

立法會
Legislative Council

Paper No. WKCD-536
(These minutes have been seen
by the Administration)

Ref : CB1/HS/2/04/1

**Subcommittee on
West Kowloon Cultural District Development**

**Minutes of forty-first meeting held on
Thursday, 14 February 2008, at 2:30 pm
in Conference Room A of the Legislative Council Building**

- Members present** : Hon Alan LEONG Kah-kit, SC (Chairman)
Hon James TO Kun-sun (Deputy Chairman)
Ir Dr Hon Raymond HO Chung-tai, SBS, S.B.St.J., JP
Hon Margaret NG
Hon CHAN Kam-lam, SBS, JP
Hon Jasper TSANG Yok-sing, GBS, JP
Hon Emily LAU Wai-hing, JP
Hon CHOY So-yuk, JP
Hon Timothy FOK Tsun-ting, GBS, JP
Hon Abraham SHEK Lai-him, SBS, JP
Hon Audrey EU Yuet-mee, SC, JP
Hon LEE Wing-tat
Hon LEUNG Kwok-hung
Dr Hon KWOK Ka-ki
Hon CHIM Pui-chung
Prof Hon Patrick LAU Sau-shing, SBS, JP
- Members absent** : Hon Albert HO Chun-yan
Dr Hon LUI Ming-wah, SBS, JP
Hon Mrs Selina CHOW LIANG Shuk-ye, GBS, JP
Hon CHAN Yuen-han, SBS, JP
Hon SIN Chung-kai, SBS, JP
Hon CHEUNG Hok-ming, SBS, JP

Public officers attending : Ms Esther LEUNG, JP
Deputy Secretary for Home Affairs (3)

Mr Vincent FUNG
Principal Assistant Secretary for Home Affairs
(West Kowloon Cultural District) 1

Mr Danny LAU
Principal Assistant Secretary for Home Affairs
(West Kowloon Cultural District) 2

Mr Howard LAM
Chief Treasury Accountant
(West Kowloon Cultural District)
Home Affairs Bureau

Mr Anthony T K KWAN
Assistant Director/Metro
Planning Department

Clerk in attendance : Ms Anita SIT
Chief Council Secretary (1)4

Staff in attendance : Ms Pauline NG
Assistant Secretary General 1

Miss Monna LAI
Assistant Legal Adviser 7

Mr Anthony CHU
Council Secretary (1)2

Ms Christina SHIU
Legislative Assistant (1)7

I Meeting with the Administration

Paper No. WKCD-524

-- Information paper entitled "Response to questions raised by members of the Subcommittee on West Kowloon Cultural District Development" provided by the Administration

- File Ref: SF (17) to HAB CS CR 7/1/27 -- Legislative Council Brief on "West Kowloon Cultural District: The Way Forward and West Kowloon Cultural District Authority Bill"
- Paper No. WKCD-516 -- Information paper on "Major findings of the Public Engagement Exercise and follow-up work for the West Kowloon Cultural District project" provided by the Administration
- Paper No. WKCD-509 -- Information paper on "Statutory Planning Process for West Kowloon Cultural District Development" provided by the Administration

The Subcommittee deliberated. (Index of proceedings attached at the **Appendix**)

Follow-up actions

- Admin 2. The Administration was requested to provide the following information –
- (a) Comparison of the functions, powers, governing structure (especially composition and appointment mechanism), mode of operation, funding arrangements, consultation mechanism, procedures and practices of proceedings, accountability measures, safeguards of public interest etc. of the proposed West Kowloon Cultural District Authority (WKCD) with those of comparable local and overseas statutory bodies.
 - (b) Detailed arrangements regarding the ownership of future donated items to the M+ and the **Interim M+**, in particular how the arrangements can provide assurance to donors of private collections about the possible transfer of ownership to a third party.
 - (c) Response to the suggestion that the rule that a WKCD Board member who was not a public officer might not serve as such a member continuously for more than 6 years should be specified in the Bill.

Way forward for the Subcommittee

3. The Assistant Secretary General 1 advised members that the Secretariat had issued invitations for appointment as specialist adviser to assist the Subcommittee in studying the financial aspects of the WKCD project to 27 relevant faculty/department offices and the respective faculty deans/department heads by emails and requested them to disseminate the invitations to their academic staff.

The appointed specialist adviser would be required to submit its final report by end of April 2008. The specialist adviser's study would be able to facilitate members' consideration of subsequent funding application for the upfront endowment for WKCDA at the Finance Committee.

4. Members noted that the Subcommittee planned to submit its Phase III Study Report to the House Committee by end of May 2008. The Secretariat would first prepare a draft of the chapter on the establishment of a statutory body for WKCD to facilitate the discussion of the Bills Committee on the WKCDA Bill. The date of next Subcommittee meeting would hinge on the progress of the specialist adviser's study and the drafting of the Phase III Study Report.

II Any other business

5. The meeting ended at 4:45 pm.

Council Business Division 1
Legislative Council Secretariat
29 April 2008

**Proceedings of the forty-first meeting of the
Subcommittee on West Kowloon Cultural District Development
on Thursday, 14 February 2008, at 2:30 pm
in Conference Room A of the Legislative Council Building**

Time marker	Speaker	Subject(s)	Action required
000000 - 000237	Chairman	Opening remark Work schedule of the Subcommittee	
000238 - 000636	Assistant Secretary General 1 (ASG1) Chairman Ms Emily LAU	Progress of work on appointment of specialist adviser Work schedule regarding the Phase III Study Report	
000637 - 001002	Chairman Mr LEE Wing-tat Administration	Timing for provision of papers	
001003 - 002810	Administration Chairman	Briefing by the Administration on its response to questions raised by members at previous meetings (Paper No. WKCD-524)	
002811 - 003608	Mr LEE Wing-tat Administration	Mr LEE's view that the WKCDA Bill (the Bill) had not heeded members' requests that the meetings of WKCDA should be open to the public and its corporate and business plans should be made available to the public Mr LEE's concern about the financial feasibility and the collection build-up process of M+ The Administration's explanation that – (a) the on-site Net Operating Floor Area of the M+ had been reduced by 30% to enhance its financial feasibility. In order for M+ to be successful, the preparatory work should start at an early stage with the setting up of an interim M+ before the commissioning of M+. The	

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		<p>financial assessment on WKCD by the Financial Advisor had been conducted in a prudent manner by allowing a safety margin for contingencies;</p> <p>(b) the Administration considered it not appropriate to mandate WKCDA to open up its meetings, as the meetings of the WKCDA Board (the Board) would involve lots of discussions related to facility management contracts and evaluation of performance of arts groups. Flexibility should be given to WKCDA in regulating its own meeting proceedings; and</p> <p>(c) a number of accountability measures had been included in the Bill including the requirement on the Chairman and the Chief Executive Officer of WKCDA to attend LegCo meetings to answer questions upon LegCo's request</p>	
003609 - 004520	Mr James TO Administration Chairman	<p>Mr TO's enquiry on whether the 20-metre waterfront promenade would be incorporated in the draft South West Kowloon outline zoning plan</p> <p>Mr TO's view that the provisions in the Town Planning Ordinance (Cap. 131) (TPO) regarding the holding of open meetings provided a useful reference for the WKCDA Bill. If the Administration did not respond positively to members' request, he might move Committee Stage amendments to the Bill in this respect</p> <p>The Administration's explanation that –</p> <p>(a) the waterfront promenade was</p>	

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		<p>not included in the planning parameters in the Consultative Committee's Recommendation Report and the public had not been consulted on this matter in the Public Engagement exercise. Even after the waterfront promenade was incorporated into the OZP, sufficient flexibility should be allowed for WKCDA to change the details in its preparation of the Development Plan (DP); and</p> <p>(b) the Administration agreed that WKCDA should operate with high transparency but considered it not appropriate to prescribe the holding of open meetings in the Bill</p>	
004521 - 005623	Ms Audrey EU Chairman Administration	<p>Enquiry of Ms EU and the Chairman on when WKCDA would consult the public on the design of the arts and cultural facilities and how the public consultation would be conducted</p> <p>Ms EU's view that to enhance WKCDA's transparency and accountability, the Bill should require WKCDA to hold its meetings in public; similar provisions were already available in TPO</p> <p>The Administration's explanation that –</p> <p>(a) the DP which would be prepared by WKCDA in consultation with the public would have detailed information on the disposition of land uses. Details of the public consultation would not be specified in the legislation. It was envisaged that WKCDA would need one year to prepare the DP. Upon approval of the DP, WKCDA would commence the design and development of</p>	

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		<p>the arts and cultural facilities; and</p> <p>(b) TPB and WKCDA were not readily comparable; currently, meetings of TPB for hearing presentations and representations were open to the public while the Board's deliberations were still held in closed sessions. Meetings to hear presentations and representations might only form a small portion of the meetings of WKCDA</p> <p>On the Chairman's enquiry about measures to monitor the development of WKCD in accordance with the DP, the Administration advised that the functions of WKCDA to prepare the DP and develop WKCD in accordance with the requirements and conditions in the DP were clearly stipulated in the Bill. Other relevant conditions would be specified in the land grants for the relevant sites</p>	
005624 - 010523	Miss CHOY So-yuk Administration Chairman	<p>Ms CHOY's enquiry about the practical difficulties of stipulating in the Bill that WKCDA should open its meetings to the public unless under some specified circumstances</p> <p>Ms CHOY's expression of views that –</p> <p>(a) the Administration should not use WKCD as an excuse for delaying the development of arts and cultural hardware in areas outside WKCD. By way of illustration, the Cantonese Opera sector would have difficulties in finding suitable performing venues after the closure of Sunbeam Theatre in 2009; and</p>	

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		<p>(b) members of the Eastern District Council had suggested that the interim M+ could be used as a venue for other arts and cultural programmes</p> <p>The Administration's explanation that –</p> <p>(a) discussion of WKCDA on programme arrangements might involve sensitive contract information and the parties concerned might not agree to have the discussions held in public;</p> <p>(b) a venue in North Point had been identified for the Interim M+. As the Interim M+ was only temporary in nature, the Administration would only undertake the minimum necessary building works. The Administration would consider using the venue for other arts and cultural purposes subject to technical feasibility; and</p> <p>(c) the Administration would allocate resources for the development of cultural hardware outside WKCD</p>	
010524 - 011429	Dr KWOK Ka-ki Administration	<p>Dr KWOK's views that –</p> <p>(a) the financial feasibility of M+ a serious concern;</p> <p>(b) the upfront endowment approach would not facilitate effective monitoring of WKCD by LegCo and the public; provision of funds for WKCD should follow the established procedures for public works; and</p> <p>(c) if all members of the WKCDA</p>	

Time marker	Speaker	Subject(s)	Action required
		<p>Board were directly appointed by CE, public accountability of the WKCDA would be low</p> <p>The Administration's explanation that –</p> <ul style="list-style-type: none"> (a) provision of an upfront endowment to WKCDA represented the Administration's long-term commitment to the development of arts and culture and would ensure funding certainty for the WKCD project even at times of economic downturns; (b) various measures to facilitate public monitoring had been incorporated in the Bill; (c) M+ was recommended by the Museums Advisory Group after extensive consultations. In studying its financial feasibility, the Financial Advisor had made reference to overseas similar institutions; and (d) the existing space requirement for M+ was calculated taking into account the space needed for visual arts collection and future expansion 	
011430 - 012257	Ms Emily LAU Chairman Administration	<p>Ms Emily LAU's views and concerns that –</p> <ul style="list-style-type: none"> (a) the Bill should stipulate that WKCDA should open its meetings to the public except under some specified circumstances; (b) literary arts was not included in WKCD; and (c) how the public would be engaged in the planning and implementation of WKCD 	

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		<p>Ms LAU requested the Administration to provide a comparison on the functions, powers, governing structure (especially composition and appointment mechanism), mode of operation, funding arrangements, consultation mechanism, procedures and practices of proceedings, accountability measures, safeguards of public interest etc. of the proposed WKCD with those of comparable local and overseas statutory bodies</p> <p>The Administration's explanation that –</p> <p>(a) there had been no views expressed during the consultations by the Consultative Committee that WKCD should include literary arts. Given that literary arts could be expressed in the form of visual arts, M+ could embrace literary arts as part of its collection; and</p> <p>(b) the Bill only specified in general terms that WKCD should undertake consultations on matters concerning WKCD. It was necessary for WKCD to have the flexibility to decide on consultation arrangements. If it saw fit, WKCD could draw reference from the public consultation mechanisms of overseas institutions, such as Metropoli-30 and the Financial Services Authority</p>	<p>Administration to take necessary follow up action</p>
012258 - 013524	Ms Margaret NG Administration Chairman	<p>Ms NG's view that –</p> <p>(a) if the Chief Secretary for Administration was appointed the Chairman of WKCD, the WKCD project would be steered by the Government without</p>	

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		<p>public participation. If WKCDA was not required to hold its meetings in public, LegCo and the public could not effectively monitor its work;</p> <p>(b) no explanation on the policy considerations regarding the appointment of the Chairman of WKCDA was provided in the Administration's paper;</p> <p>(c) whether arts accountability system would be implemented for the performing venues in WKCD; and</p> <p>(d) ownership of donated items to M+</p> <p>The Administration was requested to provide a paper on the ownership of donated items to M+</p> <p>The Administration's explanation that –</p> <p>(a) the Administration considered it appropriate and necessary to provide adequate flexibility for CE to appoint the most appropriate person (from within or outside the Government) as the Chairman at different points in time; and</p> <p>(b) WKCDA would engage curatorial professionals to handle donated items. It was common practice for museums and potential donors to agree on the terms and conditions in respect of donations to museums through detailed discussions</p>	<p>Administration to take necessary follow up action</p>
013525 - 014915	Chairman Administration	<p>The Chairman's views and concerns that –</p> <p>(a) the Administration should specify a structured consultation</p>	

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		<p>mechanism in the Bill;</p> <p>(b) to enhance public monitoring of WKCD, the Bill should specify that WKCDA should open its meetings to the public except under specified circumstances;</p> <p>(c) resources for arts and cultural development outside WKCD would be reduced as a result of the project;</p> <p>(d) the training and nurturing of budding artists before the commissioning of WKCD; and</p> <p>(e) arts and culture were important elements in a modern society; WKCD should be a driving force to bolster organic growth and development of culture and creative industries in Hong Kong; WKCD should not be government driven but should be community-led</p> <p>The Administration's explanation that –</p> <p>(a) WKCDA could adopt different modes of public consultation but the Administration had reservation to specify details in legislation;</p> <p>(b) the Administration considered it inappropriate to specify in legislation that WKCDA should open its meetings to the public; and</p> <p>(c) to complement WKCD, the Administration would allocate resources for the development of hardware facilities at the community level as well as the software development. The Administration would encourage arts groups to bring</p>	

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		arts to the district communities	
014916 - 015005	Ms Margaret NG	Ms NG stressed the importance to institutionalize proper mechanisms for public consultation and for the appointment of the Chairman and Board members of WKCDA	
015006 - 015151	Miss CHOY So-yuk	Ms CHOY's view that creative industries had become an important economic development factor. As such, WKCD should be a driving force to bolster organic growth and development of culture and creative industries. The Administration should allocate more resources for the development of cultural hardware at district communities	
015217 - 020018	Chairman Prof Patrick LAU Administration Miss CHOY So-yuk	<p>The Administration's recapitulation of the measures in the Bill to facilitate public monitoring of WKCDA</p> <p>On measures to address the lack of performing venues for the Cantonese Opera sector, the Administration's response that -</p> <p>(a) more venues could be provided for the Cantonese Opera sector through the Venue Partnership Scheme to be implemented in the venues under the Leisure and Cultural Services Department (LCSD); and</p> <p>(b) Yau Ma Tei Theatre would soon be developed into a Cantonese Opera centre and Ko Shan Theatre could provide more venues for the sector after the completion of the new wing. Training for art and cultural talents would be provided by LCSD, Hong Kong Arts Development Council and the Cantonese Opera Development Fund</p>	

Time marker	Speaker	Subject(s)	Action required
		The Chairman's view that the Yau Ma Tei Theatre and Ko Shan Theatre could not address the lack of performing venues for the Cantonese Opera sector Ms CHOY's reiteration that more cultural hardware should be developed at the district level	
020019 - 020415	Ms Emily LAU Administration Chairman	Ms LAU requested the Administration to consider specifying in the legislation that a Board member who was not a public officer might not serve as such a member continuously for more than 6 years	Administration to take necessary follow-up action
020416 - 020657	Chairman Miss CHOY So-yuk	Concluding remarks Date of next meeting to be scheduled Work schedule of the Subcommittee	