	A7
8. Letter dated 11 March 2002 from Mr LEUNG Chun-ying to Mr Eric JOHNSON regarding the involvement of the company associated with him in the activities relating to the West Kowloon Reclamation Concept Plan Competition ("the Competition")	A8
9. Letter dated 23 March 2002 from Mr Eric JOHNSON to Mr LEUNG Chun-ying mentioning that the Competition Team would inform Lord ROTHSCHILD that Mr LEUNG had provided the supplementary declaration agreed upon when the matter had been discussed on 28 February 2002	A9
10. Report of the Jury	A10

Documents	Select Committee reference no.
11. Information given to Executive Council members at the informal briefing on 6 March 2000, which is similar to that in LC Paper No. CB(1)1103/99-00(03) dated 9 March 2000 to the Legislative Council Panel on Planning, Lands and Works	A11
12. Powerpoint presentation conducted at the informal briefing for Executive Council members on 3 April 2001	A12
13. Information on the Competition in the progress report on the work of the Steering Committee for Development of the West Kowloon Cultural District at an Executive Council meeting in mid-2003, which is similar to that in LC Paper No. CB(1)2104/02-03(03) dated 4 July 2003 to the Legislative Council Panel on Planning, Lands and Works	A13
14. Letters dated 14, 16 and 24 February 2012 from the Secretary for Home Affairs to Mr LEUNG Chun-ying regarding disclosure of information to the public	A14
15. Letters dated 15 and 20 February 2012 from Mr LEUNG Chun-ying to the Secretary for Home Affairs regarding disclosure of information to the public	A15
16. Letters dated 14 and 24 February 2012 from the Secretary for Home Affairs to T. R. Hamzah & Yeang Sdn Bhd ("Hamzah & Yeang") regarding disclosure of information to the public	A16
17. Replies dated 15 February and 5 March 2012 from Hamzah & Yeang to letters dated 14 and 24 February 2012 from the Secretary for Home Affairs	A17
18. Letters dated 16 and 24 February 2012 from the Secretary for Home Affairs to LWK & Partners (HK) Limited regarding disclosure of information to the public	A18

Documents	Select Committee reference no.
19. Email dated 17 February 2012 from LWK & Partners (HK) Limited to Elizabeth TAI, Principal Assistant Secretary for Home Affairs, regarding disclosure of information to the public	A19
20. Email dated 20 February 2012 from Elizabeth TAI, Principal Assistant Secretary for Home Affairs, to LWK & Partners (HK) Limited regarding disclosure of information to the public	A20
21. Information paper entitled "West Kowloon Reclamation Concept Plan Competition" dated 24 February 2012 provided by the Home Affairs Bureau to the House Committee	A21
22. Letter dated 28 February 2012 from the Secretary for Home Affairs to Hon Miriam LAU providing information on the Competition	A22
23. Letter dated 28 February 2012 from the Secretary for Home Affairs to Mr LEUNG Chun-ying regarding disclosure of information to the public	A23
24. Letter dated 28 February 2012 from the Secretary for Home Affairs to Hamzah & Yeang regarding disclosure of information to the public	A24
25. Letter dated 28 February 2012 from the Secretary for Home Affairs to LWK & Partners (HK) Limited regarding disclosure of information to the public	A25
26. Memorandum dated 18 October 2001 from the Secretary for Planning and Lands to Commissioner, ICAC seeking views on the question of declaration of interest by members of the Technical Panel	A26
27. Memorandum dated 6 November 2001 from Director of Corruption Prevention, ICAC to the Secretary for Planning and Lands advising on declaration of interest by members of the Technical Panel	A27

Documents	Select Committee reference no.
28. Memorandum dated 23 November 2001 from the Secretary for Planning and Lands to Director of Corruption Prevention, ICAC attaching the finalized version of the declaration form and stating that the proposed declaration arrangements would be extended to the Jury and the Professional Advisor	A28
29. Letter dated 15 May 2002 from Mr Eric JOHNSON to Lord ROTHSCHILD	A29
30. Letter dated 27 May 2002 from Lord ROTHSCHILD to Mr Eric JOHNSON	A30
31. Letter dated 15 March 2012 from the Secretary for Home Affairs to the Clerk to House Committee providing additional information requested by Members at the Special House Committee meeting on 24 February 2012	A31
32. Membership of Executive Council ("ExCo") from January 2001 to March 2002	A32
33. Annual declaration of registrable interests and subsequent notification of changes made by Mr LEUNG Chun-ying, the only ExCo member who was a member of the Jury for the Competition, in August 2000 and May 2001 respectively	A33
34. Annual declaration of registrable interests and declaration of acceptance of gifts made by Mr LEUNG Chun-ying, the only ExCo member who was a member of the Jury for the Competition, in August 2001 and December 2001 respectively	A34
35. Letter dated 9 March 2001 from Mr PO Pui-leong, the then Co-ordinator of the Competition, to Mr LEUNG Chun-ying about the latter's indication of interest to act as a member of the Jury for the Competition	A35

Documents	Select Committee reference no.
36. Letter dated 9 March 2001 from Mr TUNG Chee-hwa, the then Chief Executive of the Hong Kong Special Administrative Region, inviting Mr LEUNG Chun-ying to be a member of the Jury	A36
37. Letter dated 13 March 2001 from Mr LEUNG Chun-ying to Mr TUNG Chee-hwa accepting the invitation to serve as a member of the Jury	A37
38. Fax dated 10 March 2001 from Mr YUEN Lup-fun to Mr LEUNG Chun-ying concerning the provision of Mr LEUNG's curriculum vitae for publicity for the Competition	A38
39. Letter dated 6 April 2001 from the Co-ordinator of the Competition to Mr LEUNG Chun-ying informing him of the matters relating to the Competition	A39
40. Letter dated 3 August 2001 from the Co-ordinator of the Competition to Mr LEUNG Chun-ying informing him of the matters relating to the Competition	A40
41. Letter dated 6 August 2001 from Mr PO Pui-leong to Mr LEUNG Chun-ying about the taking over by Mr Eric JOHNSON of the post of Co-ordinator of the Competition	A41
42. Letter dated 9 January 2002 from Ms Agnes TANG to Mr LEUNG Chun-ying about the entries received for the Competition and the Jury meetings	A42
43. Letter dated 8 February 2002 from Mr Eric JOHNSON to Mr LEUNG Chun-ying enclosing the draft proposed programme for the Jury meetings	A43
44. Letter dated 30 May 2002 from Mr LI Ho-kin (for the Secretary for Planning and Lands) to Mr LEUNG Chun-ying on the draft Report of the Jury	A44

Documents	Select Committee reference no.
45. Letters dated 30 May and 3 June 2002 from Mr LI Ho-kin to members of the Jury on the draft Report of the Jury	A45
46. Email dated 30 May 2002 from Mr LI Ho-kin to members of the Jury (except Professor WU Liang-yong) attaching the English version of the draft Report of the Jury	A46
47. Email dated 3 June 2002 from Mr LI Ho-kin to Professor WU Liang-yong attaching the Chinese and English versions of the draft Report of the Jury	A47
48. Email dated 30 May 2002 from Mrs Selina CHOW to Mr LI Ho-kin concerning comments on the draft Report of the Jury	A48
49. Email dated 30 May 2002 from Mr Peter W ROGERS to Mr LI Ho-kin concerning comments on the draft Report of the Jury	A49
50. Letter dated 31 May 2002 from Mr C Nicholas BROOKE to Mr LI Ho-kin concerning comments on the draft Report of the Jury	A50
51. Email dated 3 June 2002 from Professor Peter DROEGE to Mr LI Ho-kin concerning comments on the draft Report of the Jury	A51
52. Letter dated 4 June 2002 from Professor Peter G ROWE to Mr LI Ho-kin concerning comments on the draft Report of the Jury	A52
53. Fax dated 17 June 2002 from Mr LI Ho-kin to Mr LEUNG Chun-ying, Professor CHANG Hsin-kang, Professor LAU Sau-shing Patrick, and Professor WU Liang-yong for comments on the draft Report of the Jury	A53

Documents	Select Committee reference no.
54. Letter dated 8 July 2002 from Mr Eric JOHNSON to Mr LEUNG Chun-ying concerning comments of members of the Jury on the draft Report of the Jury	A54
55. Letters dated 23 July 2002 from Mr Eric JOHNSON to Professor WU Liang-yong, Professor LAU Sau-shing Patrick and Professor CHANG Hsin-kang for comments on the draft Report of the Jury	A55
56. Email dated 23 July 2002 from Professor CHANG Hsin-kang to Mr Eric JOHNSON concerning comments on the draft Report of the Jury	A56
57. Email dated 26 July 2002 from Professor LAU Sau-shing Patrick to Mr Eric JOHNSON concerning comments on the draft Report of the Jury	A57
58. Letter dated 29 July 2002 from Professor WU Liang-yong to Mr Eric JOHNSON concerning comments on the draft Report of the Jury	A58
59. Letter dated 19 August 2002 from Mr Eric JOHNSON to Mr LEUNG Chun-ying concerning comments of members of the Jury on the draft Report of the Jury	A59
60. Fax dated 19 August 2002 from Mr LEUNG Chun-ying to Mr Eric JOHNSON concerning comments on the draft Report of the Jury	A60
61. Letter dated 27 August 2002 from Mr Eric JOHNSON to Lord ROTHSCHILD	A61
62. Email dated 27 August 2002 from Mr Eric JOHNSON to Lord ROTHSCHILD's Office attaching an amended draft of the Report of the Jury	A62
63. Letter dated 10 September 2002 from Lord ROTHSCHILD to Mr Eric JOHNSON	A63
64. Letter dated 9 June 2003 from Mr LEUNG Chun-ying to ExCo regarding his declarations	A64

Documents	Select Committee reference no.
65. File note dated 23 May 2000 on the meeting with the then Chief Executive regarding the composition of the Jury	A65
66. Letter dated 18 January 2001 from the then Chief Secretary for Administration to Lord ROTHSCILD attaching a proposed list of jurors and a tentative action plan	A66
67. Email dated 15 February 2001 from the then Deputy Secretary for Planning and Lands to the then Private Secretary to the Chief Executive concerning the appointment of jurors	A67
68. Memorandum dated 16 February 2001 from Competition Coordinator to the then Private Secretary to the Chief Executive submitting draft invitation letters to Chairman and members of the Jury, with the proposed membership as at 6 February 2001 enclosed	A68
69. Email dated 8 March 2001 from the then Secretary for Planning and Lands to the then Private Secretary to the Chief Executive on the appointment of Mr LEUNG Chun-ying as a member of the Jury	A69
70. Letter dated 21 March 2001 from the then Secretary for Planning and Lands to Mr Ieoh Ming PEI suggesting that he assumed the role of Honorary Special Adviser	A70
71. Letter dated 22 March 2001 from Mr Ieoh Ming PEI to the then Secretary for Planning and Lands accepting the invitation to serve as the Honorary Special Adviser to the Competition	A71
72. Letter dated 26 March 2001 from the then Secretary for Planning and Lands inviting Mr Bosco FUNG Chee-keung to be the Chairman of the Technical Panel	A72
73. Letters dated 26 March 2001 from the then Secretary for Planning and Lands to members of the Technical Panel for invitation to join the Panel	A73

Documents	Select Committee reference no.
74. Letter dated 28 March 2001 from the then Director of Architectural Services to the then Secretary for Planning and Lands accepting the invitation to serve as a member of the Technical Panel	A74
75. Letter dated 28 March 2001 from Mr Stanley YIP Cho-tat to the then Secretary for Planning and Lands accepting the invitation to serve as a member of the Technical Panel	A75
76. Letter dated 30 March 2001 from Professor CHOW Che-king to the then Secretary for Planning and Lands accepting the invitation to serve as a member of the Technical Panel	A76
77. Letter dated 3 April 2001 from Prof LAM Kin-che to the then Secretary for Planning and Lands accepting the invitation to serve as a member of the Technical Panel	A77
78. Letter dated 6 April 2001 from Mr Paul LEUNG Sai-wah to the then Secretary for Planning and Lands accepting the invitation to serve as a member of the Technical Panel	A78
79. Letter dated 10 April 2001 from Mr David C LEE to the then Secretary for Planning and Lands accepting the invitation to serve as a member of the Technical Panel	A79
80. Letter dated 13 April 2001 from Mr Leslie H CHEN to the then Secretary for Planning and Lands accepting the invitation to serve as a member of the Technical Panel	A80
81. Letter dated 21 June 2003 from the Clerk to the Executive Council to Mr LEUNG Chun-ying informing him that he might wish to declare interest as the information paper entitled "Progress Report on Development of the West Kowloon Cultural District" would be discussed at the Executive Council meeting on 24 June 2003	A81

Documents	Select Committee reference no.
82. The registration form dated 5 June 2001 and the only list of project team members dated 27 September 2001 submitted by Hamzah & Yeang	A1(C)
83. Declaration form of the Professional Advisor, Mr Bill LACY	A2(C)
84. Declaration form of Mr FUNG Chee-keung Bosco (Chairman of the Technical Panel)	A3(C)
85. Declaration form of Mr PAU Shiu-hun (Member of the Technical Panel)	A4(C)
86. Declaration form of Miss CHOI Suk-kuen (Member of the Technical Panel)	A5(C)
87. Declaration form of Mr Leslie H CHEN (Member of the Technical Panel)	A6(C)
88. Declaration form of Ir Professor CHOW Che-king (Member of the Technical Panel)	A7(C)
89. Declaration form of Professor LAM Kin-che (Member of the Technical Panel)	A8(C)
90. Declaration form of Mr David C LEE (Member of the Technical Panel)	A9(C)
91. Declaration form of Professor LUI Chun-wan Alex (Member of the Technical Panel)	A10(C)
92. Declaration form of Mr TSAO Sing-yuen Willy (Member of the Technical Panel)	A11(C)
93. Declaration form of Mr YIP Cho-tat Stanley (Member of the Technical Panel)	A12(C)
94. Declaration form of Lord ROTHSCHILD (Chairman of the Jury)	A13(C)
95. Declaration form of Mr C Nicholas BROOKE (Member of the Jury)	A14(C)

Documents	Select Committee reference no.
96. Declaration form of Professor CHANG Hsin-kang (Member of the Jury)	A15(C)
97. Declaration form of Mrs Selina CHOW (Member of the Jury)	A16(C)
98. Declaration form of Professor Peter F V DROEGE (Member of the Jury)	A17(C)
99. Declaration form of Professor LAU Sau-shing Patrick (Member of the Jury)	A18(C)
100. Declaration form of Mr Peter W ROGERS (Member of the Jury)	A19(C)
101. Declaration form of Professor Peter G ROWE (Member of the Jury)	A20(C)
102. Declaration form of Professor WU Liangyong (Member of the Jury)	A21(C)
103. Record of votes on 26 February 2002 at 10:00 am	A22(C)
104. Record of votes on 26 February 2002 at 2:30 pm	A23(C)
105. Record of votes on 26 February 2002 at 3:40 pm	A24(C)
106. Record of votes on 26 February 2002 at 4:15 pm	A25(C)
107. Record of votes on 26 February 2002 at 4:30 pm	A26(C)
108. Record of votes on 27 February 2002 at 10:50 am	A27(C)
109. Concept Plan Proposal submitted by Hamzah & Yeang for the Competition	A28(C)

B. Evidence/documents provided by DTZ Debenham Tie Leung Limited ("DTZ")

Documents	Select Committee reference no.
1. Email/Fax dated 25 September 2001 from DTZ to T.R. Hamzah & Yeang Sdn Bhd providing information about DTZ and brief curriculum vitae of Mr CHIU Kam-kuen, Mr WONG Kim-bon and two other DTZ personnel	DTZ1
2. In connection with paragraph 19 of the written statement of Mr LEUNG Chun-ying (W5(C)) produced to the Select Committee, the file delivered by Mr WONG Kim-bon to Mr LEUNG Chun-ying's office at Jardine House in Central some time between 28 February 2002 and 11 March 2002	DTZ2
3. Letter dated 18 September 2001 from Mr WONG Kim-bon to LWK & Partners (HK) Limited providing his opinion on land premium for retail, residential, hotel and office uses	DTZ1(C)
4. Letter dated 25 September 2001 from Mr WONG Kim-bon to Davis Langdon & Seah Hong Kong Limited clarifying certain assumptions used in his earlier letter	DTZ2(C)
5. The Book recording the assignments and jobs which had been or were being carried out by DTZ from August 2001 to February 2002, referred to in paragraph 11 of the written statement of Mr LEUNG Chun-ying (W5(C)) produced to the Select Committee	DTZ3(C)*
6. Reply dated 11 April 2012 from Mr CHIU Kam-kuen of DTZ to the Clerk to Select Committee's letter dated 5 April 2012 enclosing questions arising from the hearing of the Select Committee on 31 March 2012	DTZ4(C)

* Documents not available for public inspection

C. Evidence/documents provided by Davis Langdon & Seah Hong Kong Limited ("DLS")

Documents	Select Committee reference no.
1. Fax dated 22 May 2001 from Dr Kenneth Yeang of T. R. Hamzah & Yeang Sdn Bhd ("Hamzah & Yeang") to DLS's associated company in Malaysia, Davis Langdon & Seah Malaysia Sdn Bhd ("DLS Malaysia"), in relation to the West Kowloon Reclamation Concept Plan Competition ("the Competition")	DLS1(C)
2. Fax dated 23 May 2001 from DLS Malaysia to Hamzah & Yeang indicating its interest in the Competition	DLS2(C)
3. Fax received by DLS on 21 August 2001 from Hamzah & Yeang relating to the schedule of accommodation and drawings for its project design in relation to its proposed submission to the Competition	DLS3(C)
4. The schedule of accommodation and drawings received by DLS on 21 August 2001 from Hamzah & Yeang for its project design in relation to its proposed submission to the Competition	DLS4(C)
5. Fax dated 7 September 2001 from Hamzah & Yeang to DLS requesting all members of the project team to submit information for inclusion in the final submission to the Competition	DLS5(C)
6. Letter dated 11 September 2001 from Mr POON Kan-young of DLS to LWK and Partners (HK) Limited ("LWK") advising LWK of DTZ Debenham Tie Leung Limited ("DTZ")'s agreement to deal with the land valuation aspect and other matters arising from the project	DLS6(C)
7. Letter dated 25 September 2001 from DLS to Hamzah & Yeang regarding the information for inclusion in the final submission to the Competition	DLS7(C)

Documents	Select Committee reference no.
8. The recent announcement published by DLS in or about February 2012 as referred to in paragraph 50 of Mr LEUNG Chun-ying's witness statement produced to the Select Committee (W6(C))	DLS8(C)
9. Fax dated 19 September 2001 from Mr POON Kan-young of DLS to DTZ	DLS9(C)
10. Reply dated 10 April 2012 from Mr POON Kan-young of DLS to the Clerk to Select Committee's letter dated 5 April 2012 enclosing questions arising from the hearing of the Select Committee on 31 March 2012	DLS10(C)

D. Evidence/documents provided by LWK & Partners (HK) Limited ("LWK")

Documents	Select Committee reference no.
1. The statement published by LWK on or about 9 February 2012 as referred to in paragraph 49 of Mr LEUNG Chun-ying's witness statement produced to the Select Committee (W6(C))	LWK1
2. Email dated 26 September 2001 from LWK to T.R. Hamzah & Yeang Sdn Bhd ("Hamzah & Yeang") regarding information of the sub-consultant	LWK2
3. Email dated 24 September 2001 from LWK to Hamzah & Yeang regarding compliance with Hong Kong regulations	LWK3
4. Email dated 24 September 2001 from LWK to Hamzah & Yeang regarding updated project team information	LWK4
5. Email dated 24 September 2001 from LWK to Hamzah & Yeang regarding Hamzah & Yeang's fax of 20 September 2001 on planning and design information	LWK5
6. Transmittal record of Hamzah & Yeang dated 25 October 2001	LWK6
7. Fax dated 25 September 2001 from LWK to Hamzah & Yeang regarding traffic issues	LWK7
8. Email dated 25 September 2001 from LLA Consultancy Limited to LWK attaching curriculum vitae of traffic consultancy	LWK8
9. Fax dated 20 September 2001 from Hamzah & Yeang to LWK regarding required information from LWK	LWK9
10. Letter dated 25 September 2001 from Davis Langdon & Seah Hong Kong Limited ("DLS") to Hamzah & Yeang attaching their curriculum vitae	LWK10
11. Letter dated 26 September 2001 from DLS to LWK regarding preliminary construction cost and development land value estimates	LWK11

Documents	Select Committee reference no.
12. Fax dated 22 August 2001 from DLS to Hamzah & Yeang and LWK	LWK12
13. Letter dated 18 September 2001 from DTZ Debenham Tie Leung Limited ("DTZ") to LWK providing opinion on land premium for retail, residential, hotel and office uses	LWK13
14. Fax dated 24 September 2001 from DLS to DTZ regarding costs for premium deductible works	LWK14
15. Fax dated 24 September 2001 from Hamzah & Yeang to LWK regarding town planning issues	LWK15
16. Letter dated 19 September 2001 from DLS to DTZ regarding information requested by Hamzah & Yeang	LWK16
17. Letter dated 20 September 2001 from DLS to LWK regarding financial feasibility study	LWK17
18. Fax dated 10 September 2001 from Hamzah & Yeang to LWK regarding revised layout	LWK18
19. Drawing plans provided by LWK	LWK19
20. Submission to the Planning and Lands Bureau dated 29 September 2001 attaching registration form of LWK dated 7 June 2001	LWK20
21. Registration form of Hamzah & Yeang dated 5 June 2001	LWK21
22. Name cards of Director of Design and Dr Kenneth YEANG of Hamzah & Yeang	LWK22
23. Email dated 25 September 2001 from LWK to Hamzah & Yeang attaching fax from Hamzah & Yeang regarding updated project team information	LWK23
24. Fax dated 19 September 2001 from LWK to Hamzah & Yeang attaching fax from DTZ	LWK24
25. Fax dated 13 September 2001 from Hamzah & Yeang to LWK regarding email address	LWK25

Documents	Select Committee reference no.
26. Fax dated 12 September 2001 from Hamzah & Yeang to LWK regarding perspective views for presentation	LWK26
27. Letter dated 11 September 2001 from DLS to LWK regarding DTZ's assistance in land valuation	LWK27
28. Fax dated 29 August 2001 from Hamzah & Yeang to LWK regarding presentation of work	LWK28
29. Email dated 29 August 2001 from Hamzah & Yeang to LWK regarding itinerary of Dr Kenneth YEANG	LWK29
30. Email dated 10 August 2001 from Dr Kenneth YEANG to Mr Ronald LIANG of LWK regarding meeting arrangement	LWK30
31. Fax dated 10 August 2001 from LWK to BEP Akitek Sdn Bhd regarding travel arrangement	LWK31
32. Draft Work Programme of Hamzah & Yeang	LWK32
33. Fax dated 30 July 2001 from Hamzah & Yeang to LWK regarding CD images and Master Layout Plan	LWK33
34. Fax dated 30 July 2001 from Hamzah & Yeang to LWK regarding CD recording CAD files	LWK34
35. Fax dated 18 July 2001 from LWK to Hamzah & Yeang regarding Practice Note for Authorized Persons and Registered Structural Engineers	LWK35
36. Fax dated 24 July 2001 from Hamzah & Yeang to LWK regarding CD and drawings	LWK36
37. Fax dated 5 July 2001 from Hamzah & Yeang to LWK regarding meeting arrangement	LWK37
38. Name card of Dr Kenneth YEANG of Hamzah & Yeang	LWK38
39. Webpage information regarding the Competition	LWK39
40. Competition Document	LWK40

E. Evidence/documents provided by witnesses and other parties

Documents	Select Committee reference no.
1. Written statement of Mr Raymond YOUNG Lap-moon, Permanent Secretary for Home Affairs	W1(C)
2. Written statement of Mr John TSANG Chun-wah, former Secretary for Planning and Lands	W2(C)
3. Written statement of Mr Eric JOHNSON, former Principal Assistant Secretary (Planning and Lands), Planning and Lands Bureau	W3(C)
4. Written statement of Mr Bosco FUNG Chee-keung, former Director of Planning	W4(C)
5. Written statement of Mr LEUNG Chun-ying, Member of the Jury in the West Kowloon Reclamation Concept Plan Competition ("the Competition")	W5(C)
6. Second written statement of Mr LEUNG Chun-ying, Member of the Jury in the Competition	W6(C)
7. Opening statement by Mr LEUNG Chun-ying, Member of the Jury in the Competition (produced at the hearing on 20 March 2012)	W7(C)
8. Written statement of Mr CHIU Kam-kuen, former Executive Director, DTZ Debenham Tie Leung Limited ("DTZ")	W8(C)
9. Written statement of Mr WONG Kim-bon, former Director, DTZ	W9(C)
10. Written statement of Mr CHENG Hung-yan, former Manager, DTZ	W10(C)
11. Written statement of Miss Teresa NG Chor-ye, former Secretary, DTZ	W11(C)
12. Written statement of Mr Ronald LIANG, former Director, LWK & Partners (HK) Limited	W12(C)

Documents	Select Committee reference no.
13. Written statement of Mr Kenneth POON Kan-young, former Director, Davis Langdon & Seah Hong Kong Limited	W13(C)
14. Written statement of Mr PO Pui-leong, former Principal Assistant Secretary (Special Duties), Planning and Lands Bureau	W14(C)
15. Written statement of Mr C. Nicholas BROOKE, Member of the Jury in the Competition	W15(C)
16. Written statement of Professor CHANG Hsin-kang, Member of the Jury in the Competition	W16(C)
17. Written statement of Mrs Selina CHOW, Member of the Jury in the Competition	W17(C)
18. Written statement of Professor Patrick LAU Sau-shing, Member of the Jury in the Competition	W18(C)
19. Second written statement of Mr Eric JOHNSON, former Principal Assistant Secretary (Planning and Lands), Planning and Lands Bureau	W19(C)
20. Written response of Mr LEUNG Chun-ying, Member of the Jury in the Competition, to questions raised by members at the hearing on 20 March 2012	W21(C)
21. Written statement of Mr Gordon SIU Kwing-chue, former Secretary for Planning and Lands	W22(C)

F. Documents provided by individuals and other parties

Documents	Select Committee reference no.
1. Submission dated 4 March 2012 from a member of the public received by the Complaints Division of the Legislative Council ("LegCo") Secretariat and referred to the Select Committee	S1
2. Submission dated 5 March 2012 from a member of the public received by the Complaints Division of the LegCo Secretariat and referred to the Select Committee	S2
3. Submission dated 6 March 2012 from a member of the public received by the Complaints Division of the LegCo Secretariat and referred to the Select Committee	S3
4. Submission dated 9 March 2012 from Hong Kong Alternatives	S4
5. Submission dated 21 March 2012 from a member of the public	S5
6. Submission dated 2 April 2012 from a member of the public	S6
7. Submission dated 3 April 2012 from a member of the public	S7
8. Submissions dated 9, 11 and 13 April 2012 from SME (Small & Medium Enterprises) Quality Management Association	S8
9. Submission dated 10 April 2012 from a member of the public	S9
10. Submission dated 10 April 2012 from Mr CHENG Tsuk-man, Sha Tin District Council Member	S10
11. Revised submission dated 13 April 2012 from two members of the public	S11
12. Submission dated 11 April 2012 from Mr YEUNG Wai-sing, Eastern District Council Member	S12

Documents	Select Committee reference no.
13. Submission dated 13 April 2012 from a member of the public	S13
14. Submission dated 11 March 2012 from a member of the public received by the Complaints Division of the LegCo Secretariat and referred to the Select Committee	S14

G. Documents referred to by the Select Committee

Documents	Select Committee reference no.
1. Practice and Procedure for the Select Committee (as at 10 March 2012)	L1
2. Areas of study	L2
3. Work plan of the Select Committee	L3
4. Schedule of meetings	L4
5. Extracts from the Hansard of the Council meeting of 15 February 2012 on the urgent oral question relating to the allegation of conflict of interests involving a Chief Executive candidate raised by Hon LEE Wing-tat	L5
6. Extracts from the minutes of the 14th regular House Committee meeting held on 17 February 2012	L6
7. List of information relating to allegations of conflict of interests in the West Kowloon Reclamation Concept Plan Competition ("the Competition")(18 February 2012)	L7
8. List of information relating to allegations of conflict of interests in the Competition requested by Hon LEE Wing-tat (21 February 2012)	L8
9. List of information relating to allegations of conflict of interests in the Competition requested by Hon Alan LEONG (22 February 2012)	L9
10. List of information relating to allegations of conflict of interests in the Competition requested by Hon Paul CHAN (22 February 2012)	L10
11. Background brief on "West Kowloon Reclamation Concept Plan Competition" (23 February 2012)	L11
12. Verbatim transcript of the special House Committee meeting on 24 February 2012	L12

Minutes of proceedings

Ref : CB2/SC/11

**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**

**Minutes of the sixteenth meeting (closed) which contains
the proceedings on consideration of the report of
the Select Committee held on Tuesday, 19 June 2012, at 2:30 pm
in Conference Room 4 of the Legislative Council Complex**

Members present : Hon IP Kwok-him, GBS, JP (Chairman)
Hon Andrew CHENG Kar-foo (Deputy Chairman)
Dr Hon Philip WONG Yu-hong, GBS
Hon Abraham SHEK Lai-him, SBS, JP
Hon LEE Wing-tat
Hon Cyd HO Sau-lan
Dr Hon LAM Tai-fai, BBS, JP
Hon Paul CHAN Mo-po, MH, JP
Dr Hon Priscilla LEUNG Mei-fun, JP
Hon Paul TSE Wai-chun, JP
Hon Tanya CHAN
Hon WONG Yuk-man

Clerk in attendance : Mr Thomas WONG
Principal Council Secretary (SC)(2)

Staff in attendance : Mr Stephen LAM
Senior Assistant Legal Adviser 4

Miss Odelia LEUNG
Assistant Secretary General 2

Miss Evelyn LEE
Assistant Legal Adviser 10

Mr Raymond LAM
Senior Council Secretary (SC)(2)1

Ms Hedy FOK
Senior Council Secretary (SC)(2)2

Miss Jasmine TAM
Council Secretary (SC)(2)1

Ms Anki NG
Council Secretary (SC)(2)2

Miss Emma CHEUNG
Legislative Assistant (SC)(2)

I. Consideration and endorsement of the report of the Select Committee paragraph by paragraph
(LC Paper No. CB(2)2392/11-12(01))

Members noted that the latest revised draft of the Chinese and English versions of the Select Committee's report had incorporated comments made by members at previous meetings. Members agreed to first consider the Chinese text of the report paragraph by paragraph, together with the comments made by witnesses on the relevant paragraphs and/or parts of the report. The English text of the report would be considered after the Select Committee had considered and endorsed the Chinese text of the report paragraph by paragraph.

Table of contents

2. Table of contents read and agreed to.

Chapter 1

3. Paragraph 1.1 read and agreed to.
4. Paragraph 1.2 read, amended and agreed to.
5. Paragraphs 1.3 to 1.6 read and agreed to.
6. Paragraph 1.7 read, amended and agreed to.

7. Paragraphs 1.8 to 1.22 read and agreed to.
8. Dr Priscilla LEUNG proposed that paragraph 1.23 be substituted by the following paragraph :

"在專責委員會的研究過程中，梁美芬議員曾建議索取有關由英國的Foster & Partners率領的參賽隊伍所提交的參賽作品(該作品其後在規劃比賽中成為冠軍得獎者)的詳細資料，並向評審團主席Lord ROTHSCILD及所有其他評審團成員，特別是Peter W ROGERS先生(評審團其中一名海外成員)作書面提問。梁美芬議員表示，索取所需資料的主要目的是研究規管規劃比賽的資格限制條文在多大程度上同樣適用於由海外參賽者提交的參賽作品，以及研究ROGERS先生及Foster & Partners所提交的參賽作品被指涉及的利益衝突是否存在。據Norman FOSTER網上提供的顧客業務記錄(見附錄1(e))，Foster & Partners與Stanhope在參賽期間，即1996年至2007年，至少與兩個正在進行的商業項目有商業關係，而在規劃比賽進行期間，ROGERS先生是Stanhope的董事。在2002年2月28日當主辦單位向評審團公佈獲獎作品時，莊誠先生提醒梁振英先生有關楊經文的申請內列有戴德梁行為參賽隊伍。唯當時Peter ROGERS在獲悉Norman FOSTER獲冠軍時，並沒有對其作為董事的Stanhope與獲獎作品有密切商業關係申報利益。她認為Norman FOSTER與Peter ROGERS可能存在的利益關係肯定屬於研究梁振英先生以西九龍填海區概念規劃比賽評審團成員身份在該比賽中的參與及相關事宜專責委員會的「相關事宜」，存在很多值得調查的地方，對於了解梁振英先生在主辦單位設定的機制下為何「漏報」一事的背景、過程及主辦單位的處理方法與態度甚有幫助。她更指出專責委員會不應祇集中梁振英先生一人，而忽略其他評審團(包括海外評審團)在同一個比賽中的申報情況，以及在香港的大型基建設計屢獲冠軍的Norman FOSTER的申報情況。梁議員堅持專責委員會若祇查梁振英先生一人，委員會的報告祇是以偏概全，而公眾對專責委員會的期望是委員會應調查出整個比賽的機制有什麼問題，從而出現梁振英先生與楊經文事件及Peter ROGERS與Norman FOSTER事件。梁美芬議員認為，祇有這樣，報告的結論與建議才是對症下藥，防止以後再有類似事件發生，避免公眾一直認為立法會成立專責委員會調查梁振英先生祇是

為了影響2012年3月25日的特首選舉結果。然而，除她以外，其他委員均認為專責委員會的職權範圍祇是有關梁振英先生在規劃比賽中的參與，部分委員認為，研究ROGERS先生與Foster & Partners之間可能存在的利益衝突與專責委員會的研究並非直接相關。該等委員認為梁議員可向到專責委員會席前作供的證人詢問所需資料。若她認為該等證人無法提供所需資料，而此事應進一步跟進，梁美芬議員可在立法會提出另一項調查。因此，對於梁美芬議員向Lord ROTHCHILD及ROGERS先生(一如第1.14段所述，他們並沒有接受邀請出任證人)及向有關證人作書面提問的要求，專責委員會的決定是對梁美芬議員的提問不再跟進處理。"

9. As there were divided views among members on Dr Priscilla LEUNG's proposal, the Chairman put it to vote. Members requested a division.

The following members voted in favour of the proposal:

Mr Abraham SHEK and Dr Priscilla LEUNG.
(2 members)

The following members voted against the proposal:

Mr Andrew CHENG, Mr LEE Wing-tat, Ms Cyd HO, Dr LAM Tai-fai, Mr Paul TSE, Miss Tanya CHAN and Mr WONG Yuk-man.
(7 members)

The following members abstained from voting:

Dr Philip WONG and Mr Paul CHAN.
(2 members)

10. The Chairman declared that two members voted for and seven members voted against Dr Priscilla LEUNG's proposal and two members abstained from voting. He declared that Dr Priscilla LEUNG's proposal was negated. Paragraph 1.23 read and agreed to.

11. Paragraphs 1.24 to 1.27 read and agreed to.

12. Paragraph 1.28 read, amended and agreed to.

13. Paragraphs 1.29 to 1.32 read and agreed to.
14. Paragraph 1.33 read, amended and agreed to.
15. Paragraphs 1.34 to 1.36 read and agreed to.

Chapter 2

16. Paragraph 2.1 read, amended and agreed to.
17. Paragraph 2.2 read and agreed to.
18. Paragraph 2.3 read, amended and agreed to.
19. Paragraph 2.4 read, amended and agreed to.
20. Paragraphs 2.5 to 2.13 read and agreed to.
21. Paragraph 2.14 read, amended and agreed to.
22. Paragraphs 2.15 and 2.16 read and agreed to.
23. Paragraph 2.17 read, amended and agreed to.
24. Paragraphs 2.18 to 2.23 read and agreed to.
25. Paragraph 2.24 read, amended and agreed to.
26. Paragraphs 2.25 to 2.36 read and agreed to.
27. Paragraph 2.37 read, amended and agreed to.
28. Paragraphs 2.38 to 2.42 read and agreed to.
29. Paragraph 2.43 read, amended and agreed to.
30. Paragraphs 2.44 to 2.48 read and agreed to.
31. Paragraph 2.49 read, amended and agreed to.
32. Paragraphs 2.50 to 2.52 read and agreed to.
33. Paragraph 2.53 read, amended and agreed to.

34. Paragraphs 2.54 to 2.57 read and agreed to.
35. Paragraph 2.58 read, amended and agreed to.
36. Paragraphs 2.59 to 2.73 read and agreed to.
37. Paragraph 2.74 read, amended and agreed to.
38. Paragraphs 2.75 to 2.79 read and agreed to.
39. Paragraph 2.80 read, amended and agreed to.
40. Paragraphs 2.81 to 2.83 read and agreed to.
41. Paragraph 2.84 read, amended and agreed to.
42. Paragraphs 2.85 to 2.92 read and agreed to.
43. Paragraph 2.93 read, amended and agreed to.
44. Paragraphs 2.94 to 2.98 read and agreed to.
45. Paragraph 2.99 read, amended and agreed to.
46. Paragraph 2.100 read and agreed to.
47. Paragraph 2.101 read, amended and agreed to.
48. Paragraph 2.102 read, amended and agreed to.
49. Paragraph 2.103 read, amended and agreed to.
50. Paragraphs 2.104 to 2.112 read and agreed to.
51. Paragraph 2.113 read, amended and agreed to.
52. Paragraph 2.114 read, amended and agreed to.
53. Paragraph 2.115 read, amended and agreed to.
54. Paragraph 2.116 read and agreed to.

55. Paragraph 2.117 read, amended and agreed to.

II. Any other business

Next meeting

56. Members noted that the next meeting would be held on Wednesday, 20 June 2012, at 8:30 am to consider and endorse the remaining Chinese text and the English text of the report of the Select Committee paragraph by paragraph.

57. The meeting ended at 4:25 pm.

Council Business Division 2
Legislative Council Secretariat
22 June 2012

Ref : CB2/SC/11

**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**

**Minutes of the seventeenth meeting (closed) which contains
the proceedings on consideration of the report of
the Select Committee held on Wednesday, 20 June 2012, at 8:30 am
in Conference Room 4 of the Legislative Council Complex**

- Members present** : Hon IP Kwok-him, GBS, JP (Chairman)
Hon Andrew CHENG Kar-foo (Deputy Chairman)
Dr Hon Philip WONG Yu-hong, GBS
Hon Abraham SHEK Lai-him, SBS, JP
Hon LEE Wing-tat
Hon Cyd HO Sau-lan
Hon Paul CHAN Mo-po, MH, JP
Dr Hon Priscilla LEUNG Mei-fun, JP
Hon Paul TSE Wai-chun, JP
Hon Tanya CHAN
Hon WONG Yuk-man
- Member absent** : Dr Hon LAM Tai-fai, BBS, JP
- Clerk in attendance** : Mr Thomas WONG
Principal Council Secretary (SC)(2)
- Staff in attendance** : Mr Jimmy MA, JP
Legal Adviser

Mr Stephen LAM
Senior Assistant Legal Adviser 4

Miss Odelia LEUNG
Assistant Secretary General 2

Miss Evelyn LEE
Assistant Legal Adviser 10

Mr Raymond LAM
Senior Council Secretary (SC)(2)1

Ms Hedy FOK
Senior Council Secretary (SC)(2)2

Miss Jasmine TAM
Council Secretary (SC)(2)1

Ms Anki NG
Council Secretary (SC)(2)2

Miss Emma CHEUNG
Legislative Assistant (SC)(2)

I. Consideration and endorsement of the report of the Select Committee paragraph by paragraph
(LC Paper No. CB(2)2392/11-12(01))

Members continued to consider the Chinese text of the report of the Select Committee paragraph by paragraph.

Chapter 3

2. Paragraphs 3.1 to 3.7 read and agreed to.
3. Paragraph 3.8 read, amended and agreed to.
4. Paragraphs 3.9 to 3.42 read and agreed to.
5. Paragraph 3.43 read, amended and agreed to.
6. Paragraph 3.44 read and agreed to.
7. Paragraph 3.45 read, amended and agreed to.

8. Paragraphs 3.46 to 3.66 read and agreed to.
9. Paragraph 3.67 read, amended and agreed to.
10. Paragraphs 3.68 to 3.71 read and agreed to.
11. Paragraph 3.72 read, amended and agreed to.
12. Some members considered that the last sentence in paragraph 3.73 should be amended to specify that it was the view of some members and not all members of the Select Committee.
13. As there were divided views among members on the proposed amendment, the Chairman put to vote the proposal that the last sentence be remained as it was presently drafted. Members requested a division.

The following members voted in favour of the proposal :

Mr Andrew CHENG, Mr LEE Wing-tat, Ms Cyd HO, Mr Paul TSE, Miss Tanya CHAN and Mr WONG Yuk-man.
(6 members)

The following members voted against the proposal :

Dr Philip WONG, Mr Abraham SHEK, Mr Paul CHAN and Dr Priscilla LEUNG.
(4 members)

14. The Chairman declared that six members voted for and four members voted against the proposal. He declared that the proposal was carried.

15. Paragraph 3.73 read, amended and agreed to.
16. Paragraphs 3.74 to 3.77 read and agreed to.

Chapter 4

17. Paragraphs 4.1 to 4.20 read and agreed to.
18. Members noted that the last sentence "此外，儘管利益衝突查核是敏感而重要的工作，梁振英先生卻沒有指派特定及較高級的職員

(如趙錦權先生或黃儉邦先生)負責有關工作，專責委員會對此亦感到驚訝。" in paragraph 4.21 was added at the suggestions of some members at previous meetings. Members expressed diverse views on the suggested sentence.

19. The Chairman put to vote the proposal that the suggested sentence be added to the end of paragraph 4.21. Members requested a division.

The following members voted in favour of the proposal:

Mr Andrew CHENG, Mr LEE Wing-tat, Ms Cyd HO, Miss Tanya CHAN and Mr WONG Yuk-man.
(5 members)

The following members voted against the proposal:

Dr Philip WONG, Mr Abraham SHEK, Mr Paul CHAN, Dr Priscilla LEUNG and Mr Paul TSE.
(5 members)

20. As the votes were equally divided, the Chairman exercised his casting vote against the proposal in accordance with Rule 79A(1) of the Rules of Procedure. Paragraph 4.21 read and agreed to.

21. Paragraphs 4.22 to 4.25 read and agreed to.

22. Paragraph 4.26 read, amended and agreed to.

23. Paragraph 4.27 read and agreed to.

24. Paragraph 4.28 read, amended and agreed to.

25. Paragraph 4.29 read and agreed to.

26. Paragraph 4.30 read, amended and agreed to.

27. Paragraph 4.31 read and agreed to.

28. Some members proposed that paragraph 4.32 should end with the sentence "專責委員會認為，梁振英先生對填寫其申報表掉以輕心". Members expressed diverse views on the proposal.

29. The Chairman put the proposal to vote. Members requested a division.

The following members voted in favour of the proposal:

Dr Philip WONG, Mr Abraham SHEK, Mr Paul CHAN and Dr Priscilla LEUNG.

(4 members)

The following members voted against the proposal:

Mr Andrew CHENG, Mr LEE Wing-tat, Ms Cyd HO, Miss Tanya CHAN and Mr WONG Yuk-man.

(5 members)

The following member abstained from voting:

Mr Paul TSE.

(1 member)

30. The Chairman declared that four members voted for and five members voted against the proposal and one member abstained from voting. He declared that the proposal was negatived.

31. The Chairman then put to vote the proposal that the phrase "，對此表示遺憾" be added to the end of paragraph 4.32. Members requested a division.

The following members voted in favour of the proposal:

Mr Andrew CHENG, Mr LEE Wing-tat, Ms Cyd HO, Mr Paul TSE, Miss Tanya CHAN and Mr WONG Yuk-man.

(6 members)

The following members voted against the proposal:

Dr Philip WONG, Mr Abraham SHEK, Mr Paul CHAN and Dr Priscilla LEUNG.

(4 members)

32. The Chairman declared that six members voted for and four members voted against the proposal. He declared that the proposal was

carried. Members agreed that "dismay" would be adopted as the English text for "遺憾". Paragraph 4.32 read, amended and agreed to.

33. Paragraph 4.33 read, amended and agreed to.

34. Paragraph 4.34 read and agreed to.

35. Paragraph 4.35 read, amended and agreed to.

36. Paragraph 4.36 read, amended and agreed to.

37. Members noted that the phrase "並認為梁振英先生有不可推卸的責任" was added to the end of paragraph 4.37 at the suggestion of a member at a previous meeting. Members expressed diverse views on the phrase. The Chairman put to vote the proposal that the phrase be added to the end of paragraph 4.37. Members requested a division.

The following members voted in favour of the proposal:

Mr Andrew CHENG, Mr LEE Wing-tat, Ms Cyd HO, Miss Tanya CHAN and Mr WONG Yuk-man.
(5 members)

The following members voted against the proposal:

Dr Philip WONG, Mr Abraham SHEK, Mr Paul CHAN, Dr Priscilla LEUNG.
(4 members)

38. The Chairman declared that five members voted for and four members voted against the proposal. He declared that the proposal was carried.

39. Dr Priscilla LEUNG proposed that paragraph 4.37 be substituted by the following paragraphs :

"鑒於得獎者可能獲取的利益、梁振英先生的豐富公共服務經驗，以及對他作為行政會議非官守議員召集人的合理期望，專責委員會認為梁振英先生應該竭盡所能，致力避免可能出現的利益衝突，以及確保戴德梁行不會參加規劃比賽。

在填報利益衝突上，梁振英先生是根據他的行內查核利益衝突的一般做法，翻查公司的大簿，確認公司並無任何口頭及書面合同之後再作填寫，梁振英先生的做法並無不妥。事實上，除李頌熹先生外，其他本地評審員，如蒲祿祺先生，查核利益衝突的方法與梁先生是幾乎一樣的。儘管如此，專責委員會認為，梁振英先生作為行政會議召集人，在填報利益申報的問題上要比其他人嚴謹。對於梁振英先生並沒有主動將其獲委任為評審團成員及戴德梁行不符合參賽資格一事告知戴德梁行的同事，專責委員會表示失望。"

40. As there were divided views among members on Dr Priscilla LEUNG's proposal, the Chairman put it to vote. Members requested a division.

The following members voted in favour of the proposal:

Dr Philip WONG, Mr Abraham SHEK, Mr Paul CHAN and Dr Priscilla LEUNG.

(4 members)

The following members voted against the proposal:

Mr Andrew CHENG, Mr LEE Wing-tat, Ms Cyd HO, Miss Tanya CHAN and Mr WONG Yuk-man.

(5 members)

41. The Chairman declared that four members voted for and five members voted against Dr Priscilla LEUNG's proposal. He declared that Dr Priscilla LEUNG's proposal was negated.

42. Paragraph 4.37 read, amended and agreed to.

43. Ms Cyd HO proposed that the following new paragraphs be added after paragraph 4.37 :

"公職人物的工作關乎巨大公帑開支，他們在履行公務時的決定可直接或間接影響不同界別的利益。公眾期望公職人物廉潔自持，在作出影響商業利益的決定時清楚申報利益和角色，不能予人隱瞞以便偏私的觀感，若申報不完整，令市民質疑，政府便無法維持管治威信。"

在研訊過程中，梁振英先生多次向專責委員會表示，戴德梁行只是按行規提供免費的初階段服務，以"沒有落大簿，沒有job，沒有收錢"為戴德梁行和梁振英先生本人在規劃比賽中沒有利益衝突的依據。然而，梁振英先生上述就利益設定的範圍過於狹窄，不能消除公眾對延後利益的質疑；而梁振英先生身為行政會議非官守議員召集人，理應對利益有全面的理解，時刻警覺行使權力時的作為或不作為均可構成利益衝突，而不限於實質金錢交易。梁振英先生為利益設定的狹窄範圍並不符合公眾期望。

公眾多年努力建立香港的廉政文化，亦非常珍惜香港廉能政治的傳統，期望公職人員謹慎防範利益衝突。梁振英先生在2001年3月已經確定接納評審團成員的任命，亦在同年4月，知悉《比賽資料文件》中關於處理利益衝突的條文，他應在可能範圍內履行防止利益衝突的責任(due diligence)，主動向戴德梁行的僱員發出通函，公告已接受評審團成員的任命。梁振英先生在2001年並沒有盡能力在可及範圍內防範利益衝突，他以公眾都知道他是戴德梁行的董事作為他沒有申報公司董事身份的理由，亦以出席規劃比賽推廣活動替代向他的僱員公告他作為評審團成員的身份，處理手法欠嚴謹審慎，令人失望。反之，公職資歷較淺的李頌熹先生以通函形式公告他作為技術評估委員會委員的身份，專責委員會對這處事手法予以肯定，亦期望公職人員在申報利益時，能夠竭盡所能，盡量詳細申報，以避免引起公眾質疑。"

44. As there were divided views among members on Ms Cyd HO's proposal, the Chairman put it to vote. Members requested a division.

The following members voted in favour of the proposal:

Mr Andrew CHENG, Mr LEE Wing-tat, Ms Cyd HO, Miss Tanya CHAN and Mr WONG Yuk-man.
(5 members)

The following members voted against the proposal:

Dr Philip WONG, Mr Abraham SHEK, Mr Paul CHAN, Dr Priscilla LEUNG and Mr Paul TSE.
(5 members)

45. As the votes were equally divided, the Chairman exercised his casting vote against Ms Cyd HO's proposal in accordance with Rule 79A(1) of the Rules of Procedure.

46. Dr Priscilla LEUNG proposed that the following new paragraph be added after paragraph 4.37 :

"專責委員會建議日後的主辦機構，應設立清晰指引，例如，一律要求所有評審員在填寫申報表前都要發函給自己的工作機構。專責委員會亦建議，以後再有任何類似的項目，主辦機構實應對所有成員作出清晰要求，若一些成員是公職人員，對他的申報要求比其他非公職人員較高。"

47. As there were divided views among members on Dr Priscilla LEUNG's proposal, the Chairman put it to vote. Members requested a division.

The following members voted in favour of the proposal:

Dr Philip WONG, Mr LEE Wing-tat and Dr Priscilla LEUNG.
(3 members)

The following members voted against the proposal:

Mr Andrew CHENG, Ms Cyd HO, Mr Paul TSE, Miss Tanya CHAN and Mr WONG Yuk-man.
(5 members)

48. The Chairman declared that three members voted for and five members voted against Dr Priscilla LEUNG's proposal. He declared that Dr Priscilla LEUNG's proposal was negatived.

49. Paragraph 4.38 read and agreed to.

50. Paragraph 4.39 read, amended and agreed to.

51. Paragraph 4.40 read, amended and agreed to.

52. Dr Priscilla LEUNG proposed that paragraphs 4.41 and 4.42 be substituted by the following paragraphs :

"然而，專責委員會未能找到任何證據，顯示主辦機構在2002年2月28日上午披露初步獲獎名單上5個參賽者的身份後，曾為評審團成員提供另一個申報機會。專責委員會察悉，評審團當時只聽取梁振英先生簡略解釋戴德梁行與初步獲獎名單上其中一個參賽者的關連。2002年2月28日的評審團會議並無有關進一步申報利益衝突的議程項目；評審團成員亦沒有在會議上被詢問或再給予機會，除了他們在申報表所申報的事項外，是否尚有其他利益與公布後的獲獎作品可能有利益衝突而須予申報。

依專責委員會之見，主辦機構就評審團成員及技術評估委員會委員所採取的申報安排屬信譽制度。專責委員會看不到主辦機構有採取任何保障措施。委員會明白主辦單位未必能就所有評審團成員及參賽作品的資料作全面查核，但對於一些基本填報資料的錯誤，極可能反映評審員的理解與主辦單位之間有差異，可在更早階段發現，而這種行政要求，對主辦單位是合理的要求。例如，主辦單位由邀請梁振英先生作為評審員及後與梁振英先生的書信往來一直均寄往戴德梁行，及主辦單位關於梁的履歷早記錄着梁是戴德梁行主席。梁振英先生在2002年2月25日交利益申報表後，沒有填寫其是戴德梁行主席，主辦單位的秘書處實可及早通知梁振英先生，並向其解釋利益申報表的填寫要求。莊誠先生並沒有這樣做，究其原因，是因為其交予一眾評審委員要求他們填寫申報表的時間太過倉卒，莊誠先生在收表後亦沒有機會及時間叫同事或其本人作簡單的審視；梁振英先生的「漏報」性質上屬紀錄內的表面錯誤(error on the face of the record)，若有合理時間，一個有效率的秘書處一定能審視出來，而不需要等到獲獎作品公佈時才忽忽叫梁振英先生「補救」，兩名評審員，即梁振英先生及劉秀成教授的所謂漏填其實與秘書處不合理的時間安排不無關係。

同樣的事件，在一個更有效率，對利益申報更重視的秘書處，此等事可能已可避免。

專責委員會認為比賽階段與獲獎作品公佈後實屬兩個時段的申報，要求不同；前者應基於評審團不知道誰是參賽者為前題，屬概括申報。後者是已知道獲獎名單，主辦單位可給予評審團一些時間空間在自己的工作機關作聚焦點名式查核一遍，看看自己的工作機構與獲獎者是否全部沒有關係。否則，可能要再作申報。這樣做，對參賽者、獲獎者、評審團成員均比較公平。"

53. As there were divided views among members on Dr Priscilla LEUNG's proposal, the Chairman put it to vote. Members requested a division.

The following members voted in favour of the proposal:

Dr Philip WONG and Dr Priscilla LEUNG.
(2 members)

The following members voted against the proposal:

Mr Andrew CHENG, Mr LEE Wing-tat, Ms Cyd HO, Mr Paul TSE, Miss Tanya CHAN and Mr WONG Yuk-man.
(6 members)

54. The Chairman declared that two members voted for and six members voted against Dr Priscilla LEUNG's proposal. He declared that Dr Priscilla LEUNG's proposal was negatived.

55. Paragraph 4.41 read and agreed to.

56. Paragraph 4.42 read, amended and agreed to.

Appendices

57. Appendices 1(a) to 1(f) to the report read and agreed to.

58. Appendices 2(a) to 2(y) to the report read and agreed to.

59. Appendices 3(a) to 3(q) to the report read and agreed to.

60. Appendix 4(a) to the report read and agreed to.

Acknowledgement

61. The acknowledgement read and agreed to.

Abbreviations

62. The list of abbreviations read and agreed to.

63. Members agreed that the Chinese text of the report, as amended, be adopted as the report of the Select Committee.

64. Members then considered the English text of the report.

Table of contents

65. Table of contents read and agreed to.

Chapter 1

66. Paragraph 1.1 read and agreed to.
67. Paragraph 1.2 read, amended and agreed to.
68. Paragraphs 1.3 to 1.6 read and agreed to.
69. Paragraph 1.7 read, amended and agreed to.
70. Paragraphs 1.8 to 1.27 read and agreed to.
71. Paragraph 1.28 read, amended and agreed to.
72. Paragraphs 1.29 to 1.32 read and agreed to.
73. Paragraph 1.33 read, amended and agreed to.
74. Paragraphs 1.34 to 1.36 read and agreed to.

Chapter 2

75. Paragraph 2.1 read, amended and agreed to.
76. Paragraph 2.2 read and agreed to.
77. Paragraph 2.3 read, amended and agreed to.
78. Paragraph 2.4 read, amended and agreed to.
79. Paragraphs 2.5 to 2.13 read and agreed to.
80. Paragraph 2.14 read, amended and agreed to.
81. Paragraphs 2.15 and 2.16 read and agreed to.

82. Paragraph 2.17 read, amended and agreed to.
83. Paragraphs 2.18 to 2.23 read and agreed to.
84. Paragraph 2.24 read, amended and agreed to.
85. Paragraphs 2.25 to 2.36 read and agreed to.
86. Paragraph 2.37 read, amended and agreed to.
87. Paragraphs 2.38 to 2.42 read and agreed to.
88. Paragraph 2.43 read, amended and agreed to.
89. Paragraphs 2.44 to 2.48 read and agreed to.
90. Paragraph 2.49 read, amended and agreed to.
91. Paragraphs 2.50 to 2.52 read and agreed to.
92. Paragraph 2.53 read, amended and agreed to.
93. Paragraphs 2.54 to 2.57 read and agreed to.
94. Paragraph 2.58 read, amended and agreed to.
95. Paragraphs 2.59 to 2.73 read and agreed to.
96. Paragraph 2.74 read, amended and agreed to.
97. Paragraphs 2.75 to 2.79 read and agreed to.
98. Paragraph 2.80 read, amended and agreed to.
99. Paragraphs 2.81 to 2.83 read and agreed to.
100. Paragraph 2.84 read, amended and agreed to.
101. Paragraphs 2.85 to 2.92 read and agreed to.
102. Paragraph 2.93 read, amended and agreed to.

103. Paragraphs 2.94 to 2.98 read and agreed to.
104. Paragraph 2.99 read, amended and agreed to.
105. Paragraph 2.100 read and agreed to.
106. Paragraph 2.101 read, amended and agreed to.
107. Paragraph 2.102 read, amended and agreed to.
108. Paragraph 2.103 read, amended and agreed to.
109. Paragraphs 2.104 to 2.112 read and agreed to.
110. Paragraph 2.113 read, amended and agreed to.
111. Paragraph 2.114 read, amended and agreed to.
112. Paragraph 2.115 read, amended and agreed to.
113. Paragraph 2.116 read and agreed to.
114. Paragraph 2.117 read, amended and agreed to.

Chapter 3

115. Paragraphs 3.1 to 3.7 read and agreed to.
116. Paragraph 3.8 read, amended and agreed to.
117. Paragraphs 3.9 to 3.42 read and agreed to.
118. Paragraph 3.43 read, amended and agreed to.
119. Paragraph 3.44 read and agreed to.
120. Paragraph 3.45 read, amended and agreed to.
121. Paragraphs 3.46 to 3.66 read and agreed to.
122. Paragraph 3.67 read, amended and agreed to.
123. Paragraphs 3.68 to 3.71 read and agreed to.

124. Paragraph 3.72 read, amended and agreed to.

125. Paragraph 3.73 read, amended and agreed to.

126. Paragraphs 3.74 to 3.77 read and agreed to.

Chapter 4

127. Paragraphs 4.1 to 4.25 read and agreed to.

128. Paragraph 4.26 read, amended and agreed to.

129. Paragraph 4.27 read and agreed to.

130. Paragraph 4.28 read, amended and agreed to.

131. Paragraph 4.29 read and agreed to.

132. Paragraph 4.30 read, amended and agreed to.

133. Paragraph 4.31 read and agreed to.

134. Paragraph 4.32 read, amended and agreed to.

135. Paragraph 4.33 read, amended and agreed to.

136. Paragraph 4.34 read and agreed to.

137. Paragraph 4.35 read, amended and agreed to.

138. Paragraph 4.36 read, amended and agreed to.

139. Paragraph 4.37 read, amended and agreed to.

140. Paragraph 4.38 read and agreed to.

141. Paragraph 4.39 read, amended and agreed to.

142. Paragraph 4.40 read, amended and agreed to.

143. Paragraph 4.41 read and agreed to.

144. Paragraph 4.42 read, amended and agreed to.

Appendices

145. Appendices 1(a) to 1(f) to the report read and agreed to.

146. Appendices 2(a) to 2(y) to the report read and agreed to.

147. Appendices 3(a) to 3(q) to the report read and agreed to.

148. Appendix 4(a) to the report read and agreed to.

Acknowledgement

149. The acknowledgement read and agreed to.

Abbreviations

150. The list of abbreviations read and agreed to.

151. Members agreed that the English text of the report, as amended, be adopted as the report of the Select Committee.

152. Members agreed that subject to the Chairman's concurrence and where necessary, editorial amendments might be made to the report, and the report as amended and endorsed by the Select Committee be circulated to members before print.

II. Any other business

Tabling of the Report

153. Members noted that the report would be tabled at the Council meeting of 27 June 2012.

154. The meeting ended at 10:58 am.

Council Business Division 2
Legislative Council Secretariat
22 June 2012