

Harbourfront Commission

For discussion

HC/08/2011

on 17 May 2011

Progress Report from Task Force on Harbourfront Developments on Hong Kong Island

REPORTING PERIOD

This progress report covers the period from March to May 2011.

MEETING(S) HELD AND THE MAJOR OUTCOME, FINDINGS AND RECOMMENDATIONS

Fifth Meeting – 11 April 2011

2. The Task Force discussed the following issues/items -

**(a) Update on the Business Viability Study for Development
of Site 4 in the New Central Harbourfront
(Closed session)**

- The Task Force convened a brainstorming session on 18 March 2011 to gauge Members' views on the social objectives to be achieved under the public-private collaboration (PPC) of the development of Sites 4 and 7. It was generally agreed that a balance should be struck between business viability and social objectives to fulfil the community's aspirations for the harbourfront while attracting the best possible private sector candidates under the PPC model. A gist of the discussion (**Annex A**)
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was sent to Members on 6 April 2011. The key issues discussed included (a) harbourfront for all; (b) ample opportunities for arts, culture and performance; (c) participation of the not-for-profit/NGO sector and community involvement; and (d) design and provision of quality services. Members asked the Consultant team led by GHK (Hong Kong) Ltd to take into account their views in taking forward its study.

- At the meeting on 11 April, the Consultant team gave a detailed presentation on its preliminary report of the Study.
- Members continued to exchange views on the better planning for the two sites to be designed, built and managed by the PPC. The Consultant team advised on the importance of the Market Sounding Exercise (MSE) scheduled for the next stage of the Study. The team sought to understand the factors which interested parties would consider as key to the viability of the PPC, and advise Development Bureau and the Task Force accordingly on the variables and changes that should be considered to make the PPC a success.
- The Consultant team was requested to consider Members' comments in finalising its preliminary report and preparing the MSE document. The meeting noted that it was the Development Bureau's plan to launch the MSE in May 2011.

*(Note: The 1st draft of the MSE document was sent to Members on 3 May 2011 for comments. The MSE document for launching the exercise scheduled for 19 May is at **Annex B**)*

(b) Amendments to the Draft Kennedy Town and Mount

Davis Outline Zoning Plan

- Representatives of Planning Department (PlanD) briefed the Task Force on the amendments to the draft Kennedy Town and Mount Davis Outline Zoning Plan (OZP) No. S/H1/18, which involved imposition of building height restrictions on various development zones, rezoning of a number of sites to reflect the planning intention or existing developments, and designation of building gaps to enhance air ventilation.

- The Meeting generally welcomed the attempts to improve view corridors and air ventilation as shown in the amendments. They noted that the land use review of the ex-Kennedy Town Incinerator and Abattoir site as well as its neighbouring area was still on-going. Members raised a number of comments, as follows:
 - (i) converting the Kennedy Town Temporary Recreational Ground (KTTRG) into a permanent open space;
 - (ii) continuously using the piers in the vicinity for marine-related industry or other marine-supporting uses;
 - (iii) keeping sufficient separation between the buildings in the future public housing site to prevent wall effect;
 - (iv) providing necessary community facilities, e.g. elderly centres and youth centres etc., in the vicinity; and
 - (v) considering relocating the Victoria Public Mortuary (VPM) away from the waterfront for better land use compatibility on the waterfront.

- In closing the discussion, the Task Force agreed to

convey Members' views to the Town Planning Board for reference. PlanD was also requested to brief the Task Force on the proposed land uses before the review was finalised.

(c) Action Areas Proposals

- Representative of PlanD gave an overview briefing on the action areas proposal on Hong Kong Island.
- The Task Force noted that some enhancement proposals were either completed or being taken forward and asked that the Task Force be updated on the progress of the action areas proposals on a regular basis with a view to refreshing Members and facilitate their discussion of various harbourfront enhancement proposals. It was also suggested that a timeline be attached to each action area proposal so that Members could monitor the progress of major harbourfront enhancement works.
- The Task Force agreed to invite the bureaux and departments concerned to give progress updates on the connectivity at Shun Tak Centre in Sheung Wan action area; possible measures to enhance the Golden Bauhinia Square and its adjoining promenade in Wan Chai West action area; and harbourfront enhancement plan in Wan Chai East action area at the future meetings.

(d) Any Other Business

- A Member suggested and the Meeting agreed that the Task Force should look at pedestrian connectivity to the new Central and Wan Chai waterfront, either at grade or elevated structures. Transport Department, Highways

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Department and Civil Engineering and Development
Department agreed to revert to the Task Force to brief
Members on this issue.

Secretariat

**Task Force on Harbourfront Developments on Hong Kong Island
May 2011**

**Brainstorming Session on Development of Site 4 and Site 7
in the New Central Harbourfront**

Date: 18 March 2011 (Friday)

Time: 12:30 pm – 2:00 pm

Venue: Room 1201, 12/F, Murray Building, Garden Road, Central,
Hong Kong

Present

Mr Vincent Ng	Chairman of the Session
Mr Leung Kong-yui	Representing Chartered Institute of Logistics and Transport in Hong Kong
Mr Andy Leung	Representing Hong Kong Institute of Architects
Mr Franklin Yu	Representing Hong Kong Institute of Architects
Mr Tam Po-yiu	Representing Hong Kong Institute of Planners
Ms Pong Yuen-ye	Representing Hong Kong Institute of Planners
Dr Sujata Govada	Representing Hong Kong Institute of Urban Design
Mr Shuki Leung	Representing Real Estate Developers Association of Hong Kong
Mr David Chan	
Ms Joanne Chan	
Ms Dilys Chau	
Ms Lily Chow	
Ms Patricia Or	
Ms Gracie Foo	Deputy Secretary (Planning and Lands)1, Development Bureau (DEVB)
Mr K B To	Assistant Commissioner/Urban, Transport Department

In Attendance

Ms Maisie Chan	Principal Assistant Secretary (Harbour), DEVB
Mr Chris Fung	Assistant Secretary (Harbour)1, DEVB

Discussion on Social Objectives and Facilities/Activities to be Provided at the Two Harbourfront Sites

3. The ensuing paragraphs summarise Members' views on the social objectives and facilities/activities to be provided at the two harbourfront sites.

(a) Harbourfront for all

4. Developments at Sites 4 and 7 should cater for all walks of life, locals and tourists alike. Focus of the development should be put on long-term benefits (i.e. an optimal balance to be struck between economic, environmentally-sustainable and social developments) instead of short-term gains.

(b) Ample opportunities for arts, culture and performances

5. Members generally agreed that the sites should provide ample opportunities for arts, culture and performances. Noting that there was no residential area in the vicinity/neighbourhood, many recognized that the Sites would be a very suitable venue for outdoor events, such as open air concerts. Many Members also remarked that they could provide venue for street performances as well.

6. With the development of the West Kowloon Cultural District (WKCD) under active planning, Members found it important that the arts and cultural activities/facilities to be provided at the Sites should find its own niche. There would be little merits in repeating, and competing with WKCD.

7. Various Members expressed what they looked for in the Sites. A Member said that they should be an ideal venue for 24-hour entertainment spot which would cater for locals as well as tourists. A Member suggested blending the dressing, eating, living and connecting (衣食住行) concepts in planning the Sites.

8. Some highlighted the need for innovation in the activities that could be held at the Sites, in addition to making use of them as

performance venues, e.g. bringing in seasonal activities such as travelling swimming pool and sand beach. This would help create the niche for Sites 4 and 7. Accordingly, a few Members pointed out that the use of space should be very flexible in order to cater for a wide variety of activities and performances. Essential supporting facilities would be necessary; but too many superstructures would inhibit flexible use. Some Members flagged the need for 'rules', for example, to cater for street performances in an orderly manner.

(c) Participation of the not-for-profit/NGO sector and community involvement

9. Apart from addressing any skepticism about the PPC approach in benefitting the commercial sector, some Members opined that involvement of social enterprises and NGOs, whether in giving them opportunities to run certain shops (such as selling local artifacts and local delicacies) or in using the performance venues, would be important social objectives of the project. Some Members also thought that funding (e.g. part of the profits generated) could be ploughed back to the social enterprises/NGOs to finance their activities. A Member thought that the PPC should be run by a non-profit making entity altogether, but many Members thought that there should be synergy between the for-profit and not-for-profit sector, with the former investing in and managing it with their experience in finance, development and management. After all, the PPC should be sustainable financially, and one should let the PPC make profits if it operates well. A Member raised that with the Government's experience in Conserving Central, non-profit making organizations with expertise and experience (e.g. the Jockey Club and Urban Renewal Authority) could participate.

10. The meeting also discussed possible community involvement when the PPC was at the conception stage and later at the implementation stage. Some Members noted that the former HEC and the Harbourfront Commission were at the forefront. Members were aware that the social objectives should be suitably reflected in the market sounding exercise, but it would perhaps be too early at this brainstorming session to talk about matters such as selection criteria

or the selection board of the PPC. The ideas should be further developed.

(d) Design and Provision of quality services

11. Design and quality would be important. The meeting agreed that it would defeat the purpose of the PPC if it would become shopfronts of international brands, like shopping arcades in Central. A Member remarked that in order to have competition between operators, which could drive down prices and ensure quality of services, we should consider splitting up the Sites to introduce more than one PPC.

12. The meeting noted DevB's explanations that (i) the study was about a PPC running Site 4 and possibly Site 7, and that DevB had not assumed that the PPC could take up all of Site 7 which had virtually no commercial potential; and (ii) Site 7 at the new Central harbourfront was complex, including, for example, the new Tamar Headquarters (HQ). In particular, there could be many civic activities (e.g. demonstrations) in front of Tamar HQ and that section of the waterfront promenade. Some Members floated that it could be more workable if this PPC could run Site 4 and part of the adjacent Site 7, and explore another PPC at the marine place (with waterfront-related commercial and leisure uses) beyond the new Tamar HQ towards Wanchai. Some remarked that the PPC under discussion did not have to be big, but should be flexible, say when it could use the areas not under its direct management when it organized events. Moreover, the section of the waterfront promenade in front of the Hong Kong Arts Centre could be allocated to the Centre for management with a view to creating an arts precinct thereat. Management of the different segments of the new harbourfront could be in different hands, but the design should be compatible.

Conclusion and Way Forward

13. The Chairman thanked Members for their valuable comments on social objectives of the PPC, and the brainstorming session had been productive. The discussion would continue at the 5th meeting of Task

Force on Harbourfront Developments on Hong Kong Island scheduled for 11 April. The Secretariat would prepare a gist of discussions. The Chairman requested the consultants to take into account Members' views in taking forward the study and compiling the preliminary report which would give an initial evaluation of the business potential of the project.

Secretariat

**Task Force on Harbourfront Developments on Hong Kong Island
Harbourfront Commission
April 2011**

**Invitation to
Market Sounding Exercise for the
Development of Site 4 and Potentially Site 7 in the
New Central Harbourfront**

The Government of the Hong Kong Special Administrative Region (**Government**) acting through the Development Bureau (**DEVB**) is exploring the potential to develop Site 4 and Site 7 in the new Central Harbourfront by way of Public Private Collaboration (**PPC**) through which the private sector will be able to be involved in the development of the Central Harbourfront (the **Project**). In looking to adopt a PPC approach, the Government hopes to tap the private sector's creativity and expertise to achieve a better Central Harbourfront for Hong Kong.

This Market Sounding Exercise (**the Exercise**) aims to solicit market information to help the Government make a decision on the PPC approach.

What is the Development Bureau trying to achieve through this Market Sounding Exercise?

This market sounding exercise seeks to:

- (a) ascertain the level of interest of the private sector for this Project under a PPC approach;
- (b) ascertain the capability of the private sector to undertake this Project under a PPC approach;
- (c) obtain ideas on possible uses for Site 4 (and potentially Site 7) which are creative and meet the objective of a vibrant, green and accessible Central Harbourfront;
- (d) obtain assessment on the extent of Site 7 that could be included in this Project under PPC; and
- (e) obtain views and suggestions on optional commercial/financial and contractual terms and conditions for the PPC arrangement including make-up of the PPC, contract duration, funding arrangements and revenue sharing etc.

How will the information obtained from the Exercise be used by the Development Bureau?

The information provided by respondents will help DEVB better understand the potential for developing Site 4 (and potentially some or all of Site 7) using a PPC approach. Information provided will be used by DEVB to consider alternative PPC options for planning, developing and managing the Project and will help DEVB determine the most appropriate way forward.

All information and views provided by respondents in the Exercise will not be individually identified and will NOT be considered in any future tender evaluation exercise.

In responding to the Exercise, a respondent shall be deemed to have agreed to all the terms of this invitation including the Brief at the **Annex**. In particular, respondents are required to grant a licence to the Government allowing it to use, adopt and modify ideas, responses and documents collected from the written responses and discussed at any meeting with respondents for all purposes in respect of or in connection with public consultation and any subsequent tender or procurement in any way as the Government deems fit.

Why participate in the Market Sounding Exercise?

This Market Sounding Exercise provides respondents with an opportunity to help determine the future of Hong Kong's New Central Harbourfront.

The Government firmly believes in the importance of involving the ultimate users of Sites 4 and 7 in the formulation and concept design of these key harbourfront sites. Through the demonstration of innovative, creative and viable concepts, respondents can help shape the future design briefs and development model to generate a more enduring and sustainable harbourfront for the enjoyment of the Hong Kong people and tourists alike.

Who is invited to participate in the Market Sounding Exercise?

All entities including commercial and social entities, social enterprises, community-based trusts, special purpose vehicles and non-governmental organisations are encouraged to participate in the Market Sounding Exercise.

Is this a competitive bidding process or pre-qualification for tender?

This Exercise is not the beginning of a competitive bidding process and is not a pre-qualification exercise for the subsequent competitive bidding for the Project. Neither this invitation nor any submission received by DEVB in response to the Exercise constitutes an offer or the basis of any contract which may be concluded in relation to the

Project. Respondents should also note that the Government will not be responsible for any costs and expenses that may be incurred in responding to the Exercise.

How to participate in the Market Sounding Exercise?

Respondents are invited to participate in this exercise by responding to the questions listed in Appendix III. Respondents are encouraged to provide responses to as many questions as possible. However, it is appreciated that not all respondents will be able to provide responses to all questions.

The submission of any information, data, analysis or plans/drawings in support of responses is welcome. In particular, any financial calculations or estimates undertaken in support of particular viewpoint or statement would be very useful to the Government in determining overall viability of the Project.

Further background information on this Project is set out in the Brief at *Annex*.

Please return your completed Questionnaire by June 30 2011 to:

Development Bureau
17/F, Murray Building
Garden Road, Central
Hong Kong

Attn.: Mr. Peter Mok

Key dates:

Launch	May 19 2011
Closing Date for submissions	June 30 2011

Development Bureau
The HKSAR Government
May 2011

Brief on Market Sounding Exercise
Development of Site 4 and Potentially Site 7 in the
New Central Harbourfront

THIS IS NOT A PROCUREMENT/TENDERING EXERCISE

1. Introduction

- 1.1 The Government of the Hong Kong Special Administrative Region (**Government**) acting through the Development Bureau (**DEVB**) is exploring the potential to develop Site 4 and Site 7 in the new Central Harbourfront by way of Public Private Collaboration (**PPC**¹) through which the private sector will be able to be involved in the development of the Central Harbourfront (**Project**). In looking to adopt a PPC approach, the Government hopes to tap the private sector's creativity and expertise to achieve a better Central Harbourfront for Hong Kong. This Market Sounding Exercise (the Exercise) aims to collect sufficient information from potential Project participants to allow decisions to be made on both the PPC approach as well as the overall site development concepts.
- 1.2 The Government appointed GHK (Hong Kong) Limited, Business Consultant, to act on behalf of DEVB in all matters in the Exercise including conducting interviews as necessary and analysing all views and suggestions received in the Exercise.
- 1.3 This Brief sets out the objectives of the Exercise and provides background information, site description and planning parameters for Site 4 and Site 7.
- 1.4 The Exercise is not the beginning of a competitive bidding process and is not a pre-qualification exercise for the subsequent competitive bidding for the Project. Neither this invitation nor any submission received by DEVB in response to the Exercise constitutes an offer or the basis of any contract which may be concluded in

¹ For the purpose of this Brief, PPC includes the whole spectrum of different ways and means of involving the private sector in the delivery of public services based on a "collaboration" approach. This may include but is not confined to arrangements where the responsibility for the delivery of services is shared between the public and private sectors, both of which bring their complementary skills to the enterprise.

relation to the Project.

2. Objectives of the Market Sounding Exercise

2.1 The objectives of the Exercise are to:

- (a) ascertain the level of interest of the private sector for this Project under a PPC approach;
- (b) ascertain the capability of the private sector to undertake this Project under a PPC approach;
- (c) obtain ideas on possible uses for Site 4 (and potentially Site 7) which are creative and meet the objective of a vibrant, green and accessible Central Harbourfront;
- (d) obtain assessment on the extent of Site 7 to be included into Site 4 development under PPC; and
- (e) obtain ideas and suggestions on optional commercial/financial and contractual terms and conditions for the PPC arrangement including contract duration, facilities to be provided, funding arrangement and revenue sharing etc.

3. Background

3.1 In March 2007, the Planning Department commissioned the Urban Design Study for the New Central Harbourfront (UDS) to refine the existing urban design framework and prepare planning/design briefs for eight key sites including Site 4 and Site 7 in the new Central Harbourfront.

3.2 A Task Group on Management Model for the Harbourfront (TGMMH) was formed under the former Harbour-front Enhancement Committee to devise a practicable proposal on possible institutional arrangements and management models for the Government's consideration. The TGMMH reviewed a wide variety of local and

overseas examples and observed, and the Government agreed, that there were different possible PPC models, with different levels and forms of private sector involvement, and that there was no universal model that could be adopted across-the-board. That said, the TGMMH's recommendation on the wider application of PPC arrangements in Hong Kong in the context of harbourfront development and management gives the Government a strong mandate to further explore various options with the private sector. This enables the Government to tap into the private sector's creativity and expertise to achieve high quality outcomes and more attractive designs in delivering a vibrant, green and accessible harbourfront for public enjoyment as well as pursuing more sustainable and flexible modes of management.

4. Objectives of the Project

4.1 The Government's objectives for the Project are not purely based on financial returns but rather they include a wide array of social objectives:

- (a) developments in the Project should cater for all walks of life, locals and tourists alike;
- (b) the harbourfront area should be made accessible to the general public for their enjoyment at all times;
- (c) there should be opportunities for both profit and non-profit making organizations to participate;
- (d) there should be community involvement throughout the different stages of the PPC process;
- (e) the Government would like to maintain ownership and control of the Project during the duration of the contract and after contract expiry; and
- (f) the creation of a sense of place and a quality harbourfront.

4.2 In summary, the preferred PPC for the Project should be one that achieves a wide array of social objectives whilst at the same time being financially viable and delivering a reasonable financial return to induce private sector participation. It is

also the Government's intention to have a continual monitoring system with some form of public participation such as the setting up of an advisory committee² or regular update to the Legislative Council on performance throughout the duration of the contract.

- 4.3 The Government is looking for a unique form of PPC for the Project that will balance the requirements of the private sector to ensure that the Project is financially viable and attracts the best possible private sector candidates against preserving the community's interests and providing facilities that will entice people of all walks of life to the harbourfront, to make it a vibrant place for Hong Kong people and tourists alike to enjoy.
- 4.4 The term "private sector" is interpreted in the broadest sense for the purpose of this Project. Thus, the private sector encompasses commercial and social entities, social enterprises, community-based trusts, special purpose vehicles and non-governmental organisations. The Government considers that an appropriate model of PPC is likely to offer higher quality results in delivering a vibrant, green and accessible harbourfront for public enjoyment.

5. Description of the Sites

- 5.1 Under the UDS, Site 4 is zoned as "Other Specified Uses" to provide waterfront-related commercial and leisure uses to complement the waterfront promenade as well as to provide an anchor for visitors at the harbourfront. The site has an area of 0.93 hectare. To the south of the site is Edinburgh Place, the City Hall complex and the People's Liberation Army (PLA) Hong Kong Garrison Headquarters (HQ).

² For example, for Ma Wan Park Project, a Ma Wan Park Advisory Committee has been set up to advise on the operation, maintenance and management of the Project. The Advisory Committee consists of ten members nominated by the Government and the developer. The Government-nominated members come from the respective District Councils, the community and the organisation responsible for promoting Hong Kong tourism with a view to reflecting the views of the public to the Advisory Committee.

- 5.2 Site 7 lies to the north of Site 4. Site 7 has an area of 9.87 hectares and is elongated in shape stretching from the area fronting Central Pier No. 7 to the north of CITIC Tower. It is zoned as “Open Space” and is planned to be a waterfront promenade with limited provision of commercial facilities.
- 5.3 There is a 150m long military berth reserved along the waterfront of Site 7 in front of the PLA Hong Kong Garrison HQ. This particular section of the waterfront will be closed off to the public when in use by PLA. Frequent use of the PLA berth is not envisaged. An alternative pedestrian route is available behind the PLA berth linking from east to the west of the site. There is a 18m wide access linking the berth to the PLA Hong Kong Garrison HQ.
- 5.4 Further east of PLA Hong Kong Garrison HQ, there is the new Tamar Headquarters (Tamar HQ) which will be completed by late 2011. The new complex at Tamar includes offices for the Chief Executive and all government bureaux as well as the Legislative Council. The complex will have a working population of 4,100 and will itself attract a lot of visitors. From time to time, there may also be civic activities in front of Tamar HQ and that section of the waterfront promenade abutting it.
- 5.5 Towards the western end of Site 7, an anchor from what was once the world’s largest ship, Seawise Giant, is proposed to be placed in the piazza in front of Central Pier No.8. The Hong Kong Maritime Museum is in the process of relocating to this pier and the anchor is part of the Museum’s collection. It is expected that the Museum will open at the Central Pier No. 8 in December 2012 the earliest. The anchor will be maintained by the Hong Kong Maritime Museum.
- 5.6 Plans showing constraints and suggested development concepts under the UDS for Site 4 and Site 7 are shown in **Appendix I** to this Brief.
- 5.7 It is estimated that Site 4 will be ready for development in 4th quarter 2011 while most of Site 7 will be ready in 1st quarter 2012. A small part of Site 7 at the western end will be ready in 2014. Part of Site 7 to be reclaimed under Wan Chai Development Phase II will not be available until 2017.

6. Design and Planning Parameters

- 6.1 Detailed planning parameters for Sites 4 and 7 have been developed as part of the UDS. These parameters are set out at **Appendix II** to this Brief.
- 6.2 As far as Site 4 is concerned, there are three key planning parameters as recommended in the UDS report. These are –
- (a) Maximum permissible GFA is 7,500 m²;
 - (b) Height restriction of buildings on Site 4 is 20 mPD; and
 - (c) There is one non building area (“**NBA**”) being 22m wide where the existing box culvert is running underneath the ground.
- 6.3 In responding to the questions listed in **Appendix III**, respondents are not required to stick solely to the parameters developed as part of the UDS. The questions ask respondents to consider the viability of design concepts for Sites 4 and 7 under two alternative scenarios: one where the UDS planning parameters are adhered to and another where respondents can suggest changes to these parameters if respondents consider such changes to be necessary to achieve a more vibrant and viable harbourfront destination.
- 6.4 Design and quality are important. The buildings to be built on Sites 4 and 7 should be of world class design and standard. They should create a niche and provide an anchor at the harbourfront, thereby giving vibrancy and diversity of waterfront experience. It is not anticipated that the buildings/structures therein would become shop fronts of international brands, like other shopping arcades in Central.

7. Approach to the Exercise

- 7.1 This invitation is NOT a pre-qualification exercise to shortlist or pre-qualify any potential bidders for the Project. The Exercise is not a tender exercise but a structured way to obtain market feedback on possible options for the Government's consideration. Interested parties who do not submit any response to this Exercise will not be barred from taking part, or prejudiced against, in any subsequent competitive bidding exercise. Neither the Government nor any respondent will be bound by any response to the Exercise.
- 7.2 A press release on the Market Sounding Exercise has been issued on May 19 2011. A copy of the Exercise has also been uploaded to DEVB's website (<http://www.devb.gov.hk>) and the Harbourfront Commission's website (<http://www.hfc.org.hk>). Interested parties who wish to participate in the Exercise should respond to the list of questions set out in **Appendix III** to this Brief.
- 7.3 Interested parties are asked to note that detailed and lengthy submissions are not necessary at this stage. Nonetheless, we welcome respondents' provision of pertinent information on their capability and all relevant views and suggestions on assisting the Government to develop the Project.
- 7.4 All information and views provided by respondents in the Exercise will not be individually identified and will NOT be considered in any future tender evaluation exercise. Information gathered will be used to establish the most suitable approach to develop this Project under a PPC approach. Respondents are asked to note that under the Licence (see paragraph 7.15 below) information received during the course of the Exercise including the written responses and any subsequent interviews may be used or modified for use by the Government in drawing up the documentation for the subsequent competitive bidding exercise for the Project. All information and views provided in the Exercise will be kept in confidence.
- 7.5 Each respondent should make its own independent assessment of the information contained in this invitation document after making such investigation and taking such professional and other advice as may be prudent in order to assess the risks and benefits and to prepare its response for the Exercise. Respondents should not construe the contents of this invitation, or any other communication by or on behalf of the Government or any of its officers, agents or advisors, as financial, legal, tax or

other advice. Respondents should consult their own professional advisors as to financial, legal, tax or other matters concerning the Project.

- 7.6 This invitation is not intended to provide the basis of any investment decision and should not be considered as a recommendation by the Government or any of its officers, agents or advisors to any potential respondent to submit any responses.
- 7.7 Each respondent shall be solely responsible for the fees, costs and expenses incurred in preparing for and responding to the Exercise, or subsequent responses or initiatives on the part of any respondent. Respondents may be requested, at their own cost and expense, to attend an interview and arrange for a presentation to clarify any points made in their submission if necessary. The Government will under no circumstances be liable to any respondent for any such fees, costs, expenses, loss or damage whatsoever arising out of or in connection with the Exercise.
- 7.8 Some aspects of this invitation may require clarification, amplification or correction. The Government reserves the right without prior consultation or notice, to modify, amend and revise any provision of this invitation and to issue addenda to such effect at any time. Any addenda, amendments, written communications, additional information or changes to this invitation will be notified and posted to <http://www.devb.gov.hk> and <http://www.hfc.org.hk> (**Websites**). Respondents are required to check the Websites regularly. The Websites are not guaranteed secure sites and no representation, warranty or undertaking is given by the Government as to the accuracy and completeness of the information posted. If a respondent experiences difficulty in accessing or is in doubt as to the security of the Websites, assistance may be sought in the manner set out in paragraph 8.3. The Government also reserves the right to postpone and cancel the Exercise at any time.
- 7.9 While the information in this invitation has been prepared in good faith, it does not claim to be comprehensive or to have been independently verified. Neither the Government nor any of its officers, agents or advisers accepts any liability or responsibility as to, or in relation to, the adequacy, accuracy and completeness of the information contained in this invitation or any other written or oral information which is, has been or will be provided or made available to any respondent; nor do they make any representation, statement or warranty, expressed or implied, with

respect to such information or to the information on which this invitation is based. Any liability in respect of any such information or inaccuracy in this invitation or omission from this invitation is expressly disclaimed. In particular, no representation or warranty is given as to the achievement or reasonableness of any future projections, estimates, prospects or returns contained in this invitation. Nothing in this invitation nor any other written or oral information which is, has been, or will be provided or made available to any respondent should be relied on as a representation, statement or warranty as to the intention, policy or action in future of the Government, its officers or agents.

7.10 This invitation is for seeking ideas and suggestions only and save in relation to the obligation set out in paragraph 7.16, does not create any legal obligations on the Government. The Government is not obliged to proceed with the Project beyond this market sounding stage. Nothing in this invitation constitutes any commitment by the Government to any respondent in respect of responses which may be submitted, nor does it guarantee that private sector participation will be implemented in any manner or form.

7.11 Should the Government proceed with the Project beyond this market sounding stage, the Government may conduct an open tender exercise or adopt any procurement strategy as the Government sees fit for the Project.

7.12 The Government does not have any obligation to enter into any negotiations with any respondent in relation to the Project on an exclusive or non-exclusive basis.

7.13 In submitting a response to the Exercise, the respondent shall be deemed to have agreed to all terms of this invitation including all Appendixes and the Licence (defined in paragraph 7.15 below).

7.14 The Government has appointed GHK (Hong Kong) Limited (GHK) to provide consultancy services in connection with the Project. Respondents may be invited to attend an interview with GHK to make clarifications on the responses and invite their further ideas, views and suggestions on the Project. All information discussed at the interview will be recorded by GHK. Respondents are allowed to retain anonymity

of the information discussed at the interviews upon request. To ensure anonymity, all records of any interviews will be coded (e.g. Company ABC).

Intellectual Property Rights

7.15 Respondents are required to sign the licence attached at **Appendix V** to this Brief (**Licence**) and return such signed licence to the Government with their submissions. **Failure to return the signed Licence will render the response not to be considered at all by the Government.**

7.16 For the purpose of the Licence, the Government agrees that it will upon demand by a respondent pay HK\$1 (as referred to in Clause 3 of the Licence) to the respondent. Failure to return the signed Licence will render the response not to be considered at all by the Government.

7.17 The Government shall be entitled, without any further reference to the respondents, to disclose or make copies of any or all of the responses in the Exercise or/and any views, ideas and suggestions as discussed at the interview for the purpose of considering or exploring the practicality of the response, and to keep copies for record purpose.

7.18 For the avoidance of doubt, the Government shall be entitled, without any further reference to the respondents, to disclose or make copies of any or all of the responses in the Exercise and disclose any views, ideas and suggestions as discussed at the interview and records of such interviews for the purpose of considering or exploring the practicality of the responses, and to keep copies for record purpose.

8. Response to Market Sounding Exercise

8.1 Interested parties who wish to participate in the Exercise should respond in English to the list of questions set out in **Appendix III** to this Brief. Respondents should make arrangements for two copies of their responses in a sealed envelope marked

“Response to the Market Sounding Exercise in the Development of Site 4 and Site 7 in the New Central Harbourfront” to reach the following office before 6:00 pm (Hong Kong time) on June 30 2011

Development Bureau
17/F, Murray Building
Garden Road, Central
Hong Kong

Attn.: Mr. Peter Mok

- 8.2 Late responses will not be considered. Respondents should allow adequate time for their responses to be delivered to the above address. In the event that a typhoon signal No. 8 or above is hoisted or a black rainstorm warning signal is issued between 9:00 am and 12:00 noon (Hong Kong time) on the submission closing date, the submission deadline will be postponed to 12:00 noon (Hong Kong time) on the first working day of the following week.
- 8.3 Any enquiries relating to this invitation should be made in writing and sent to DEVB at the above address or by email to petermok@devb.gov.hk. The Government shall, to the extent necessary and appropriate, reply to any enquiries of the respondents regarding this invitation. The Government shall not be responsible for any misdirected letters or emails. All enquiries and answers made by the respondents and the Government respectively shall be uploaded on the Websites.

- END -



本摘要圖於2011年2月21日擬備
EXTRACT PLAN PREPARED ON 21.2.2011

SITE CONSTRAINTS

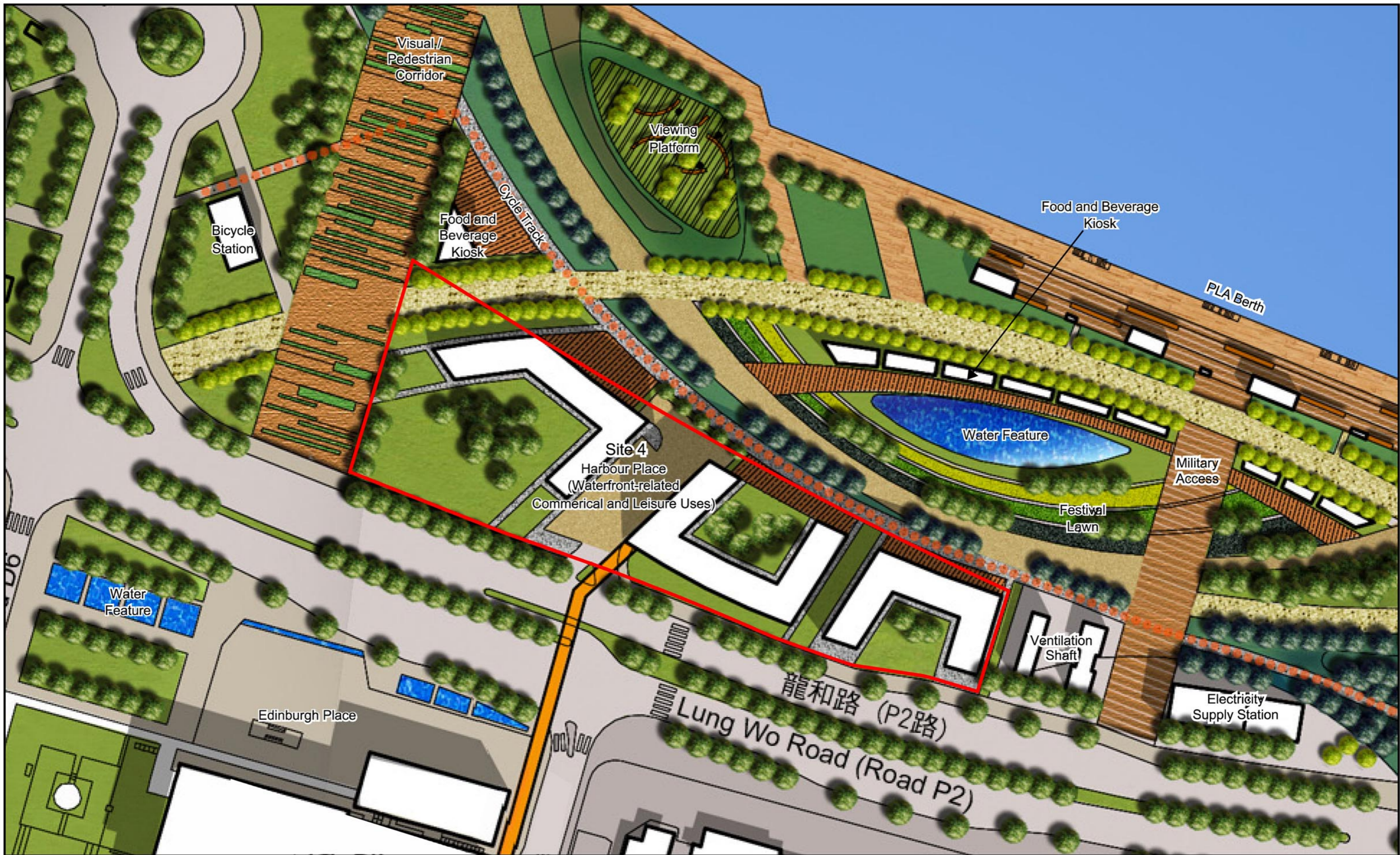


規 劃 署
PLANNING DEPARTMENT



Site 4

Plan 1



MLP (Feb 2011)

本摘要圖於2011年2月21日擬備
EXTRACT PLAN PREPARED ON 21.2.2011

MASTER LAYOUT PLAN (EXTRACT)

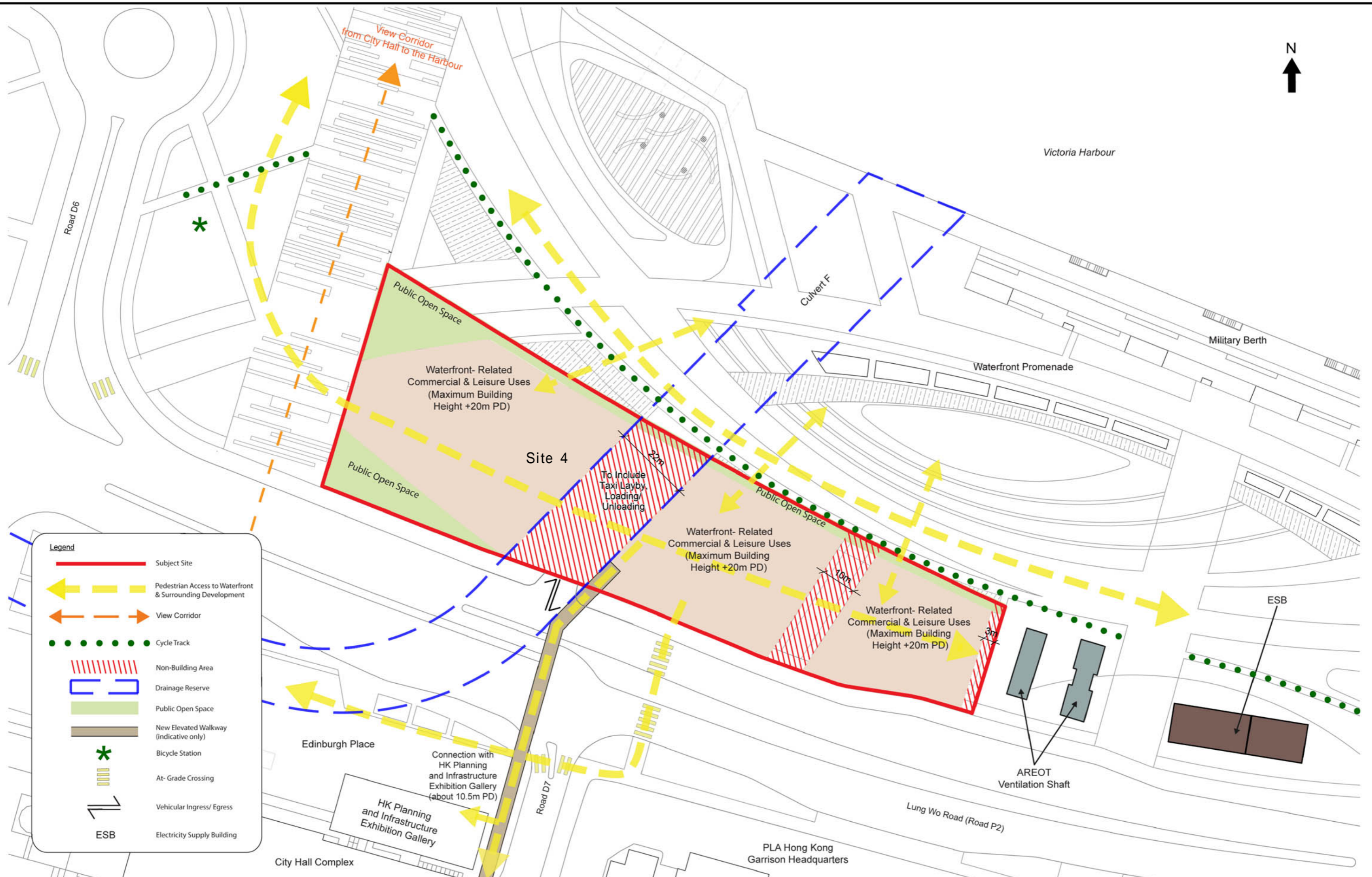
Scale 1 : 1 000 (Indicative Only)

規劃署
PLANNING DEPARTMENT



Site 4

Plan 2



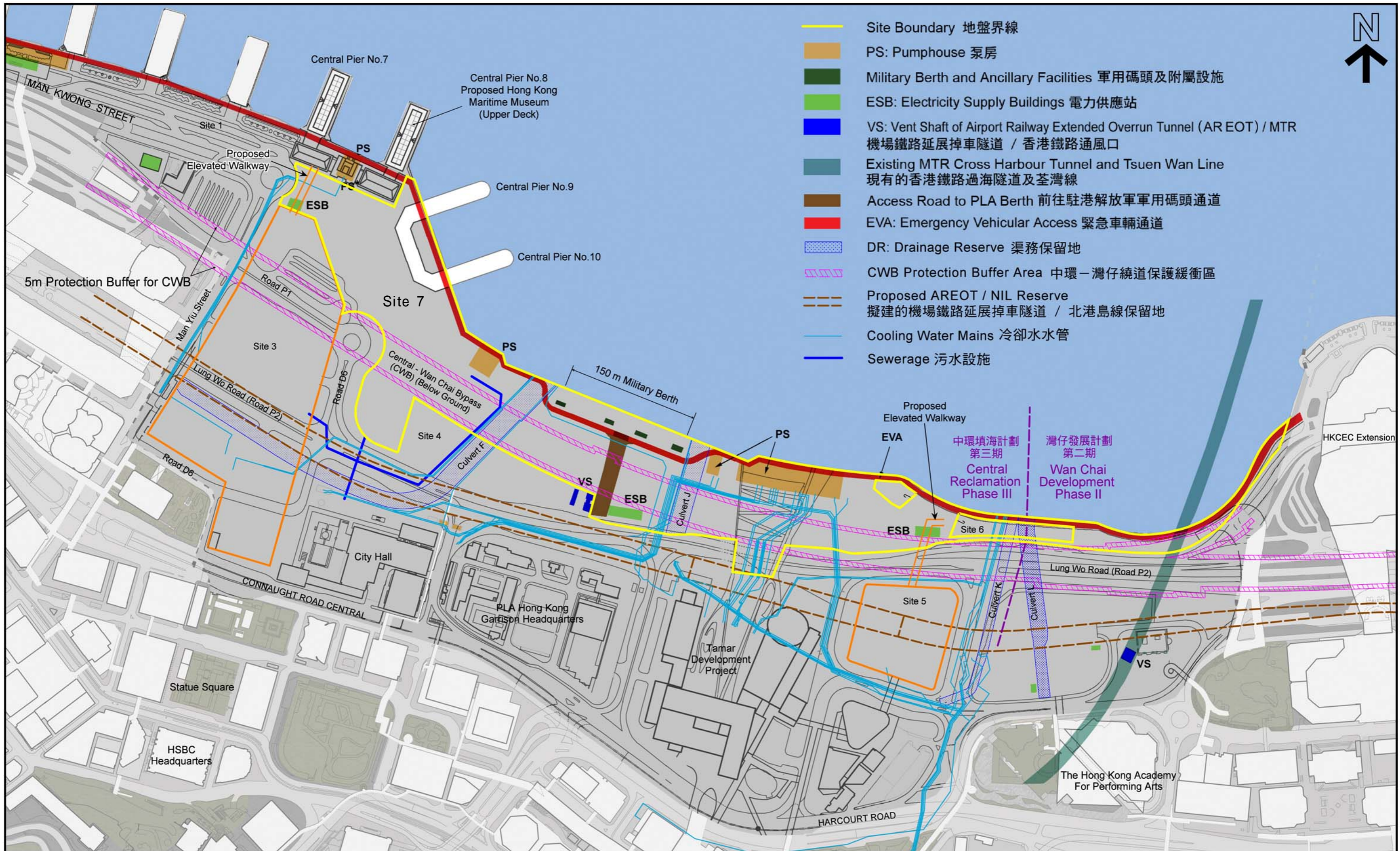
Legend

- Subject Site
- Pedestrian Access to Waterfront & Surrounding Development
- View Corridor
- Cycle Track
- Non-Building Area
- Drainage Reserve
- Public Open Space
- New Elevated Walkway (indicative only)
- Bicycle Station
- At-Grade Crossing
- Vehicular Ingress/ Egress
- ESB
- Electricity Supply Building

DEVELOPMENT CONCEPT AND REQUIREMENTS

Scale 1 : 1 000 (Indicative Only)

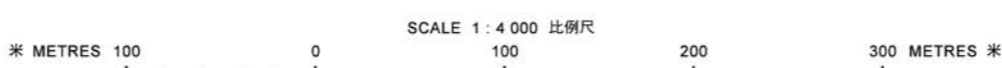
本摘要圖於2011年2月21日擬備
EXTRACT PLAN PREPARED ON 21.2.2011



- Site Boundary 地盤界線
- PS: Pumphouse 泵房
- Military Berth and Ancillary Facilities 軍用碼頭及附屬設施
- ESB: Electricity Supply Buildings 電力供應站
- VS: Vent Shaft of Airport Railway Extended Overrun Tunnel (AREOT) / MTR 機場鐵路延展掉車隧道 / 香港鐵路通風口
- Existing MTR Cross Harbour Tunnel and Tsuen Wan Line 現有的香港鐵路過海隧道及荃灣線
- Access Road to PLA Berth 前往駐港解放軍軍用碼頭通道
- EVA: Emergency Vehicular Access 緊急車輛通道
- DR: Drainage Reserve 渠務保留地
- CWB Protection Buffer Area 中環－灣仔繞道保護緩衝區
- Proposed AREOT / NIL Reserve 擬建的機場鐵路延展掉車隧道 / 北港島線保留地
- Cooling Water Mains 冷卻水水管
- Sewerage 污水設施

本摘要圖於2011年2月22日擬備
EXTRACT PLAN PREPARED ON 22.2.2011

SITE CONSTRAINTS




規劃署
PLANNING DEPARTMENT

Site 7

Plan 4



 主題地點
SUBJECT SITE

ILLUSTRATIVE MASTER LAYOUT PLAN FOR THE SITE

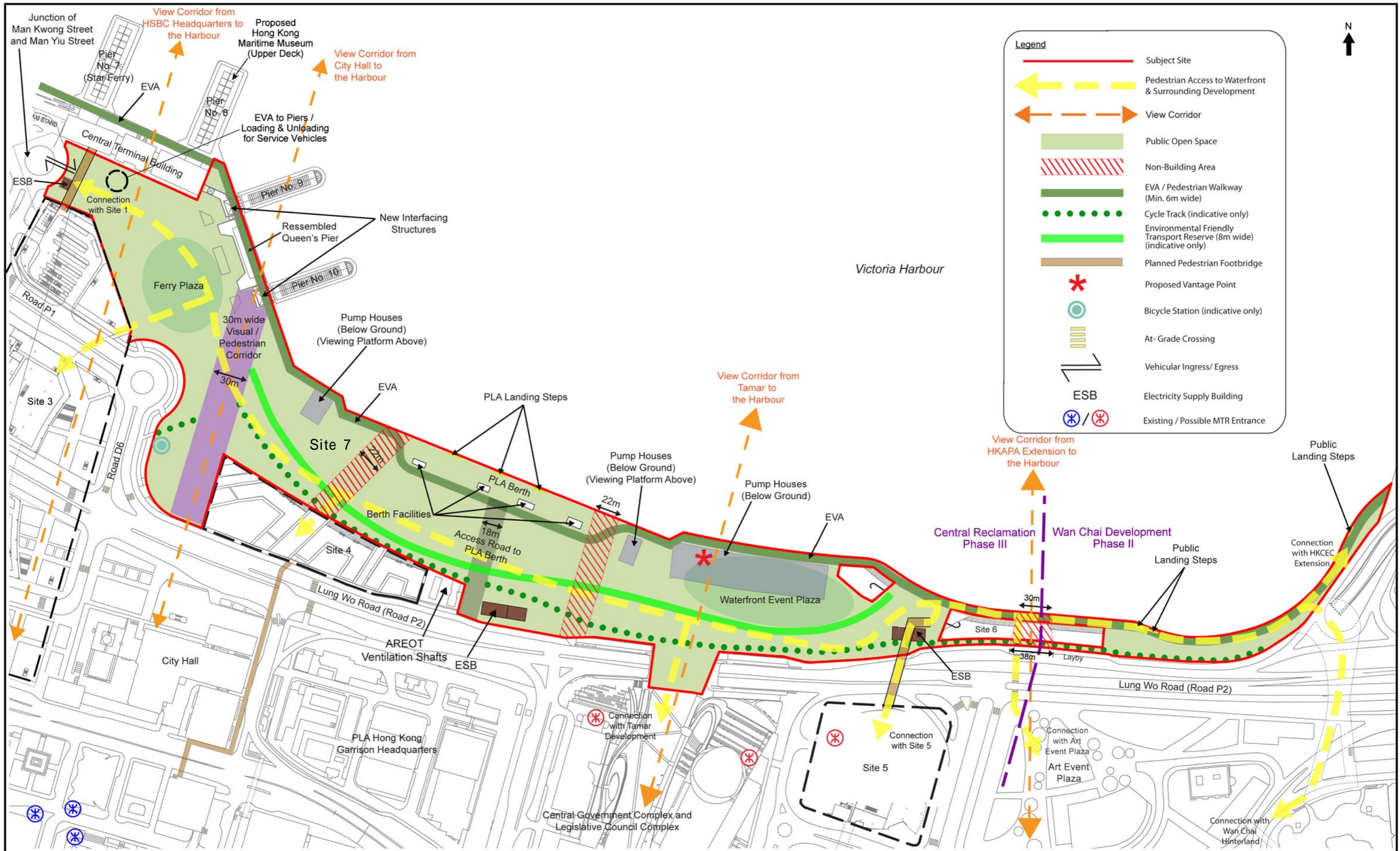
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PLANNING DEPARTMENT 

Source : MLP (Feb 2011)
本摘要圖於2011年2月22日擬備
EXTRACT PLAN PREPARED ON 22.2.2011

Scale 1 : 4 000 (Indicative Only)

Site 7

Plan 5



DEVELOPMENT CONCEPT AND REQUIREMENTS

規 劃 署
PLANNING DEPARTMENT



本摘要圖於2011年2月22日擬備
EXTRACT PLAN PREPARED ON 22.2.2011

Scale 1 : 3000 (Indicative Only)

Site 7

Plan 6

Design and Planning Parameters for Site 4 and Site 7

(This Appendix outlines the key design and planning parameters for Sites 4 and 7 in the new Central Harbourfront, as proposed in the Urban Design Study for the New Central Harbourfront (UDS). As noted in Clause 6.3 of the Annex, these parameters are only guidelines that the respondents should be aware of in responding to the questions listed in Appendix III. Respondents are not required to stick solely to the parameters developed as part of the UDS. The questions in Appendix III ask respondents to consider the viability of design concepts for Sites 4 and 7 under two alternative scenarios: one where the UDS planning parameters are adhered to and another where respondents can suggest changes to these parameters if respondents consider such changes to be necessary to achieve a more vibrant and viable harbourfront destination.)

Site 4

1.0 From Stage 2 Public Engagement to Revised Design

The proposed building mass and GFA promulgated in Stage 2 Public Engagement were supported by the public. No major amendment has been made in the revised design except for the introduction of more intimate courtyard spaces and landscaping to enhance the street environment.

1.1 Revised Design Concept

In the revised concept, it is suggested that the Site comprise three separate three-storey buildings (+20mPD) with a total GFA of 7,500m² set against a number of courtyard spaces. The land use and design concept is summarized as follows:

- (a) A comprehensive planning and design approach should be adopted.
- (b) The Site should be used for waterfront related commercial and leisure uses. Possible uses include eating place, place of entertainment, place for recreation, sports and culture, shops and services, government use, etc.
- (c) It is proposed as a “Harbour Place” providing an anchor and a diversity of experiences at the waterfront.
- (d) The development of the Site should blend in with the proposed waterfront promenade which will feature extensive green open space, a variety of anchoring spaces and a cycle track. The character of place should be designed to take into consideration the historic City Hall complex and Edinburgh Place located to its immediate south.
- (e) Visual and air permeability to the harbour is to be optimized through low-rise building design with adequate separation between the building blocks.
- (f) A courtyard building design is recommended in order to provide more intimate activity pockets and green spaces for outdoor and semi-outdoor activities and help add vibrancy to the area. It may

also serve as an additional buffer against the environmental impact of Road P2 located to the south, if the courtyard spaces are designed to fronting Road P2. To capitalize on the magnificent views of the harbour and the waterfront setting, limited scale of alfresco dining is recommended in the courtyards.

1.2 Technical Consideration and Site Constraints

- (a) Development on the Site will be constrained by a 22m wide drainage reserve (Culvert F) including a 3m buffer located on both sides cutting across the middle of the Site. The area is to be designated as “non-building area” to allow for maintenance access and protection of the underground utility structure. There should be no buildings, structures or supports for structures constructed within the drainage reserve.
- (b) Foundation of the buildings adjacent to the drainage reserve shall be designed and constructed such that no loading of the buildings would be imposed on the temporary supports for trench excavation associated with any future maintenance works on Culvert F and within the 3m drainage reserve area.
- (c) Flanked on both sides of the drainage reserve is a set of cooling water mains, while to the west are sewerage pipes.
- (d) Development of the Site should take into consideration the underground utility network including the intermediate pressure town gas pipelines buried in the vicinity.
- (e) The planned CWB including a 5m wide protection buffer reserved on both sides of the tunnel structure is located to the immediate north of the Site. Future development should acknowledge the constraints imposed by the CWB and observe the set of general guidelines established for its protection.
- (f) A cycle track is proposed within the waterfront promenade running in an east-west direction along the northern boundary of the Site. Clear separation between the cycle track and the pedestrian circulation route is required through sensitive integration of blocking layout/site planning to avoid any potential cyclist/pedestrian conflict.

The development constraints of the Site are shown in **Plan 1** of **Appendix I**.

1.3 Other Design/ Implementation Consideration

Further review on the alignment of the proposed elevated walkway from AIA Central (former AIG Tower) to the Site will be required to take into account the future redevelopment of the City Hall Car Park. There may be conflicts with the existing underground utilities in the area and interface with City Hall Low Block.

1.4 Summary of Planning and Development Parameters

Item	Particulars	Remarks
Zoning	“Other Specified Use” annotated	

	"Waterfront Related Commercial and Leisure Uses (2)"	
Site Area	0.93ha (approximate)	
Proposed Uses	Waterfront related commercial and leisure uses	<ul style="list-style-type: none"> To include alfresco dining, cafes and leisure and tourism uses.
Maximum Gross Floor Area (GFA)	<p>Total: 7,500m²</p> <p>To be distributed in three separate building blocks</p>	<ul style="list-style-type: none"> The following items should be exempted from GFA calculation: mandatory features and essential plant rooms. No bonus GFA or GFA exemption relating to dedication of public passageway, surrender for road widening and building set back would be allowed.
Maximum Development Height	+20mPD	
Open Space Provision	<ul style="list-style-type: none"> Public open space with an area of not less than 2,200m² inclusive of a minimum width of 5m green strip along the northern boundary and the areas at northwestern and southwestern corners of the Site. Added private open space is to be provided in courtyard setting within each of the building blocks to provide a diversity of outdoor spaces as well as better spatial transition and design integration with the waterfront promenade in addition to creating a pleasant outdoor and semi-outdoor environment for casual dining and other leisure activities. 	<ul style="list-style-type: none"> Refer to Plan 3 of Appendix I The public open space should be designed with high landscape quality with lots of greenery, quality paving and high quality street furniture and should provide smooth transition between public and private open spaces. Areas designated for open air cafes, kiosks, book/newsstands, eating/drinking stalls, commercial exhibition and events, and outdoor seating accommodation should not exceed 10% of the area of the public open space and within the private courtyards. The design of public open space should follow the design and management guidelines for public open space in private development promulgated by the Development Bureau. Added private open space can be provided on podium deck, roof, etc. to offer more greening opportunities and spatial relief.
Landscape Provision	<ul style="list-style-type: none"> The greening ratio including at-grade green coverage, vertical greening, green roof, etc. in the building design should be comprehensively considered in the context of the greening strategy recommended in the Landscape Strategy Plan. A minimum greening ratio of 50% 	<ul style="list-style-type: none"> Advice should be sought from the Planning Department on how the greening ratio should be calculated in the preparation of the greening proposal. A rich mixture of broadleaf trees, conifers, ferns, succulents and climbing

	<p>should be provided within the Site with not less than 15% of the site area for at-grade greening.</p>	<p>plants including <i>Ficus microcarpa</i> <i>Roystonea regia</i> <i>Melaleuca quinquenervia</i> could be considered.</p> <ul style="list-style-type: none"> • Wide canopy trees to provide welcoming shade with colourful foliage and flowering trees in courtyard setting to create a pleasant outdoor environment for alfresco dining. • Planting above the drainage reserve shall be restricted to plants and shrubs with shallow rooting system.
Non-building Areas	<ul style="list-style-type: none"> • A minimum 22m wide non-building area above the drainage reserve for Culvert F to allow for maintenance access and protection of underground utility structures. • A minimum 10m wide non-building area to act as separation buffer between building blocks and to enhance visual permeability towards the harbour. • To provide landscape and visual buffer against the adjacent AREOT vent shafts, a 3m wide non-building area is reserved along the eastern boundary of the Site. 	<ul style="list-style-type: none"> • Refer to Plan 3 of Appendix I • Exact alignment of Culvert F and respective boundary for its protection zone is to be verified by the Director of Drainage Services. • Landscape treatment should be introduced to the non-building areas to enhance its spatial setting.
Pedestrian Connection	<ul style="list-style-type: none"> • The development shall be connected to adjacent developments including the waterfront promenade and the City Hall complex through a well planned pedestrian network plan. • Access to and from the Site should be integrated with the waterfront promenade • Provision of a connection point is required for an elevated footbridge (at approximately +12mPD) through one of the building block of the Site. Public passage should be provided from the connection point to ground level leading to the waterfront promenade and the public pavement on Lung Wo Road. • Clear separation of the pedestrian route from the proposed cycle track is required along the northern boundary of the Site to avoid creating cyclist/pedestrian conflict. 	<ul style="list-style-type: none"> • Accessibility towards the new harbourfront through the development site should be enhanced through a comprehensive network of multi-level pedestrian links to provide all weather protection for the pedestrians. • A comprehensive pedestrian network plan and respective development programme for provision of multi-level connections (elevated, at-grade etc.) should be included in the MLP submission. • Public passage associated with the provision of the elevated walkway will not be entitled for any bonus claim for GFA concession. • A 24-hour pedestrian access is to be maintained for the proposed footbridge via. the Site to and from the waterfront promenade and the public pavement on Lung Wo Road.

Other Technical Requirements		
Car Parking, Loading and Unloading Provision	<p>To avoid inducing excessive traffic circulation along the waterfront promenade, no car parking provision except loading/unloading facilities to be accessed from Lung Wo Road are recommended.</p> <p>The following transport facilities should be provided within the Site to comply with the minimum requirement of HKPSG based on a GFA of 7,500m² :</p> <ul style="list-style-type: none"> • 7 loading / unloading bays with access from Lung Wo Road (Road P2) • 2 laybys for drop-offs. 	<ul style="list-style-type: none"> • Refer to Plan 3 of Appendix I • Traffic impact assessment should be conducted to demonstrate the satisfactory design of the vehicular access, layout of the loading/unloading facilities and pedestrian circulation to the satisfaction of Transport Department under lease conditions. • Only loading and unloading provision at restricted non-peak hours within the Site is permitted. • No car parking provision is provided as the area is well served by public transport.
Visual Aspect	<p>Development of the Site should take into consideration the design concept of maximizing visual permeability towards the harbour given its elongated site configuration.</p> <p>View axis established connecting the City Hall complex with the reassembled Queen's Pier by the harbour should be reinforced along the western side of the Site.</p>	
Air Ventilation Aspect	<p>Good design features, ventilation mitigation measures and/or recommendations for localized areas with adverse high/low wind environment and sheltered locations with stagnant wind condition may need to be considered to alleviate the effects of stagnant wind conditions for locations which is likely to provide sheltered spaces within the development, particularly for winds from the north-east quadrant, which is likely to result in localized regions of low wind flow.</p>	<p>Development within the Site should make reference to the Air Ventilation Assessment (AVA) Report under the UDS.</p>
Environmental Aspect	<p>Design and development of the Site should comply with the sustainable design principles established for the new Central harbourfront with full consideration of the sustainable design guidelines and greening ratio recommended for the area.</p>	<ul style="list-style-type: none"> • An environmental assessment should be conducted to demonstrate the environmental acceptability of the proposed development to the satisfaction of the Environmental Protection Department.

Site 7

2.0 From Stage 2 Public Engagement to Revised Design

While the 'Urban Green' concept had gained greater support from the public, there were also many requests for enhancing vibrancy by adding more nodal attractions as suggested in the 'Urban Park' concept. A hybrid of the two concepts has been adopted.

2.1 Revised Design Concept

The design merits in both "Urban Green" and "Urban Park" concepts have been consolidated to provide more greenery (such as different forms of green lawn as requested by many respondents) while better defining the attraction nodes to enhance vibrancy. The design has also been refined with better design integration with the utility building structures in the waterfront promenade. Cycle track has been added in response to public's request. To add vibrancy, small-scale food & beverage (F&B) kiosks have also been proposed to the north of Site 4. The site boundary of the waterfront promenade has been refined. The land use and design concept is summarized as follows:

- (a) A comprehensive planning and design approach should be adopted.
- (b) Identity, connectivity, sustainability and high quality design are the key emphasis for the Waterfront Promenade, an important waterfront public open space for the city of Hong Kong.
- (c) The Waterfront Promenade is to provide a continuous harbourfront public open space forming a green unifying edge to the harbour. It will be a major east-west pedestrian link along the northern shore of Hong Kong Island. A diversity of uses and activity spaces within the Waterfront Promenade will provide different leisure and recreational experiences for the users at the harbourfront, including water features, green lawns, viewing platforms, ferry piers and plazas.
- (d) The key design corridors of the NCH all terminate at the Waterfront Promenade. The public open space planned along the Waterfront Promenade will be extensively landscaped and well integrated with various anchoring spaces strategically placed along the new harbourfront to accent individual characters and a sense of place. Adjacent nodal attractions include the "Harbourfront Festive Deck" at Sites 1 and 2 along the Pier Walk, the "Harbour Place" at Site 4 along the Harbour Walk and the "Marine Place" at Site 6 along the

Bayside Walk. All these nodes offering activities ranging from alfresco dining, leisure and waterfront-related commercial uses to passive recreation and leisure uses and harbour appreciation should add vibrancy and attraction of the NCH as a world-class destination for Hong Kong.

- (e) Within the Waterfront Promenade, the following anchoring nodes are proposed:
 - (i) Ferry Plaza – which is the terminating point of the Pierside Corridor and Statue Square Corridor, serving as the public gathering space and entrance plaza prior to boarding for leisure boat trips;
 - (ii) Waterfront Event Plaza – which anchors the Civic Corridor and the “Green Carpet” at Tamar to facilitate a wide range of civic and public events;
 - (iii) Marine Place Boardwalk – which complements the Arts and Cultural Precinct to enhance the ‘marine’ character of the harbourfront setting.

Apart from the above, the Waterfront Promenade also includes Festival Lawn, Themed Garden, Viewing Platforms, etc. to add vibrancy and diversity at the edge of the waterfront. According to the LSP, the Waterfront Promenade is sub-divided into several landscape strategy zones, namely Seaside Verdure, Exotic Floral Park and Bauhinia Walk, each with its own landscape character and landscape strategy.

- (f) To provide a coherent design of the Waterfront Promenade, the design of Sites 4 and 6 under UDS should be integrated into the Waterfront Promenade. Site 4 is designed for waterfront-related commercial and leisure uses under the theme of “Harbour Place”. The area surrounding Site 6 will be designed with a marine theme. The provision of the Marine Place Boardwalk and the public landing steps will facilitate easy marine access by visitors. The small-scale commercial uses proposed in Site 6, known as “Marine Place”, will enhance the vibrancy of the Waterfront Promenade as well as the adjoining Arts and Cultural Precinct.
- (g) Small-scale kiosks for food and beverages should be provided along the Waterfront Promenade offering added varieties of activity spaces for informal gathering.
- (h) Visual connectivity to the Waterfront Promenade should be provided with due regard to the view corridors from the Statue Square Corridor, from the City Hall, from the Tamar site and the Civic Corridor, and from the Art Event Plaza of the Arts and Cultural Precinct. The east-west visual connectivity between Central and Wan

Chai should be maintained.

- (i) Taking advantage of its waterfront location, the Site should create a strong land-water connectivity in the design. Visitor access to the Waterfront Promenade by road, MTR and sea transport and entrances to the Waterfront Promenade from appropriate location should be provided for.
- (j) To enhance the east-west connectivity within the promenade, a cycle track should be provided along the Waterfront Promenade for recreational and leisure purposes with possibility for inter-district connection to Wan Chai and Sheung Wan Districts, which will be subject to more detailed feasibility study. Meanwhile, provision for other environmental friendly transport modes within the Waterfront Promenade should also be considered, subject to detailed assessment and design.

2.2 Technical Consideration and Site Constraints

- (a) As the Site is located in close proximity to the waterfront, developments thereon will be subject to height restrictions as well as massing and disposition controls to protect views to and from the harbour.
- (b) The proposed CWB tunnel will run along the southern portion of the Site at east-west direction. A 5m wide strip of protection better area is imposed on both sides of the CWB tunnel and substantial building development will not be permitted over the tunnel and the buffer area.
- (c) The existing MTR Cross Harbour Tunnel for Tsuen Wan Line cuts across the eastern end of the Site. No above-ground permanent building structures would be allowed along the alignment.
- (d) There are two underground drainage culverts (Culverts F and J) running near the two ends of the PLA berth in a north-south direction across the Waterfront Promenade. Two other underground drainage culverts (Culverts K and L) are located in the eastern part of Waterfront Promenade passing through Site 6. A 3m wide reserve will be imposed on both sides of each drainage culvert for future maintenance access purpose.
- (e) There are three groups of ESBs (a total of 5 ESBs) scattered at the western, central and eastern parts of the Site. In addition, four groups of pump houses (a total of 8, of which 5 have been allocated and 3 are reserved for future development) abut the waterfront near Central Terminal Building, the western end of the PLA berth and the north of Tamar respectively. There are also vent

shaft structures on top of these pump houses. Proper landscape treatments and design integration should be made to minimize the adverse visual impacts caused by these utility structures.

- (f) There are several groups of underground cooling water mains connecting to the pump houses at the waterfront to serve the private and government buildings in the CBD. Most of the mains are laid below the existing and planned roads or adjacent to the box culverts.
- (g) The headroom of the vehicular entrance for the Site from Man Yiu Street will be constrained by a proposed elevated walkway from Site 3 to Central Terminal Building at a height of 14mPD. The future implementation agent should take note of this site constraint.
- (h) Unobstructed EVA cum pedestrian walkway with a minimum width of 6m should be provided along the waterfront of the Site, which will also serve as maintenance access to the seawall.
- (i) In accordance with the Defence Land Agreement in 1994, a 150m long military berth is reserved along the waterfront to the north of PLA Hong Kong Garrison Headquarters. Some small-scale ancillary facilities will be provided and constructed by the Government within the Site under a separate project. A 18m wide access should be provided from the military berth to PLA Hong Kong Garrison Headquarters. Both the part of the berth used for open space and the access road will be open to the public when they are not in use.
- (j) The design of the part of the Waterfront Promenade fronting Tamar should be integrated with the “Green Carpet” design concept adopted in Tamar.
- (k) QP will be reassembled in the area between Central Piers No. 9 and 10. The design of that part of the Waterfront Promenade should be integrated with the reassembled QP.

The development constraints of the Site are shown in **Plan 4** of **Appendix 1**.

2.3 Summary of Planning and Development Parameters

Item	Particulars	Remarks
Zoning	Mainly “Open Space” (“O”); Partly “Comprehensive Development	

	Area" ("CDA") and "Other Specified Uses" annotated "Waterfront-related Commercial and Leisure Uses (1), (2) and (3)" ["OU(WRCLU)1, 2 and 3"].	
Site Area	Total: 9.9ha (approx.)	
Proposed Uses	Public Open Space (Waterfront Promenade).	
Gross Floor Area (GFA)	480 m ² (about) (in the form of small-scale buildings for restaurants and fast food shops)	The estimated GFA figure is subject to detailed design and planning permission from Town Planning Board. No GFA restriction for ancillary and supporting facilities such as toilets, utility buildings, etc. of the Waterfront Promenade and the roof-over area of the reassembled QP and its interfacing structures.
Maximum Development Height	+10mPD (roof-top structures and architectural features not accountable)	Not applicable to the reassembled QP and its interfacing structures.
Landscape Provision	A hierarchy of interlinked open spaces and streetscape to achieve a minimum 50% green coverage with no less than half of which for at-grade greening.	According to the Landscape Strategy Plan, the Site comprises 3 Landscape Strategy Zones of 'Seaside Verdure', 'Exotic Floral Park' and 'Bauhinia Walk'. High quality streetscape with tree planting, street furniture and quality paving should be introduced to enhance visual connectivity amongst various activity nodes and create a strong sense of place. Wide canopy shade trees to allow for outdoor comfort and to create a pleasant outdoor environment. Advice should be sought from the Planning Department on how the greening ratio should be calculated in the preparation of the greening proposal.
Non-building Area (NBA) / Drainage Reserve (DR)	Two NBAs each of 22m wide located in the eastern and western ends of PLA berth from Road P2 to the harbourfront for protection of underground utility structures (Culverts F and J). Two NBAs each of 30m and 38m wide located to the immediate north and south of Site 6 respectively for protection of underground utility structures (Culverts K and L).	Refer to Plan 6 of Appendix 1 . Exact boundaries are subject to the advice of the Director of Drainage Services. No above-ground permanent building structures are allowed along the alignment of the existing MTR Tsuen Wan Line.
Visual/Pedestri	A 30m wide visual/pedestrian	

an Corridor	corridor linking the City Hall Complex and the reassembled QP should be preserved.	
PLA Berth and Access Road	A 18m wide access road from the PLA Hong Kong Garrison Headquarters to the PLA berth should be preserved.	Refer to Plan 6 of Appendix 1 . Utility and ancillary structures for PLA berth to be determined and erected by Government. Both PLA berth and access road should be open to public when not in use.
Cycle Track / Environmentally Friendly Transport Reserve / EVA	Cycle Track : 3.5m wide Environmentally Friendly Transport Reserve : 8m wide from Central Piers 9 and 10 to the east of Site 6 (subject to further study on the transport mode and technical feasibility by the implementation agent) EVA cum pedestrian walkway : 6m (minimum) wide along the waterfront, excluding the planting along the EVA	Refer to Plan 6 of Appendix 1 .
Other Technical Requirements		
Visual Aspect	Development of the Site should maximize visual permeability towards the harbour and keep the view corridors unobstructed A vantage point to the north of Tamar is identified at the Waterfront Promenade to capture the harbour views and unobstructed visual connection towards the Kowloon Ridgeline for the enjoyment of visitors, and designed as spot of tourist attraction. Two viewing platforms as annotated 'A12' and 'A17' on the MLP on top of the pump houses should be provided for public enjoyment.	Refer to Plan 6 of Appendix 1 .
Pedestrian Connection	A comprehensive pedestrian network plan should be devised to allow multi-level pedestrian links through landscaped decks, footbridges and at-grade crossings from the adjacent developments.	
Transport Aspect	Ingress / egress points for servicing vehicles at junction of Man Kwong Street and Man Yiu Street should be provided.	Refer to Plan 6 of Appendix 1 . Details of the layout and provision arrangements of loading / unloading facilities, the environmental friendly transport service, and traffic impact during construction period should be subject to the satisfaction of the Commissioner for Transport.

Environmental Aspect	Design and development of the Site should comply with the sustainable design principles established for the new Central harbourfront with full consideration of the environmental guidelines and green coverage recommended for the area.	
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RESTRICTED

**Market Sounding Exercise for the
Development of Site 4 and Potentially Site 7 in the New Central
Harbourfront**

**INFORMATION TO BE INCLUDED IN RESPONSES TO THE MARKET
SOUNDING EXERCISE**

Interested parties who wish to participate in the Exercise should respond to the questions in the form set out below. Respondents are encouraged to provide responses to as many questions as possible. However, it is appreciated that not all respondents will be able to provide responses to all questions.

The submission of any information, data, analysis or plans/drawings in support of responses is welcome. In particular, any financial calculations or estimates undertaken in support of particular viewpoint or statement would be very useful to the Government in determining overall viability of the Project.

A soft copy of the questionnaire in MS Word 6.0 can be downloaded from DEVB's website at: <http://www.devb.gov.hk>

Interested parties are requested to complete the questionnaire and return two copies by June 30 2011 to:

Development Bureau
17/F, Murray Building
Garden Road, Central
Hong Kong

Attn.: Mr. Peter Mok

LEVEL OF INTEREST AND CAPABILITY

1. Identification of the Respondent

- (a) Name, in both Chinese (if applicable) and English, of the respondent;
- (b) Place and date of incorporation if the respondent is a corporation and the corresponding certified copy of the certificate of incorporation and any certificates of incorporation on change of name;
- (c) Evidence showing the respondent's business registration; and
- (d) Details of the Respondent's local contact person who is duly authorised by the Respondent to answer any questions the Government and/or its consultant may have relating to all information submitted by the respondent.

2. Organisational Information

- (a) Brief description of the history and business of the Respondent (if the Respondent is a member (e.g. a subsidiary) of a group of companies, also of the group of companies), including company brochures as well as details of its business experience in Hong Kong/or overseas;
- (b) Name of registered and beneficial immediate, intermediate and ultimate shareholders and "Directors of the Respondent" of the respondent;
- (c) Possible partnership with industry players and relevant organisational information of the potential partners;
- (d) Description of the Respondent's business experience in Hong Kong and/or outside Hong Kong; and
- (e) Description of the Respondent's experience and expertise in the design, construction, operation, management and maintenance of a development which is in similar nature and scale to that expected to be involved for the Central Harbourfront.

RESPONDENT'S VIEWS ON THE PROJECT

3. Views on possible uses for Site 4 (and potentially Site 7)

The Government is willing to consider private sector ideas and concepts for the use of Site 4 (and potentially Site 7) as part of the process for establishing a vibrant, green and accessible Central Harbourfront by adopting a PPC approach for the Project. The Government is particularly interested to learn how attractive involvement in Site 4 (and potentially Site 7) is to the private sector and whether the private sector has any alternative ideas that would potentially make the Sites more attractive. As part of that process, the Government welcomes and seeks comments and suggestions on the following matters:

(a) Views on possible uses and the attractiveness of Site 4 (and potentially Site 7) under the development parameters outlined in the Urban Design Study (UDS)

- (i) Under the UDS parameters, propose development concepts for Site 4 and Site 7:
- What uses would you consider appropriate for this location?
 - Who would be your target market for these uses?
 - What would you suggest as the appropriate GFA percentage for each use? If you would like to provide sketch drawings of your suggested uses and where you think these might best go then please do so.

Site 4	Site 7
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- (ii) Given your answers above, is involvement in Site 4 an attractive proposition under the UDS parameters?

Yes / No (please delete as appropriate) Please explain why:
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- (iii) Under the UDS parameters, as well as taking on Site 4, how much of Site 7 would you be interested in taking on if you could?

- (iv) Under the UDS parameters, as well as taking on Site 4, how much of Site 7 do you think it would be financially viable for you to take on if you could?

Please refer to zoning plan in **Appendix IV** and tick which zone(s) you would be interested in taking on and which zones you think it would be financially viable for you to take on:

<p><u>How much of Site 7 would you be interested in taking on?</u></p> <p><input type="checkbox"/> None of Site 7</p> <p><input type="checkbox"/> Zone A</p> <p><input type="checkbox"/> Zone B</p> <p><input type="checkbox"/> Zone C</p> <p><input type="checkbox"/> Zone D</p> <p><input type="checkbox"/> Zone E</p> <p><input type="checkbox"/> Unknown at this stage</p> <p><input type="checkbox"/> Others (Please specify)</p>	<p><u>How much of Site 7 would it be financially viable for you to take on?</u></p> <p><input type="checkbox"/> None of Site 7</p> <p><input type="checkbox"/> Zone A</p> <p><input type="checkbox"/> Zone B</p> <p><input type="checkbox"/> Zone C</p> <p><input type="checkbox"/> Zone D</p> <p><input type="checkbox"/> Zone E</p> <p><input type="checkbox"/> Unknown at this stage</p> <p><input type="checkbox"/> Others (Please specify)</p>
<p>Please explain the reason(s) for your selection(s)</p>	

- (v) Under the UDS parameters, do you think including some or all of Site 7 in the Project would enhance the business potential of Site 4? What are your suggestions on utilising Site 7 to enhance the business potential of Site 4?

(b) Views on possible uses and the attractiveness of Site 4 (and potentially Site 7) if the development parameters outlined in the Urban Design Study (UDS) could be changed

- (i) Do you consider it necessary to change some of the UDS parameters to achieve an attractive, vibrant and viable harbourfront?

Yes / No (please delete as appropriate)

Please explain why:

- (ii) If it were possible to change some of the UDS parameters, which ones would you consider it necessary to change and why?
(Please remember the sensitivity of this site and make sure your alternative parameters accord with the harbour planning principles etc.)

Site 4	Site 7
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- (iii) Under your changed parameters as per (b)(ii) above, propose development concepts for Site 4 and Site 7:

- a. What uses would you consider appropriate for this location?
- b. Who would be your target market for these uses?
- c. What would you suggest as the appropriate GFA percentage for each use?
If you would like to provide sketch drawings of your suggested uses and where you think these might best go then please do so.

Site 4	Site 7
--------	--------

- (iv) Given your answers above, is involvement in Site 4 an attractive proposition if you could change the UDS parameters?

Yes / No (please delete as appropriate)
Please explain why:

- (v) If you could change the UDS parameters, as well as taking on Site 4, how much of Site 7 would you be interested in taking on if you could?

(vi) If you could change the UDS parameters, as well as taking on Site 4, how much of Site 7 do you think it would be financially viable for you to take on if you could?

Please refer to zoning plan in **Appendix IV** and tick which zone(s) you would be interested in taking on and which zones you think it would be financially viable for you to take on:

<p><u>How much of Site 7 would you be interested in taking on?</u></p> <p><input type="checkbox"/> None of Site 7</p> <p><input type="checkbox"/> Zone A</p> <p><input type="checkbox"/> Zone B</p> <p><input type="checkbox"/> Zone C</p> <p><input type="checkbox"/> Zone D</p> <p><input type="checkbox"/> Zone E</p> <p><input type="checkbox"/> Unknown at this stage</p> <p><input type="checkbox"/> Others (Please specify)</p>	<p><u>How much of Site 7 would it be financially viable for you to take on?</u></p> <p><input type="checkbox"/> None of Site 7</p> <p><input type="checkbox"/> Zone A</p> <p><input type="checkbox"/> Zone B</p> <p><input type="checkbox"/> Zone C</p> <p><input type="checkbox"/> Zone D</p> <p><input type="checkbox"/> Zone E</p> <p><input type="checkbox"/> Unknown at this stage</p> <p><input type="checkbox"/> Others (Please specify)</p>
<p>Please explain the reason(s) for your selection(s)</p>	

(vii) If you could change the UDS parameters, do you think including some or all of Site 7 in the Project could enhance the business potential of Site 4? What are your suggestions on utilising Site 7 to enhance the business potential of Site 4?

(c) Views on possible ways in which this Project could meet the needs of the public

(i) Do you have any suggestions for how this Project could create a harbourfront that suits all walks of life?

- (ii) Do you have any suggestions for how this Project could enhance and/or ensure accessibility of the general public at all times?
- (iii) What are your suggestions for how to create a sense of place as well as providing a quality harbourfront at the two sites?

(d) Any other suggestions and/or comments on other matters related to all ideas and concepts for the use of Site 4 (and potentially Site 7).

4. Views and suggestions on the terms and conditions for the PPC arrangement

The Government has an open mind on issues, arrangements and options relating to the PPC models for this Project and is willing to consider, explore and evaluate respondent's views and suggestions. The items set out below are by no means exhaustive, and respondents are welcome to suggest other points which are considered appropriate and relevant for this Project.

Please indicate your entity's views on the operational, commercial/financial and contractual arrangements for the operation and management of the Project:

(a) Financial Return

- (i) What return on investment would you need this Project to generate in order to be interested in becoming involved? Please provide your answer in the form of an internal rate of return percentage.

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- (ii) It would be useful to the Government if the following information could be provided, in particular, any financial calculations or estimates undertaken in support of particular viewpoint or statement. These may include estimates of capital and annual operating, maintenance and management costs and estimates of cash inflow and outflow during the contract term, broken down by Site 4 and Site 7 development.

(b) Contract duration: If Government is to enter into a contract with your entity, how long should that contract be?

A contract period of _____ years.
Please explain why:

(c) Land Issues: At present, the Government would like to retain ownership of the two sites. Rather than selling the sites, the Government is considering leasing or licensing the sites to the PPC entity. This lease or licence would be for a reasonable period but is likely to be less than the normal land lease period in Hong Kong.

- (i) What is your preference on the land arrangement for the two sites?

	Site 4	Site 4 & Part of Site 7	Site 4 & Whole Site 7
Lease or Licence			
Please explain why:			
Alternatively, would another form of land arrangement be preferable? Please explain what would be your preferred form and why:			

- (ii) What are your expectations regarding transfer of ownership at the end of the contract?

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(d) PPC model: There are a number of components which collectively could form the PCC arrangement.

(i) In your view, which of the following components of a PPC model would best fit the Project you have in mind?

PPC Component	Site 4	Site 4 & Part of Site 7	Site 4 & Entire Site 7
Design of the building and/or facility being your responsibility	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
Reason for your choice (and suggested involvement of the Government):			
Construction of the building and/or facility being your responsibility	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
Reason for your choice (and suggested involvement of the Government):			
Financing of the building and/or facility being your responsibility	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
Reason for your choice (and suggested involvement of the Government):			
Maintenance of the building and/or facility being your responsibility	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
Reason for your choice (and suggested involvement of the Government):			
Operations of the	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes

activities at the building and/or facility being your responsibility	<input type="checkbox"/> No	<input type="checkbox"/> No	<input type="checkbox"/> No
Reason for your choice (and suggested involvement of the Government):			

(ii) Other forms of PPC: Please specify with reason(s):

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(e) Community involvement: The Government would like to see some form of community involvement (e.g. via NGOs or social enterprises) in the different stages of the PPC process.

(i) What are your views on this suggestion?

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(ii) What are your suggestions regarding how best to include non-profit making organisation such as NGOs and social enterprises in the Project? For example, should non-profit making organisations be involved in:

Planning of the facility / Project	<input type="checkbox"/> Yes <input type="checkbox"/> No
Reason for your choice:	
If yes, how could they be involved in the planning?	
Development of the facility / Project	<input type="checkbox"/> Yes <input type="checkbox"/> No

Reason for your choice:	
If yes, how could they be involved in the development?	
Operation of the facility / Project	<input type="checkbox"/> Yes <input type="checkbox"/> No
Reason for your choice:	
If yes, how could they be involved in the operating?	
Monitoring of the Project?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Reason for your choice:	
If yes, how could they be involved in the monitoring?	

(iii) How could the involvement of non-profit making organisations best be incorporated into the overall funding and profit sharing arrangements?

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(f) Do you have any other suggestions for enhancing the PPC model for this Project?

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(g) Funding arrangement and other forms of Government involvement:

(i) Is there any expectation for Government direct financial involvement?

	Site 4	Site 4 & Part of Site 7	Site 4 & Entire Site 7
Government Capital Injection	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
Please explain why. If yes, broadly how much capital injection do you think might be required?			
Government Subsidising Maintenance and Operational Cost	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
Please explain why. If yes, broadly how much ongoing subsidy do you think might be required?			
Do you think any other forms of Government funding would be needed? Please specify with reason(s)			

- (ii) What other forms of Government support (e.g. non-monetary support) might be useful to ensure success of this Project?

(h) Revenue sharing: At present, the Government does not intend to charge any land premium for this Project but expects the project operator to share revenue with the Government after the development has been up and running for a number of years.

- (i) What are your views on this suggestion?

(ii) How would you consider that any revenue sharing arrangement might be structured?

(i) Governance arrangement: What are your views on the establishment and possible composition of a multi-stakeholder committee to oversee the planning, development, implementation, management/operation and maintenance of the Project?

(j) What are your suggestions on Key Performance Indicators for monitoring and maintaining high performance?

(k) Do you have other issues that you wish to comment on or make suggestions? If yes, what are they?

(l) If necessary, we may wish to discuss your responses with you in person. In this event, would you be prepared to meet with us to discuss your views on this Project? You may choose to meet with DEVB and the consultant, or the consultant alone. In case of the latter, respondents are allowed to retain anonymity of the information discussed at the interviews upon request.

If yes, please indicate if you want to

meet with both DEVB and the consultant; or

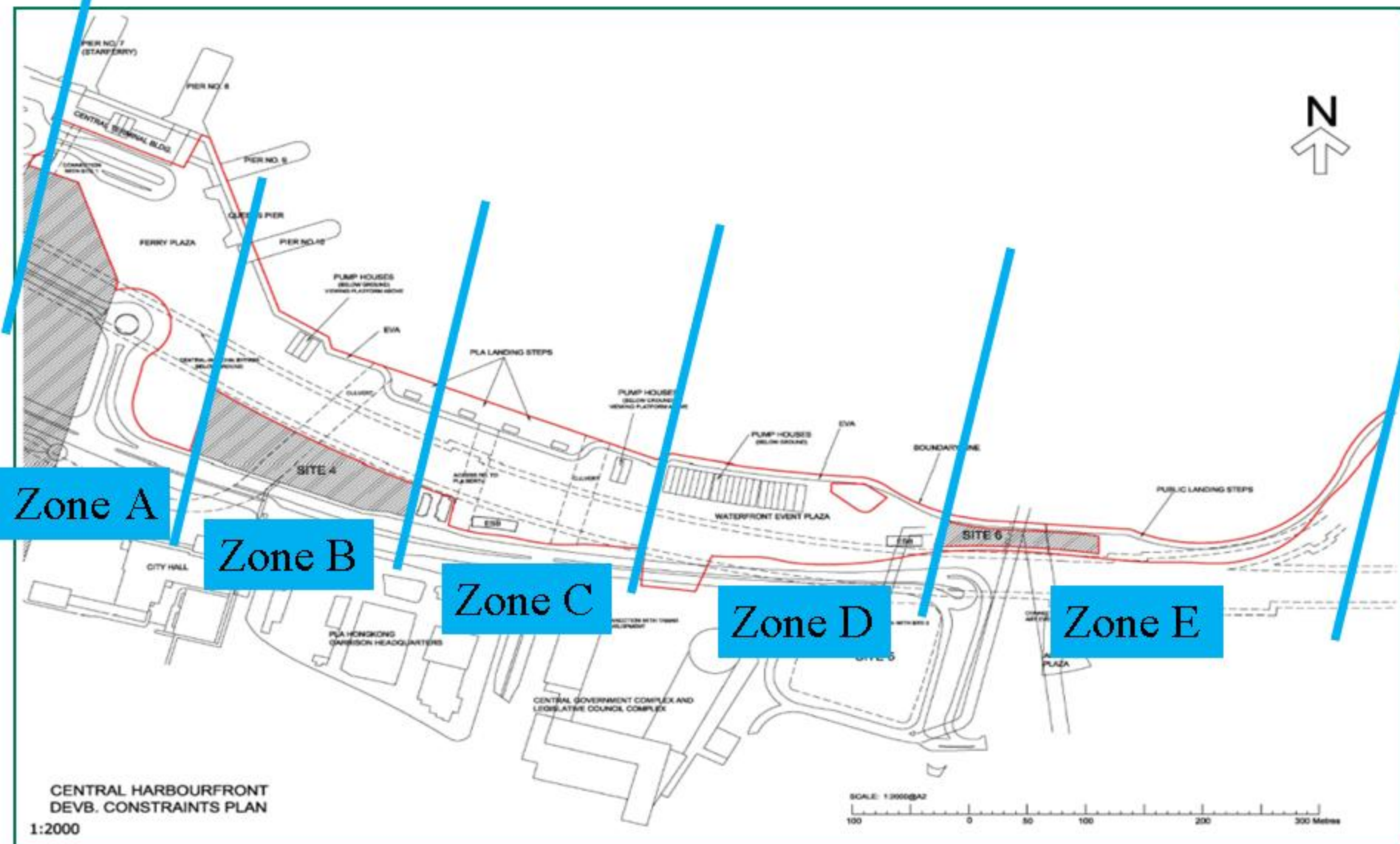
meet the consultant alone.

5. Other Information

Any other information or comments that respondents consider relevant to the Project.

6. Licence

Respondents are required to sign the Licence attached at **Appendix V** to the Brief and return to the Government with their submissions. Respondents are asked to note paragraph 7.16 of the Brief. Failure to return the signed Licence will render the response not to be considered at all by the Government.



Licence

To: The Government of the Hong Kong Special Administrative Region (the “Government”)

Re: Development of Site 4 and Potentially Site 7 in the New Central Harbourfront

1. I/We refer to the Invitation to the Market Sounding Exercise in the Development of Site 4 and Potentially Site 7 in the New Central Harbourfront (the “**Project**”) issued by the Government acting through the Development Bureau (the “**DEVB**”) dated May 19 2011 (the “**Invitation**”) and the Government’s appointment of GHK (Hong Kong) Limited (the “**Consultant**”) to provide consultancy services in connection with the Project.
2. Unless otherwise defined herein, terms and expressions which are defined in the Invitation have the same respective meanings where used in this Licence.
3. In consideration of the Government agreeing in the Invitation to pay HK\$1.00 to me/us upon demand, I/we hereby undertake, acknowledge and agree to the terms set out below.
4. I/We hereby give consent to the Consultant preparing records in writing and/or making video and/or audio recordings (the “**Records and Recordings**”) of any meetings I/we hold with the Consultant in connection with the Invitation or the Project (the “**Meetings**”) to record the proceedings of the Meetings including ideas, views and suggestions obtained from me/us or through discussion with the Consultant at the Meetings.
5. I/We hereby grant to the Government a freely transferable, royalty free, irrevocable, worldwide, perpetual and sub-licensable licence to use, adopt (including making any adaptations within the meaning of the Copyright Ordinance (Cap. 528) (the “**CO**”) and modify the submissions submitted by me/us in response to the Invitation or the Project and all other documents and materials contained in or submitted to the Consultant or the Government in connection with the Invitation, Project or Meetings (the “**Submissions**”) and all data, inventions, methods, processes, practices, formulae and other information obtained from me/us in the Meetings whether or not recorded in the Records and Recordings (“**Information**”) and all Intellectual Property Rights subsisting in the Submissions, Records and Recordings and Information for all purposes in respect of or in connection with public consultation and any subsequent tender or procurement in any way as the Government deems fit, including adapting or modifying the Submissions or Information or incorporating all or any part of the Submissions or Information with other documents, materials, data, inventions, methods, processes, practices, formulae or information, whether in relation to this Project or otherwise (the “**Purposes**”), on the terms and conditions of this Licence. In addition, the Government is entitled:

- (a) to make use of (including reproduce and publish, display, exhibit and/or make available and to do any other acts set out in paragraphs (a) to (g) of section 22(1) of the CO) the Submissions and the Records and Recordings in whole or in part, in any form for the Purposes; and
 - (b) to use, adopt (including making any adaptations within the meaning of the CO) or develop any Information without acknowledging the source of the Information
- 6. In addition, I/we hereby declare that the Government shall have the right to make use of and disclose to any third party the Submissions, the Records and Recordings and Information, in whole or in part, in any form for the Purposes.
- 7. I/We hereby warrant that:
 - (a) the Submissions, Records and Recordings and Information do not contain any materials that may infringe the Intellectual Property Rights of any third party;
 - (b) the use or possession by the Government of the Submissions, Records and Recordings and Information or any part thereof for any purposes contemplated by the Invitation and/or the Purposes does not and will not infringe the Intellectual Property Rights of any third party;
 - (c) to the extent that beneficial ownership of any Intellectual Property Rights in any component of the Submissions, Records and Recordings or Information is vested in a third party, I/we declare and warrant that the relevant beneficial owner of the third party Intellectual Property Rights has licensed and authorized me/us to hereby grant a valid and continuing licence in favour of the Government upon the same terms as those set out in Clause 5 above; and
 - (d) each party who executes this Licence has or shall have the full right, title, power and authority to grant the licence referred in Clause 5 above in favour of the Government.
- 8. I/We further agree that the Intellectual Property Rights in any materials developed by the Government on the basis of the Submissions, Records and Recordings or Information (including any alteration or modification of the Submissions, Records and Recordings or Information), shall vest in and belong to the Government absolutely and immediately upon creation.
- 9. I/We agree that any assignment made or licence granted by any owners of the Intellectual Property Rights subsisting in the Submissions Records and Recordings and Information shall be subject to the licence of the Government referred to in Clause 5 above. I/We shall procure that such owner/assignees also impose obligation(s) on the assignees and licensees regarding their subsequent assignment(s)

of such Intellectual Property Rights to be made subject to the said licence of the Government to the intent that such obligation(s) shall apply to all subsequent assignees.

10. I/We hereby waive and shall procure all authors concerned to waive all moral rights in respect of the Submissions and Information to which they may now or at any time in future be entitled under the CO or under any similar law in force from time to time anywhere in the world.
11. I/We shall indemnify and hold the Government harmless from and against any and all claims (whether or not successful, compromised or settled) threatened, brought or established against the Government and all losses, damages, costs, charges or expenses (including all legal fees and other costs, charges and expenses) which the Government may pay or incur in connection with or arising from a breach of this Licence or any of the warranties given by me/us.
12. I/We shall at the Government's request and at my/our own cost at all times hereafter do all such acts and execute all such documents as may be reasonably necessary or desirable to secure the vesting in the Government of all rights given to the Government hereunder and to assist in the resolution of any question concerning the Submissions, Records and Recordings and Information.
13. Unless the context otherwise requires, "**Intellectual Property Rights**" in this Licence means patents, utility models, trade marks, service marks, trade names, trade dress, design rights, copyright, domain names, database rights, rights in know-how or proprietary or confidential information, trade secrets, new inventions, designs, methods, processes, practices or formulae and other intellectual property rights whether now known or created in future (of whatever nature and wherever arising) and in each case whether registered or unregistered and including applications for the grant of any such rights.
14. I/We agree that all parties who have executed this Licence are jointly and severally liable for the obligations imposed and warranties given in this Licence.
15. I/We agree that a term or part of a term of this Licence that is illegal or unenforceable may be severed from this Licence and the remaining terms or parts of the term of this Licence continue in force.
16. I/We agree that the Government does not waive a right, power or remedy if it fails to exercise or delays in exercising the right, power or remedy. A waiver of a right, power or remedy by the Government must be in writing and signed by the Government giving the waiver.
17. This Licence shall be governed by and construed in accordance with the laws from time to time in force in Hong Kong and I/we agree to submit to the jurisdiction of the Hong Kong courts.

18. I/We agree that damages may not be an adequate remedy for a breach of any term or condition of this Licence by me/us and in addition to any rights or remedies it may have under this Licence or in accordance with any law, the Government will be entitled to seek specific performance of this Licence or any interlocutory, interim or emergency measure or relief in accordance with the law from any court of competent jurisdiction.
19. This Licence is duly executed by me/us under hand on the date as shown below and shall take effect on such date.

Signature of person authorized to sign on behalf of
the participant

Name of participant:

Position:

Date: