Disclaimer: *Pursuant to paragraph 23 of the Tender Notice, the Government will only answer questions of a general nature concerning Hung Shui Kiu Town Lot No. 18, Hung Shui Kiu Town Lot No. 19, Hung Shui Kiu Town Lot No. 20, Hung Shui Kiu Town Lot No. 21, Hung Shui Kiu Town Lot No. 23 and Hung Shui Kiu Town Lot No. 24 (collectively "the Lots") and the tender exercise and will not provide legal or other advice in respect of the Conditions of Sale or any other documents referred to in the Tender Notice (including its annexes) or any statutory provisions relating to the Lots. Prior to submitting any tender for the Lots, prospective purchasers of the Lots may seek independent professional advice on issues concerning the Lots.*

Q1:

Grateful if the Government could clarify the following regarding the Operation Commencement Date (as defined in paragraph 1.2(b)(ii) of the Marking Scheme in Annex II to the Tender Notice):-

(a) What are the specific requirements and criteria regarding the Operation Commencement Date, and what documentary evidence would be required to be provided by the tenderer in the submission documents on the commencement of operation of the strategic industry(ies), in particular, whether invoices and/or receipts in relation to the operation, evidence on the related machineries and/ or facilities being installed and/ or put into operation would be required and/ or satisfactory to the Government in this respect;

(b) Which bureau, department or subdivision of the Government will be responsible for the inspection and/or acceptance procedure on the Operation Commencement Date;

(c) What are the specific requirements on the gross floor area in relation to the Operation Commencement Date, in particular, the minimum gross floor area which shall be developed and put into operation by the Operation Commencement Date.

A1:

Please refer to paragraphs 1.2(b)(ii) and 2.4 of the Marking Scheme in Annex II to the Tender Notice, in which "Operation Commencement Date" is defined. A gross floor area (GFA) of at least (i) 15,285 m^2 on HSKTL 19, and (ii) 34,861

m^2 on HSKTL 23 and/or 32,454 m^2 on HSKTL 24 if they are comprised in the Package of Lots (as defined in paragraph 1.2(b)(i) of the Marking Scheme) shall be developed and put into operation by the Operation Commencement Date. Please also refer to paragraph (2)(a) of the Requirements of Non-Premium Submission at Annex I to the Tender Notice, which sets out the supporting documents for the proposed development on the relevant lot(s) a tenderer must submit. These include an Indicative Development Plan (as defined in the said paragraph (2)(a)) with the proposed GFA to be occupied for operation of strategic industry(ies) indicated, and a Project Development Programme (as defined in the said paragraph (2)(a)) with major milestones including the proposed Operation Commencement Date indicated. Please further refer to paragraph 11 of the Tender Notice, should a tender be accepted by the Government, the Government may, at its sole and absolute discretion, make any of the proposals in the Non-Premium Submission (as defined in paragraph 4(a)(i) of the Tender Notice) submitted by the successful tenderer an integral part of the Service Deed(s) (as defined in paragraph 1 of the Tender Notice). Please kindly refer to Item 3 of Appendix A to the Marking Scheme, which states that the Purchaser(s) shall, upon request by the Government, provide proof on the actual Operation Commencement Date.

Given the wide range of uses the Enterprise and Technology Park sites can accommodate, the tender documents have not specifically defined the kinds of proof that the Government may accept in future. In determining whether Operation Commencement Date has been achieved, the Development Bureau, who will monitor the Purchaser's performance under the Service Deed, would make reference to other parts of the Non-Premium Submission accepted by the Government, e.g. the Industry Proposal (as defined in paragraph 1.2(b)(i) of the Marking Scheme) for the goods or service the industry will produce and the equipment/facilities the industry will bring in, the Investment Proposal (as defined in paragraph 2.5 of the Marking Scheme) for fixed assets including information and communication technology and electrical and mechanical installations.

Q2:

According to paragraph 3(l)(f)(i) of the Requirements of Non-Premium Submission in Annex I to the Tender Notice, if the Purchaser of HSKTL 19 is a company, the projected annual statements referred therein must be certified by the chief executive of the Purchaser. In the event that the

Purchaser, being a company, does not have a designated chief executive, which position(s) or signatory capacity would be considered acceptable by the Government for certifying the projections?

A2:

Please refer to paragraph (3)(I)(f) of the Requirements of Non-Premium Submission at Annex I to the Tender Notice, which set out the requirements on projected annual statements of profit or loss and other comprehensive income and statements of cash flows to be submitted by the tenderer. In the absence of a chief executive in a company, a person duly authorised by the company should certify the projections. An example would be a director who is acting within such powers conferred to him under the articles of association.