

Ms. Alice Au
Clerk to the Subcommittee on
West Kowloon Cultural District Development
Legislative Council Building
8 Jackson Road
Central
Hong Kong

20th May, 2005

Dear Madam,

Re: Subcommittee on West Kowloon Cultural District Development (“WKCD”)

Thank you for your letter of 6th May 2005.

We set out below further information requested by you in the same order as stated in your letter:

I. The Society’s view on the issue of Land grant/sale for the development of the WKCD

The Ink Society’s members attended the Subcommittee’s session on 6th May 2005 and presented the problem of lack of funding for cultural activities in Hong Kong. The current level of funding is about 1% of the H.K.S.A.R. Government’s expenditure whereas we have a student and adult population in their millions who are supportive and receptive to some form of cultural activities. Accordingly, the Ink Society welcomes any form of additional funding which will improve this situation.

The exchange of a valuable piece of land for development in return for the

construction and maintenance of a cultural complex in WKCD is a laudable move in the right direction. The question is how much and will the sums set aside be sufficient to finance the operation of four first class museums and other cultural facilities? As the financial proposals of the three finalists are not available to public, we can only urge the Government to study the financial implications of running first class museums and cultural facilities carefully and to ensure that sufficient fund be set aside to meet this requirement. This is particularly true when the Government may be forced to take over these cultural facilities before the expiry of the 30 years' period under undesirable circumstances.

The Ink Society supports the basic principle that the maximum value of the land in WKCD be fully realized and extracted from the successful Developer and such sums be spent on the construction and running of the cultural facilities in WKCD.

II. Proposal for a statutory body to oversee the implementation and operation of WKCD

INTRODUCTION:

- (1) In 2003 when the Ink Society made its proposal of setting up a statutory body to oversee the implementation and operation of the future Ink Museum, it started from the basic premises that a museum needs collectors to donate art works to build up its collection. Very few museums in the world have the privilege of owning a large number of art works from the start or have an endowment fund which is large enough to enable them to acquire any art works of their desire. Many will rely on philanthropists and collectors to help them to build up their collections.
- (2) In general, Hong Kong philanthropists and real estate developers are not known to be keen sponsors of cultural activities in Hong Kong.
- (3) In the past, Hong Kong collectors are willing to donate or lend art works to Hong Kong museums but they are hesitant to make similar commitments in this new arrangement for WKCD. This is because the proposed operation of museums by real estate developer is untested and collectors are unsure of its professionalism and level of management standard.
- (4) So governance is an important issue. Facing members at that time of deliberation in 2003 was the choice of the well tested model of a public trust

in U.S.A. under which most reputable museums in U.S.A. operate or the statutory body model where the arts community in Hong Kong is familiar with. For the public trust model to be grafted here Hong Kong needs to have a body of public trust legislation. This means that the H.K.S.A.R. Government either has to legislate or ensure that similar provisions are written into a future foundation trust to be formed by the successful Developer.

- (5) Even if Hong Kong has a body of public trust legislation, it does not have the tradition and support of wealthy people who are willing to sponsor art and cultural activities for art's sake and are prepared to step back and let the art administrators to do their job professionally. This may come in time but it is too risky to try out on this mega project now.
- (6) This leaves the statutory body option. Hong Kong has the experience of running cultural activities by statutory bodies. Typically it is The Arts Development Council which was established under The Hong Kong Arts Development Council Ordinance (Cap. 472). We also have cultural complex managed by statutory bodies such as The Arts Centre which was created under The Hong Kong Arts Centre Ordinance (Cap. 304) or The Hong Kong Academy of Performing Arts established under The Hong Kong Academy for Performing Arts Ordinance (Cap. 1135).

There may be dissatisfactions among the art groups here on the running of some of these statutory bodies but at least this is a model that the Hong Kong people are familiar with and on which we can always try to improve.

- (7) Apart from the fact that it is a well-trodden path, the operation of statutory bodies also has the advantage of having an infrastructure of legislative support for its operations. For example the I.C.A.C. Ordinance is applicable to some of the statutory corporations and being a statutory body, it will come under the scrutiny of Legco.
- (8) Since publishing its Position Paper in December 2003, the Ink Society is pleased to note that at least in one of the three proposals, one developer has advocated the establishment of a statutory body to oversee the operation of cultural facilities in WKCD.

Governance

- (9) The Ink Society recognizes that each proposed museum and cultural facilities in WKCD has its own priorities, different modus operandi and peculiar concerns arising from its particular art form. Thus we advocate that there should be a statutory body set up, one for each of the proposed museums and cultural facilities to attend to its own needs.
- (10) The Ink Society also recognizes that there has to be a statutory body set up for the entire WKCD to enable it to deal with the successful Developer on all matters relating to the WKCD and to apportion the resources and co-ordinate the activities of the museums and other cultural facilities within the WKCD.

Each of the proposed museums and cultural facilities will have a representative in this WKCD statutory body to deliberate and decide on the funding issue and discuss how their activities can best be co-ordinated. A diagram showing the organization chart of WKCD is set out in Schedule 1.

- (11) As the Ink Society has not yet had the opportunity of discussing the needs and expectations of other art groups which have interests in the WKCD, we will refrain from suggesting what structure is best suited for each of the other museums and cultural facilities. The Ink Society will only concentrate on the structure of the proposed Ink Museum statutory board. A diagram showing the organization chart of the proposed Ink Museum is set out in Schedule 2.
- (12) The Ink Museum statutory board will lay down the policy and direction of the Ink Museum and monitor the performance of the Museum director who will be responsible for the administration and day to day operations of the Ink Museum.
- (13) The statutory body should adhere to the policy, practice and direction which may from time to time be issued by the International Council of Museums (ICOM) in particular the ICOM code of Ethics and should as far as possible incorporate the good practices adopted by other world class museums on museum management and operation, including formulating of policy on receiving and handling donations be they art works or cash from donors. A summary of the Code of Ethics for Museums is set out in Schedule 3.
- (14) In the West Kowloon Cultural District, the H.K.S.A.R. Government wants to try a different mode of museum operation by bringing in the business community. For it to work, the Board of Directors of the Ink Museum should

be made up of at least the following groups:

- (a) business community:
members from the captains of industries who are willing to bring their insight and business skill into museum operation, coming up with innovative ideas and providing entrepreneurial vision to the museum management.
- (b) people from or related to the arts community:
such as experts, scholars or other people who are in contact with the arts community and local artists that are conversant with the issues as well as the direction of the ink tradition and its evolution in a modern context. They could be people who have experience in museum administration or understand and respect the curatorial independence as set out below that could readily seize opportunities proposed or offered by the business community. They will form the essential bridge between the arts community and the business community for this new mode of operation.
- (c) philanthropists and collectors:
they are the pillars of the Ink Museum who are willing to finance or donate art works to the Ink Museum. Even though the winning Developer will provide the necessary funds to finance the operation of the Ink Museum, there can never be too much funding or donation if we want to have a world class museum here.
- (d) Experts in other disciplines:
throughout the life of the Ink Museum, different expertise is required for different phases of development; for example during the construction phase, professionals such as architects and engineers are welcome to advise on the design and construction of the museum and when the museum is in operation, we may need bankers or other financial advisors to monitor the financial activities and the trust fund to be set up and managed. Other expertise such as legal, public relations and marketing are essential to keep the museum working on a high level of professionalism.
- (e) Developer's representative(s):
It is natural that the Developer's representative(s) should be on the Board to give continuity as well as coherent development to the whole cultural

district.

(f) Government's representative(s):

Given the residual interests of the Government in the project, they should have representative(s) in the Board.

The categories of people mentioned above are not mutually exclusive as business leaders can be philanthropists and architects or engineers can be collectors.

- (15) The statutory body who will work closely with the Developer on the planning and construction of the Ink Museum should be established as soon as possible. The first appointment of the members for the statutory board can be made by the Developer and endorsed by the Government for a specified duration, say two years and thereafter, the Board shall elect its own members in case of vacancy.

Museum Director

- (16) As suggested in our Position Paper in December 2003, there shall be a museum director who will run the Ink Museum to be assisted by a curatorial director and other administration staff (the "management team"). The museum director, supported by the management team, will be responsible to the Board of Directors for the activities of the museum. The museum director must have the requisite knowledge and vision to run a world class museum and should be recruited via a world wide search.

Advisory Board

- (17) To enable the Ink Museum Board to have a global network and to tap into the expertise of people in the museum circle and learning institutions, there should be an Advisory Board or Committee set up to assist the Ink Museum's Board. The Ink Society is more than happy to contact its existing advisors who are eminent scholars and curators in this field to find out if they are interested to be advisors to the Ink Museum.

Independent Curatorial Policy

- (18) It is absolutely essential that the curatorial policy of the Ink Museum should

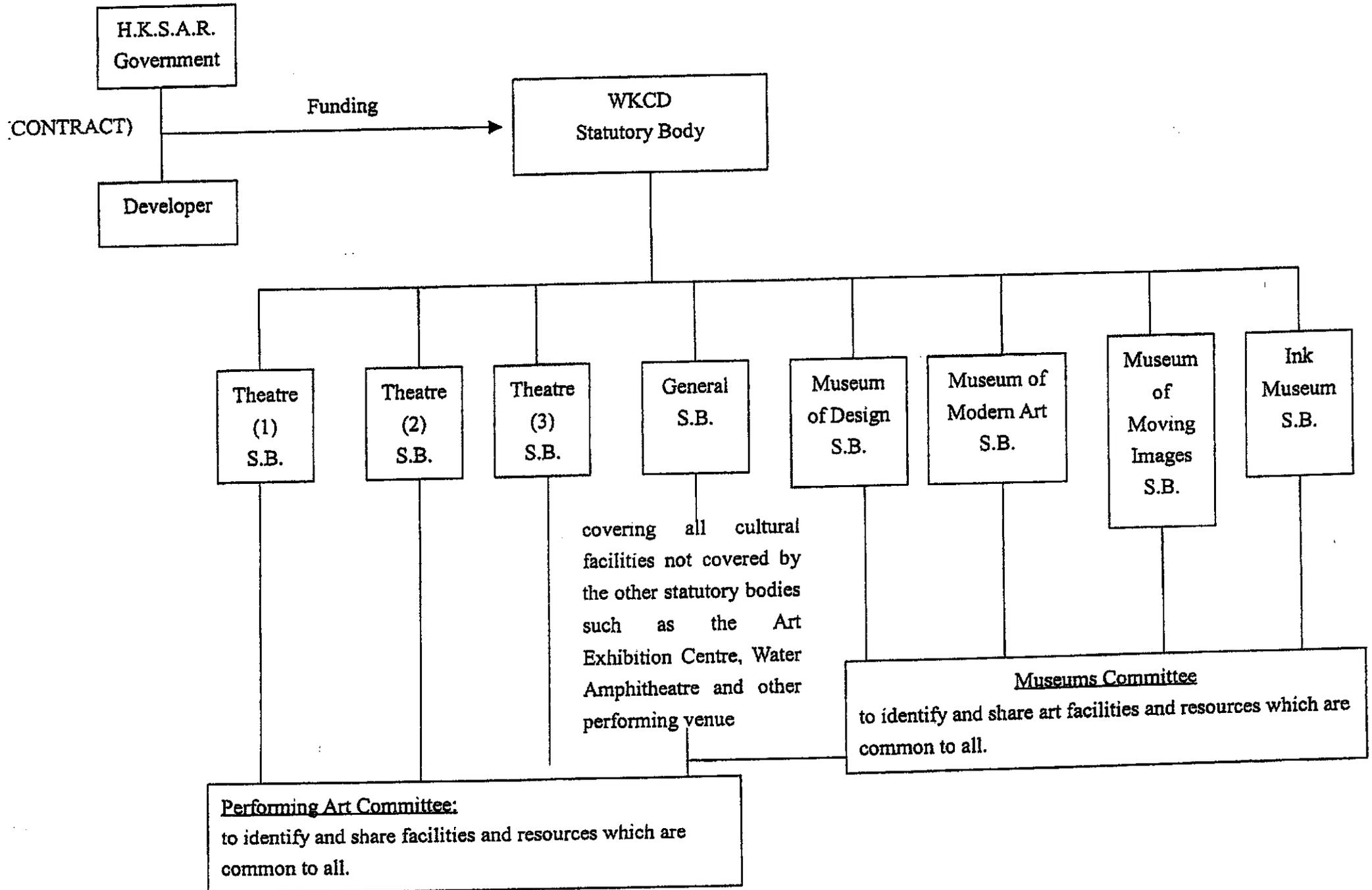
not be compromised in any way by this new mode of operation in Hong Kong. The Museum director with his or her curatorial staff should be free to design their own programmes and contents as dictated by the subject, save for financial and other logistical constraints.

The above are the preliminary thoughts of the Ink Society on the subject of governance and our members will continue to monitor, debate and present the Society's views to the Subcommittee once the Government has announced its selected candidate of WKCD for further negotiation and the proposed governance structure is made public.

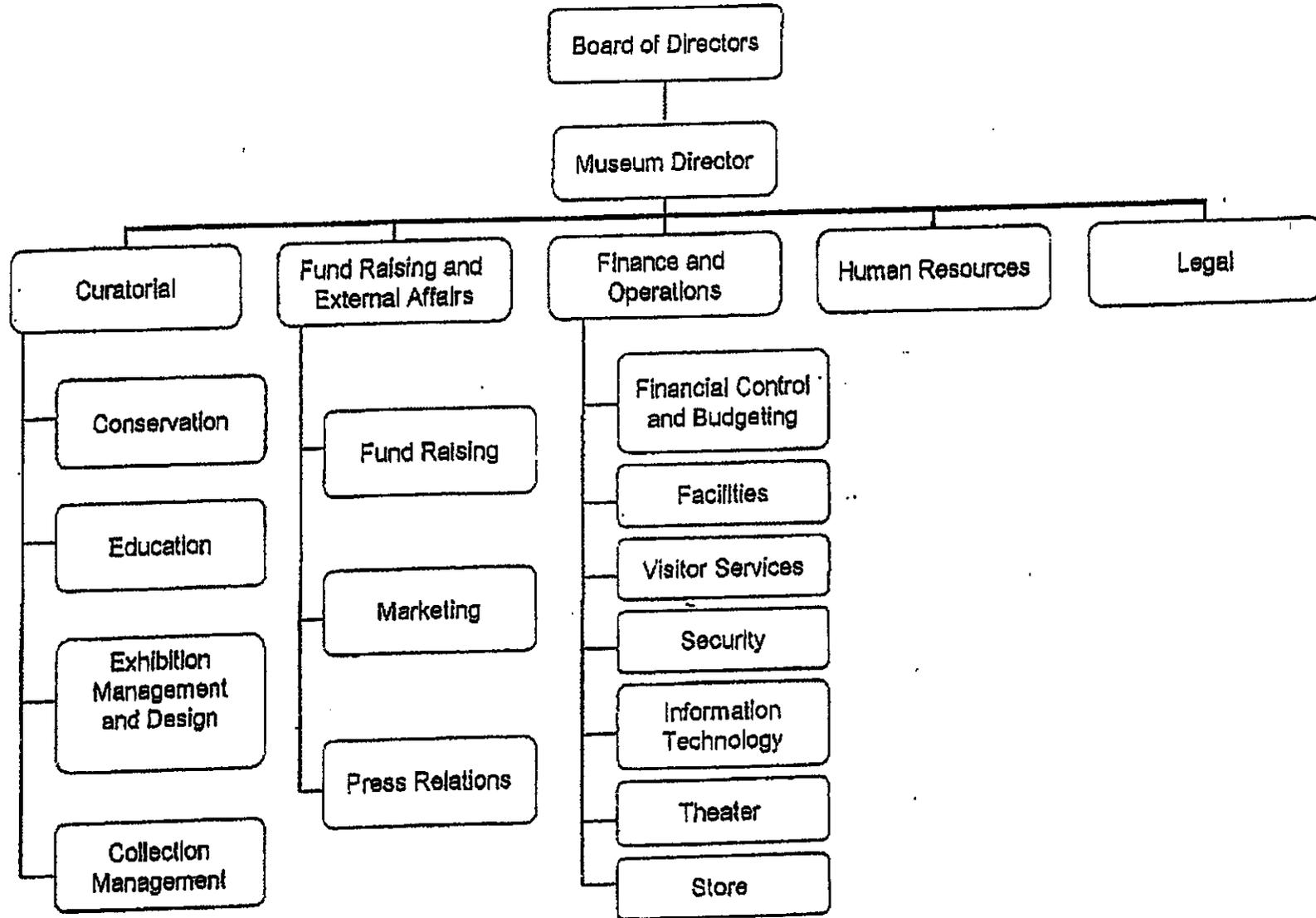
Alice King
Vice Chairman
The Ink Society

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Schedule 1



PROPOSED ORGANIZATION CHART OF THE INK MUSEUM



Schedule 3

CODE OF ETHICS FOR MUSEUMS - Summary

Introduction

The root value for all museums, the tie that connects all of us together despite our diversity, is the commitment to serving people, both present and future generations. This value guides the creation of and remains the most fundamental principle in the following *Code of Ethics for Museums*.

Code of Ethics

Museums make their unique contribution to the public by collecting, preserving, and interpreting the things of this world. Although diverse in their missions, they have in common their nonprofit form of organization and a commitment of service to the public.

Taken as a whole, the museums collections and exhibition materials represent the world's cultural common wealth. It is incumbent on museums to be a resource for humankind and to preserve that inheritance for posterity.

Museums are grounded in the tradition of public service. They are organized as public trusts, holding their collections and information as a benefit for those they were established to serve. Members of their governing authority, employees, and volunteers are committed to the interests of these beneficiaries. The law provides the basic framework for museum operations. As nonprofit institutions, museums comply with applicable laws and international conventions, as well as with the specific legal standards governing trust responsibilities. This *Code of Ethics for Museums* takes that compliance as given. But legal standards are a minimum. Museums and those responsible for them must do more than avoid legal liability, they must take affirmative steps to maintain their integrity so as to warrant public confidence. They must act not only legally but also ethically. This *Code of Ethics for Museums*, therefore, outlines ethical standards that frequently exceed legal minimums.

Loyalty to the mission of the museum and to the public it serves is the essence of museum work, whether volunteer or paid. Where conflicts of interest arise—actual, potential, or perceived—the duty of loyalty must never be compromised. No individual may use his or her position in a museum for personal gain or to benefit another at the expense of the museum, its mission, its reputation, and the society it serves.

For museums, public service is paramount.