LC Urgent Q: West Kowloon Reclamation Concept Plan Competition
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Following is a question by the Hon Lee Wing-tat under Rule 24(4) of the Rules of Procedure and a reply by the Secretary for Home Affairs, Mr Tsang Tak-sing, in the Legislative Council today (February 15):

Question:

It has been reported earlier by the media that in the West Kowloon Reclamation Concept Plan Competition (Competition) held in 2001-2002, a member of the Jury had connections with a participant but did not declare the interest, causing members of the public to query whether conflict of interest was involved, and such member of the Jury has already announced that he will stand in the forthcoming Chief Executive (CE) Election, hence there are candidates of the CE Election as well as subscribers urging the Government to disclose all the information at that time to address public concerns. In this connection, will the Government inform this Council:

(a) whether the authorities will immediately make public information relating to the adjudication of the Competition at that time, including the eligibility to be a Jury member, requirements for declaration of interests by members of the Jury, contents of the declarations of interests made by the various members of the Jury, adjudication procedures and results, as well as the number of proposals being disqualified and the reasons for their disqualification; if they will, when they will do so; if not, of the reasons for that;

(b) regarding the declaration of interests by the member of the Jury of the Competition who will stand in the CE Election, whether the authorities will make public all specific information, including the ranking of the proposal involved, the grade assigned to it by each Jury member, the reasons for its disqualification, and whether the participant was informed of the ranking as well as the reasons for disqualification, and the reasons why the authorities decided not to disclose the incident at that time; whether the authorities have assessed the impact of continuing not disclosing the incident on the forthcoming CE Election (including the nomination procedure currently in progress); and

(c) focusing on the aforesaid incident, what immediate measures the authorities will take to ensure that the forthcoming CE Election will be conducted in a fair, impartial, and open manner?
Reply:

President,

The West Kowloon Reclamation Concept Plan Competition (Competition) was held in 2001-02. The entries were adjudicated by a Jury comprising local and overseas renowned experts, and the design featuring a great canopy was selected as the winning entry. The Competition result was announced on February 28, 2002. We did not proceed with construction works according to this winning scheme due to subsequent controversies, and the design of the West Kowloon Cultural District (WKCD) had to start afresh. Nonetheless, the Competition and the adjudication process had been completed. Ten years from then, a magazine has recently raised enquiries about the declarations of interest by members of the Jury. The Government then received repeated enquiries from various media organisations concerning the Competition.

The WKCD project, previously handled by the then Planning and Lands Bureau, is now under the portfolio of the Home Affairs Bureau (HAB). After the Government received media enquiries, colleagues in HAB dutifully examined dozen of files, and replied to media enquiries as far as possible according to the records. On the premise of safeguarding public interest and complying with the confidentiality requirements, the Government issued a press release on February 8 in response to media enquiries.

On the three parts of the question, our replies are as follows:

(a) The adjudication of the Competition was carried out in confidence. In April 2001, the Government issued the Competition Document containing general conditions of the Competition, including entry requirements, anonymity of participants, assessment criteria, and intellectual property rights, etc. Potential participants could refer to the Competition Document for a membership list of the Jury, which comprised 10 members from Hong Kong and overseas, including Lord Rothschild as the Chairman.

The Competition Document contains a clause on ineligibility, providing that all those likely to be in conflict of interest are excluded from the Competition.

To ensure the fairness of the adjudication process, members of the Jury had to declare whether, to the best of their knowledge, any party with which they were
closely associated had entered the competition, and if so, the details of the matter. They also accepted the need to maintain strict confidentiality.

The Jury met from February 25 to 28, 2002 at the Hong Kong City Hall in Hong Kong. The Jury spent February 26 and 27 on the adjudication of entries and the morning of February 28 finalising the Competition results and compiling its commentary on the five winning entries that it had selected as the five winners. Members of the Jury agreed upon an elimination process for selecting the winning entries. Subsequently, on February 26 and 27, the Jury assessed the entries, and selected the first prize winner, second prize winner and three honourable mentions for the Competition. The entries were assigned serial numbers by the Competition Organiser to maintain their anonymity during the adjudication process. The Jury was informed of the identity of the winning entrants at noon on February 28, after it had chosen the five winning entries and only three hours before the results of the Competition were announced.

The Jury published the Jury Report in September 2002, setting out the adjudication process and results. The Report stated that the Competition had attracted 161 entries from Hong Kong and overseas, and that 13 entries had been disqualified for "failing to meet the competition requirements in specific non-technical respects".

(b) Paragraph 33 of the Competition Document provides that "the assessment process will be carried out in strict confidence. The Organiser shall not disclose the details of the assessments". On April 18, 2005, the Government submitted to the Legislative Council Subcommittee on West Kowloon Cultural District Development a paper concerning the Competition for discussion on 22nd in the same month. It was explained in the paper that "given the significance of the development of the WKCD, we had carefully designed the details of the Competition with the assistance of renowned international experts in the field to ensure that the Competition was in line with best international practice".

As design competitions involve sensitive commercial information, it is international practice to maintain confidentiality. Otherwise, it may not be fair to the entrants. The Government was mindful of striking a balance between confidentiality requirements and public interest when issuing the press release on February 8, 2012 in response to media enquiries. The Government has followed its usual approach in disclosing information, providing only facts without any political consideration. After the press release has been issued, given the request of Mr Leung Chun-ying, a
member of the Jury to the Government, to disclose all the records relating to the Competition and related enquiries made by the media, the Government has written to Mr Leung and Dr Kenneth Yeang in the hope of obtaining their consent for disclosing information relating to them in the Competition. The Government will decide the way forward after considering their responses.

The HKSAR Government's position has been acting strictly by the law to ensure that elections are conducted in a just, fair and honest manner. Since the disclosure of the relevant information is based on facts, we do not think that it will affect the forthcoming Chief Executive Election (CE Election) as well as the nomination process of the CE Election which commenced yesterday.

(c) For any election, including the forthcoming CE election, we adhere to the principle that the election should be held in a fair, open and honest manner. The Electoral Affairs Commission (EAC) will act in accordance with relevant legislation, regulation and election guidelines. The EAC will handle seriously and impartially any violation of the legislation and regulation by any person. I want to reiterate that the Government will strictly adhere to the principle that the Election should be held in a fair, open and credible manner; this is beyond doubt.

Ends/Wednesday, February 15, 2012

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