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14 February 2006

The Honourable Donald TSANG, GBM
The Chief Executive
Hong Kong Special Administrative Region
People's Republic of China

Dear Chief Executive,

Subcommittee on West Kowloon Cultural District Development

As you are aware, the Legislative Council (LegCo) unanimously endorsed the Phase I and Phase II Reports of the Subcommittee on West Kowloon Cultural District Development on 8 February 2006. The Subcommittee is formed by the House Committee to look into issues relating to the development and implementation of the West Kowloon Cultural District (WKCD) Development Project. Its membership consists of Members from all parties and groups in LegCo. In the two reports, we have made a detailed analysis of the approach adopted by the Government in developing WKCD, including the risks that the Government will run into if it continues to pursue the project according to its current plan, and put forward a number of recommendations to mitigate these risks. The reports represent many months of detailed studies and contain the collective views and considered opinions not only of Subcommittee members but also of numerous groups and individuals from among stakeholders, experts and end-users.

At the meeting of the Subcommittee on 10 February 2006, members expressed deep disappointment at the refusal of the Chief Secretary for Administration to attend the Subcommittee meeting on 3 February 2006 to explain the Government's response to the Subcommittee's reports and the Council Meeting on 8 February 2006 to speak on the motion on the Subcommittee's reports. At the motion debate, the Secretary for Housing, Planning and Lands also failed to give any response in specific terms to the findings and recommendations of the Subcommittee, and failed to provide any substantive reply to the questions raised by Members during the debate. In view

of the apathetic response of the Administration to LegCo's concerns and questions on the WKCD project, members of the Subcommittee have asked me to write to you on their behalf to express their grave concern that the Administration appears to want to proceed with the WKCD project using the current plan without giving due regard to the problems and risks which we have identified, and without first discussing with LegCo the whole range of issues relating to the project.

We believe that it is the constitutional duty of the Chief Executive to lead the Government of the Hong Kong Special Administrative Region in performing its functions under the Basic Law. Being accountable to LegCo, the Government is duty-bound to explain policies to LegCo and answer LegCo Members' questions. It is grossly unacceptable that the Chief Secretary, who is the principal official in charge of the WKCD project and has hitherto been a bridge between the Administration and the Legislature, should absent himself from the important meetings of LegCo and its Subcommittee to address the issues raised on the project.

We understand from the Chief Secretary that the Administration is currently considering the responses of the three screened-in proponents to the additional development parameters and conditions for WKCD proposed by the Administration in October 2005. It is only after the Administration has completed the process of consideration, including consultations with the Executive Council, that the Administration will inform LegCo of further developments. We are gravely concerned that by the time the Executive Council has endorsed a position, there will be very little room for further discussions or changes. This will also render any further public consultation that follows meaningless.

The Subcommittee is aware that the final decision as to how to take forward the WKCD project vests with the Chief Executive-in-Council. Members of the Subcommittee therefore have asked me to relay their request to you that the executive authorities must not make any irreversible decision or take any decision that would in effect create a *fait accompli* before the Administration has responded in specific terms to the findings and recommendations of the Subcommittee and had thorough exchanges with LegCo on the way forward for WKCD. This demand is made pursuant to the very need to safeguard public interest in a matter that involves the disposal of major public resources and will have far-reaching consequences on nearly every area of public policy.

When you took questions from LegCo for the first time as acting Chief Executive in April 2005, you undertook to try your best to improve the relationship between the Executive and the Legislature, pledging to strengthen communication with LegCo to enhance mutual trust and to co-operate with LegCo actively to work for the best interests of the public. We hope that you would honour this pledge and would give personal attention to the matter.

Yours sincerely,

(Alan LEONG Kah-kit)
Chairman of the Subcommittee