

**Legislative Council Subcommittee on
West Kowloon Cultural District Development**

**Response to questions raised by Members of the Subcommittee on West
Kowloon Cultural District Development (the Subcommittee)**

The following questions from Members of the Subcommittee were attached to the letters of the Clerk to Subcommittee dated 1 February 2008 and 6 February 2008 —

- (i) questions raised by the Subcommittee Chairman on the town planning process for the West Kowloon Cultural District (WKCD) project;
- (ii) questions raised by Hon James To; and
- (iii) questions raised and information requested by Members at the meeting on 4 February 2008

(i) Questions raised by the Subcommittee Chairman

Q 1: It is important to ensure that members of the public would be fully engaged in the process of preparing the Development Plan, and that the vision of "planning with the people" can be realized. Apart from the requirement in the future legislation on the WKCDA to consult the public in preparing the Development Plan, will there be any other safeguards under the planning mechanism for ensuring full public engagement and the adoption of a bottom-up approach, as opposed to an executive-led approach?

A 1: The public will have adequate opportunity to participate in the preparation of the development plan for the plan area. Clause 18(1) of the West Kowloon Cultural District Authority Bill (the Bill) provides that the West Kowloon Cultural District Authority (WKCDA) is required to prepare a development plan to lay out the plan area, set apart any land within the plan area for various land uses and show or make provision for any area that is comprised in the land being set apart. In preparing the development plan (DP), the WKCDA has a statutory obligation to consult the public under clause 18(3)(a) and to

have regard to the views received in the public consultation under clause 18(5), of the Bill. In addition, clause 18(3)(b) of the Bill provides that in preparing the DP, the WKCDA has to consult the Secretary for Home Affairs (SHA) who may impose requirements or conditions for the development of the plan area. WKCDA has to ensure such requirements or conditions imposed are satisfied in preparing the DP.

According to clause 18(6) of the Bill, WKCDA has an obligation to submit the DP to the Town Planning Board (TPB) for consideration. After the TPB deems the plan as being suitable for publication under clause 18(7)(a) or (b) of the Bill, the DP will be subject to public inspection and comments under section 5 and 6A of the Town Planning Ordinance (TPO), Cap. 131. The public may make representations on the DP and comment on the representations. The representations and comments will be considered by the TPB in accordance with section 6B of the TPO. The TPB may propose amendments to the DP to meet the representations. Any proposed amendments to DP will be made available for public inspection in accordance with section 6C of the TPO. The TPB will consider any further representations in accordance with section 6F of the TPO. The DP, together with the representations, comments and further representations, if any, will be submitted to the Chief Executive in Council (CE in C) for approval in accordance with the provisions of the TPO.

From the experience gained in other major planning projects such as the Kai Tak development project, there exist already well-established practices and procedures in engaging the public in various stages of a development project in order to build community consensus. The WKCDA may adopt a similar approach when preparing the DP to ensure full public engagement.

Q 2: It is mentioned in the Administration's papers WKCD-509 and WKCD-510 that at the first stage of the planning process, the following key parameters would be incorporated into the draft South West Kowloon Outline Zoning Plan (OZP) --

- (a) overall plot ratio;
- (b) development mix including restricting the total gross floor area for residential developments;
- (c) provision of public open space; and
- (d) building height control.

In preparing the development plan, the WKCDA would be required to ensure that all the relevant development parameters set out in the South West Kowloon OZP are complied with and that any requirements and conditions that may be imposed by the Government are satisfied.

What if at the "Development Plan" stage, Hong Kong people, through a genuine public engagement process, come to a view about WKCD that would necessitate changes in the development parameters already laid down in the OZP?

To what extent the development parameters will be taken as requirements cast in stone? Will there be any leeway for the WKCDA to seek changes to the development parameters when such changes are found full justified?

A 2: The Planning Department has proceeded to propose to the TPB to amend the draft South West Kowloon Outline Zoning Plan (draft OZP) to include the following major proposed development parameters –

- (a) setting the maximum overall plot ratio at 1.81;
- (b) capping the residential development at not more than 20% of the total Gross Floor Area (GFA) of the WKCD;
- (c) provision of not less than 23 hectares of public open space; and
- (d) building height restrictions ranging from 50 metres above Principal Datum (mpd) to 100 mpd

The Planning Department intends that there would be a promenade (at least 20 metres wide) along the seafront of the WKCD.

The amended draft OZP will be subject to public inspection and comments under section 5 of the TPO and submitted to the CE in C for approval. After the approval by the CE in C, if any person, including the WKCDA, wish to amend the development parameters in

the OZP, the established procedures under the TPB will apply. If the relevant amendment is approved, WKCDA has to ensure that the development parameters as amended are complied with when it prepares the DP.

Once a DP has been approved, any subsequent proposed amendments are subject to the relevant provisions of the TPO.

(ii) Questions raised by Hon James To (in Chinese only)

Q 1: 在修訂西南九龍分區計劃大綱草圖加入發展參數時，會否規定主要發展規範需要包括一個面積若干的整幅相連公眾休憩用地及其位置，以及用作辦公室、酒店及住宅發展的建築物的高度限制、地積比及總樓面面積？

A 1: The Planning Department is proceeding to propose to the TPB to amend the draft South West Kowloon Outline Zoning Plan (draft OZP) to include the following major proposed development parameters into the draft OZP –

- (a) setting the maximum overall plot ratio at 1.81;
- (b) capping the residential development at not more than 20% of the total GFA of the WKCD;
- (c) provision of not less than 23 hectares of public open space; and
- (d) building height restrictions ranging from 50 mpd to 100 mpd

The Planning Department intends that there would be a promenade (at least 20 metres wide) along the seafront of the WKCD.

The WKCDA will layout the distribution and location of public open space when preparing the DP. All buildings in the WKCD, including office, hotel and residential buildings, will be subject to the building height restrictions (i.e. ranging from 50 mpd to 100 mpd). The entire WKCD development is subject to an overall plot ratio of 1.81. The total GFA of residential development is capped at 20% of the total GFA of the WKCD and the rest is for other facilities, including arts

and cultural facilities, offices and hotels.

Q 2: 政府在批地予西九管理局，及就辦公室、酒店及住宅發展項目的批地條款，會否預先提交立法會省覽？

A 2: The WKCD site will be disposed of in a transparent manner in accordance with the prevailing land disposal method.

Government will follow the established practice of formulating the land grant conditions to ensure that the conditions suit the project requirements and the site conditions. The Government will dispose of the land for office, hotel and residential development to the market separately. Taking the example of a site included in the Application List, the Conditions of Sale are made available for public inspection and prospective bidders may decide whether they are interested in triggering /bidding for the site.

Q3 : 現時城市規劃委員會基本上是公開會議，只在符合某些情況下才進行閉門會議，會議議程及文件也是公開的，將來的西九管理局可否參考城規會基本上是公開會議，除符合某些情況下才進行閉門會議，及所有議程、紀錄和會議文件均會於網頁上公開供公眾索閱？

A 3: Under to section 2C of the TPO, the meetings of TPB and its committees shall be open to the public subject to certain exceptions provided under the it. For instance, the deliberation part of meetings to consider planning applications, or if TPB or the relevant committee considers consider that an open meeting would not be in the public interest or would result in premature release of information, the meeting would not be open to the public.

It is proposed in the Bill that the Board may regulate its own meeting proceedings. The Board may open some of its meetings under certain circumstances and make the relevant meeting agenda, minutes and papers etc. available to the public on its website. As it is expected that the meetings of the Board would involve lots of discussions

related to facility management contracts and even evaluation of performance of arts groups, which are not appropriate to open to the public, we consider it inappropriate to make it mandatory for the Board to open its meetings to the public, or to prescribe the circumstances and ways in which it should open its meetings to the public or otherwise.

Q 4 : 政府建議西九管理局須向政府提交業務綱領及業務計劃，政府可否考慮在法案中訂明政府每年在收到有關業務綱領及業務計劃後，須將有關綱領及計劃提交立法會省覽？

A 4: The corporate plan mainly sets out a programme of activities and projects that the WKCDA proposes to conduct or implement and a financial plan for a period of 3 years from the next financial year. The business plan covers the details of activities and projects that are to be conducted or implemented under the corporate plan in the next financial year, the resources required and the details of the financial plan, including the estimated revenue and expenditure, loans and staffing requirements.

As contents of the corporate plan and the business plan fall within the purview of the WKCDA which may include market-sensitive or confidential commercial information, it is proposed in the Bill that the WKCDA is only required to submit the corporate plan and the business plan to the Secretary for Home Affairs for record purpose, in order to allow a certain degree of autonomy and flexibility for the WKCDA in exercising its functions.

To put the overall performance of the WKCDA under public scrutiny, the Bill provides that the Chairman and the Chief Executive Officer of the WKCDA have to attend meetings of the Legislative Council and its committees upon request and answer questions.

In addition, the Bill also provides that the WKCDA is required to, within 6 months after the end of each financial year, submit a report on the activities of the WKCDA, a statement of accounts and an auditor's report to the Financial Secretary, who will cause them to be

laid on the table of the Legislative Council.

WKCDA has an obligation to consult the public on such matters as the preparation of the development plan and the development or operation of arts and cultural facilities. This would enable various sectors of the public to express their views over the matters concerned.

The WKCDA may set up committees to deal with matters such as the operation of arts and cultural facilities. Members of the committees may be drawn from the community to ensure that views of different sectors would be taken into account.

Q 5: 展覽中心的資本成本、營運赤字、淨租金收入多少，是否由西九管理局或其轄下委員會負責監督其管理事宜？展覽中心賺取的盈餘會如何處理，會否補貼其他文化藝術設施的虧損？

A 5: In 2008 Net Present Value terms, the total capital cost and total operating surplus for the Exhibition Centre (EC) during the project period are \$0.535 billion and \$0.281 billion (which includes net hire income of \$1 billion, among others) respectively. The operating surplus of the EC would be used to cross-subsidize the operating deficits of other arts and cultural facilities in WKCD. We expect the management of the exhibition centre to be subject to the monitoring of the WKCDA Board or its committees but the detailed management arrangement will have to be decided by the WKCDA upon its establishment.

Q 6: M+的營運和管理如不受西九管理局控制，日後其營運和管理由誰負責及如何向公眾交待？【諮詢委員會建議報告書第 7.2.13 段】

A 6: When deliberating on the M+ proposal from its Museum Advisory Group, the Consultative Committee on the Core Arts and Cultural Facilities of the West Kowloon Cultural District (Consultative Committee) took the view that the curatorial work of M+ should be conducted professionally and independently. In this connection, the Consultative Committee pointed out in its Recommendation Report

that while M+ should not be institutionally separated from the WKCDA, its operation and management should ensure curatorial independence, professional excellence and public accountability.

The detailed operation mode of M+ would be developed gradually in future after the WKCDA has been formally established. The basic principle is that the WKCDA should formulate the mode of governance of M+ on the premise of professionalism and independence of curatorial work and operation.

Q 7: 若西九管理局決定不興建穿梭列車，相關的土地會否交由管理局決定作甚麼用途？

A 7: According to clause 18(1) of the Bill, WKCDA will as soon as reasonably practicable prepare a development plan to lay out the WKCD and set apart land for various land uses (for example, arts and cultural facilities, related facilities and transportation facilities). As for transportation facilities within the WKCD, the requirement for the construction of the automated people mover (APM) or any alternate transportation system would be included in the conditions of the land grant.

Q 8: 對比 M+ 原先及縮減建議的規模（括號內為縮減後的面積）

A 8: Comparison of the original and scaled-down M+ (the figures in brackets are the resultant size area and are the assumptions used by the Financial Advisor for financial assessment purpose) is as follows:

	Phase I	Phase II	Recommended eventual size
Site area	37 500 m ² (The actual site area required will be considered by the WKCDA during the master planning stage.)		
Gross floor area	81 000 m ² (Onsite: 43 365 m ² Offsite: 16 800 m ²)	44 000 m ² (Onsite: 18 585 m ²)	125 000 m ² (Onsite: 61 950 m ² Offsite: 16 800 m ²)

	Total: 60 165 m)		Total: 78 750 m ²)
Net operating floor area	49 000 m ² (Onsite: 28 910 m ² Offsite: 14 000 m ² Total: 42 910 m ²)	26 000 m ² (Onsite: 12 390 m ²)	75 000 m ² (Onsite: 41 300 m ² Offsite: 14 000 m ² Total: 55 300 m ²)
Net exhibition area	20 000 m ² (Onsite: 16 000 m ² Offsite: Nil Total: 16 000 m ²)	10 000 m ² (Onsite: 10 000 m ²)	30 000 m ² (Onsite: 26 000 m ² Offsite: Nil Total: 26 000 m ²)

Q 9(i): 對比海外類似性質的知名博物館的規模及成本回收率

A 9(i): The cost recovery rate and scale of well-known overseas museums and performance arts venues of similar nature

Museums/ Performing Arts Venues	Gross floor area (m²)	Net operating floor area (m²)	Exhibition area (m²)	Cost recovery rate	Operating cost recovery rate of the CACF of WKCD (%) (Reference year: Year 10 after commencement of operation)
<u>Museums</u>					
Centre Pompidou, Paris	112 523	^	22 000	27%	M+ (Phase 1 and Phase 2 combined): 22%
MOMA, New York	73 420	^	11 612	57%	
Tate Modern	43 000	^	7 827	54%#	
<u>Performing Arts Venues</u>					
South Bank Centre, UK	^	^	Not Applicable	43%	Mega Performance Venue: 149%
Sydney Opera House, Australia	450 000	^	Not Applicable	74%	

Queensland Performing Arts Complex, Australia	^	^	Not Applicable	62%	Great Theatre 1: marginally breakeven
The Esplanade, Singapore	101 970	^	Not Applicable	38%	Other Performing Arts Venues**: about 40% - 80%

Figures for Tate Galleries, which include Tate Modern, Tate Britain, Tate Liverpool and Tate St Ives.

^ No information is available.

** Those are Concert Hall and Chamber Music Hall, Xiqu Centre, Medium-sized Theatres, Black Box Theatres and Great Theatre 2.

Q 9(ii): 龐比度中心、紐約現代藝術館及泰特現代美術館網上官方資料顯示的面積與建議諮詢報告的資料不同，原因為何？網上官方資料顯示，龐比度中心的 floor area 是 103 305 方米；紐約現代藝術館的面積是 58 550 方米(630 000 方呎)；泰特現代美術館的 internal floor area 是 34 500 方米。

A9(ii): The Recommendation Report of the Consultative Committee stated that the GFA for Centre Pompidou, Tate Modern and MOMA in New York are 112 523 m², 43 000 m² and 73 420 m² respectively. These GFA figures were provided by the respective museums to the Home Affairs Bureau direct. They are different from the figures shown in their respective official websites because they include the onsite exhibition area, all the onsite and offsite offices, storage and any other uses that relate to the operation and running of the museums whereas the figures shown in the websites include the onsite area only.

Q 10: 諮詢委員會建議縮減原先規模，縮減建議對各項目的建設成本、營運赤字、土地及淨租金收入的影響為何（2006年淨現值計）？

A 10: The impacts of the Consultative Committee's recommended measures to reduce the scale of the proposed core arts and cultural facilities on capital costs, operating deficits, land revenue and net rental income are as follows (in 2006 Net Present Value (NPV))–

	\$Billion in 2006 NPV			
	Capital costs	Operating deficits	Land revenue	Net rental income
Financial Advisor's initial estimates	21.618	8.333	20.901	-
The Consultative Committee (CC)'s recommended financing approach -				
(a) WKCD Authority to develop and operate Retail/Dining/ Entertainment (RDE) facilities (148,609 sq. m.)	3.068	-	(3.949)	9.372
(b) WKCD Authority to be responsible for the automated people mover, public open space, and public car parks only; the remaining transport and communal facilities and engineering works to be built and maintained by the Government	(2.429)	(0.074)	-	-
Sub-total	22.257	8.259	16.951	9.372
CC's recommended measures to bridge the funding gap -				
(c) Reduce the on-site Net Operating Floor Area (NOFA) of the M+ by 30% and the NOFA/Gross Floor Area (GFA) ratio to 1:1.5 (release 36,580 sq. m. for office use), fine tune the phasing of the development of the scaled down M+ in two phases at a 70%/30% ratio, reduce the timeframe for architectural design competition	(1.665)	(1.318)	-	-
(d) Use a lower NOFA/GFA ratio of 1:1.4 for performing arts (PA) facilities (release 13,494 sq. m. for office use) and introduce architectural design competition	(0.602)	(0.284)	-	-

for the iconic PA venues (i.e. the Xiqu Centre and Concert Hall/Chamber Music Hall)				
(e) Reduce the GFA for RDE facilities by 20% to 119,000 sq. m. (release 29,609 sq. m. for office use)	(0.611)	-	-	(1.865)
(f) Reduce the GFA for hotel to 56,000 sq. m. (release 28,000 sq. m. for office use ^{Footnote 1})	-	-	(0.487)	-
(g) Increase the GFA for office development from zero to 107,683 sq. m.	-	-	2.453	-
(h) Consequential reduction in capital costs and increase in operating deficits, mainly in respect of the WKCD Authority and the public car parks ^{Footnote 2}	(0.210)	0.080	-	-
Overall result under Private Sector Involvement (PSI) Scenario 1A after taking into account CC's recommended financing approach and measures to bridge funding gap	19.167 (Say 19.2)	6.738 (Say 6.7)	18.918 (Say 18.9)	7.507 (Say 7.5)

() = reduction in capital costs/operating deficits/land revenue/net rental income

Note: All numbers are rounded to nearest 3 decimal places for presentation purpose. The table totals presented therefore may not add up due to rounding.

^{Footnote 1} To allow flexibility, 28 000 sq. m. of GFA may be used for office or hotel developments depending on the prevailing market demand.

^{Footnote 2} The capitalised cost of the WKCD Authority during the development stage is reduced as the development stage is shortened by 1 year due to the shortened time for architectural design competition of the M+. The operational stage for the WKCD Authority is correspondingly increased by one year and hence its operating costs. The public car parking spaces are reduced, and hence its capital costs, as a result of an increase in the commercial car parking spaces (which can be share-used by the public) arising from an increase in commercial GFA released from the package of measures to bridge the funding gap. The income generated from public car parks is however reduced consequentially.

(iii) Response to questions raised and information requested by Members at the meeting on 4 February 2008

Q 1: With regard to the proposed provision that the Chairman of the West Kowloon Cultural District Authority (WKCDA) may or may not be a public officer (clause 6(3)(a)), the Administration is requested to –

- (i) explain the Government's policy considerations in appointing a public officer as the chairman of a statutory body in general and in the case of WKCDA, and substantiate the explanation by making reference to the experiences of existing comparable statutory bodies;**
- (ii) address the concern that the normal checks and balances on the powers of statutory bodies would be lost if WKCDA is to be headed by the Chief Secretary for Administration (CS), as the monitoring roles exercised by various government departments and relevant authorities on the financial management, planning and cultural development work etc. of WKCDA would likely be overridden by CS's top position in the Government;**
- (iii) a public officer would probably lack the required experience in and exposure to the international arts and cultural arena to lead the WKCDA to attain its purpose of contributing to the long-term development of Hong Kong into an international arts and cultural centre;**
- (iv) address the concern that given the heavy workload and responsibilities that a senior public officer has to shoulder in his existing post in the Government, taking up the additional workload and responsibilities of the Chairman of WKCDA would give rise to practical problems of overburdening the public officer, hence hampering both the work of the Government and WKCDA; and**
- (v) consider removing the proposed provision from the Bill.**

A 1: The Government considers appointments to the Chairmen of different

statutory bodies having regard to the nature of each body. The Government usually takes into account a wide range of factors when appointing the Chairman of a statutory body, including the relevant statutory requirements, the role of the Chairman, and the major functions of the statutory body.

Given the WKCD project is a large-scale project that spans a long period of time and cuts across a wide spectrum of areas, the WKCDA should be led by individuals with different backgrounds, expertise and experiences at different stages of the development and operation of the project. We consider it appropriate and necessary to provide adequate flexibility for the Chief Executive to appoint the most appropriate person (from within or outside the Government) as the Chairman at different points in time.

As for the checks and balances on the WKCDA, we consider that various Government Departments and law enforcement agencies would perform their roles and functions according to the law, irrespective of whether or not the Chairman is a public officer and regardless of his position.

The Bill provides that the Board may include members with various expertise and backgrounds, including those with knowledge and experience in arts and cultural facilities. It is important that the Board of the WKCDA comprises a Chairman and an appropriate mix of members required for managing the WKCD at different stages of development and operation. The Board would also be supported by various committees established under it to handle specific areas of work of the WKCDA, as well as the CEO and the senior management of the WKCDA on the execution of the WKCDA's day-to-day operations. The Chairman's role is to provide leadership to fulfill the vision of the WKCDA.

Q 2 : The Administration is requested to explain the need for having two separate clauses for the Chief Executive (clause 14) and for the Financial Secretary (clause 15) to obtain information from WKCDA, and to advise whether there is a similar arrangement in

other comparable ordinances.

A 2 : Clause 14 of the Bill provides that the Chief Executive may require the WKCDA to furnish information relating to its affairs or activities as may be specified by him. Clause 15 provides that the Financial Secretary may for the purposes of part 4 of the Bill request the WKCDA to furnish to him such information relating to its financial affairs as may be specified by him.

Similar requirements for the Chief Executive to obtain information are found in the legislation of other statutory bodies, such as the Airport Authority Ordinance (Cap. 483) and the Hong Kong Science and Technology Parks Corporation Ordinance (Cap. 565).

At the same time, the Financial Secretary is empowered under the Tai Lam Tunnel and Yuen Long Approach Road Ordinance (Cap. 474) and the Western Harbour Crossing Ordinance (Cap. 436) respectively to inspect books of accounts etc. of the companies concerned.

Given the importance of the WKCD project to the long-term development of arts and culture for the future of Hong Kong, as well as the large amount of resources that will be vested in the WKCDA, we consider it appropriate to empower both the Chief Executive to obtain information about its affairs and activities, and the Financial Secretary to obtain information relating to the financial matters of the WKCDA if necessary, as safeguards of public interest.

Q 3 : **Given that WKCDA would have the powers to sponsor or provide financial support to facilitate the organization of activities relating to arts and culture and to commission different forms of arts production, the Administration is requested to explain the relationship between WKCDA and the existing government and statutory bodies which are responsible for providing funding support to arts organizations, and the measures to ensure effective coordination and fair funding arrangements.**

A 3 : One of the important objectives of WKCD is to bring in new modes of

governance for arts and cultural facilities through different partnership arrangements between WKCDA and different non-Government or private sector organizations. This should be conducive to increasing the diversity and enhancing community participation both in the management of arts and cultural facilities, and the commissioning of arts and cultural programmes. WKCD would also provide the necessary relief to the acute shortage of venues currently facing the arts and cultural sector.

As WKCDA will be set up to achieve the public mission of WKCD, it would be an important component of Hong Kong's arts and cultural scene. It would be working closely with the Government and other relevant statutory bodies to realize its vision and mission. Home Affairs Bureau, being the Bureau responsible for arts and cultural policy, would devise measures to ensure effective co-ordination between the Government, and relevant statutory bodies (including WKCDA), as well as an appropriate mechanism to ensure effective use of public resources.

To realize the vision and objectives of WKCD, the Government is planning to increase the overall resource provisions from 2008-09 onwards to strengthen the development of cultural software and humanware through a series of different measures. We would also take the opportunity of developing WKCD to review and align the objectives of our cultural policy and supporting measures with the vision of WKCD, particularly to develop Hong Kong as an international cultural metropolis.

Q 4 : The Administration is requested to provide written response on the following suggestions made by members to enhance the accountability of the WKCDA-

(a) to provide in the legislation that WKCDA shall open up the meetings of its Board and committees to the public except for specified circumstances. (At the meeting on 24 January 2008, the Administration was also requested to provide information on the legislative provisions of other places in relation to the suggestion.);

- (b) to provide in the legislation that the Legislative Council Member(s) to be appointed to the WKCDA Board shall be elected by and from amongst the Legislative Council Members;**
- (c) to provide in the legislation a formalized machinery similar to the consultation panels of the Financial Services Authority in the United Kingdom and Metropoli-30 of Bilbao for public engagement in the planning, implementation and operation of the WKCD;**
- (d) to provide in the legislation that the business plan and corporation plan of the WKCDA shall be disclosed to the Legislative Council and the public; and**
- (e) to specify the term and the maximum number of terms of office of the members of the WKCDA Board.**

A 4(a): The Bill proposes that the Board may regulate its own meeting proceedings. The Board may open some of its meetings under certain circumstances. As it is expected that the meetings of the Board would involve lots of discussions related to facility management contracts and even evaluation of performance of arts groups, which are not appropriate to open to the public, we consider it inappropriate to make it mandatory for the WKCDA Board to open its meetings to the public, or to prescribe the circumstances and ways in which it should open its meetings to the public or otherwise.

In addition to the TPB which is obliged under the Town Planning Ordinance to open its meetings to the public subject to various conditions, we have sought references from some other local statutory bodies, including the Hong Kong Arts Development Council, the Airport Authority, the Hong Kong Housing Authority, the Hospital Authority, and the Urban Renewal Authority. In the relevant enabling legislation establishing these bodies, there is no statutory requirement for them to open their meetings to the public. However, some of them, e.g. Hong Kong Housing Authority, Hong Kong Arts Development Council and Hospital Authority choose to open up some of their meetings to the public in practice.

As regards legislation in other places (the discussions at the Subcommittee on 24 January 2008), we have made reference to certain similar bodies for cultural hubs or districts outside Hong Kong. Some of them are non-statutory bodies (e.g., Harbourfront Centre, Toronto). As to statutory bodies such as South Bank Corporation, Brisbane, and Australia Council (responsible for promotion of the arts), the relevant legislation, as far as we know, does not require that their meetings have to be conducted publicly.

A 4(b): The Bill provides that at least one Member of the Legislative Council will be appointed to the Board. Legislative Council Members may through various ways propose the most appropriate Member among themselves for the Chief Executive's consideration for appointment.

A 4(c): Clause 17 of the Bill provides that the WKCDA shall, in relation to matters concerning the development or operation of arts and cultural facilities, related facilities, ancillary facilities and any other matters as the WKCDA considers fit, consult the public at such time and in such manner as it considers appropriate. Clause 18(3)(a) of the Bill also provides that in preparing the development plan, the WKCDA shall consult the public at such time and in such manner as it considers appropriate. These provisions provide sufficient safeguards to ensure that public views would be fully taken into account when the WKCDA carries out its functions.

As the WKCD is a long-term development project and cuts across a wide spectrum of areas, it is necessary to provide the WKCDA with flexibility for engaging the public in the most effective and efficient manner at different stages of the project.

A 4(d): The corporate plan mainly sets out a programme of activities and projects that the WKCDA proposes to conduct or implement and a financial plan for a period of 3 years from the next financial year. The business plan covers the details of activities and projects that are to be conducted or implemented under the corporate plan in the next financial year, the resources required and the details of the financial plan,

including the estimated revenue and expenditure, loans and staffing requirements.

As contents of the corporate plan and the business plan fall within the purview of the WKCDA which may include market sensitive or confidential commercial information, it is proposed in the Bill that the WKCDA is only required to submit the corporate plan and the business plan to the Secretary for Home Affairs for record purpose, in order to allow a certain degree of autonomy and flexibility for the WKCDA in exercising its functions.

To put the overall performance of the WKCDA under public scrutiny, the Bill provides that the Chairman and the Chief Executive Officer of the WKCDA have to attend meetings of the Legislative Council and its committees upon request and answer questions.

In addition, the Bill also provides that the WKCDA is required to, within 6 months after the end of each financial year, submit a report on the activities of the WKCDA, a statement of accounts and an auditor's report to the Financial Secretary, who will cause them to be laid on the table of the Legislative Council.

WKCDA has an obligation to consult the public on such matters as the preparation of the development plan and the development or operation of arts and cultural facilities. This would enable various sectors of the public to express their views over the matters concerned.

The WKCDA may set up committees to deal with matters such as the operation of arts and cultural facilities. Members of the committees may be drawn from the community to ensure that views of different sectors would be taken into account.

A 4(e): Section 1 of the Schedule provides that each term of a non-public officer member will not exceed 3 years whereas a public officer member is to hold office at the discretion of the Chief Executive.

In considering appointments to the WKCDA Board, the Government

will follow the prevailing guidelines in making appointments to statutory bodies. Similar to other comparable statutory bodies, such as the Airport Authority, the Hong Kong Housing Authority, the Hospital Authority, and the Urban Renewal Authority, we consider it not necessary to provide the maximum number of terms of office of the Board members in the Bill.

Home Affairs Bureau

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