

立法會
Legislative Council

Paper No. WKCD-515
(These minutes have been seen
by the Administration)

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**Subcommittee on
West Kowloon Cultural District Development**

**Minutes of thirty-seventh meeting held on
Saturday, 15 December 2007, at 9:00 am
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)
Hon Albert HO Chun-yan
Ir Dr Hon Raymond HO Chung-tai, SBS, S.B.St.J., JP
Hon Margaret NG
Hon Mrs Selina CHOW LIANG Shuk-ye, GBS, JP
Hon CHAN Yuen-han, SBS, JP
Hon CHAN Kam-lam, SBS, JP
Hon Jasper TSANG Yok-sing, GBS, JP
Hon Emily LAU Wai-hing, 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
Prof Hon Patrick LAU Sau-shing, SBS, JP
- Members absent** : Dr Hon LUI Ming-wah, SBS, JP
Hon SIN Chung-kai, SBS, JP
Hon CHOY So-yuk, JP
Hon Timothy FOK Tsun-ting, GBS, JP
Hon CHEUNG Hok-ming, SBS, JP
Hon CHIM Pui-chung

- 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 Anthony T K KWAN
Assistant Director/Metro
Planning Department
- Mr KAM Chak-wing
Chief Engineer/West Kowloon Cultural District
Civil Engineering and Development 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
- Ms Elyssa WONG
Deputy Head (Research and Library Services Division)
- Mr Thomas WONG
Research Officer 4
- Mr Michael YU
Research Officer 7
- Mr Anthony CHU
Council Secretary (1)2
- Ms Christina SHIU
Legislative Assistant (1)7
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I Confirmation of minutes

(Paper No. WKCD-453 -- Minutes of meeting on 3 October 2007

Paper No. WKCD-454 -- Minutes of meeting on 9 October 2007)

The minutes of the meetings held on 3 and 9 October 2007 were confirmed.

II Information paper issued since last meeting

(Paper No. WKCD-460 -- Information paper on "The public engagement exercise" provided by the Administration)

2. Members noted the above information paper issued since last meeting and the following papers tabled at the meeting –

- (a) Breakdown of total capital cost for Phase 1 facilities of the West Kowloon Cultural District (WKCD) project (Paper No. WKCD-461); and
- (b) Systems and mechanisms to handle interface and coordination of the works projects for the arts and cultural facilities, retail/dining/entertaining (RDE) facilities and infrastructural facilities which would be constructed during Phase 1 of the WKCD project (Paper No. WKCD-462).

(Post-meeting note: The above papers were issued to members vide LC Paper No. CB(1)460/07-08 on 17 December 2007.)

III Key aspects of the proposed legislation for establishing a statutory body to take forward the West Kowloon Cultural District project

(Paper No. WKCD-451 -- Information paper on "Key aspects of the proposed legislation for establishing a statutory body" provided by the Administration

Paper No. WKCD-456 -- "Summary of the discussion at the meeting on 29 November 2007 on the key aspects of the proposed legislation for establishing a

statutory body to take forward the West Kowloon Cultural District project" prepared by the Legislative Council Secretariat

- Paper No. WKCD-457 -- Paper on "Legal provisions governing some key aspects of selected statutory bodies in Hong Kong" prepared by the Research and Library Services Division
- Paper No. WKCD-458 -- Paper on "Legal provisions governing some key aspects of statutory bodies of cultural development projects in selected overseas places" prepared by the Research and Library Services Division
- Paper No. WKCD-459 -- Information paper on "Some key aspects of the proposed legislation for establishing a statutory body" provided by the Administration)

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

General issue

4. In response to Ms Emily LAU's enquiry, the Deputy Secretary for Home Affairs (3) (DS/HA(3)) said that in preparing the legislative proposals on the WKCDA, the Administration had already incorporated and assimilated the public views received so far. The Administration would continue to listen to public views and revise the proposals where appropriate.

Financial arrangements

5. Mr LEE Wing-tat referred to page 16 of the Executive Summary of the Financial Advisor (FA)'s Final Report which was annexed to the Recommendation Report of the Consultative Committee on the Core Arts and Cultural Facilities of the WKCD (the Recommendation Report). He noted that the figures in the Executive Summary were substantially different from those in the table on the breakdown of total capital cost for Phase 1 facilities (Paper No. WKCD-461), and sought explanation in this regard. He also asked why periodic major repair and renovation costs were included as capital costs instead

of recurrent costs and why a nominal discount rate of 6.1% per annum was assumed in calculating the net present values (NPVs) at 2008.

6. DS/HA(3) explained that the differences between the figures in WKCD-461 and those in the Executive Summary of FA's report were attributable to the different base years adopted in calculating the NPVs. For this reason, the recommended upfront endowment for the WKCD Authority had been revised from \$19 billion (NPV at 2006) in the FA's report to \$21.6 billion (NPV at 2008) in WKCD-461. The assumed nominal discount rate of 6.1% per annum included 2% annual inflation rate and an annual investment return of 4.1%. The Principal Assistant Secretary for Home Affairs (West Kowloon Cultural District) 2 advised that the figures in the Executive Summary of FA's report referred to the total deficit for individual facilities taking into account both the capital costs and recurrent costs and revenue, while the figures in WKCD-461 covered only the capital costs. To ensure the financial sustainability of the project, the Consultative Committee had recommended to reduce the on-site area of M+ by 30% and the resultant costs (taking into account both capital and recurrent costs and revenue) had thus been reduced to \$8.4 billion (NPV at 2006). The corresponding figure of \$4.2 billion in WKCD-461 was only the capital costs for Phase 1 of M+. The costs for major repair and renovation were included in the capital costs because such repair and renovation works were of a large scale undertaken once every 10 to 20 years.

7. Mr LEE Wing-tat suggested that to facilitate members' assessment of the recommended funding arrangements, the Administration should provide detailed information on the financial implications of the recommended facilities and explain the assumptions used. The Administration agreed to provide the information.

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8. Mr LEE Wing-tat pointed out that usually, the expenditure on capital works projects only picked up gradually from project commencement and would reach the peak a year or so before project completion. Hence, he anticipated that the climax of the expenditure on the major works projects in WKCD would be beyond 2011. If WKCD Authority (WKCDA) was provided with an upfront endowment of \$21.6 billion, it would be under immense pressure to manage a huge sum of money at the start-up period while it might not be equipped to do so.

9. DS/HA(3) said that an upfront endowment would ensure funding certainty, and this was considered appropriate having regard to the proposed timeframe of completing the construction of the Phase 1 facilities (i.e. 12 performing arts venues, 70% of the M+, the Exhibition Centre and the RDE facilities) by 2015-2016. At the early planning stage, WKCDA would already have to make payments on the consultancies and other preparatory and planning work. Given that the design and operation of the Phase 1 facilities would have to be planned simultaneously, providing the endowment fund to WKCDA by instalments would adversely impact on the overall planning of the WKCD and the development of individual facilities.

10. Ms Emily LAU, Miss CHAN Yuen-han, Dr KWOK Ka-ki, Prof Patrick LAU, Mr James TO and Mr LEE Wing-tat shared the view that \$21.6 billion was a substantial amount and it was incumbent upon LegCo to ensure that the funds would be properly spent. Dr KWOK Ka-ki commented that the proposed upfront endowment of \$21.6 billion for WKCD was unprecedented and departed from the established funding practice for capital works projects undertaken for/by public statutory bodies. Mr James TO suggested that the endowment should be approved in two to three tranches. Ms Emily LAU recalled that there had been cases where LegCo approved a sum in principle and the Administration subsequently sought substantive approval for disbursement of funds.

11. In response, DS/HA(3) reiterated that the one-off upfront endowment signified the Administration's clear commitment to the long-term development of culture and the arts for the future of Hong Kong. Unlike other public works projects, the planning for the design and operation of the arts and cultural facilities in WKCD could not be undertaken separately. The upfront endowment would provide funding certainty for WKCD to plan and implement the facilities under its purview in an integrated manner and with extensive community participation. Nonetheless, she appreciated members' concerns in relation to the upfront endowment approach and undertook to explore measures to address the concerns.

12. Mr LEE Wing-tat enquired whether WKCD would be required to solicit private donations and sponsorships and enquired about the relevant assumptions under the financing approach recommended by the Consultative Committee. DS/HA(3) said that WKCD would be encouraged to solicit private donations and sponsorships for the performance venues and M+. She undertook to provide information on the relevant assumptions used in the FA's financial assessments.

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Powers and functions of WKCD

13. Ms Margaret NG remarked that under the current proposals, the WKCD would be conferred wide ranging powers and functions and be vested with substantial lands and funds. The current plan for WKCD was based on a lot of assumptions about the WKCD being capable of performing the very wide range of functions effectively. She however had serious doubt on such assumptions and on whether suitable persons could be found to take up the posts of the Chairman and the Chief Executive Officer (CEO) of the statutory body. She was also concerned that when serious governance and operating problems occurred, the Government would distance itself from the situation and refrain from taking positive actions on grounds that WKCD was an independent statutory body.

14. DS/HA(3) said that under the proposed legislation, the CEO should be appointed by WKCDA subject to the prior approval of the Chief Executive (CE). She believed that candidates for the post would be identified through global recruitment. As the appointment would be subject to CE's approval, the Administration would ensure that a suitable person would be appointed. According to the FA's financial study, the capital costs could be sufficiently covered by the upfront endowment while the recurrent operating deficits of the arts and cultural facilities could be covered by the income generated from the retail/dining/entertainment (RDE) facilities. Being a statutory body, the WKCDA would have the responsibility to solve problems in the development and operation of the WKCD project. If some serious unforeseen problems arose, the Administration would not evade responsibility and would discuss with WKCDA how best to tackle the problems. Under the proposed legislation, WKCDA would be allowed to borrow money from the Government or other sources or otherwise raise funds for the performance of its functions.

15. Mr Abraham SHEK said that given the wide ranging powers and functions of WKCDA, he was worried that it would become an independent kingdom and doubted whether the future Board, comprising some 15 persons discounting the ex-officio members, would be capable of properly fulfilling such wide ranging and important functions. He was not aware of overseas cases comparable to the WKCDA as currently proposed. It would be very difficult for the Government and the public to monitor its work. If there were serious problems with the WKCD project, the public would be the ultimate loser.

Public accountability of WKCDA

16. Dr KWOK Ka-ki said that given that there had been occasional governance problems with statutory bodies, he had reservation over the effectiveness of the Administration's proposed measures to ensure the public accountability of WKCDA. Ms Emily LAU shared this concern.

17. DS/HA(3) advised that given the size of WKCD and the resources involved, she acknowledged that the public accountability of WKCDA was important. Under the proposed legislation, WKCDA would be designated as a public body under the Prevention of Bribery Ordinance (Cap. 201) and the Ombudsman Ordinance (Cap. 397). It would be required to set up an audit committee, appoint an auditor and submit its annual reports and audited statements of accounts to the Government in a format and with such details as required by the Government, which would table them in LegCo. The Chairman and CEO of WKCDA should be required to attend LegCo meetings and answer questions at the meetings. The proposed legislation would also specify that WKCDA would be subject to examinations by the Director of Audit. A mechanism would be set up to require WKCDA to suitably consult the public and stakeholders on masterplanning and other matters relating to the development and operation of WKCD.

18. At Ms Emily LAU's request, the Deputy Head (Research and Library Services Division) highlighted the arrangements in relation to the accountability of some selected local statutory bodies as detailed in the Information Note on "Legal provisions governing some key aspects of selected statutory bodies in Hong Kong" (Paper No. WKCD-457).

19. To ensure the accountability and transparency of WKCD, Ms Emily LAU suggested that its meetings should be held in public and all the meeting papers should be made open and accessible to public unless confidential or sensitive information was involved. Such requirement should be specified in the legislation. In reply, DS/HA(3) said that given that many discussions of WKCD would involve private parties and commercial information, as well as assessment of the performance of artists/arts organizations, the Administration had reservation on the appropriateness of stipulating in the legislation that meetings of WKCD should be held in public. Nevertheless, the Administration agreed in principle that if the discussion did not involve sensitive information the disclosure of which would be undesirable, WKCD should hold its meetings in public.

20. Ms Emily LAU pointed out that the practice of statutory bodies holding their meetings in public was a world trend, and in Hong Kong, statutory bodies such as the Construction Industry Council and Town Planning Board (TPB) were required under the relevant legislation that their meetings should be held in public unless otherwise justified by specified reasons.

Composition of the Board of WKCD

21. Noting the Administration's proposal to specify in the legislation that the Board would consist of at least one LegCo Member, Ms Emily LAU, Ir Dr Raymond HO, Prof Patrick LAU and Mr James TO expressed the view that there should be at least three LegCo Members sitting on the Board to enhance monitoring by LegCo.

22. Ms Emily LAU disagreed that the LegCo Members should be appointed by CE because under this arrangement, the Member would only be accountable to the Government for his work in the Board. She opined that it should be stipulated in the legislation that the appointed LegCo Member should be elected from among LegCo Members as in the case of the governing boards of the universities in Hong Kong. As regards the public officer members of the Board, she expressed concern that they might not fulfill a monitoring role unless the responsibilities in relation to this role were stipulated in the legislation. This view was shared by Mr LEE Wing-tat and Dr KWOK Ka-ki. Mr LEE said that he would not have confidence in WKCD if all members were appointed by CE.

23. In response, DS/HA(3) said that the Administration would consider a whole range of measures to ensure the public accountability of WKCD, including a balanced Board composition. The Board would comprise members

with different backgrounds, including at least five Board members from the arts and cultural sectors and at least one LegCo Member. CE might appoint two or more LegCo Members to the Board and the Administration would welcome LegCo to give suggestions on the suitable Member(s) for appointment. However, the Administration had reservation on the appropriateness of stipulating the details of the appointment mechanism in the legislation. As regards the public officers to sit on the Board, she said that the matters under the respective purview of the three officers, viz the Secretary for Development, the Secretary for Home Affairs and the Secretary for Financial Services and Treasury or their representatives were closely related to the WKCD project. As in the case of other statutory bodies, these public officer members were expected to monitor the work of WKCD on behalf of the Government.

Implementation of the construction projects in WKCD

24. Ir Dr Raymond HO recalled his past experience with the Airport Authority Hong Kong (AA) that \$1.9 billion had been paid out as compensation for claims in relation to the main airport building due to a lack of oversight of the project by the then Chief Executive Officer of AA. The claims against the airport related projects under the purview of the Government were handled satisfactorily while those against AA were not. This was mainly because the staff of AA were not familiar with the management of works contracts and the handling of claims for large-scale projects. Given that a number of major construction projects costing more than \$10 billion would be built under Phase 1 of the WKCD project, he stressed the importance of proper management of the works contracts. Otherwise, the number and quantum of claims could increase substantially, leading to a waste of public funds. He had no confidence that a suitable person could be found to take up the CEO post of WKCD or that the WKCD could, right after its establishment, capably take up the management of the construction projects.

25. DS/HA(3) said that the WKCD could set up dedicated committees and working groups to plan, coordinate and oversee the development of different facilities in WKCD. To ensure better interface between facilities under the purview of WKCD and the Government, representatives from relevant government departments would be appointed to participate in the work of the relevant committees or working groups.

26. Ir Dr Raymond HO said that even with the formation of dedicated committees and working groups, whether they could properly monitor projects under their purview would very much hinge on the persons appointed to the committees/groups. In reply, DS/HA(3) assured members that representatives from the relevant professional sectors would be appointed to the Board, such as engineering, planning and construction. As the development and operation of WKCD would require expertise and knowledge in different fields at different stages of the project, the Administration considered it not appropriate to specify the precise composition of the Board in the legislation.

27. Ir Dr Raymond HO remained concerned about the proper management of the construction projects by WKCD. He suggested that the Government should be responsible for the tendering and contract supervision for the construction projects in WKCD. This suggestion was echoed by Dr KWOK Ka-ki, Ms Emily LAU and Mr Abraham SHEK.

28. Mr LEE Wing-tat expressed concern that a lot of problems, in particular interface and coordination problems, could arise if a number of construction projects were to be carried out within six to seven years and asked whether the Administration had assessed the downside risk in this regard. He requested the Secretariat to retrieve information on past cases involving interface and coordination problems among related works projects, such as the Airport Core Programme projects. He also expressed concern on whether suitable persons could be found to be appointed to fill the CEO and other senior management posts of WKCD. He considered that the risks associated with the WKCD project could be very high under the proposed arrangements and this might be unfair to the WKCD Board; the Board would have to face immense pressure to accomplish a number of important tasks during its start-up period.

LegCo
Secretariat

29. Prof Patrick LAU commented that the Administration might have underestimated the complexity of the various tasks required of the WKCD, and urged the Administration to critically review the current implementation plan for the whole project. He also suggested that in taking forward the WKCD project and planning for a better integration between WKCD and the neighbouring areas, reference could be made to the submissions of the entrants to the West Kowloon Reclamation (WKR) Concept Plan Competition and the submissions from the three screened-in proponents under the Invitation for Proposals process.

30. DS/HA(3) said that while WKCD was the first cultural district in Hong Kong, there were overseas precedents of similar cultural districts. According to overseas experience, a master plan was first drawn up with participation of private developers to integrate different elements including arts and cultural facilities, residential and commercial developments. Under the current proposals, WKCD would be tasked to prepare the master plan for the WKCD, which would include details on the disposition of different land uses and facilities as well as how the core arts and cultural facilities (CACF) would integrate with RDE facilities and the infrastructure facilities. The design of the arts and cultural facilities had to be planned in conjunction with their operation, otherwise, the outturn facilities might not cater for the needs of the users. As such, relevant professionals would be invited to join the dedicated committees and working groups under WKCD to oversee the development of various facilities.

31. As regards Prof Patrick LAU's suggestion to make reference to past submissions, DS/HA(3) said that WKCD could make reference to those submissions made public in the WKR concept plan competition in preparing the

master plan. The Administration would need to examine the legal implications of making reference to the submissions from the three screened-in proponents under the Invitation for Proposals process.

32. Mr James TO considered that by strengthening the checks and balances in relation to the powers of WKCD, the risk associated with the WKCD project would be moderate. He anticipated that the Government would attend to the situation if the WKCD performed poorly and serious problems occurred. While agreeing that the WKCD project should be taken forward in full speed, he maintained that the endowment fund for WKCD should be approved in two to three tranches as this was an important measure to hold WKCD accountable for the use of public funds.

33. While agreeing that flexibility should be given to WKCD on the design of the cultural facilities, Dr KWOK Ka-ki supported that stringent monitoring was required for the planning and construction of the facilities and these works should be taken up by the Government. He suggested that the Subcommittee should invite the Chief Secretary for Administration and the relevant Directors of Bureaux to attend a Subcommittee meeting to discuss the implementation issues of the WKCD project.

34. DS/HA(3) said that it was in the light of past criticisms against the design and construction of public cultural facilities that the Administration had decided to adopt a new approach for the design and construction of the arts and cultural facilities in WKCD. The facilities would not be planned by the Administration, but by a statutory body with the participation of stakeholders. WKCD could set up designated committees and working groups with representatives from relevant professionals to oversee the design and construction of individual facilities. She however appreciated members' concerns and agreed to explore measures to ensure proper monitoring of the construction projects.

35. Prof Patrick LAU sought clarification about the architectural design competitions for the CACF in WKCD. In response, DS/HA(3) said that the Consultative Committee recommended that architectural design competitions should be held for the iconic landmark buildings but WKCD should have flexibility to consider if any additional design competitions should be held, taking into account public views and all other relevant factors.

Town planning process for WKCD

36. Miss CHAN Yuen-han said that given the bitter experience in regard to the Urban Renewal Authority, she would have to adopt a very cautious attitude in examining the bill for WKCD. She considered that WKCD should be responsible for the design of individual CACF but the disposition of different land uses in WKCD should be planned by the Government as this involved wider public interests.

37. Mr Abraham SHEK shared the view that the Government should take up the work on the preparation of the master plan, in view of its expertise, resources and experience in this regard. After the formulation of the master plan, the development of the CACF and other relevant facilities could be taken up by WKCD with funds granted for individual facilities or in batches.

38. DS/HA(3) said that one of the major views received during the public engagement exercise was that the Government should have little involvement in the planning of a cultural district and a statutory body should be responsible for the coordination of the development of the project, including the formulation of a master plan with public participation. Under this approach, the Government would only be responsible for making a submission to TPB for amendments to the South West Kowloon Outline Zoning Plan (OZP) to incorporate the development parameters into the OZP. The Administration would also coordinate the interface between the facilities within the purview of WKCD and the infrastructure facilities within and outside the WKCD. The master plan which set out the disposition of the different land uses would be prepared by WKCD in consultation with the public. Mr Abraham SHEK expressed concern that the development parameters in the South West Kowloon OZP might place too many constraints on WKCD in preparing the master plan.

39. The Chairman noted that the Administration's earlier paper (Paper No. WKCD-451) had used the term "master layout plan" while the paper for this meeting (Paper No. WKCD-459) used the term "master plan". As he understood that master layout plans were prepared for comprehensive development areas under the Town Planning Ordinance (TPO) (Cap. 131), he enquired about the difference, if any, between a master layout plan and a master plan and the legal implications under TPO.

40. In reply, the Assistant Director/Metro, Planning Department (AD/M, PlanD) said that under section 4A(2) of TPO, TPB might require the relevant developer or project proponent to prepare a master layout plan for a comprehensive development area. Given that the WKCD was currently zoned "Other Specified Use" annotated "Arts, Cultural, Commercial and Entertainment Uses" on the draft South West Kowloon OZP, this statutory provision was not applicable to the WKCD project. As such, the Administration had used the term "master plan" instead. A master plan was similar to a master layout plan and WKCD would have to seek the planning permission of TPB pursuant to

section 16 of TPO for the master plan for WKCD and any subsequent revisions to the approved master plan.

Admin

41. In response to the Chairman's further enquiry, AD/M, PlanD confirmed that the term "master plan" was not defined in TPO. As regards how the master plan for WKCD would be subject to the statutory town planning procedures under TPO, AD/M, PlanD explained that there were Notes and Explanatory Statements attached to each OZP and the Administration's current thinking was to specify in the Notes of the South West Kowloon OZP the requirements to seek planning permission from TPB for the master plan for WKCD with all necessary technical assessments. At the Chairman's request, the Administration agreed to provide a paper to explain the concept of master plan for the WKCD project and the relevant statutory procedures applicable to such a plan under TPO.

42. The Chairman expressed concern that LegCo would not have a role in monitoring the formulation of the master plan, especially if funds for the WKCD project were granted to WKCDA in one-go in the form of an upfront endowment. In reply, DS/HA(3) said that in order to enhance the monitoring by LegCo, the Administration would request WKCDA to make periodic reports to LegCo after the project was initiated. The Administration would also consider appropriate measures to ensure that in preparing the master plan, LegCo and the public would have sufficient opportunities to participate in the process.

43. Mr James TO sought clarification on the clause "the master plan will be formulated subject to any conditions that the Government and the TPB may impose" in paragraph 4 of the Administration's paper (Paper No. WKCD-459). DS/HA(3) said that as some facilities in WKCD would be planned and developed by Government departments, to ensure proper interface between the facilities under the purview of WKCDA and those to be developed by the Government, the Administration considered it necessary to stipulate in the legislation that WKCDA was required to consult the Government in preparing the master plan. However, TPB would be the only party who had the authority to impose conditions on the master plan taking into account the views of the public and the requirements of the Government.

44. Miss CHAN Yuen-han and Dr KWOK Ka-ki expressed concern that the public consultation undertaken by the WKCDA on the master plan would not be genuine and the master plan would be finalized with undue influence of private developers. DS/HA(3) said that the public views received during the current PE exercise supported that the public should be sufficiently engaged in the preparation of the master plan before its submission to TPB for consideration and approval. The Administration welcomed views on measures to enhance the public consultation work of WKCDA during the preparation of the master plan.

Integration of WKCD with neighbouring areas

45. Referring to the Administration's statement that integration of WKCD with the neighbouring areas would be considered when the WKCDA prepared the master plan in consultation with the public, the Chairman enquired about the channel for the public and LegCo to monitor the consultation work. Miss CHAN Yuen-han emphasized that sufficient and convenient pedestrian access facilities should be provided to ensure the connectivity of WKCD with neighbouring districts.

46. In reply, DS/HA(3) said that while WKCDA would oversee the interface and coordination among different works projects within WKCD, the Government would have an important role to play in the integration and connectivity of WKCD with the neighbouring districts. The Administration's current thinking was to allow extensive public participation, through the coordination of WKCDA, in the planning of WKCD and this would include the connectivity and integration of WKCD with the neighbouring areas.

Public engagement exercise

47. Dr KWOK Ka-ki referred to recent reports about the alleged professional misconduct in the conduct of the telephone polls which formed part of the PE exercise. He expressed concern on whether the exercise could genuinely reflect public views on the way forward for WKCD.

48. DS/HA(3) stressed that the telephone polls were only one of the many channels to solicit public views on the WKCD project and the incident would not have significant impact on the PE exercise as a whole. She explained that the Administration had commissioned the Public Policy Research Institute (PPRI) of the Hong Kong Polytechnic University to be an independent consultant to collate and analyze public views received during the PE exercise. Their major tasks included, among others, conducting two telephone polls for the purpose of gauging and triangulating public views. The alleged misconduct on the second telephone poll was about that PPRI had deviated from the professional guideline when conducting a telephone poll. The Administration had requested PPRI to explain and investigate the incident and a written report would be submitted in the next week. PPRI had taken immediate steps to rectify the problem as all the data collected through the telephone poll in question had been voided and a fresh telephone poll had been conducted to collect public views in a scientific and professional manner according to established guidelines. The Administration had also strengthened its monitoring on this fresh second telephone poll.

Conclusion

Admin 49. The Chairman said that members who had expressed views at the meeting did not agree that virtually all the tasks for implementing the WKCD project should be passed to WKCDA. The Chairman requested the Administration to provide detailed proposals on those key aspects of the proposed legislation for establishing WKCDA that had not been included in the Administration's paper (WKCD-459).

IV Any other business

Clerk 50. Members noted that the next meeting was scheduled for Friday, 4 January 2008 to receive views from the public on the proposed legislation on the statutory body to take forward the WKCD project. Mr LEE Wing-tat suggested that academics and critics who had written articles on the WKCD project should be invited to express views at the next meeting.

51. Members also noted that time slots had been reserved for the Subcommittee to hold further meetings. The Clerk would circulate the tentative schedule to members for them to indicate their availability.

52. The meeting ended at 12:05 pm.

**Proceedings of the thirty-seventh meeting of the
Subcommittee on West Kowloon Cultural District Development
on Saturday, 15 December 2007, at 9:00 am
in Conference Room A of the Legislative Council Building**

Time marker	Speaker	Subject(s)	Action required
000626 - 000704	Chairman	Confirmation of minutes of the meetings held on 3 and 9 October 2007 (Paper Nos. WKCD-453 and 454)	
000705 – 002901	Chairman Administration Ms Emily LAU	Opening remarks Presentation of papers by the Administration (WKCD-459 & 460 and papers tabled at the meeting)	
002902 – 038400	Mr LEE Wing-tat Administration	Capital costs and operating deficits of core arts and cultural facilities and communal facilities Timing of provision of papers by the Administration	
003841 – 004722	Ms Margaret NG Administration Chairman	Functions and powers of the West Kowloon Cultural District Authority (WKCDA) Government's responsibilities when serious problems occurred Identification of suitable candidates for appointment as Chairman and as Chief Executive Officer of WKCDA	
004723 – 005643	Ms Emily LAU Administration	Reflection of public views in current proposals Accountability of WKCDA Appointment of Legislative Council Members (LegCo) to the Board of WKCDA	
005644 – 010356	Ir Dr Raymond HO Administration	Capability of WKCDA in managing the works projects for WKCD Composition of the Board of WKCDA	

Time marker	Speaker	Subject(s)	Action required
		Coordination of various projects to be undertaken within the West Kowloon Cultural District (WKCD)	
010357 – 011317	Prof Patrick LAU Administration	Breakdown of capital costs for M+ Overseas experience in similar cultural districts Reference to submissions received during the West Kowloon Reclamation (WKR) Concept Plan Competition and Invitation for Proposals process Mechanisms for monitoring the construction works in WKCD	
011318 – 012600	Chairman Administration	"Master layout plan" versus "master plan" and applicable town planning procedures Connectivity and integration between WKCD and neighbouring districts LegCo's monitoring of the formulation of the master plan	The Administration to provide information on town planning procedures applicable to the master plan
012601 – 013538	Mr LEE Wing-tat Administration	Funding arrangements Coordination and interface among different works projects to be undertaken in Phase 1 development of WKCD and relevant past experience Mechanism for appointment of LegCo Members to the Board of WKCDA	The Administration to provide detailed information on the capital costs and operating surpluses and deficits for the facilities within the purview of WKCDA
013539 – 014524	Dr KWOK Ka-ki Administration	Public engagement exercise Funding arrangements and financial viability of M+ Accountability of WKCDA	
014525 – 015618	Mr James TO	Town planning process	

Time marker	Speaker	Subject(s)	Action required
	Administration	<p>Risks under proposed arrangements</p> <p>Number of LegCo Members to be appointed to the Board of WKCDA</p> <p>Funding arrangements</p>	
015619 – 020627	Ms Emily LAU Administration	<p>Town planning process</p> <p>Funding arrangements</p> <p>Mechanism for appointment of LegCo Members to the Board of WKCDA</p> <p>Role of public officer members in the Board of WKCDA</p> <p>Meetings of the Board and committees of WKCDA to be held in public and meeting papers to be made public</p>	
020628 –021717	Miss CHAN Yuen-han Administration	<p>Accountability of WKCDA</p> <p>Town planning process</p> <p>Disposition of different land uses in WKCD</p> <p>Revitalization of neighbouring districts</p>	
021718 –022633	Prof Patrick LAU Administration	<p>Funding arrangements</p> <p>Town planning process - revisions to approved master plan</p> <p>Meetings of WKCDA to be held in public</p> <p>Competitions for design of performance venues and other cultural facilities</p> <p>Reference to submissions received at the WKR Concept Plan Competition</p>	
022634 –023530	Mr Abraham SHEK	Respective roles of WKCDA and the	

Time marker	Speaker	Subject(s)	Action required
	Administration	Government in town planning and construction of cultural and communal facilities	
023708 –024539	Ir Dr Raymond HO Administration	Supervision and management of works projects for WKCD and relevant past experience	
024540 – 025334	Chairman Dr KWOK Ka-ki Administration	Respective roles of WKCDA and the Government in town planning and construction of cultural and communal facilities Mechanism for appointment of LegCo Members to the Board of WKCDA Invitation of Chief Secretary for Administration and other relevant principal officials to attend future meetings	
025335 – 025817	Miss CHAN Yuen-han	Funding arrangements Respective roles of WKCDA, the Government and LegCo in town planning Supervision and management of works projects for WKCD	
025818 –030025	Chairman Mr LEE Wing-tat	Supervision and management of works projects for WKCD and retrieval of information on past relevant cases WKCDA to solicit private donations and sponsorships	
030026 – 030246	Ms Emily LAU	Respective roles of WKCDA and the Government in management of works projects Meetings of WKCDA to be held in public	
030247 –030645	Chairman Ms Emily LAU Mr LEE Wing-tat	Concluding remarks Meeting on 4 January 2008 and	

Time marker	Speaker	Subject(s)	Action required
		schedule of further meetings Invitation of academics and critics to attend meeting on 4 January 2008 to present views	Clerk to issue invitations
030546 - 030645	Administration	To provide information on assumptions regarding private donations and sponsorships Nominal discount rate	
030646 – 030753	Chairman Clerk	Request the Administration to submit papers before 4 January 2008 as far as possible	

Council Business Division 1
Legislative Council Secretariat
1 February 2008