

**Invitation for Expression of Interest  
in  
Operation of Catering Outlets and  
Book/Gift Shops in Museums**

Leisure and Cultural Services Department  
Government of the Hong Kong Special Administrative Region  
2 September 2011

**Invitation for Expression of Interest in  
Operation of Catering Outlets and Book/Gift Shops in Museums**

**Chapter 1: Introduction**

**Glossary of Terms**

- 1.1 Terms and expressions used in this invitation for Expression of Interest (EOI) shall, unless the context requires otherwise, have the meaning ascribed thereto in this Glossary of Terms.

“**Catering outlets**” means catering outlets or other forms of catering services serving food and drinks.

“**Government**” means the Government of the Hong Kong Special Administrative Region.

“**Intellectual Property Rights**” means patents, trade marks, service marks, trade names, design rights, copyright, domain names, database rights, rights in know-how, new inventions, designs or processes 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.

“**Respondent**” means a person who submits a response to this EOI invitation.

“**Tenderer**” means a person who submits a bid during the tender exercise for the operation of catering outlets or book /gift shops in the museums.

**Points to Note for Respondents**

- 1.2 Respondents should read the points to note at Annex A before making a response to this EOI invitation.
- 1.3 This Invitation has been translated into Chinese. If there is any inconsistency or ambiguity between the English version and the Chinese version, the English version shall prevail.

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## **Chapter 2: Background Information**

### **Purpose**

- 2.1 The purpose of the EOI invitation is to invite the private sector to express interests in and suggest ideas on the operation of catering outlets and book/gift shops in the museums. The feedback and information to be collected from the EOI invitation would assist the Government in preparing future tendering arrangements for the aforementioned services.

### **Background**

#### **The Current Situation**

- 2.2 The Leisure and Cultural Services Department (LCSD) oversees a total of 14 museums with different focuses which are located in different parts of Hong Kong. Over 5 million visitors patronized our museums in 2010-11.
- 2.3 Catering outlets and book/gift shops are available in some of our museums (see details at Annex B). The objective of providing such ancillary services in the museums is to serve the needs of visitors and potential visitors so as to enhance the museum visiting experience. To achieve this aim, these services should blend with the theme and/or atmosphere of the museums to augment their ambience and attractiveness to visitors. The services should be of a quality and price range compatible with the image of individual museums and the needs of visitors.
- 2.4 The operation of catering outlets and book/gift shops in museums is contracted out to private sector operators through competitive tendering. The successful Tenderer is required to design and fit out the premises at his expenses and operate the services concerned. The decoration and fitting out plan, list of menu items, list of commodities for sale, the proposed monthly permit fee and other relevant information have to be submitted to the Government for consideration as part of the tender

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evaluation process.

- 2.5 Given the difference in the focuses and themes of the museums, their locations (some museums are in less accessible areas), clientele and the physical attributes of premises available for such ancillary services etc., the mode of operation of individual catering outlets and book/gift shops may be different, e.g. the type of cuisine served is different; some of the catering outlets and book/gift shops which have no separate access apart from the one shared with the museum have to be closed outside the operating hours of the museums; naked fire cooking is not allowed in some museum catering outlets.
- 2.6 LCSD has reviewed the operation of the museum catering outlets and book/gift shops. We would like to encourage the provision of quality ancillary services in a nice setting which befits and is consistent with the atmosphere of the museums. While operations within the museums may be different from other commercial premises (presence of the factors mentioned in paragraph 2.5 above), we consider that the museum environment also offers some inherent and unique advantages. The catering outlets in many of the museums enjoy a super view<sup>1</sup>, some even with open door sitting areas. The cultural/artistic backdrop of the museums can also enhance the branding of the catering outlets and book/gift shops.
- 2.7 LCSD believes that the provision of quality ancillary services in the museums can create a win-win situation for the Government, museum goers and private sector operators. In contracting out the operation of catering outlets and book/gift shops in museums, apart from revenue considerations, our prime concern is the quality of services to be provided (including the decoration plan of the premises). We would like to solicit views from the private sector on key concerns, from their perspective, in relation to the operation of museum catering outlets and book/gift shops, so that the Government can develop suitable tendering arrangements in future. In addition, we would like to gauge the private

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<sup>1</sup> The open door sitting area of the catering outlet in the Hong Kong Museum of Art overlooks the Victoria Harbour. There is a big sitting out area in the catering outlet of the Hong Kong Heritage Museum overlooking the Shing Mum River. The catering outlet in the Hong Kong Museum of Coastal Defence overlooks the Lei Yue Mun channel.

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sector's interest in taking up the operation of specific catering outlets and / or book/gift shops in the museums covered in the EOI invitation.

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## **Chapter 3: Invitation for Expression of Interest**

### **Scope**

3.1 In this EOI invitation, we would like to invite feedback and views on the following in relation to contracting out the operation of the catering outlets and book/gift shops inside the museums covered in the EOI invitation:

- (i) fitting out arrangements;
- (ii) financial arrangements;
- (iii) different packaging options for tendering out the operation of catering outlets and book/gift shops in different museums;
- (iv) type of cuisine and catering style for the catering outlets in different museums;
- (v) duration of the contract; and
- (vi) appropriate support to be given by the Government and cross-promotion opportunities.

3.2 The catering outlets and book/gift shops to be covered under this EOI invitation are:

- catering outlet and book/gift shop in the Hong Kong Museum of Art (HKMA);
- catering outlet and book/gift shop in the Hong Kong Heritage Museum (HKHM);
- catering outlet and book/gift shop in the Hong Kong Museum of History (HKMH); and
- catering outlet in the Hong Kong Museum of Coastal Defence (MCD).

Statistics on the patronage of these museums and background information on the catering outlets and book/gift shops therein are provided at Annex C. Information on the positioning/focus of these museums is set out at Annex D.

3.3 Our intention is to review the tendering arrangements for the ancillary

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services of the museums specified in paragraph 3.2, having regard to the feedback received in the EOI invitation. Tendering arrangements for the catering outlets and book/gift shops in other museums may also be revised in the light of the experience of the changes made, if any, in respect of the specified museums.

### **(I) Fitting Out Arrangements**

- 3.4 Currently, the Government offers very basic provisions for the sites of museum catering outlets and book/gift shops. Tenderers are required to submit decoration and fitting out plan as part of the tender bid for the purpose of evaluation. The decoration and fitting out plan of the successful Tenderer will be subject to Government's approval before implementation. The successful Tenderer will bear the full cost of designing, decorating and fitting out the catering outlet or book/gift shop.
- 3.5 We would like to seek Respondents' views on how the decoration and fitting out arrangement could better achieve an enhanced ambience and outlook which befits the museums' image and enhances client appeal. Possible options could be:
- (a) Operator to propose design, decoration and fitting out plans in the tender bidding and implement works as approved by the Government as stated in paragraph 3.4 above;
  - (b) The Government to decide on design and decoration for the seating area/ shop front of the catering outlet and book/gift shop (furniture can be provided as well). The operator may propose add on/ adjustments in the tender bidding. The Government will pay for and implement the above mentioned fitting out work. After completion of the works, the operator will be responsible for upkeeping and the maintenance. It should be noted that the Government will not do the design and fitting out of the non-shop front area (including the kitchen) of the catering outlet. The operator should be responsible for the design and fitting out of the non-shop front area of the catering outlet to tie in with his operation needs;

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3.6 Respondents may submit any other suggestion(s) on decoration and fitting out arrangements.

**(II) Financial Arrangements**

3.7 Currently, Tenderers are required to submit a proposed fixed monthly permit fee to the Government as part of the tender bid. The financial proposal (i.e. proposed permit fee), together with the technical proposal (including the decoration and fitting out plan, the proposed list of menu items, the proposed list of commodities for sale etc.), would be separately evaluated with specified weightings before the successful Tenderer is selected.

3.8 Respondents are invited to give suggestions on the financial arrangements with the Government in respect of the contracting out arrangement. Options may include:

- (a) a proposed fixed monthly fee in the tender bidding as stated in paragraph 3.7 above;
- (b) a profit and risk sharing arrangement whereby Tenderers are requested to propose in the tender bidding a percentage of gross monthly income and a basic monthly fee, the higher of which will be paid to the Government.

3.9 Respondents may propose any other financial arrangements for the Government's consideration.

**(III) Package Deal**

3.10 At present, separate tendering exercises are conducted for the operation of individual catering outlets and book/gift shops in different museums. In future tendering exercises, we would like to solicit Respondents' views on the desirability or otherwise of the following different approaches:



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- (a) Separate tender exercises to be conducted for each museum catering outlet or book/gift shop as per the existing arrangement;
- (b) combined tender for the operation of both the catering outlet and book/gift shop in one museum, e.g. catering outlet and book/gift shop at HKMA in one tender;
- (c) combined tender for operation of all the catering outlets in the pilot museums, (i.e. all four catering outlets at HKMH, HKMA, HKHM and MCD in one tender) and all the three book/gift shops at HKMH, HKMA and HKHM in one tender;
- (d) combined tender for pre-set combinations of the same kind of operation in different museums, e.g. catering outlets in HKMH, HKMA and HKHM; HKMH catering outlet plus MCD catering outlet; HKMH book/gift shop plus HKMA book/gift shop etc; and
- (e) any other package combination.

**(IV) Catering Style and Type of Cuisine of the Catering Outlets**

3.11 Set out below is the existing catering style of the catering outlets in the specified museums as stated in the existing contracts:

Museums	HKMA	HKHM	HKMH	MCD
Type of cuisine / Catering style	Cafe	- (No operator at present. Used to be a Chinese tea house)	Fast food catering outlet	Refreshment kiosk

3.12 We would like to seek the private sector's views on the catering style and the type of cuisine they would like to serve in the catering outlets they are interested in running.

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**(V) Contract Duration**

3.13 At present, contracts for operation of museum catering outlets and book/gift shops are awarded for a 3-year term. We would like to solicit Respondents' views on the contract duration, the trade practice and the rationale behind.

**(VI) Government Support**

3.14 To facilitate the operators of the catering outlets and book/gift shops in running the businesses, the Government would provide the following support:

- (a) one-month permit fee-free period for the successful Tenderer;
- (b) providing suitable directional signage to the catering outlets and book/gift shops;
- (c) making suitable publicity on the ancillary services in the museums (including catering outlets and book/gift shops) as part of the overall promotion of the museums; and
- (d) liaising closely with the operators on major forthcoming exhibitions, so that operators can plan their operations accordingly (e.g. stocking up, sourcing of souvenirs with related themes etc.).

3.15 The Government would also like to hear the views of the private sector on how the Government and the operators of catering outlets and book/gift shops can suitably join promotional efforts so as to create a win-win situation for both the museums and the operators. Possible ideas include operators giving discount for holders of single admission tickets or museum pass holders, and Government giving suitable publicity to such offers to museum goers.

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**Chapter 4: Response to the EOI Invitation**

**Submission of Response**

- 4.1 To facilitate Respondents in submitting their feedback on the various areas covered in the EOI invitation, we have prepared a template at Annex E for Respondents to fill in. Respondents may also submit their views and proposals in any other form as they see fit.
- 4.2 Apart from the areas stated in Chapter 3, Respondents may also submit their views on any other issues related to the contracting out of the operation of museum catering outlets and book/gift shops.
- 4.3 Submissions should be made in English or Chinese. The submissions should be made together with a Deed of Declaration relating to Intellectual Property Rights (see form at Annex F – available in English only). Failure to return the signed Deed of Declaration will render the submission of EOI not being considered by the Government at all.
- 4.4 A Respondent shall provide the following specific information relating to his identity in the Deed of Declaration:
- (a) If the Respondent is an individual -  
Name in English and Chinese; Hong Kong Identity Card Number; residential address; and telephone and / or facsimile numbers.
  - (b) If the Respondent is a Body Corporate -  
Name of the Body Corporate in English and Chinese; Business Registration Certificate Number of the business being operated and its expiry date; address of registered office; telephone and / or facsimile numbers.
  - (c) If the Respondent is a Firm or other Body Unincorporated-  
Name of the Firm in English and Chinese; address; telephone and / or facsimile numbers; Business Registration Certificate Number of the business being operated and its expiry date.

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- 4.5 Please send your response to this EOI invitation to Marketing and Business Development Manager 1 of the Marketing and Business Development Section of LCSD **before 5:30 p.m. on 11 November 2011 (Friday)** through email (mbdm1@lcsd.gov.hk), or by mail or by hand (the response should be marked “ORIGINAL” on the front cover and put in a sealed envelope clearly marked with “Expression of Interest in the Operation of Catering Outlets and Book/Gift Shop in Museums” on the outside of the sealed envelope; soft copy to be submitted if available) to the following address:

Leisure and Cultural Services Department  
(Attn: Marketing and Business Development Manager 1)  
Room 112, 1/F  
Leisure and Cultural Services Department Headquarters  
1-3 Pai Tau Street, Sha Tin  
Hong Kong

- 4.6 In the event of a typhoon signal no. 8 or above or the black rainstorm warning signal is in force at 9:00 a.m. on the closing date, the closing time will be deferred to 5:30 p.m. on the next working day (i.e. except Saturday, Sunday and general holiday) after the typhoon signal no. 8 or above or black rainstorm warning signal is cancelled.
- 4.7 A briefing session to introduce the invitation will be given by LCSD at the conference room, 3/F, Hong Kong Museum of History, 100 Chatham Road South, Tsim Sha Tsui, Hong Kong **at 4:00 p.m. on 27 September 2011 (Tuesday)**.
- 4.8 Enquiries relating to this EOI invitation may be directed to Ms Isabella To (tel. no.: 2601 7389) or through email (mbdm1@lcsd.gov.hk).

**Next Steps**

- 4.9 The Government may consider the submissions received in response to this EOI invitation in mapping out future tendering arrangements for catering outlets and book/gift shops in the museums.

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Annex A

**Points to Note for Respondents**

**Information Disclosure**

1. The ideas and suggestions collected through this EOI invitation may be used by the Government in formulating future tendering arrangements for the catering outlets and book/gift shops in the museums. A Respondent has no claim whatsoever relating to any use of the ideas and suggestions referred to in the subsequent tender exercises.
  
2. The Government will take all reasonable steps not to disclose information provided to it by a Respondent in his submission of EOI. This provision shall not apply to –
  - (a) the disclosure of information to any person for the purpose of considering or exploring the feasibility of or developing a Respondent's EOI;
  - (b) the disclosure of information to any person in the Government's exercise of the Intellectual Property Rights granted by a Respondent to the Government hereunder;
  - (c) the disclosure of information that is or becomes public knowledge;
  - (d) the disclosure of information that is rightfully in Government's possession prior to the date of a Respondent's submission of the EOI;
  - (e) the disclosure of any information in circumstances where such disclosure is required pursuant to any law or order of a Court of competent jurisdiction; and
  - (f) the disclosure of any information with the prior consent of a Respondent.

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**Disclaimer**

3. This EOI 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 Respondent to submit any EOI.
4. This EOI invitation is for seeking ideas and suggestions only. It does not constitute an offer or the basis of any contract which may be concluded in relation to the operation of museum shops and catering outlets.
5. This EOI invitation is not a prequalification exercise to shortlist any Respondent. Interested persons who do not submit an EOI will not be barred from taking part, or prejudiced against, in the subsequent tender exercise.
6. A Respondent shall not construe the contents of this EOI 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. A Respondent should consult his own professional advisors as to financial, legal, tax or other matters concerning the EOI submitted.
7. A Respondent shall be solely responsible for the fees, costs and expenses incurred in preparing and submitting the EOI. The Government will under no circumstances be liable to any Respondent for any such fees, costs and expenses.
8. All information provided in this EOI invitation is for reference only. A Respondent is required to ascertain or verify the accuracy, completeness and validity of the information in this Invitation from his own source and make his own independent assessment of the technical feasibility and financial viability of his EOI.
9. The Government reserves the right to change, alter, add or delete, revise and update any information contained in this EOI invitation at such time and in such manner as it considers appropriate.

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10. Nothing in this EOI invitation shall constitute a warranty, statement or representation, whether expressed, implied or imputed, by the Government, its employees or agents as to the accuracy, reliability, completeness and usefulness of the information or shall be relied on as a representation, statement or warranty as to the intention, policy or action of the Government, its employees or agents. The Government shall not be liable for any use of or reliance on any information provided in this Invitation.
11. A Respondent's submission shall be taken as his acceptance of all the terms and conditions of this EOI invitation.

**Intellectual Property Rights**

12. A Respondent as beneficial owner shall assign to the Government absolutely his full Intellectual Property Rights subsisting in the works comprised in the EOI free from encumbrances. Government is entitled to the use of the works comprised in the EOI fully and freely.
13. A Respondent shall warrant that the provision of the works comprised in the EOI, the use, possession and exploitation of the works comprised in the EOI and/or the expression of ideas and compilation of information contained in the works comprised in the EOI by the Government, its authorized users, licensees, assigns and successors-in-title of the Government does not and/or will not infringe any Intellectual Property Rights or any other rights of any party.
14. As the author of the works comprised in the EOI, a Respondent shall irrevocably and unconditionally waive all his moral rights in respect of the works comprised in the EOI to which he may now or at any time in the future be entitled under the Copyright Ordinance (Cap. 528) and under any similar laws in force from time to time, such waiver(s) shall operate in favour of the Government, its authorized users, licensees, assigns and successors-in-title as from the time of the creation of the works comprised in the EOI.

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15. A Respondent shall warrant that he is the author and the sole owner of the Intellectual Property Rights subsisting in the works comprised in the EOI and has full power to give the warranties and indemnities contained herein.
  
16. The Respondent shall indemnify the Government and keep the Government fully and effectively indemnified against all actions, costs, claims, demands, damages, expenses (including but not limited to the fees and disbursements of lawyers, agents and expert witnesses), any awards and costs which may be agreed to be paid by the Government in settlement of any proceedings in this regard (where that settlement has first been proposed or approved in writing by or on behalf of the Respondent) and liabilities of whatsoever nature arising out of or in connection with any allegation and/or claim that the use, possession or exploitation of the works comprised in the EOI infringes any Intellectual Property Rights of any party.



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Annex B

**Catering Outlets and Book/Gift Shops in Museums**

Museums	Catering Outlets	Book/Gift Shops
Hong Kong Museum of Art	yes	yes
Museum of Tea Ware	yes	yes
Hong Kong Museum of History	yes	yes
Hong Kong Museum of Coastal Defence	yes	yes
Hong Kong Heritage Museum	yes*	yes
Hong Kong Science Museum	no	yes
Hong Kong Space Museum	no	yes
Dr. Sun Yat-sen Museum	no	yes

*\* There are premises designated for a catering outlet at the Hong Kong Heritage Museum, but the premises are currently vacant.*

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Annex C

**Background Information  
on Catering Outlets and Book/ Gift Shops in Museum**

Premises	Size (sq. metres)	Opening hours of museum	Current usage	Contract expiry date	Total number of visitors visiting the museum in 2010
<b><u>I. Catering Outlets</u></b>					
Catering Outlet in HKMA##	200 (including outdoor area)	- Sun to Wed, Fri: 10 a.m. – 6 p.m. - Sat: 10 a.m. – 8 p.m. - Close on Thur except Public Holiday (PH)	Cafe	30.6.2013	326,417
Catering Outlet in HKMH*	295	- Mon, Wed to Sat: 10 a.m. – 6 p.m. - Sun & PH: 10 a.m. – 7 p.m. - Close on Tue (except PH)	Fast food catering outlet	23.1.2013	606,888
Catering Outlet in HKHM##	263	- Mon, Wed to Sat: 10 a.m. – 6 p.m. - Sun & PH: 10 a.m. – 7 p.m. - Close on Tue (except PH)	Now vacant. Used to be a Chinese Tea House	N/A (The tender exercise closed on 31.8.2011, new contract will last from 1 Jan 2012 to 31 Dec 2014)	422,008
Catering Outlet in MCD#	83	- Mon to Wed & Fri to Sun: 10 a.m. – 5 p.m. - Close on Thur (except PH)	Refreshment Kiosk	31.7. 2013	130,009
<b><u>II Book/ Gift Shops</u></b>					
Book/ Gift Shop in HKMA##	310	See above	Selling books, souvenirs, stationery, prints, artifacts , art replicas and CD/DVD etc	15.11.2012	See above

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Book/ Gift Shop in HKMH*	107	See above	- ditto-	7.8.2013	See above
Book/ Gift Shop in HKHM*	161	See above	- ditto-	16.12.2012	See above

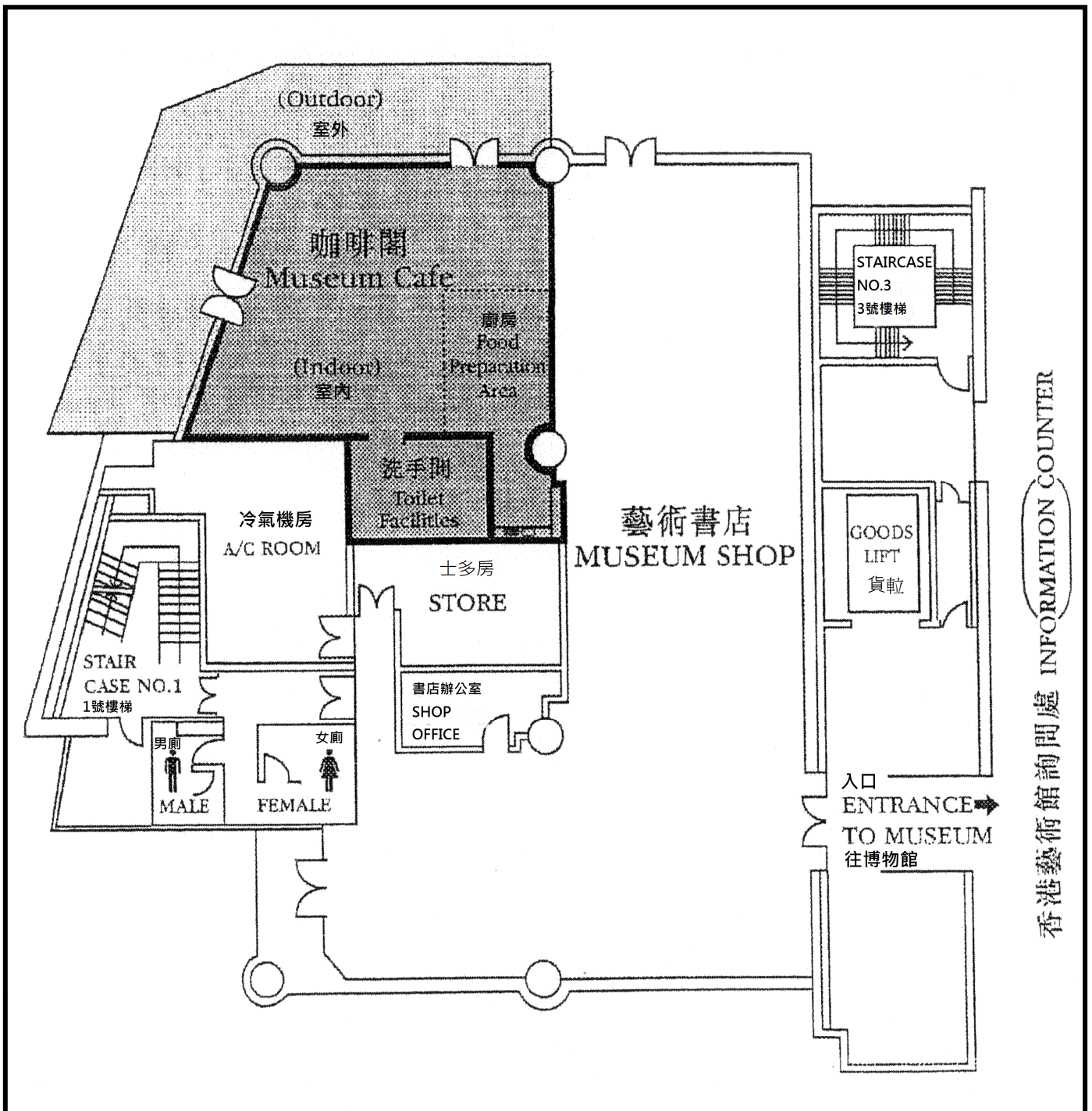
*Location plans of the catering outlets and book/ gifts shops are at appendices.*

- \* *These premises share entrance with the museum and cannot operate upon close of the museum. They are located outside the paid area of the museum.*
- # *The catering outlet of MCD is located within the paid area of the museum. It shares the entrance of the museum and cannot operate upon close of the museum.*
- ## *These premises are located outside the paid area of the museum. They have separate entrance and they can operate after close of museum.*

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**Layout Plan**

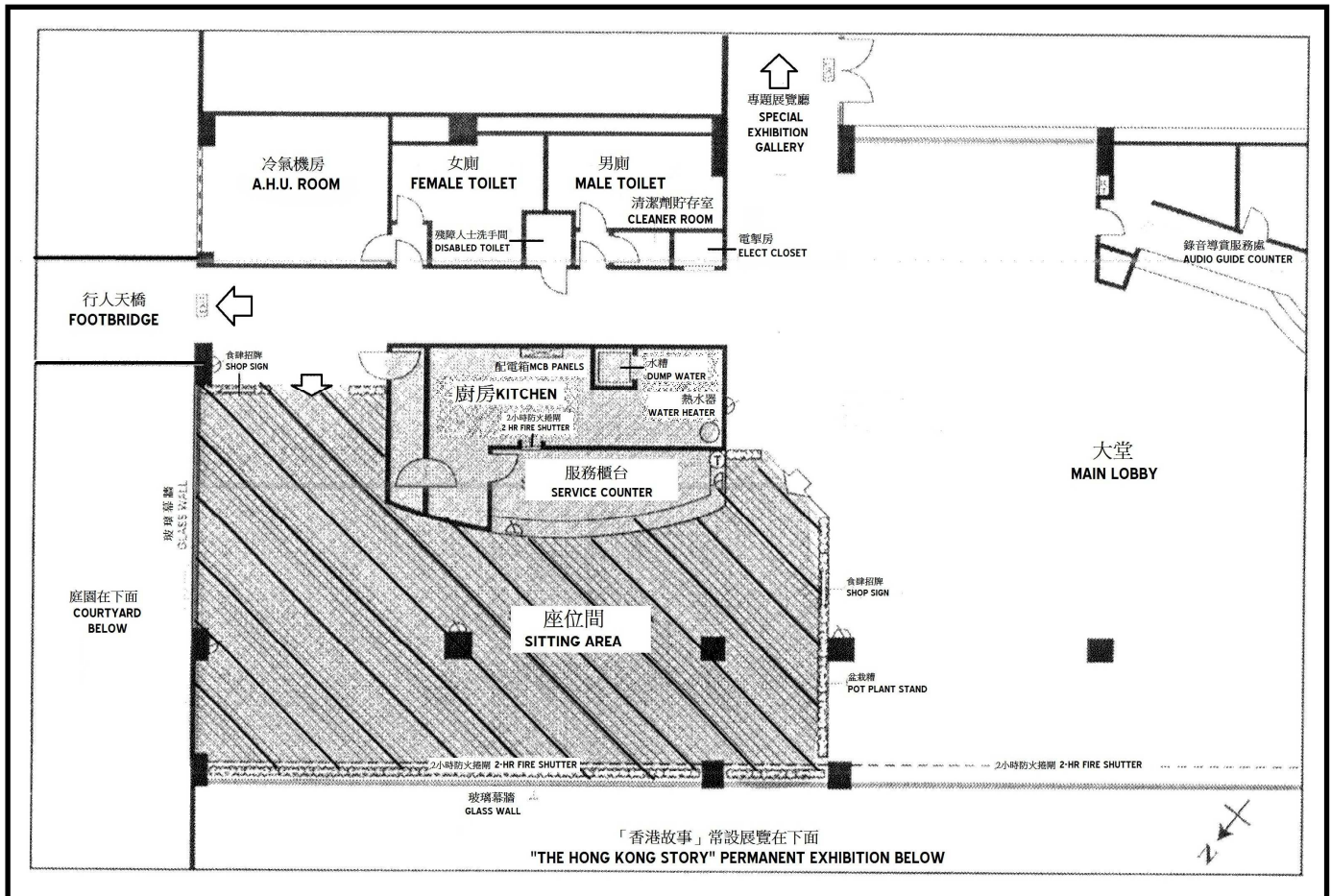
- 1. Catering outlet in Hong Kong Museum of Art  
200m<sup>2</sup> - Western Block, 1/F  
(Area as shaded deep grey and light grey)**



<Layout plan is for reference only and may not be to exact scale>

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### 2. Catering outlet in Hong Kong Museum of History 295m<sup>2</sup> - 1/F (Area as shaded grey)



Estimated area

Kitchen: 55 sq.m

Service Counter: 20 sq.m

Sitting area: 220 sq.m

Total: 295 sq.m



電話線插座

**Telephone line outlet**



13A 電源插座

**13A Elec. socket**



地毯範圍

**Carpet flooring**

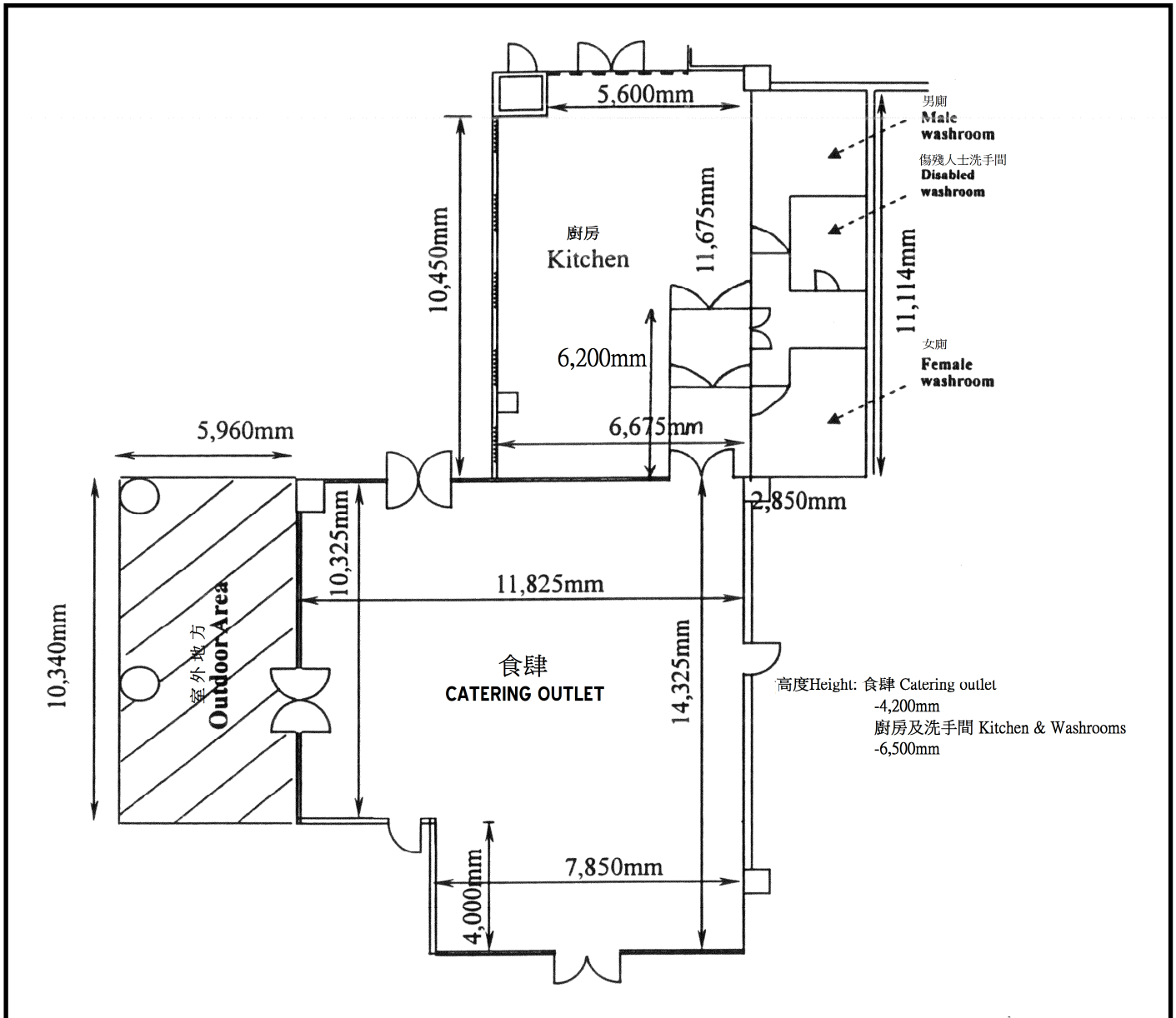
<Layout plan is for reference only and may not be to exact scale>

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**3. Catering outlet in Hong Kong Heritage Museum**

**263m<sup>2</sup> - G/F**

(Outdoor seating area is open to public)



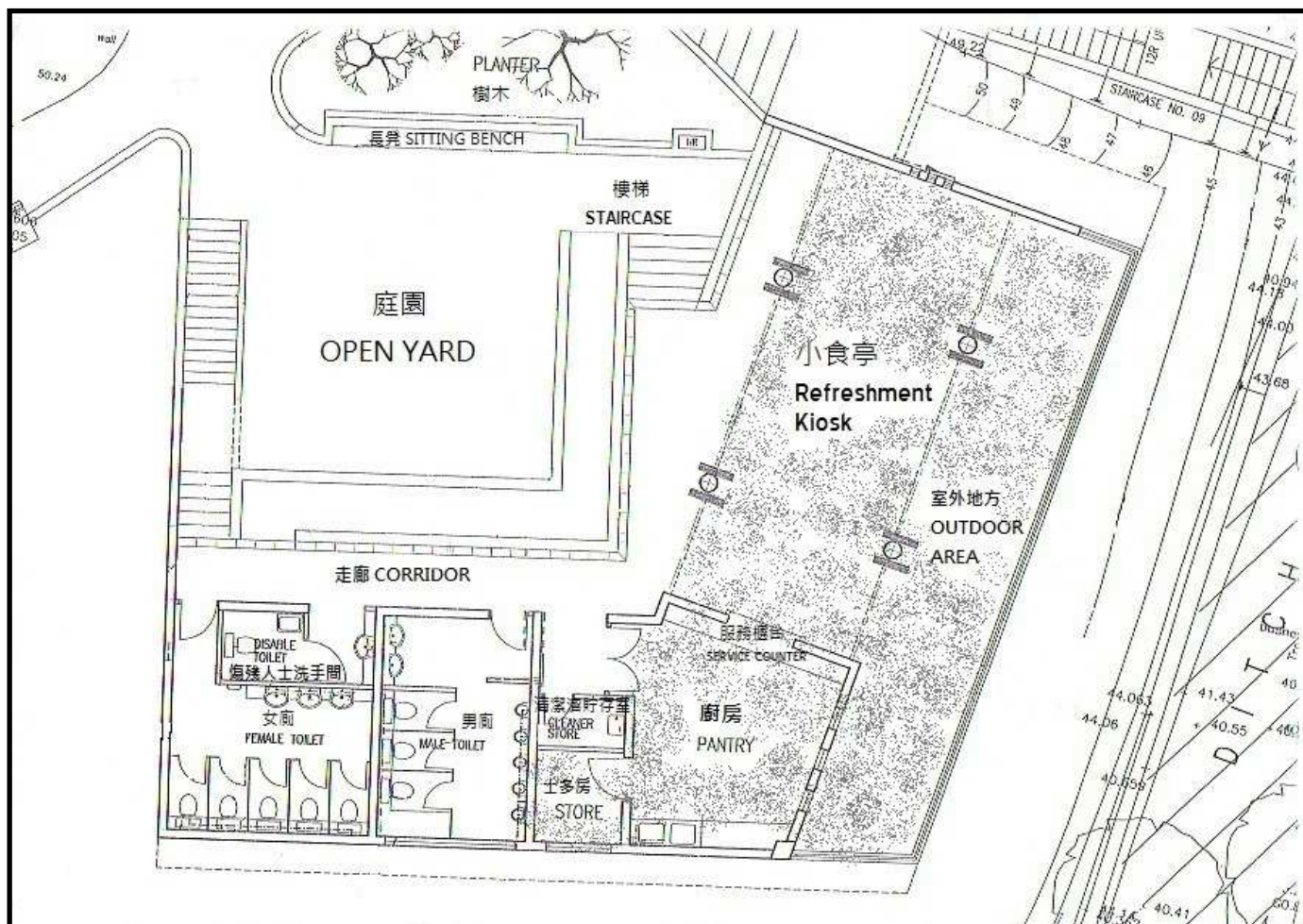
<Layout plan is for reference only and may not be to exact scale>

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### 4. Catering outlet in Hong Kong Museum of Coastal Defence

83m<sup>2</sup> - 8/F

(Area as shaded grey)



<Layout plan is for reference only and may not be to exact scale>

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5. Book/Gift shop in Hong Kong Museum of Art  
310m<sup>2</sup> - Western Block, 1/F  
(Area as shaded grey)



<Layout plan is for reference only and may not be to exact scale>

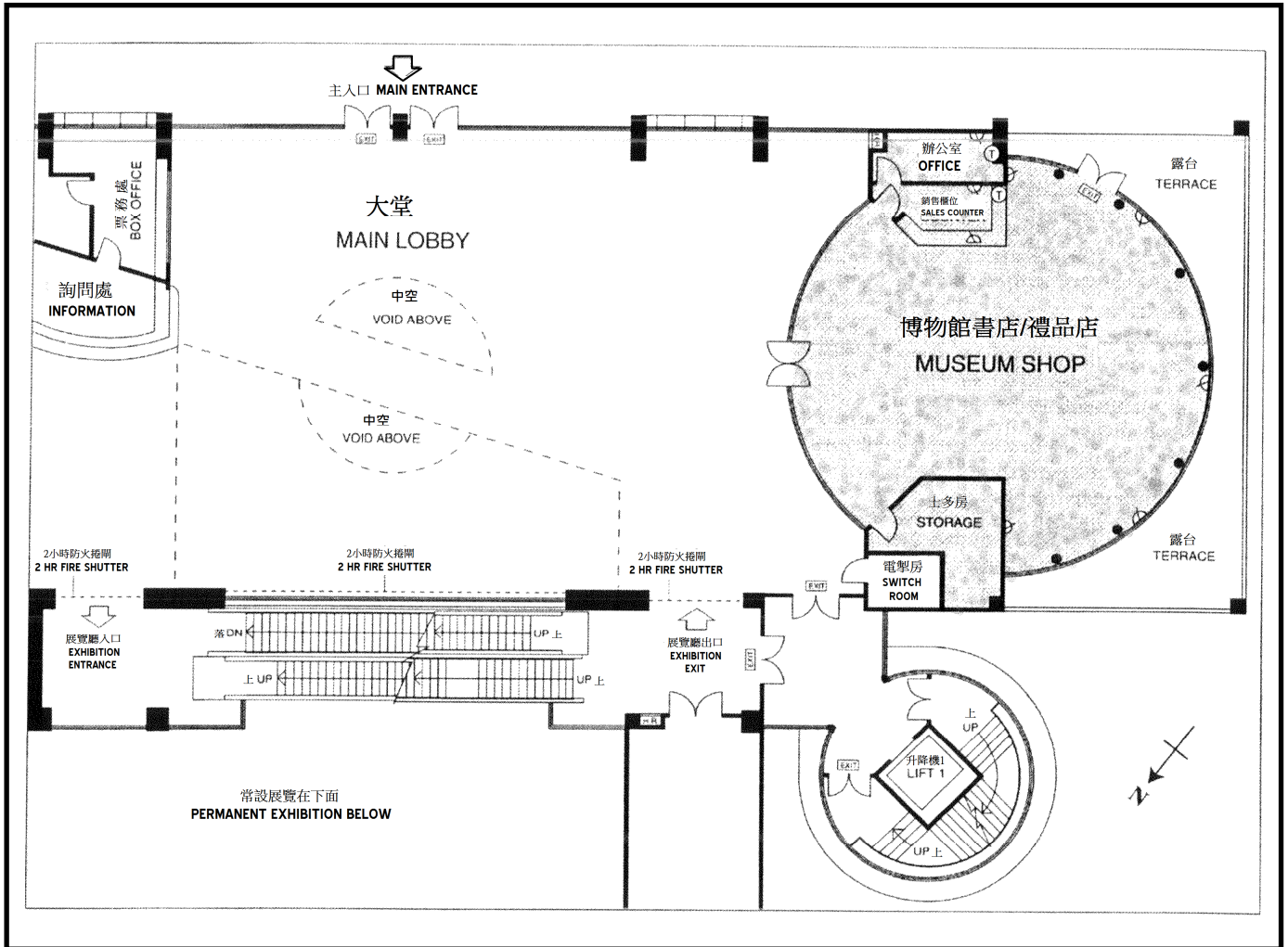


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### 6. Book/Gift shop in Hong Kong Museum of History

107m<sup>2</sup> - 1/F

(Area as shaded grey)



Estimated area

Museum Shop: 73 sq.m

Office: 9 sq.m

Sales Counter: 9 sq.m

Store: 16 sq.m

Total: 107 sq.m

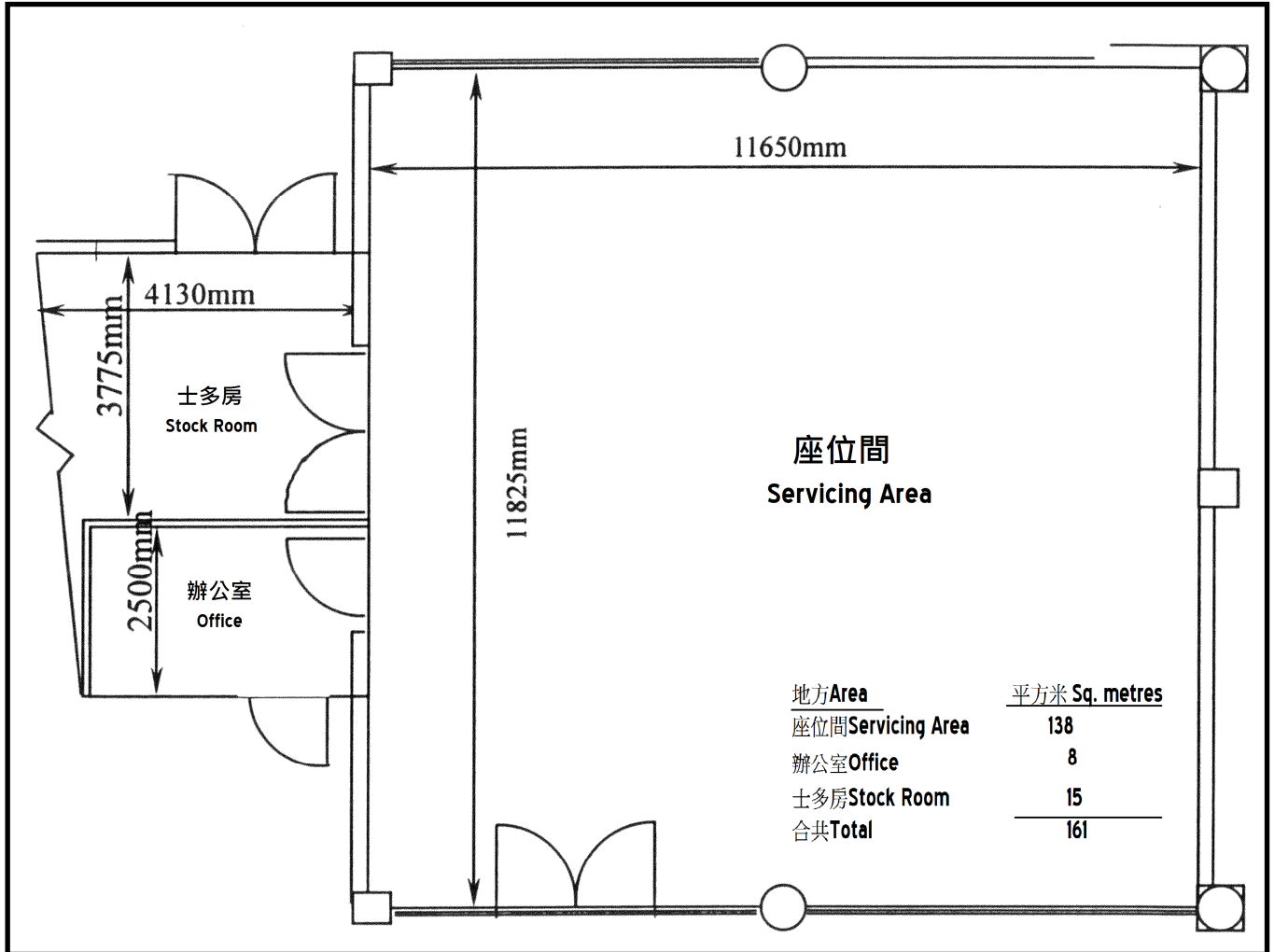
☎ 電話線插座  
**Telephone line outlet**

⏚ .13A 電源插座  
**13A Elec. socket**

<Layout plan is for reference only and may not be to exact scale>

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**7. Book/Gift shop in Hong Kong Heritage Museum  
161m<sup>2</sup> - G/F**



<Layout plan is for reference only and may not be to exact scale>

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Annex D

**Positioning of LCSD Museums**

**Hong Kong Museum of Art (HKMA)**

Located at Tsim Sha Tsui overlooking the harbour front, HKMA is a *leading regional museum of fine arts* with distinctive collections of Chinese and Hong Kong fine art. It has (i) many representative works of local art; (ii) a world class collection of Ming and Qing painting and calligraphy; and (iii) a specialized collection of contemporary Chinese masterpieces such as Wu Guanzhong's works.

Apart from showcasing a dynamic mix of local and Chinese art, HKMA also takes a pro-active approach in partnering with guest curators and overseas museums to bring in high quality and world-class exhibitions to enhance public appreciation of art. Blockbuster exhibitions showcased in recent years included "Touching Art: Louvre's Sculptures in Movement" (2011), "Lofty Integrity: Donation of Works by Wu Guanzhong" (2010), "LOUIS VUITTON: A PASSION FOR CREATION" (2009).

**Hong Kong Heritage Museum (HKHM)**

HKHM is a multi-disciplined museum that focuses on Hong Kong's *living culture and creativity* such as design, photography, popular culture and Cantonese opera. HKHM strives to become the premier platform to showcase Hong Kong's design industry. It is also a leading museum in the region on photography and a collecting and exhibiting centre of Cantonese opera.

Apart from organizing special and thematic exhibitions on Hong Kong's culture, HKHM also brings in exhibitions of other cultures. Blockbuster exhibitions showcased in recent years included "Pixar: 25 Years of Animation" (2011), "Art • Live – Hong Kong International Poster Triennial 2010" (2010), and "the Golden Age of Couture: Paris and London 1947–1957" (2009).

## **Invitation for Expression of Interest in Operation of Catering Outlets and Book/Gift Shops in Museums**

### **Hong Kong Museum of History (HKMH)**

HKMH is the signature museum in Hong Kong in promoting local history. It collects, documents and exhibits materials relating to the history and heritage of Hong Kong and has invaluable collections of historical artefacts, manuscripts and old photos etc. Its highly acclaimed permanent exhibition, “the Hong Kong Story” is a popular spot for local and non-local visitors to understand and visualize the history and culture of Hong Kong.

Apart from showcasing Hong Kong history, HKMH also fosters ties with Mainland and overseas museums in staging blockbuster exhibitions related to the history of Hong Kong and China. Blockbuster exhibitions organised in recent years included “Centenary of China’s 1911 Revolution” (2011), Hong Kong, Benevolent City: Tung Wah and the Growth of Chinese Communities (2010), “Evergreen Classic: Transformation of the Qipao” (2010) and "A Century of China" (2009).

### **Hong Kong Museum of Coastal Defence (MCD)**

Housed in preserved British historic military fortifications, MCD is the only local military and war museum. It showcases 600 years of history in coastal defence and displays military artefacts and relics. It overlooks the Lei Yun Mun Channel, which was an important strategic location in wartime military history.

# Invitation for Expression of Interest in Operation of Catering Outlets and Book/Gift Shops in Museums

Annex E

## Invitation of Expression of Interests

### **I. Fitting Out Arrangements**

<u>Alternative arrangements</u>	<u>Respondent's preference (put a tick as appropriate)</u>	<u>Comments on the alternative arrangements, if any (respondents may make comment on all alternatives including those they do not prefer)</u>
(a) Operator to be responsible for decoration and fitting out and the costs concerned (existing arrangement – para. 3.4 & 3.5(a) in EOI invitation)		
(b) Government to do the design and fitting out work (para. 3.5(b) of the EOI invitation)		
(c) any other proposals by the respondent		

### **II. Financial arrangements**

<u>Alternative arrangements</u>	<u>Respondent's preference (put a tick as appropriate)</u>	<u>Comments on the alternative arrangements, if any (respondents may make comment on all alternatives including those they do not prefer)</u>
(a) Tenderer to propose a fixed monthly permit fee as part of the tender bid (existing arrangement – para. 3.7 in EOI invitation)		
(b) Profit sharing – bidding on the basis of a basic monthly fee or a percentage of gross monthly income, whichever is higher, to be paid to the Government (para. 3.8(b) in EOI invitation)		
(c) any other proposals by the respondent		

## Invitation for Expression of Interest in Operation of Catering Outlets and Book/Gift Shops in Museums

### III. Package Deal

<u>Alternative arrangements</u>	<u>Respondent's preference</u> (put a tick as appropriate)	<u>Comments on the alternative arrangements, if any</u> (respondents may make comment on all alternatives including those they do not prefer)
(a) Catering outlets and shops be tendered individually (existing arrangement – para. 3.10(a) in EOI invitation)		
(b) combined tender for both catering outlet and shop in one museum (para. 3.10(b) in EOI invitation)		
(c) combined tender for operation of all four catering outlets in HKMA, HKMH, HKHM and MCD (para. 3.10(c) in EOI invitation)		
(d) combined tender for operation of all three shops in HKMA, HKMH and HKHM (para. 3.10(c) in EOI invitation)		
(e) tender for pre-set combinations of shops in the pilot museums (para 3.10(d) in EOI invitation)		(Please indicate any preference on the pre-set combination.)
(f) tender for pre-set combinations of catering outlets in pilot museums (para 3.10(d) in EOI invitation)		(Please indicate any preference on the pre-set combination.)
(g) any other proposals		

## Invitation for Expression of Interest in Operation of Catering Outlets and Book/Gift Shops in Museums

**IV. Expression of interest in running of museum catering outlet and shops. Respondents may indicate interest in running for more than one catering outlet or shop.**

Catering outlets in individual museums	Interest in operating the catering outlet (fill in a tick as appropriate)	Type of cuisine/catering style respondent has in mind
Museum of Art (HKMA)		
Museum of History (HKMH)		
Heritage Museum (HKHM)		
Museum of Coastal Defence (MCD)		

Shops in individual museums	Interest in operating the shop (fill in a tick as appropriate)
Museum of Art (HKMA)	
Museum of History (HKMH)	
Heritage Museum (HKHM)	

**Are you interested in running the above catering outlets you ticked as a package to be covered in a combined tender?**

(Yes/No) (please strike out as appropriate)

Remarks (if any) \_\_\_\_\_

**Specifically, are you interested in running both the catering outlet in MCD and the one in HKMH?**

(Yes/No) (please strike out as appropriate)

Remarks (if any) \_\_\_\_\_

**Are you interested in running the above shops you ticked as a package to be covered in a combined tender?**

(Yes/No) (please strike out as appropriate)

Remarks (if any) \_\_\_\_\_

**Are you interested in running both the book/gift shop and the catering outlet in HKMA? (Yes/No)**

(please strike out as appropriate)

Remarks (if any) \_\_\_\_\_

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**V. Contract duration**

Duration	Respondent's preference (fill in a tick)
(a) 3-year (existing arrangement)	
(b) any other proposal	(please give the rationale behind your suggestion)

**VI. Government Support**

Please state any support you wish Government to render apart from those stated in para. 3.14 of the EOI invitation.

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**VII. Joint Promotion Proposals**

Please state any proposal you may have on appropriate joint promotion efforts which would create a win-win situation for both the museums and the operators of the catering outlets and shops inside the museums (para. 3.15 of the EOI invitation).

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Name of Respondent: \_\_\_\_\_

Telephone/fax number: \_\_\_\_\_

Date: \_\_\_\_\_



**Invitation for Expression of Interest in  
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**Annex F**

**DEED OF DECLARATION**

**THIS DEED OF DECLARATION** made the \_\_\_\_\_ day of \_\_\_\_\_ 2011

by (1) \_\_\_\_\_ (name) of \_\_\_\_\_  
(HKID No.) \_\_\_\_\_ of \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
(address);

OR (2) \_\_\_\_\_ (name of  
company) whose registered office is situated at  
\_\_\_\_\_  
\_\_\_\_\_  
(address);

OR (3) \_\_\_\_\_ (names  
and addresses of partners) carrying on business in partnership at  
\_\_\_\_\_  
\_\_\_\_\_ (address) under  
the name of \_\_\_\_\_  
(firm/association);

OR (4) \_\_\_\_\_ (name) for and  
on behalf of \_\_\_\_\_  
(firm/association) carrying on business in partnership at  
\_\_\_\_\_  
(address);

("Respondent")

**Invitation for Expression of Interest in  
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**WHEREAS** the Hong Kong Special Administrative Region Government (“the Government”) represented by the Director of Leisure and Cultural Services intends to seek ideas, suggestions and materials in the form of Expression of Interest (EOI) in response to this invitation in respect of the operation of cafes/catering outlets and gift/book shops in the museums, in order that the Government is free to collect and use the ideas, suggestions and materials embodied in the EOI for the purpose of developing terms for future tendering exercises in respect of the operation of museum cafes and shops.

**AND WHEREAS** this Deed of Declaration is intended to be a binding agreement between the Government and the Respondent to facilitate the adoption of the EOI and avoid uncertainty about possible liability, claims and legal proceedings on Intellectual Property Rights arising from or incidental to the EOI.

The Respondent **HEREBY DECLARES, WARRANTS** and **AGREES** as follows:-

- 1.1 The Respondent understands, admits and consents to the terms hereof as a condition of my/our participation in the EOI exercise. It is my/our intention that my/our EOI made in response to the Invitation is to be made freely available for use by the Government and/or any other person authorized by the Government in planning for and development the terms of future tendering exercise for the operation of museum shops and cafes free of claims of infringement of Intellectual Property Rights and/or any other rights, and will not be subject to any defined or undefined licensing terms of third parties.

**INTELLECTUAL PROPERTY RIGHTS**

- 2.1 The Respondent hereby **DECLARES** that the EOI is fully original and the Respondent has full capacity and power to make this Declaration including but not limited to the grant of the rights upon the terms and conditions of the Invitation and full right to assign to the Government as herein provided.
- 2.2 As the author of the works in the EOI, the Respondent hereby irrevocably and unconditionally **WAIVES** all his moral rights in respect

**Invitation for Expression of Interest in  
Operation of Catering Outlets and Book/Gift Shops in Museums**

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of the EOI to which he may now or at any time in the future be entitled under the Copyright Ordinance (Cap. 528) and under any similar laws in force from time to time and **DECLARES** that such waiver(s) shall operate in favour of the Government, its authorized users, licensees, assigns and successors-in-title as from the time of the creation of the EOI.

- 2.3 The Respondent as beneficial owner **ASSIGNS** to the Government absolutely his full Intellectual Property Rights subsisting in the works in the EOI free from encumbrances. Government is entitled to use the works comprised in the EOI fully and freely.
- 2.4 The Respondent hereby warrants that he is the author and the sole owner of the Intellectual Property Rights subsisting in the works of the EOI and has full power to give the warranties and indemnities contained herein.
- 2.5 The Respondent hereby warrants the provision of the works comprised in the EOI, the use, possession and exploitation of the works comprised in the EOI and/or the expression of ideas and compilation of information contained in the EOI by the Government, its authorized users, licensees, assigns and successors-in-title does not and/or will not infringe any Intellectual Property Rights or any other rights of any party.
- 2.6 The Respondent shall **INDEMNIFY** the Government and keep the Government fully and effectively indemnified against all actions, costs, claims, demands, damages, expenses (including but not limited to the fees and disbursements of lawyers, agents and expert witnesses), any awards and costs which may be agreed to be paid by the Government in settlement of any proceedings in this regard (where that settlement has first been proposed or approved in writing by or on behalf of the Respondent) and liabilities of whatsoever nature arising out of or in connection with any allegation and/or claim that the use, possession or exploitation of the EOI infringes any intellectual property rights of any party.
- 2.7 "Intellectual Property Rights" means patents, trade marks, service marks, trade names, design rights, copyright, domain names, database rights, rights in know-how, new inventions, designs or processes and

**Invitation for Expression of Interest in  
Operation of Catering Outlets and Book/Gift Shops in Museums**

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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.

**NO JOINT VENTURE**

3. Nothing in this Declaration and no action taken by the Respondent shall be deemed to render the Respondent an employee, agent or representative of the Government or any other respondents, or shall be deemed to create a partnership, joint venture or syndicate among or between any of the respondents or their trustees.

**GOVERNING LAW**

4. This Declaration shall be governed by and construed under, and the legal relations among the parties hereto (i.e. the Government and the Respondent) shall be determined in accordance with, the laws of the Hong Kong SAR. This Declaration may be asserted against the Respondent as a binding admission in defence of a claim of infringement of Intellectual Property Rights and/or any other rights in any jurisdiction.

**REQUISITE AUTHORITY**

- 5.1 In the case of the Respondent being a body corporate, it represents and warrants that it is authorized to enter into this Declaration under its constitution. The person executing this Deed of Declaration represents and warrants that he or she is duly authorized to execute this Declaration on behalf of the Respondent under its constitution.
- 5.2 In case where the Respondent is a partnership or other unincorporated association, the person who executed this Deed of Declaration represents and warrants that he/she is duly authorized to so execute this Deed on behalf of all the partners or the association, as the case may be.
- 5.3 The provisions of this Declaration shall bind and inure to the benefit of the parties and their successors-in-title and assigns.

**Invitation for Expression of Interest in  
Operation of Catering Outlets and Book/Gift Shops in Museums**

**IN WITNESS** of which the Respondent has set his/her/their hands and seal to this Deed the day and year first above written.

SIGNED SEALED and DELIVERED )  
by above-named Respondent )  
\_\_\_\_\_)  
\_\_\_\_\_)  
\_\_\_\_\_)  
\_\_\_\_\_)  
(names and HKID Card nos.) )  
In the presence of )  
\_\_\_\_\_)  
\_\_\_\_\_)  
(names and HKID Card no.) )

OR

SIGNED SEALED and DELIVERED )  
by : \_\_\_\_\_ )  
\_\_\_\_\_)  
(name, HKID Card no. and capacity) )  
for and on behalf of )  
the above-named Respondent )  
in the presence of: )  
\_\_\_\_\_)  
\_\_\_\_\_)  
(name, HKID Card no. and capacity) )

OR

THE COMMON SEAL of the )  
above-mentioned Respondent (Company) )  
was affixed pursuant to a resolution )  
of the board of directors )  
in the presence of: )  
\_\_\_\_\_)  
\_\_\_\_\_)  
(name, HKID Card no. of Director) )  
and \_\_\_\_\_ )  
\_\_\_\_\_)  
(name, HKID Card no. of Secretary) )