

Annex C/附件 C

**Administration's responses to questions raised by the Subcommittee
政府對小組委員會提出問題的回應****Arts and Culture 藝術及文化**

1. What are the reasons for not adopting the approach of separating the development of arts and culture and property, i.e. selling the land in West Kowloon Reclamation and making use of the proceeds for development of arts and culture?
2. How can the arts and cultural sector participate in deciding the way forward for the West Kowloon Cultural District (WKCD) project before the establishment of the statutory body?

Administration's responses/政府回應

The outcome of the public consultation completed in end June 2005 indicates that there is majority support for early implementation of the West Kowloon Cultural District (WKCD). We should make the best use of what we have done under the Invitation for Proposals (IFP) including the Proposals we have screened-in and the public views that we have collected and to continue with the process subject to improvements. To address the major public concerns, we have proposed to introduce additional development parameters and conditions for the project. We have sought the preliminary views of the Town Planning Board (TPB) on the proposed additional development parameters at its meeting on 21 October 2005. The TPB agreed in principle to the proposed additional development parameters as the basis for future planning of the WKCD. We have also written to all three screened-in Proponents inviting their responses to the proposed additional development parameters and conditions.

Subject to the responses of the screened-in Proponents, and in light of the reaction of LegCo, the TPB and the general public, we would prepare for the establishment of a new statutory body to take over the IFP from the Government at a suitable juncture. We aim to consult LegCo and the public, including the arts and cultural sector, on specific legislative proposals for establishing the new body in Q2 2006.

We have extensive contacts and conducted in depth discussions with the arts and cultural sector, and we will continue to maintain the dialogue and communication to solicit their valuable views on the project.

在 2005 年 6 月完成的公眾諮詢的結果顯示，大多數市民支持早日落實西九龍文娛藝術區(西九)發展計劃。我們應盡量善用我們在發展建議邀請書程序下取得的成果(包括入圍建議書及公眾對建議書的意見)，並在作出適當改善後繼續進行有關程序。為回應公眾的主要關注事項，我們建議為計劃引進新增的發展規範和條件。我們已在 2005 年 10 月 21 日城市規劃委員會(城規會)的會議上徵詢了城規會對建議發展規範的初步意見。城規會原則上同意以該等發展規範作為西九未來規劃的基礎。我們亦已致函三個入圍建議者，邀請他們對新增的發展規範和條件作出回應。

視乎建議者的回應，以及考慮立法會、城規會和公眾的反應，我們會準備成立新法定機構，讓其在適當時候接替政府繼續發展建議邀請書定下的工作。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諮詢立法會及公眾。

我們與文化藝術界有廣泛聯繫，並與他們深入討論各有關事宜。我們會繼續與他們對話及溝通，以收集他們對發展計劃的寶貴意見。

Engaging Consultants 委聘顧問

3. Why wouldn't the Administration appoint consultants now to assess the financial cost and benefit of the WKCD project in order to obtain solid information to work out the best financial arrangement and for negotiation with the screened-in proponents?
4. Why wouldn't the Administration consider the approach of engaging consultants to draw up a Master Layout Plan for WKCD?

Administration's responses/政府回應

We are consulting the screened-in Proponents on the proposed additional development parameters and conditions. Their response will be critical in the further development of the WKCD. Appropriate technical and financial studies will be conducted in due time.

Under the existing development framework, the private sector with its commercial knowledge and experience would be better placed to formulate the masterplan to ensure effective integration of commercial and arts and cultural elements.

我們正就建議增設的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將會有關鍵作用。我們會在適當時候進行合適的技術及財務研究。

在現時的发展框架下，為確保商業和文化藝術元素能充份融合，由具備商業知識和經驗的私人機構負責制定規劃總綱較為合適。

Carving Out 分拆

5. The successful proponent is required to carve out 50% of the development rights of the residential and commercial gross floor area (GFA) at the WKCD site for bidding by other developers. How was the percentage calculated?
6. As the three screened-in proponents may propose different ways of carving out 50% of the development rights of the commercial and residential GFA for open bidding, what are the criteria for assessing their proposals and what mechanism has been/will be put in place to ensure the assessment will be conducted in a transparent and impartial manner?
7. How would construction of the core arts and cultural facilities (CACF), the canopy and the communal facilities be financed? Would the proceeds from the sale of the 50% carved out developments be used to finance their construction?
8. Will the proceeds from the sale of the carved out development be ploughed into a fund separated from the trust fund and used for arts

and cultural and other communal facilities and services provided in WKCD?

Administration's responses/政府回應

For effective coordination of works, efficient integration of design and a clear line of responsibility, we propose that the Successful Proponent should assume the role of coordinating the project and be charged with the obligation of developing all the Core Arts and Cultural Facilities (CACF), canopy and other communal facilities of the WKCD. We also propose that it should be given, say, at most half of the development rights of the residential and commercial gross floor area (GFA).

The Proponents would be required to submit detailed proposals on the carving-out arrangements. Such proposals would be assessed against objective criteria to be drawn up at a later stage. To enhance transparency of the assessment, the assessment criteria would be published. All measures safeguarding the impartiality and due process of the IFP would continue to apply.

Subject to consultation and legislation, proceeds from the carved-out developments will be used for arts and cultural and other communal facilities and services provided in the WKCD through a suitable arrangement. All the CACF and facilities stipulated under the Mandatory Requirements in the IFP and other facilities proposed by the Successful Proponent (excluding the carved-out developments) are to be constructed and financed by the Successful Proponent. The proceeds of the carved-out developments will not be used to meet the construction costs of such facilities.

為求工程協調得當、設計融為一體及分工明確，我們建議，中選建議者應擔當協調整個發展計劃的角色，並負責發展所有核心文化藝術設施、天篷及西九內其他公用設施。同時，可考慮給予中選建議者最多一半的住宅和商業發展樓面面積的發展權。

我們會要求建議者就分拆安排提交詳細建議。我們會根據稍後階段制訂的客觀準則，評審該等建議。有關評審準則將會公開，以提高評審工作的透明度。發展建議邀請書下所有確保評審公正的措施以及適當程序，亦將繼

續適用。

視乎日後的諮詢和立法工作，分拆部分所得的收益將透過適當安排，用於西九提供的文化藝術設施及服務。發展建議邀請書內的強制性要求所訂明的核心文化藝術設施和其他設施，包括由中選建議者建議的設施(分拆部分除外)，將由中選建議者負責斥資興建。分拆部分所得的收益不會用作支付該等設施的建築成本。

Independent Fund 獨立基金

9. What are the estimated respective costs for the construction and maintenance of the CACF, the canopy, and the automated people mover? What is the estimated cost for procurement of collections for the proposed themed museums?
13. On what basis does the Government consider that \$30 billion is sufficient for covering the operating costs for CACF, other communal facilities and the statutory body? Please give details on how the \$30 billion has been worked out.
14. Is the requirement to pay \$30 billion upfront to establish an independent trust fund a prerequisite for selecting the successful proponent? Is there any room for negotiation? Please give details on the criteria to be adopted for selecting the successful proponent. How would the Administration assess whether the construction costs quoted by the screened-in proponents are reasonable or not?
15. In the event that the three screened-in proponents do not accept the condition of paying \$30 billion upfront to establish the trust fund, will the Administration open the negotiation to other developers?
16. What is the basis for assuming the return rate of the trust fund at 5% per annum?

Administration's responses/政府回應

Our proposal is to require the Successful Proponent to pay an amount of \$30 billion upfront to establish an independent fund. Please refer to the note on the “Operation of Communal Facilities in the West Kowloon Cultural District – Size of a Proposed Independent Fund”

(Annex to Paper No. WKCD-204 issued vide LC Paper No. CB(1)158/05-06 on 26 October 2005) for the objectives, assumptions and parameters underlying the guesstimated size of the proposed fund. As mentioned in paragraph 13 of the note, the return rate of 5% for the fund is in line with the compounded investment return of the Exchange Fund for the five years from 2000 to 2004.

Subject to the positive response from the screened-in Proponents, we would formulate detailed requirements, including those for upfront payment, for the Proponents to revise their Proposals under the IFP. We propose that Proponents who do not meet the requirement for the upfront payment will be disqualified and their Proposals will not be further considered.

Similar to what are required in the current IFP, the Proponents would need to provide breakdown of construction and maintenance costs for individual facilities in their revised Proposals. We would be able to assess the costs with other information submitted such as the building areas, design standards, choice of materials, construction methods, maintenance strategy, pricing assumptions, etc. If necessary, we would make reference to the relevant cost data of suitable local or overseas projects completed. The detailed assessment criteria for revised Proposals will be drawn up at a later stage.

Regarding museum collections, there are different sources of exhibits for museums, including donations and acquisitions, long-term/short-term loans, temporary tours of special exhibitions, etc. In addition, some museums e.g. Science Museum and Museum of the Moving Image may have more fabricated exhibits than artefacts. Thus the costs for procurement of collections for different museums may vary according to their specific natures.

Proponents are required to provide estimates of the capital costs on fabrication and displays (including artefacts) for each museum of the Museum Cluster in the IFP. As the themes of the museums in WKCD are open for proposals, the amount of acquisition cost for each museum may vary and will depend on the availability of relevant artworks from a wide variety of sources within specific timeframes. In guesstimating the independent fund for the sustainable operation of CACF and communal facilities, we have taken into account the factor of an on-going annual acquisition budget for the art-themed museums.

我們的建議是要求中選建議者一早支付 300 億元，以成立獨立基金。有關基金的目標和在粗略估計有關基金金額時的各項假設和規範，請參閱題為《西九龍文娛藝術區內公用設施的營運 建議中獨立基金的金額》的文件（於 2005 年 10 月 26 日隨立法會 CB(1)158/05-06 號文件發出，編號 WKCD-204 文件的附件）。正如該文件第 13 段指出，5% 的回報率，與外匯基金在 2000 至 2004 年的複合投資回報一致。

若得到入圍建議者的正面回應，政府會制訂詳細要求，包括有關一早需要支付款項的要求，讓建議者在發展建議邀請書框架下修訂建議。我們建議，不符合一早需要支付款項要求的建議者，將被取消資格，其建議書亦不會獲進一步考慮。

與現時發展建議書所要求類似，建議者須在修訂建議書中就個別設施的提供分項建築及保養成本。我們可根據建議者提供的資料，包括建築面積、設計水平、物料選擇、建築方法、保養策略、定價假設等，評審有關成本數字。如有需要，我們會參考本地或海外已完成項目的相關成本數據。針對修訂建議的詳細評審準則，將於稍後階段制訂。

在博物館藏品方面，博物館可從不同途徑取得展品，包括捐贈、購買、長期或短期借用、短期的巡迴專題展覽等。此外，一些博物館（如科學館和電影博物館）可能採用特別製作的展品裝置比文物為多。因此，不同博物館購買藏品的開支會因其性質不同而有差別。

建議者須就每個博物館展品裝置和展覽（包括購藏文物）的資本開支提供預算。由於建議者可建議西九中博物館的主題，個別博物館在收購藏品的開支會有差別，亦視乎各種不同來源的各類藝術品在特定時間內的供求情況。在粗略估計為核心文化藝術設施和其他公用設施持續營運而設的獨立基金的金額時，我們已考慮以藝術為主題的博物館每年在收購藏品方面的開支預算。

The Statutory Body 法定組織

10. How would the Administration ensure that the successful proponent would construct the CACF and the communal facilities up to the required world standard? Why wouldn't the Administration set up the statutory body as early as possible to enhance public engagement and monitoring of the WKCD development?
11. Will the independent statutory body have any role to play in the selection of the successful proponent and the specifications of the hardware facilities to be provided in the WKCD?

Administration's responses/政府回應

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. In particular, the Successful Proponent will be required to prepare technical specifications based on approved designs for inclusion in the Project Agreement as the control document governing the design and construction of these facilities. There will also be expressed contractual provisions stating the powers and duties of the Government or the proposed new body on technical vetting/approval and monitoring of the design and construction works. In addition, the Successful Proponent will be required to provide sufficient warranties and guarantees to ensure due performance of its obligations under the Project Agreement.

As for the independent statutory body for the WKCD, the enabling legislation for establishing the new body would provide for any statutory obligations of the Successful Proponent and the new body would be vested with the necessary powers to oversee the due performance by the Successful Proponent of its obligations. 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.

臨時協議和計劃協議，以及與中選建議者簽訂的相關法

律文件會清楚訂明中選建議者的責任。其中，中選建議者須根據最後批准的設計制訂技術規格，在計劃協議中訂明，作為約束，確保所有設施都能遵照設計和建築規格進行。合約中亦會有條款訂明政府和建議成立機構在技術批核和監管設計和建築工程方面的權責。此外，中選建議者須提供足夠的保證，確保其能妥善履行計劃協議下的責任。

至於為西九成立的獨立法定機構，成立該機構的賦權法例亦會訂明中選建議者在法例下的責任，以及該機構就監督中選建議者妥善履行其責任的所需權力。有關成立該機構的細節需待我們進一步聽取立法會、城規會和公眾對上述建議的發展規範和條件的意見，以及入圍建議者的回應，並就現有發展建議邀請書框架的路向作出決定後，才可定案。視乎入圍建議者的回應，我們的目標是在 2006 年第二季就成立該機構的具體立法方案諮詢立法會及公眾。

Gross Floor Area of CACF 核心文化藝術設施的總樓面面積

12. CACF will take up 30% of the total GFA in WKCD. What will be included in the 30% area? What will be the respective proportion between culture and entertainment elements?

Administration's responses/政府回應

The definition of CACF as part of the Mandatory Requirements remains unchanged as indicated in the Important Note of the IFP. Our proposal is to specify a minimum net operating floor area for CACF at 185 000 m². This is equivalent to a GFA of 214 000 m² and accounts for some 30% of the total GFA of the WKCD at a plot ratio of 1.81.

一如發展建議邀請書的重要事項中訂明核心文化藝術設施是強制性要求的定義並無改變。我們的建議是將核心文化藝術設施的淨作業樓面面積定為最少 185000 平方米。這約等於總樓面面積 214000 平方米，在 1.81 的地積比率下，佔西九總樓面面積約 30%。

Housing, Planning and Lands Bureau

房屋及規劃地政局

Home Affairs Bureau

民政事務局

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