Invitation for Expression of Interest

Penny’s Bay Reclamation Stage 2, Lantau Island

Lands Department
The Government of the Hong Kong Special Administrative Region
3 April 2009
1. BACKGROUND

1.1 Major civil works for Penny’s Bay Reclamation Stage 2 (the Site) have been completed, and the Site is available for temporary uses pending its permanent development. The Site comprises of 60 Hectares (about) of land zoned “Other Specified Uses” annotated “Theme Park” and “Other Specified Uses” annotated “Hotel” on the Outline Zoning Plan that are earmarked for future development of a 2nd theme park (the Phase 2 Site) and 14 Hectares (about) for ancillary infrastructure development and government/institutional/community uses (the G/IC Site). Key information of the Site is at Annex A and a site plan is at Annex B.

1.2 The Government intends to let the Site as a whole or in parts by way of a short term tenancy or tenancies (STTs).

2. PURPOSE OF INVITATION FOR EXPRESSION OF INTEREST

2.1 The purpose of this Invitation for Expression of Interest (EOI) exercise is to invite market feedback, on a non-committal basis, for taking forward proposals which are technically feasible, financially viable and environmental sustainable with a view to meeting the special characteristics of North East Lantau Island. The EOI exercise will enable the Government to –

(a) ascertain market interest in making use of the Site; and

(b) on the basis of feedback from the market, finalize the terms (including use and combinations of uses), size of site(s) and conditions of the STTs and invite tenders for these purposes.

2.2 The Government reserves all rights in relation to various matters, including but not limited to –

(a) letting the Site as a whole or in parts; and
(b) adopting STT terms of five years or less for the tender of the Phase 2 Site; or longer than five years (with the prospective tenant responsible for seeking the necessary planning permission required) for the G/IC Site.

2.3 The EOI exercise is not a tender exercise, nor part of the tender exercise, but a structured way to obtain market feedback. The ideas and suggestions received through the EOI exercise may be used by the Government, in the original form or in a modified form as may be considered appropriate by the Government, in formulating the way forward for the future tender exercise. The proponent has no claim whatsoever against the Government relating to any use of the ideas and suggestions in any future tender exercise.

2.4 This invitation is not a pre-qualification exercise to shortlist or pre-qualify any prospective tenant. Interested parties who do not submit an EOI will not be barred from taking part, or prejudiced, in the future tender exercise.

2.5 Neither this EOI exercise nor any submission received by the Government in response to this EOI exercise constitutes an offer or the basis of any contract which may be concluded, nor are these binding on the Government.

3. SUBMISSION OF PROPOSALS

3.1 Interested proponents should submit the EOI in either Chinese or English to the Lands Department before **12:00 noon** on **5 June 2009** including but not limited to the following information:

- proposed uses;
- proposed boundary/area of STTs;
- expected benefits/achievements of the proposed uses, including the numbers of jobs created; and
- work plan and timetable for implementation.

3.2 Details of submission of the EOI are set out in Annex C.
4. **PERSONAL DATA OF PROPONENTS**

**Purpose of Collection**

4.1 The personal data of the proponent and of any individual provided as part of the EOI submission (collectively referred to as "personal data" in this paragraph) will be used by the Government for the purposes of processing the EOI submission, and all other purposes necessary for or directly related to the said purposes including but not limited to the resolution of any dispute arising from the EOI submission.

4.2 By submission of an EOI, the proponent acknowledges and consents and has ensured that the individuals who are the subject of personal data have acknowledged and consented that personal data provided in the EOI submission may be disclosed to other Government Bureaux and Departments, the Legislative Council, the District Councils, the Area Committees, non-governmental organizations and data access applicants under the Code of Access to Information.

4.3 The proponent and the individuals who are the subject of personal data have the right of access and correction with respect to personal data as provided for in Sections 18 and 22 of the Principle 6 of Schedule 1 to the Personal data (Privacy) Ordinance (Chapter 486 of the Laws Hong Kong).

**Enquiries**

4.4 Enquiries concerning the personal data collected by means of this EOI exercise, including the making of access and corrections, should be addressed to the Lands Department.

5. **INTELLECTUAL PROPERTY RIGHTS**

5.1 All submissions shall be the original works of the proponents and shall not contain any materials infringing any party's intellectual property rights. Proponents shall indemnify and keep the Government indemnified against claims, costs and demands of whatsoever nature arising from or by reason of any such infringement or alleged infringement.
5.2 In making a submission, a proponent shall be deemed to have granted to the Government a freely transferable, exclusive, perpetual, worldwide, royalty-free and irrevocable licence to use, adapt and modify the ideas and proposals submitted and all intellectual property rights subsisting in the submissions for all purposes in respect of or in connection with the Site. Proponents shall, if required by the Government, do all things and execute all instruments or documents for the purpose of conferring the rights and interest on the Government.

6. DISCLAIMER

6.1 All information provided in this invitation document is for reference only. Nothing in this invitation document shall constitute a warranty, statement or representation, expressed, implied or imputed, by the Government as to the accuracy, reliability, completeness or usefulness of the information contained therein. The Government does not accept liability to any person howsoever caused by the use of or reliance on the information provided in this invitation document.

6.2 Nothing in this invitation document nor any other written or oral information which is, has been or will be provided or made available to any proponent should be relied on as a representation, statement or warranty as to the intentions, policy or action of the Government, its officers or agents in future. Regarding such information, proponents are required to make their own judgment independently.

6.3 The submission by a proponent shall be taken to be an acceptance of the terms of invitation. Proponents are required to ascertain, verify and certify independently the accuracy, completeness or validity of all information in this invitation document and are required to make their own independent assessment of the technical feasibility and financial viability of their proposals.

6.4 Each proponent shall be solely responsible for the fees, costs and expenses incurred in preparing and making a submission. The Government will under no circumstances be liable to any proponent for such fee, costs, expenses, loss or damage whatsoever arising out of or in connection with the submission process.
6.5 The Government reserves the right, without prior consultation or notice, to change the content of this invitation document. The Government is not obliged to inform proponents of any update or change of any of the information in this invitation document made or that comes to its knowledge after the issue of this invitation document.

- End -
SITE INFORMATION
(The terms and conditions are subject to finalization in the light of the feedback received from the EOI submissions)

Location : End of Fantasy Road, Penny’s Bay, Lantau Island, New Territories

Site Area : 74 Hectares (subject to survey and adjustment of boundary as may be considered appropriate)

Land Use Zoning : Under the approved North-East Lantau Outline Zoning Plan No. S/I-NEL/12
“Government, Institution or Community”
“Other Specified Uses” annotated “Theme Park”
“Other Specified Uses” annotated “Hotel”

Proposed Uses : To be proposed by the proponent. These must be lawful activities. Moreover, any proposed uses on the Phase 2 Site must fall within the Permitted Uses or Conditionally Permitted Uses in Appendix A.

Height Restriction : The Phase 2 Site is subject to a maximum building height of 20m above mean formation level. The G/IC Site is subject to a maximum building height of 15m above mean formation level.

Market Rental : The rent will be payable on a quarterly basis, and a deposit equivalent to 6 to 12 months rentals is to be payable in advance.

Alienation Restrictions : No sub-letting/sub-leasing of the Site will be permitted, unless with the prior written consent of the Director of Lands

Car Parking : In support of the proposed uses, ancillary car parking may be allowed, the number and layout of which would be subject to the written approval of the Director of Lands
Site Condition & Availability:

- 33 Hectares of formed land with hydroteedding which is immediately available for disposal (as shown coloured pink edged red and pink hatched black edged red on Annex B)
- The remaining 41 Hectares of formed land currently with earth surcharges will be available for disposal in early 2010 after the removal of surcharges is completed. (as shown coloured pink and pink hatched black on Annex B)
- Temporary maintenance roads and temporary drains are constructed.
Appendix A

Permitted Uses/Conditionally Permitted Uses of the Phase 2 Site
(Extract from Schedules 2 and 3 of Deed of Restrictive Covenant
dated 10 December 1999 and registered in the Islands New Territories
Land Registry by Memorial No. 278911)

PERMITTED USES

Open Space:
Above-Ground Water Storage
Active Public Park with Lighted Facilities
Amenity Area
Lakes, Reservoirs
Passive Public and Private Park/Garden
Vegetation, Wildlife, Watershed Protection Area

Commercial-Recreation:
Bowling Alleys
Equestrian Centre
Golf Course or Miniature Golf
Golf Driving Range
Gymnasium
Ice Skating or In-line Skating Rink
Indoor Amphitheatre
Indoor Aquarium
Indoor Arena
Indoor Stadium
Indoor Live Theatre
Media Production Facilities (excluding Film
Studio or Television Broadcasting Studio)
Outdoor Athletic Facilities
Private Club
Sports Facilities (including Night Lit
Facilities)

Commercial-Retail:
Refreshment Kiosk
Restaurants
Retail Stores
Service Trades

Commercial/Office and Others:
Commercial Offices
Convention Facilities
Exhibition Hall
Professional and Other Offices
Showrooms

Government, Institution or Community:
Cultural Facilities, (including Museums)
Plant Nursery

Marine Related Uses:
Pleasure Boat Marina
Yacht Club

Note: For all uses, whether Permitted Uses or Conditionally Permitted Uses, the landscape in the Phase 2 Site must be visually compatible with and similar in quality to the landscape of land in the vicinity of Hong Kong Disneyland Resort.
CONDITIONALLY PERMITTED USES

Commercial-Recreation:
Water Park.

Remarks
The Conditionally Permitted Uses are permitted subject to the satisfaction of buffer requirements below:

(a) Buffer 1 – applicable to structures and manmade objects (including stored materials) where the height does not exceed 6m.

Screening shall be accomplished by one of the following methods:
(i) continuous earthen berm with minimum height of 2m and maximum slope of 2:1, with landscape planting consisting of trees, shrubs and ground cover; or
(ii) masonry wall with a minimum height of 2m provided:
   (1) clinging evergreen vines are planted no less than 5m on centre for the length of the wall in a manner that allows the vines to attach permanently to the wall, and are maintained in a healthy condition; or
   (2) a 5-metre wide planting area is established on the side of the wall facing Hong Kong Disneyland Resort consisting of permanently maintained trees, shrubs and ground cover, in either case planted continuously on the side of the berm facing Hong Kong Disneyland Resort.

(b) Buffer 2 – applicable to structures and manmade objects with a height greater than 6m up to 10m.

Screening shall be accomplished by one of the following methods:
(i) continuous earthen berm with minimum height of 6m with landscape planting consisting of trees, shrubs and ground cover; or
(ii) continuous buffer with a minimum width of 10m and landscape planting consisting of trees, shrubs and ground cover, in either case planted continuously on the side of the berm facing Hong Kong Disneyland Resort.

(c) Buffer 3 – applicable to structures and manmade objects with a height greater than 10m up to 20m.

Screening shall be accomplished by continuous earthen berm with minimum height of 9m with landscape planting consisting of trees, shrubs and ground cover planted continuously on the side of the berm facing Hong Kong Disneyland Resort.

(d) Buffer 4 – applicable to structures and manmade objects with a height greater than 20m.

Screening shall be accomplished by continuous earthen berm with minimum height of 30m with landscape planting consisting of trees, shrubs and ground cover planted continuously on the side of the berm facing Hong Kong Disneyland Resort.

In buffer zones 1 and 4, trees of at least 4m in height shall be placed every 10m. In buffer zones 3 and 4, trees of at least 6m in height shall be placed every 10m.
DETAILS OF SUBMISSION OF EXPRESSION OF INTEREST (EOI)

1. The submission must reach the District Lands Office, Islands before **12:00 noon** on **5 June 2009**.

2. Method of Submission:-

**By Post / by hand**

The proponent should submit 1 original plus 2 copies and a disk copy (Microsoft Word (.doc) format) of the documents in a sealed envelope to the following address -

**District Lands Office, Islands**  
**Attn : Ms Joanne Lou, Senior Estate Surveyor/1**  
**19/F., Harbour Building**  
**38 Pier Road**  
**Hong Kong**

Please mark “Invitation for Expression of Interest – Penny’s Bay”

**OR**

**By Email** to sesis1@landsd.gov.hk with the following documents:-

(a) soft copy of the EOI submission which must be saved in BOTH Microsoft Word (.doc) and Adobe Acrobat (.pdf) format; and

(b) scanned image of copies of all relevant documents (if any).

3. If a black rainstorm warning or typhoon signal No. 8 or above is hoisted between 9:00 a.m. and 12:00 noon on 5 June 2009, the deadline for submission will be extended to 12:00 noon on the following working day.

4. Late submission may not be considered.
5. The documents on EOI are posted on the website of Lands Department (http://www.landsd.gov.hk). The proponents may contact the District Lands Office, Islands for enquiries regarding the submission of the EOI.

Address: District Lands Office, Islands
(Attn: Ms Joanne Lou, Senior Estate Surveyor/1)
19/F., Harbour Building
38 Pier Road
Hong Kong

Email: sesis1@landsd.gov.hk

Phone: 2852 4283

Fax: 2110 9059