

Subcommittee on West Kowloon Cultural District Development
西九龍文娛藝術區發展計劃小組委員會

Responses to Subcommittee's Questions
回應小組委員會提出的問題

Concerns in the Phase I report

1. To what extent does the Administration consider the new proposal has addressed the concerns of the Subcommittee in respect of the following:
 - (a) That the Administration should have well-defined cultural policy objectives before determining what West Kowloon Cultural District (WKCD) could do to promote the development of arts and culture in Hong Kong;
 - (b) That the Administration has responsibility, in partnership with the private sector in particular the art community, to assess and determine the arts and cultural facilities in WKCD with a view to creating a lively and vigorous environment conducive to the build-up of audience and development of creativity;
 - (c) That there should be greater competition in the development approach and that the single-package or any development approach which fails to protect the public interests in the disposal of precious land resources should be abolished;
 - (d) That the Government should obtain sufficient information on the technical and financial viability of the project so as to strengthen its bargaining position in the negotiations with the proponents;
 - (e) That the Government should conduct studies to affirm the needs and technical requirements for each of the core facilities to be provided in WKCD;
 - (f) That there should be a structured consultation mechanism to systematically gauge the public views on the hardware contents of WKCD and how WKCD could promote the software development in Hong Kong; and

- (g) That there should be a statutory body to oversee the planning and implementation of the project as well as the management of the arts and cultural facilities based on agreed objectives and through active participation of the art community.

Government's response/政府回應

It is the Government's policy objective to develop West Kowloon into a world-class arts and cultural district. The project would enrich our arts and cultural life, create jobs and benefit the tourism industry.

We believe our existing cultural policy has provided a sufficiently sound basis for the development of the West Kowloon Cultural District (WKCD). Our policy towards arts and culture is to create an environment which is conducive to the freedom of expression and artistic creation, and which encourages participation in such activities. The Culture and Heritage Commission Policy Recommendation Report, based on extensive consultation, is the blueprint of Hong Kong's cultural policy, and has given its support to the WKCD project.

From 2002 to mid 2004, the Government has organised or attended over 30 consultation or briefing sessions relating to the development of the WKCD, and the proposed facilities to be included was one of the frequently discussed topics. In general, there was a clear majority view that Hong Kong needs those facilities included in the WKCD development. In addition, various bodies have conducted studies and consultations on the need of arts and cultural facilities in Hong Kong over the years. All these studies indicate the need to have new arts and cultural facilities for Hong Kong. In fact, during the extensive public consultation exercise held from December 2004 to June 2005, we notice that the majority of the public supports the idea of having a cultural district on the West Kowloon waterfront, and we are not aware of any strong opinion against any individual Core Arts and Cultural Facilities (CACF) to be provided in the WKCD. The proposed technical requirements for the CACF, contained in the Annex to the Invitation for Proposals (IFP) published in September 2003, are specified to meet international standards.

On software development of the arts and culture in Hong Kong, we

have taken proactive steps to follow up the recommendations in the Culture and Heritage Commission Policy Recommendation Report. For example, the Committee on Performing Arts will approach the arts and cultural sector in November 2005 on detailed reform proposals on funding for arts groups, venue support and strategies for cultural presentations. We have also successfully facilitated a pilot project for the conversion of the Shek Kip Mei Flatted Factories into a creative arts village to help nurture new talents in the sector. The Hong Kong Arts Development Council and Leisure and Cultural Services Department have also organised a lot of activities for audience building and assisting new and upcoming artists.

On the development approach, the proposed requirement that the Successful Proponent should carve out at least half of the residential and commercial developments in the WKCD for open bidding is made to address the concern of the Legislative Council (LegCo) and the public that the WKCD should not be developed by a single developer. Our present proposal would enable more developers to participate in the project and promote competition. We shall ensure that public interest is fully protected and that the bidding process is fair and transparent. The safeguards that we have built in include barring the Successful Proponent from bidding the carved out portions or organising the bidding process. The arrangements, mechanism and timing of the bidding process will be decided by the Government.

We will consult the screened-in Proponents on the additional development parameters and conditions. Responses from the Proponents will be critical in the further development of the WKCD. Appropriate technical and financial studies for the project will be conducted in due time.

Subject to responses from the screened-in Proponents, and taking into account the views of LegCo, the Town Planning Board (TPB) and the public, we would proceed to establish an independent statutory body to take over the IFP from the Government at a suitable juncture. We aim to consult LegCo and the public on specific legislative proposals for establishing the new body, including its functions, composition and powers in Q2 2006.

政府的政策目標，是發展西九龍成爲一個世界級的文娛藝術區。這項計劃能豐富我們的文化藝術生活、創造就

業機會和幫助旅遊業發展。

我們相信，現行的文化政策已為西九龍文娛藝術區(西九)奠定相當良好的基礎。我們的文化藝術政策，是創造一個有利自由表達和藝術創作的環境，從而鼓勵更多社會人士參與文化藝術活動。文化委員會經廣泛諮詢後發表《文化委員會政策建議報告》，為香港的文化政策制訂藍圖，當中的建議也支持西九發展計劃。

自 2002 年至 2004 年年中，政府已舉辦或出席超過 30 場與西九有關的諮詢會或簡介會，會上一個經常討論的題目是該計劃建議包括的設施。一般而言，大多數人認為香港需要該發展計劃所包括的設施。此外，過去數年，多個機構均已進行多項研究和諮詢，探討香港對文化藝術設施的需要。各項研究均指出，香港需要新的文化藝術設施。事實上，2004 年 12 月至 2005 年 6 月期間，我們進行了廣泛諮詢，發現大多數市民支持在西九龍海旁發展文娛藝術區的構思，而我們並未察覺市民對未來西九的個別核心文化藝術設施有強烈不滿。為讓核心文化藝術設施符合國際標準，2003 年 9 月公布的發展建議邀請書的附件已載錄有關設施的技術要求。

有關香港文化藝術軟件的開發，我們已主動採取措施，跟進《文化委員會政策建議報告》中所提出的建議，例如表演藝術委員會將於 2005 年 11 月接觸文化藝術界人士，商討有關資助藝團、提供場地支援和制訂文化節目策略的詳細修訂建議。我們亦已促成改建石硤尾分層工廠大廈的試驗計劃，把大廈改為培育年青藝術人才的創意藝術村。香港藝術發展局和康樂及文化事務署亦致力舉辦多項活動，以拓展觀眾層面和協助新進藝術家。

在發展模式方面，建議中有關中選建議者須分拆西九最少一半住宅及商業發展作公開競投的要求，是回應立法會和公眾認為西九不應由單一發展商發展的訴求。我們現時的建議可讓更多發展商參與計劃，並促進競爭。我們會確保公眾利益在建議的發展模式下得到全面保障，以及競投過程公平和具透明度。我們已制訂的保障包括禁止中選建議者競投分拆部分和處理競投程序。有

關競投的安排、機制及時間，將由政府決定。

我們會就新增發展規範和條件諮詢入圍建議者。建議者的回應對西九未來發展起關鍵作用。我們會在適當時候進行合適的技術及財務研究。

視乎入圍建議者的回應，以及考慮立法會、城市規劃委員會(城規會)和公眾的意見後，我們會着手成立獨立法定機構，在適當時候接替政府推展發展建議邀請書的工作。我們的目標是在 2006 年第二季就成立新機構的具體立法方案，包括其功能、組成及權力諮詢立法會及公眾。

Development mode

2. To what extent will public interests be protected when the Successful Proponent, under the new proposal, will still be responsible for developing 2/3 of the WKCD site, which includes all the core arts and cultural facilities, canopy and other communal facilities, and the development right of 50% of the residential/commercial gross floor areas (GFA)?

Government's response/政府回應

We believe that public interest will be sufficiently protected under the proposed development approach. About one-third of the development (in terms of gross floor area) at the WKCD would be devoted to the CACF which will not generate any profit for the Successful Proponent as a whole. In addition, we will require the Successful Proponent to develop all the communal facilities like the Automated People Mover, Canopy and open space, and to pay an amount of \$30 billion upfront to establish an independent fund for the WKCD for the sustainable operation of the CACF and communal facilities at the WKCD, as well as the proposed new body. The Provisional Agreement and the Project Agreement, as well as other legal documents to be signed by the Successful Proponent would contain provisions on the obligations of the Successful Proponent. The enabling legislation for establishing the new body would also provide for any statutory obligations of the Successful Proponent and the new body would be provided with the necessary powers to oversee the due performance by the Successful Proponent of its obligations.

我們相信建議的發展模式會充分保障公眾利益。以西九總樓面面積計算，約三分之一屬核心文化藝術設施，這些設施整體而言不會為中選建議者帶來盈利。此外，我們會要求中選建議者發展所有公用設施，包括穿梭列車系統、天篷及休憩用地，並先支付 300 億元，為西九成立獨立基金，確保西九的核心文化藝術設施和其他公用設施，以及建議成立的新機構可持續營運。臨時協議和計劃協議，以及其他由中選建議者簽訂的法律文件中會訂明中選建議者的責任。新機構的賦權法例亦會訂明中選建議者在法例下的責任，以及新機構監督中選建議者妥善地履行其責任的所需權力。

Statutory body

3. It is proposed that a new statutory body would be established to take over the functions of the Administration at a suitable juncture to oversee the WKCD under the IFP framework. How would this “suitable juncture” be determined? Why wouldn’t the statutory body, as proposed by the Subcommittee in its first report, be established early to take over Government’s responsibility in overseeing the planning, design, development and operation of WKCD, including drawing up the master layout plan and negotiating with the screened- in proponents?
4. How would the statutory body be able to address public aspirations if it does not have the power to determine what should be included in the CACF and to ensure that other developments on WKCD would be compatible in making West Kowloon an arts and cultural district to enliven the city’s cultural life and nurture creative talents?
5. How far would the statutory body be accountable to the Government for the accomplishment of its objectives? What would be the relationship between the statutory body and the Successful Proponent and other developers? Would it have the power to give directives to and monitor the Successful Proponent to ensure the development of WKCD could be modified where necessary?
6. What is the Administration’s thinking of the consultative setup of the new statutory body? What would be the scope of matters on

which the consultative setup would conduct consultation?

Government's response/政府回應

Details of the new body could only be formulated after we have assessed comments and reactions from LegCo, TPB, the screened-in Proponents and the public on the proposed additional development parameters and conditions, and have decided the prospects of the IFP. Subject to responses from the screened-in Proponents, we aim to consult LegCo and the public on specific legislative proposals for establishing a new body in Q2 2006.

新機構的細節需待我們進一步聽取立法會、城規會和公眾對建議的發展規範和條件的意見，以及入圍建議者的回應，並決定發展建議邀請書何去何從後，才可定案。視乎建議者的回應，我們的目標是在 2006 年第二季就新機構的具體立法方案諮詢立法會及公眾。

Trust fund

7. Which authority or body will have ownership of the trust fund? Will it be owned and managed by the Government, the statutory body or the Successful Proponent?

Government's response/政府回應

It is envisaged that the enabling legislation for establishing the new body would include provisions governing the independent and prudent management of the proposed fund.

我們預期成立新機構的賦權法例會包括規管建議基金的獨立和審慎管理安排的條文。

8. Are there any plans to reserve any of the income generated from the commercial activities, such as leasing of shops, in WKCD and allow such income to be ploughed back into the trust fund? Will the trust fund also support the development of arts groups and enhancement of the cultural software?

Government's response/政府回應

Our intention is to require the Successful Proponent to pay an amount of \$30 billion upfront to establish an independent fund for the WKCD. At present we have no intention to expose the independent fund to the risk of the commercial activities in the WKCD. The independent fund will help ensure the sustainability of various communal facilities in the WKCD, arts and cultural facilities in particular. It has taken into account the software development for arts and culture in the WKCD.

我們的構思是要求中選建議者先支付 300 億元，為西九成立獨立基金。我們現時無意讓獨立基金承擔西九內商業活動的風險。成立獨立基金有助確保西九內各項公用設施(尤其是文化藝術設施)可以持續營運，它亦已顧及該區發展文化藝術軟件的用途。

9. Will the trust fund be subject to auditing? What mechanism will be put in place to ensure the trust fund will be used in a cost-effective manner?

Government's response/政府回應

Please refer to Government's response to Question 7 above.

請參閱第七條問題的政府回應。

Planning and implementation

10. Whether the timing and details of the residential and commercial land to be carved out for open bidding will be shown in the Master Layout Plan of the WKCD?

Government's response/政府回應

While the carved-out developments may be shown in the Master Layout Plan, details of the carving out regime and the actual timing of land disposal would be decided later by the Government.

分拆部分可能在總綱發展藍圖上顯示，而分拆的詳細安排及分拆時間由政府於稍後決定。

11. Whether the statutory body will have input on the parts of the

residential and commercial GFA to be carved out?

Government's response/政府回應

The details of carving out would be decided by the Government.

分拆的詳細安排由政府決定。

12. Given the facilities in the WKCD will be developed over a long period of time, whether Government will have the power to modify the facilities to be constructed or the themes of the facilities to cater for the change in circumstances? If yes, by what ways?

Government's response/政府回應

Appropriate arrangements will be set out in the Provisional Agreement and the Project Agreement, as well as relevant legal documents to be signed by the Successful Proponent.

我們會在臨時計劃協議和計劃協議，以及其他由中選建議者簽訂的法律文件中訂定適當的安排。

13. Does the new proposal have any impact on the unique two-stage approach for the plan-making of the WKCD scheme area agreed by the Town Planning Board? If yes, please elaborate.

Government's response/政府回應

On 2 January 2004, the TPB agreed to adopt a two-stage plan amendment approach to deal with the development of the WKCD. The original conception in zoning the WKCD "Other Specified Uses" annotated "Arts, Cultural, Commercial and Entertainment Uses" on the relevant Outline Zoning Plan (OZP) is to reflect the planning intention of developing the site into an integrated arts and cultural district, while allowing a sufficient degree of design flexibility for the Proponents to come up with the most appropriate Proposal commensurate with the development objectives. After the Government has completed its assessments on the Proposals, the preferred development scheme will be submitted to the TPB for agreement before the Government enters into a Provisional Agreement with the Successful Proponent. Thereafter, the TPB will amend the OZP to incorporate the proposed development

parameters of the preferred development scheme (including the development mix and intensity, the gross floor area for different uses, permissible plot ratio, maximum building heights and open space requirements) as a second stage plan amendment and the draft OZP will be gazetted pursuant to the Town Planning Ordinance for public comment. The Project Agreement will only be finalised and executed after the completion of the statutory planning procedures.

In the light of the results of the Public Consultation and the proposal to set an overriding plot ratio limit and a residential cap on development in the WKCD, the TPB was consulted on 21 October 2005 on the additional development parameters. The TPB accepted the arrangement of advancing the second stage amendment whereby the development parameters will be incorporated into the OZP before a preferred Proposal is selected. This arrangement will facilitate early public engagement under the statutory planning process and provide certainty to the Proponents to revise their Proposals. All representations and comments on the amended OZP will be processed in accordance with the provisions of the Town Planning Ordinance prior to the submission of the OZP to the Chief Executive-in-Council for approval.

在 2004 年 1 月 2 日，城規會同意採用兩階段圖則修訂程序處理西九發展。原有的概念是把西九發展區劃為「其他指定用途」註明「藝術、文化、商業及娛樂用途」地帶，以反映把該區發展作綜合文娛藝術區的規劃意向，同時給予建議者足夠的設計彈性，讓他們提出配合發展目標的最佳建議書。政府在完成建議書的評審工作後，在選定屬意的發展計劃前，會提交城規會，徵求城規會的同意，然後才與中選建議者簽訂臨時協議。在修訂圖則第二階段，城規會將修訂分區計劃大綱圖，以納入屬意發展計劃的擬議發展規範(包括發展組合及密度、各類用途的總樓面面積、許可地積比率、最高樓宇高度及休憩用地要求)，並會根據《城市規劃條例》把分區計劃大綱草圖刊憲，讓公眾提出意見。在完成所有法定規劃程序後，政府才會敲定和簽署計劃協議。

鑑於公眾諮詢結果及就西九訂立地積比率上限與住宅比例上限的建議，我們在 2005 年 10 月 21 日就建議中的發展規範諮詢了城規會。城規會接受提早展開修訂圖則第

二階段的安排，在選出屬意發展建議書前把發展規範納入分區計劃大綱圖。這安排一方面可讓我們盡早透過法定規劃程序諮詢公眾，另一方面可讓建議者確切地掌握有關規範，以修訂其建議。公眾就分區計劃大綱修訂圖提出的所有申述及意見，均會按照《城市規劃條例》的條文處理，然後分區計劃大綱圖才會提交行政長官會同行政會議審批。

Canopy

14. What factors will be taken into account by Government in deciding whether the canopy should be built?

Government's response/政府回應

The results of the Public Consultation indicate that public views on the Canopy are divided and hence inconclusive. There is a certain degree of support. At this stage there is no compelling reason for us to change the Mandatory Requirement on the Canopy.

公眾諮詢結果顯示，公眾對興建天篷的問題意見分歧，沒有定論。天篷得到一定程度的支持。在現階段沒有充分理由改變此強制性要求。

Public consultation

15. Does the Administration intend to conduct structured public consultation on the new proposal before making a decision on the way the WKCD should be taken forward? If yes, how the public consultation will be conducted? If no, why?

Government's response/政府回應

The Government has proposed the introduction of additional development parameters and conditions after taking into account views received during the six-month extensive public consultation conducted from December 2004 to June 2005. The Government will consult the screened-in Proponents on the additional development parameters and conditions. The responses from the

Proponents as well as the reaction of LegCo, TPB and the general public, would be decisive factors in shaping the way forward for the WKCD. Subject to these responses, we aim to consult LegCo and the public on specific legislative proposals for establishing a new body for the WKCD in Q2 2006.

考慮過在 2004 年 12 月至 2005 年 6 月進行，為期六個月的廣泛公眾諮詢期間所收到的意見後，政府建議引入新增發展規範和條件，並會就此諮詢入圍建議者。建議者對新增發展規範和條件的回應，以及立法會、城規會和市民的反應，對下一步如何推展西九計劃將起決定性的作用。視乎各方反應，我們的目標是在 2006 年第二季就成立新機構的具體立法方案諮詢立法會及公眾。

16. How would the Administration explain the differences of the new proposal from the IFP to the public?

Government's response/政府回應

Subject to responses from the screened-in Proponents, the Government would formulate detailed requirements for the Proponents to revise their Proposals under the IFP. The detailed requirements will be given wide publicity.

視乎建議者的回應，政府會制訂詳細要求，讓建議者在發展建議邀請書框架下修訂建議。詳細要求將廣為公布。

Housing, Planning and Lands Bureau
房屋及規劃地政局

Home Affairs Bureau
民政事務局

27 October 2005
2005 年 10 月 27 日