

立法會
Legislative Council

Paper No. WKCD-142
(These minutes have been
seen
by the Administration)

Ref : CB1/HS/2/04

**Subcommittee on
West Kowloon Cultural District Development**

**Minutes of fifth meeting held on
Friday, 8 April 2005, at 4:05 pm,
in the Chamber of the Legislative Council Building**

Members present : Hon Alan LEONG Kah-kit, SC (Chairman)
Hon James TO Kun-sun (Deputy Chairman)
Hon James TIEN Pei-chun, GBS, JP
Hon Albert HO Chun-yan
Ir Dr Hon Raymond HO Chung-tai, S.B.St.J., JP
Dr Hon LUI Ming-wah, JP
Hon Margaret NG
Hon CHAN Kam-lam, JP
Hon SIN Chung-kai, JP
Hon LAU Wong-fat, GBS, JP
Hon CHOY So-yuk
Hon Abraham SHEK Lai-him, JP
Hon Tommy CHEUNG Yu-yan, JP
Hon Albert CHAN Wai-yip
Hon Audrey EU Yuet-mee, SC, JP
Hon LEE Wing-tat
Dr Hon KWOK Ka-ki
Hon CHEUNG Hok-ming, SBS, JP
Hon Ronny TONG Ka-wah, SC
Hon CHIM Pui-chung
Hon Patrick LAU Sau-shing, SBS, JP
Hon Albert Jinghan CHENG
Hon KWONG Chi-kin

Members absent : Hon Mrs Selina CHOW LIANG Shuk-ye, GBS, JP
Hon Jasper TSANG Yok-sing, GBS, JP
Hon Emily LAU Wai-hing, JP
Hon Timothy FOK Tsun-ting, GBS, JP
Hon LEUNG Kwok-hung

Public Officers attending : Miss AU King-chi, JP
Deputy Secretary for Housing, Planning and Lands
(Planning and Lands)

Ms CHIU Yuen-chu, Lolly, JP
Deputy Secretary for Home Affairs

Mr Vincent FUNG
Principal Assistant Secretary for Home Affairs

Ms WONG Sean-ye, Anissa, JP
Director of Leisure & Cultural Services

Mr CHUNG Ling-hoi, JP
Deputy Director of Leisure & Cultural Services
(Acting)

Mr Anthony KWAN
Assistant Director of Planning

Mr Enoch LAM
Deputy Project Manager/Kowloon
Civil Engineering and Development Department

Clerk in attendance : Miss Odelia LEUNG
Chief Council Secretary (1)4

Staff in attendance : Ms Pauline NG
Assistant Secretary General 1

Ms Bernice WONG
Assistant Legal Adviser 1

Ms Alice AU
Senior Council Secretary (1)5

Mr Anthony CHU
Council Secretary (1)2

Miss Michelle NIEN
Legislative Assistant (1)3

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I Confirmation of minutes

(Paper No. WKCD-109 -- Minutes of meeting on 16 March 2005)

The minutes of the meeting held on 16 March 2005 were confirmed.

II Meeting with the Administration

(Paper No. WKCD-110 -- Information paper provided by the Administration on "Shortfall and long-term needs in the development of arts and culture in Hong Kong"

Paper No. WKCD-85 -- Culture and Heritage Commission's Policy Recommendation Report dated March 2003

Paper No. WKCD-86 -- Government Responses dated February 2004 to Culture and Heritage Commission's Policy Recommendation Report

Paper No. WKCD-96 -- "Study on the Feasibility of a New Performance Venue for Hong Kong – Executive Summary" commissioned by the then Hong Kong Tourist Association dated February 1999

Paper No. WKCD-97 -- "Cultural Facilities: A Study on their requirements and the Formulation of New Planning Standards and Guidelines – Executive Summary" commissioned by the Planning Department dated December 1999

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- Paper No. WKCD-98 -- “Consultancy Study on the Provision of Regional/District Cultural and Performance Facilities in Hong Kong – Executive Summary” commissioned by the Home Affairs Bureau and Leisure and Cultural Services Department dated November 2002
- Paper No. WKCD-99 -- “Consultancy Study on the Mode of Governance of Hong Kong’s Public Museums and the Hong Kong Film Archive – Executive Summary – Option B” commissioned by the Leisure and Cultural Services Department dated June 2003
- Paper No. WKCD-48 -- Information note on “Museums in Hong Kong” provided by the Administration for the Panel on Planning, Lands and Works)

2. The Subcommittee noted the latest submission from the People’s Panel on West Kowloon in relation to the “Shortfall and long-term needs in the development of arts and culture in Hong Kong” (Paper No. WKCD-113). In this connection, the Subcommittee agreed that the organization would be invited to attend the next meeting scheduled for 22 April 2005 to present its submission. The Chairman invited members to forward any other suggestions on organizations to be invited to the meeting to the Secretariat for follow up.

3. The Subcommittee also noted the checklist on follow-up actions required of the Administration prepared by the Legislative Council Secretariat which was tabled at the meeting. In this connection, the Chairman requested the Administration to provide any outstanding information for members’ timely consideration before the next meeting scheduled for 22 April 2005.

(Post-meeting note: The checklist (Paper No. WKCD-114) was subsequently issued to members vide LC Paper No. CB(1)1243/04-05.)

4. The Deputy Secretary for Home Affairs apologized to the Subcommittee that the Secretary for Home Affairs was unable to attend the meeting as he was on an overseas trip.

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

Shortfall and long-term needs in the development of arts and culture in Hong

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6. Members raised questions on the information paper provided by the Administration on “Shortfall and long-term needs in the development of arts and culture in Hong Kong” (Paper No. WKCD-110). The Administration responded and affirmed its commitment that it would not reduce the amount of funding support provided to the development of arts and culture in Hong Kong after the completion of the West Kowloon Cultural District (WKCD).

7. Dr K K KWOK was gravely concerned that the WKCD project as proposed by the Government had only laid down requirements on the hardware side of arts and cultural development without giving due emphasis on the software side such as the development of a cultural sense and arts appreciation among the people of Hong Kong.

8. Mr LEE Wing-tat also queried whether the Government’s approach of only specifying the hardware requirements of the WKCD was tantamount to putting the cart before the horse. He was of the view that in order to ensure viable operation, it would take a long time and meticulous planning for the proposed arts and cultural facilities to develop high quality cultural events and performances.

9. Ms Margaret NG opined that the Government should take the opportunity to carefully identify the shortfall and long-term needs in the development of arts and culture in Hong Kong so that the software requirements of the WKCD could be tailor-made to meet such needs. It was unsatisfactory that the Invitation for Proposals (IFP) had only laid down various hardware requirements without paying any attention to the proponents’ vision and obligations in nurturing cultural development through the WKCD.

10. The Deputy Chairman said that considering the vast amount of land to be granted to the successful proponent under the Government’s WKCD proposal, it would be most important to ensure that quantifiable deliverables were set to gauge its performance during the operation period. The Government would need to provide assurance to the public that the successful proponent was indeed capable of delivering the arts and cultural facilities in the WKCD as well as their contents to the required standards.

11. Miss CHOY So-yuk opined that due emphasis should be given to the proponents’ commitment to the promotion of creative industries in Hong Kong in the assessment process. She also called on the Administration to consider the enactment of a museum law to ensure the availability of high quality exhibits on loan to Hong Kong.

12. Ir Dr Raymond HO stressed that in order to ensure accountability, transparency and fairness in the process, it was incumbent upon the Government

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to identify and adhere to a specific Public-Private-Partnership (PPP) approach when taking the project forward.

13. Echoing Ir Dr HO's view, Ms Audrey EU said that the Administration should adopt a two-stage development process so that the IFP requirements could be fine-tuned taking into account the views collected during the on-going public consultation. A Public Sector Comparator should then be constructed to illustrate the value-for-money aspects of the revised requirements. Afterwards, the proposed arts and cultural facilities could be tendered out individually under a multiple-package development approach.

14. While noting members' concern about the software side of the WKCD development, the Deputy Secretary for Housing, Planning and Lands (Planning and Lands) (DSHPL) stated that instead of issuing a tender bid for the WKCD, the Government had taken an IFP approach which was aimed to allow maximum flexibility so as to encourage innovation by the private sector, and enable the Government to shape the WKCD through the process. Apart from meeting the mandatory requirements in the IFP which were essentially on the hardware side, the IFP also requested the proponents to submit proposals on the software side in relation to the WKCD development including programme contents of the performance venues, collection policies of the museums, mode of governance, etc. Assessment of the proposals would also include these aspects.

15. DSHPL assured members that the Government would continue to shape the WKCD in an evolutionary process permitted by the IFP, taking into account assessment findings and the views collected during the on-going public consultation exercise. In the next stage of the IFP, the Administration envisaged that it might, on the basis of the existing requirements, introduce new requirements or aspects for the shortlisted proponents to revise their proposals for further assessment. By then, it would be possible for the Government to set down more specific requirements on the software side of the WKCD development. DSHPL said that the Government was prepared to disclose relevant information on feasibility studies conducted by the Administration covering the financial aspects and the project's attractiveness to the private sector. This would be along a similar undertaking made by the Government earlier that it would make public the financial information contained in the screened-in proposals as well as the Administration's assessment on the screened-in proposals as soon as disclosure of such information would not compromise or prejudice the Government's negotiation position. The Government would also consult the Legislative Council before signing any agreement.

16. Regarding the preferred themes for the four museums in the WKCD, the Administration explained that they were developed after careful consideration. Reference had been made to the views expressed by the arts and cultural sector, experts and relevant professionals, the planning of the ex-Municipal Councils and the Policy Recommendation Report of the Cultural and Heritage

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Commission (CHC). Nonetheless, the proponents could, with justifications, propose other themes for the museums.

Admin 17. To facilitate members' consideration, the Administration was requested to provide the following in writing before the next meeting:

- (a) outstanding information as set out in the Checklist on follow-up actions required of the Administration (Paper No. WKCD-114);
- (b) response to the submission provided by the People's Panel on West Kowloon (Paper No. WKCD-113);
- (c) progress and details in respect of the Administration's implementation of the accepted recommendations in the CHC Policy Recommendation Report;
- (d) details of deliberation by the CHC in relation to its recommendations on the provision of museums in Hong Kong and the WKCD;
- (e) given that the Administration had advised that it took ten years to plan and construct the Hong Kong Film Archive, why and how the proposed museums under the WKCD project could be developed and delivered in a much shorter timeframe with their opening scheduled for 31 December 2012;
- (f) with reference to paragraph 22 of the Administration's paper (Paper No. WKCD-110), details of views expressed by museum expert advisers and representatives of major design organizations in Hong Kong which the Administration had considered in developing the preferred themes of the museums in the WKCD;
- (g) how the usage rates of performance venues as set out in Table 4 of Paper No. WKCD-110 were calculated;
- (h) information on the annual recurrent expenditure of world-class museums in overseas countries that were comparable in scale with the proposed museums in the WKCD;
- (i) whether and how consideration would be given to the proponents' cultural vision (such as the promotion of creative industries) and software implementation capabilities in the assessment of the screened-in WKCD proposals; and
- (j) flow chart and estimated timeframe of different steps in the implementation of the WKCD development project.

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III Any other business

18. Due to time constraint, the Subcommittee agreed to defer discussion on “Proposed duty visit to Abandoibarra in Spain” to the next meeting.

19. The Chairman reminded members that the next meeting of the Subcommittee would be held on Friday, 22 April 2005 at around 3:30 pm (or after the House Committee meeting scheduled for 2:30 pm on that day) to continue discussion with the Administration on “Shortfall and long-term needs in the development of arts and culture in Hong Kong”.

20. Members further agreed that the eighth meeting of the Subcommittee would be held on Friday, 6 May 2005, at 8:30 am.

21. The meeting ended at 6:15 pm.

Council Business Division 1
Legislative Council Secretariat
4 May 2005

**Proceedings of the fifth meeting of the
Subcommittee on West Kowloon Cultural District Development
on Friday, 8 April 2005, at 4:05 pm,
in the Chamber of the Legislative Council Building**

Time marker	Speaker	Subject(s)	Action required
000000 – 000048	Chairman	Confirmation of minutes of the meeting held on 16 March 2005 (Paper No. WKCD-109)	
000049 – 000734	Chairman	<ul style="list-style-type: none"> - Opening remarks - Outstanding information as set out in the Checklist on follow-up actions required of the Administration (Paper No. WKCD-114) 	The Administration to provide information as per paragraph 17(a) of the minutes.
000735 – 001329	Administration	<p>Shortfall and long-term needs in the development of arts and culture in <u>Hong Kong</u></p> <ul style="list-style-type: none"> - Presentation of the Administration's paper (Paper No. WKCD-110) 	
001330 – 004225	Dr KWOK Ka-ki Administration	<ul style="list-style-type: none"> - The Administration's measures to help promote a cultural sense and arts appreciation among the people of Hong Kong, especially students from the grassroot level - Progress of implementation of the policy recommendations of the Cultural and Heritage Commission (CHC) - Low usage rate for some performing venues - Justifications for the preferred themes of the four museums in the Invitation for Proposals (IFP) - Safeguards to ensure that the successful proposal would complement the Government's policy on arts and cultural development and meet the needs of the arts and cultural sector - The Administration's explanation that: <ul style="list-style-type: none"> (a) more than 90% of CHC's recommendations had been 	The Administration to provide information as per paragraph 17(c) of the minutes.

Time marker	Speaker	Subject(s)	Action required
		<p>accepted by the Government with follow-up measures being planned and taken;</p> <p>(b) different measures were being taken to promote the interest of students on arts and culture including the offer of concessionary tickets to arts and cultural activities;</p> <p>(c) the four preferred themes of museums in the IFP were determined after careful consideration. Reference had been made to the views expressed by the arts and cultural sector, experts and relevant professionals, the planning of the ex-Municipal Councils and CHC's recommendations;</p> <p>(d) the proponents were allowed to propose other themes with justifications; and</p> <p>(e) various measures had been taken to boost the usage rate of some under-utilized venues including the development of partnership schemes with cultural and performing groups, and the grant of rent subsidies.</p>	
004226 – 005528	Mr LEE Wing-tat Administration	<ul style="list-style-type: none"> - Concern raised by some organizations that the Government had adopted a hasty approach in the development of arts and cultural facilities in the WKCD - Need to ensure the WKCD could deliver high quality arts and cultural events to maintain viable operation - Concern about the cultural vision of the proponents - The Administration's explanation that: <ul style="list-style-type: none"> (a) it would make reference to previous experience in the 	The Administration to provide information as per paragraph 17(b) and (e) of the minutes.

Time marker	Speaker	Subject(s)	Action required
		<p>planning of major local arts and cultural facilities, such as the Hong Kong Film Archive which took more than 10 years from planning to operation; and</p> <p>(b) The IFP required the proponents to submit proposals on the software side in relation to the WKCD development including programme contents of the performance venues, partnership with local and international groups, collection policies of the museums, mode of governance, etc. Assessment on the proposals would also include these aspects.</p>	
005529 – 011425	Ms Margaret NG Chairman Administration	<ul style="list-style-type: none"> - Concern that the WKCD project as proposed by the Government did not have any specific requirements on the software side. As such, it would fail to meet the shortfall and long-term needs in the development of arts and culture in Hong Kong as highlighted by the arts and cultural sector. - Operational funding requirement of world-class museums in overseas countries - The Administration’s explanation that: <ul style="list-style-type: none"> (a) WKCD would play an important role in the future development of arts and culture in Hong Kong, but it would not be the solution for all problems; (b) the Government would not reduce its funding support for the development of arts and culture after the completion of the WKCD; (c) the IFP approach was 	The Administration to provide information as per paragraph 17(h) of the minutes.

Time marker	Speaker	Subject(s)	Action required
		<p>adopted to allow greater flexibility for the proponents to promote creativity and innovation as well as for the Government to shape the WKCD during the development process in response to public views and in light of assessment findings. The Government would continue to shape the WKCD in an evolutionary process permitted by the IFP; and</p> <p>(d) it was a world trend for the government to reduce its role in the provision of arts and cultural facilities and allow more participation from the private sector.</p> <ul style="list-style-type: none"> - Concern that the proposed approach might have deviated from the Public-Private-Partnership (PPP) approach and the Administration's explanation that there were different models for PPP projects 	
011426 – 013123	Deputy Chairman Chairman Administration	<ul style="list-style-type: none"> - Need to ensure that quantifiable deliverables were set to gauge the performance of the successful proponent during the operation period. The Government would need to provide assurance to the public that the successful proponent was indeed capable of delivering the arts and cultural facilities in the WKCD as well as their contents to the required standards. - Calculation of the usage rate for arts and cultural facilities - The Administration's explanation that: <ul style="list-style-type: none"> (a) the Government would ensure compliance from the successful proponent through a sustainable mode of 	The Administration to provide information as per paragraph 17(g) of the minutes.

Time marker	Speaker	Subject(s)	Action required
		<p>governance with public participation and accountability. Other financial safeguards like establishment of independent Trust Fund(s), sharing of profits, performance bonds, financial guarantee, and payment of land premium, etc. could also be considered; and</p> <p>(b) usage rate was calculated on daily basis under which each day was divided into three four-hour sessions and a day would be counted as used if any one or more sessions were booked.</p>	
013124 – 014209	Miss CHOY So-yuk Administration Chairman	<ul style="list-style-type: none"> - Due emphasis should be given to the proponents' commitment to the promotion of creative industries in Hong Kong in the assessment process - The Administration should consider the enactment of a museum law to ensure the availability of high quality exhibits on loan to Hong Kong - The Administration's explanation that: <ul style="list-style-type: none"> (a) the proponents had made suggestions on the development of partnership with local creative industries; and (b) apart from legislation, there were other ways to ensure the proper operation and management of local museums. The Government's objective was to follow international best practices. 	The Administration to provide information as per paragraph 17(i) of the minutes.
014210 – 015126	Ir Dr Raymond HO Administration	<ul style="list-style-type: none"> - The Government should make reference to overseas experience in the implementation of PPP projects and identify a specific 	The Administration to provide information as per paragraph 17(j) of

Time marker	Speaker	Subject(s)	Action required
		<p>PPP approach for the WKCD project</p> <ul style="list-style-type: none"> - The Administration's explanation that: <ul style="list-style-type: none"> (a) details of the development process of the current IFP approach for taking forward the WKCD as a PPP project were set out in WKCD-103; and (b) timetable for implementing future steps would depend on the Government's consideration of public views collected during the on-going public consultation exercise. 	<p>the minutes.</p>
015127 – 020226	Ms Audrey EU Administration	<ul style="list-style-type: none"> - Need to construct a Public Sector Comparator before the next stage of the development process - Justifications for the number and scale of the proposed museums - The Administration's explanation that: <ul style="list-style-type: none"> (a) it would consider the views of members and the public before deciding on the way forward; (b) the need for more flagship museums in Hong Kong had been established through various studies. Consideration had also been given to the number of museums in international metropolises; and (c) the scale of the museum cluster was determined taking into account the size of existing major museums in Hong Kong. 	<p>The Administration to provide information as per paragraph 17(h) of the minutes.</p>

020227 – 021005	Chairman Ir Dr Raymond HO	<ul style="list-style-type: none">- The Administration to provide all outstanding and requested information before the next meeting- Date of next meeting- The Subcommittee agreed to invite the People’s Panel on West Kowloon to attend the next meeting to present its latest submission.- Schedule of future meetings	The Administration to provide information as per paragraph 17(d) and (f) of the minutes.
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Council Business Division 1
Legislative Council Secretariat
4 May 2005