



WKCD-209

香港建築師學會
The Hong Kong Institute of Architects

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By Email & By Post
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Hon Alan Leong Kah-kit, SC
Chairman
Subcommittee on West Kowloon Cultural District Development
Legislative Council
c/o Legislative Council Secretariat
3/F Citibank Tower
3 Garden Road
Hong Kong

Dear *Alan*

Invitation of Views on the Way Forward for the West Kowloon Cultural District Project

Thank you for your letter dated 18 October 2005 inviting the Institute to deliver written views on the way forward for the West Kowloon Cultural District (WKCD) project presented by the Administration to Legislative Council on 7 October 2005.

We are pleased to submit the position paper of the Institute on the new proposal on WKCD project, which is enclosed herewith for your consideration.

Thank you for your kind attention.

Yours sincerely

Bernard V. Lim, FHKIA
President

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**POSITION PAPER OF THE HONG KONG INSTITUTE OF ARCHITECTS
IN RESPONSE TO LEGISLATIVE COUNCIL BRIEF
DEVELOPMENT OF THE WEST KOWLOON CULTURAL DISTRICT –
WAY FORWARD**

We noted that the Government of the HKSAR has announced on 7 October 2005 the Way Forward for the West Kowloon Cultural District (WKCD) project. The HKIA presents herewith further comments in response to the government's new proposal.

1.0 Establishment of an Independent Statutory Body

The HKIA, since 2003, has been advocating the establishment of an independent statutory body (then referred to as the WKCD Board) with balanced representation and public engagement (“bottom-up approach”) for coordinating both the *software* and *hardware* of the project. Essentially the statutory body should have the following roles:

- (a) Public engagement (in particular the arts community and general public) on core issues including the overall strategies for cultural development in Hong Kong;
- (b) Determine the core arts/cultural facilities needs in WKCD;
- (c) Determine Master Development Plan of WKCD;
- (d) Determine phasing strategy, tendering and selection of undertakers;
- (e) Operation and Management of WKCD

This has already been elaborated in our submission to the Sub-committee on West Kowloon Cultural District Development of Legislative Council of September 2005.

We also consider that such statutory body should be established as a “first-step” to the WKCD Development. **The establishment of the statutory body after all Core Arts and Cultural Facilities (CACF) are determined and that the Successful Proponent had been selected is considered NOT a “suitable juncture”.**

The statutory body should play a key role as “leading” and “coordinating” the entire development of WKCD, and should have the power to determine what should be included in the CACF and to ensure that other developments on WKCD would be compatible in making West Kowloon a truly arts and cultural district, rather than being diminished to take charge of merely the operating, management and maintenance of WKCD. **In view of public interest at large, we opined that the statutory body, but not the successful proponent, should assume the role of coordinating the WKCD project.**



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2.0 Development Mode

Whilst it is claimed by the Administration that the revised proposal had addressed the public concern on the “Single-development Approach”, the Institute considers that the same concern still remains as the successful proponent for 2/3 of the development area (including developing the CACF, the canopy, other communal facilities and 50% of the residential and commercial gross floor area at the WKCD site) will be selected from the three short-listed proponents, and that the successful proponent will be coordinating the project. **In essence, the revised proposal is still a “Single-development Approach” in a reduced scale.** Our concerns on the “Single-development Approach” with regard to protecting public interests in the disposal of precious land resources as stated in our Position Paper of 11 December 2004 remains valid.

3.0 Planning and Implementation

The HKIA welcomes the capping of the development plot ratio for the entire WKCD to 1.81 in the revised proposal. This will not only ensure that the WKCD as a waterfront site will be developed with an appropriate density, but also provide a “level playing field” for the comparison of proponents’ submission.

As stated in our previous submissions, the HKIA opines that the planning of the WKCD should follow the normal planning process. The Town Planning Board should take an active involvement in the approval of the Master Layout Plan (MLP) and that any future changes subsequent to the approved MLP should be approved by the Town Planning Board prior to implementation.

4.0 Canopy

As stated in our previous submission, the HKIA reckons that the canopy design was a key feature of the winning design of the concept plan competition in 2001. We have also emphasized that differentiation must be made between a concept design and an architectural design in development stage.

Our survey result submitted earlier has already shown that 62% of the respondents (all HKIA members) either object to or have reservation with the canopy design, although the Administration in its LegCo Brief stated that public opinions on the Canopy are inconclusive.

So far the public had not been provided with the construction cost and annual maintenance cost of the Canopy prior to giving their opinions. **In taking further to decide whether the canopy should be built, the financial implication relating to the construction and maintenance of the Canopy should be disclosed.**



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5.0 Other Core Concerns

Making reference to the Sub-committee on WKCD Phase 1 Report and the HKIA Position Paper for submission to the aforementioned subcommittee in September 2005, the new proposal by the Administration has not addressed certain significant concerns made by the subcommittee and HKIA. Furthermore, the new proposal has created additional concerns as stated below:

- 5.1 The demand of Arts and Cultural Policy Blueprint and Planning Brief remains to be addressed – There is virtually no changes in the CACF in the new proposal as compared with the IFP requirements in 2003, after two years of public consultation and submissions by the arts community and our Institute, which demands the Government to have a well-defined cultural policy objectives before determining what WKCD should contain. We remain concern on whether the current Planning Brief, in particular the CACF, has found its base with public consensus.
- 5.2 Concern on the Appropriateness of Cultural and Arts Facilities – In the new proposal, the cultural sector as end-users are no longer required to be “in partnership” with the successful developer. Requiring the developer to construct the cultural “hardware” without the necessary input from the eventual end-users (particular for the museums) is entirely inappropriate. The risk of whether the cultural facilities will be “fit-for-purpose” will no longer rest with the developer but with the future statutory body.
- 5.3 Concern on the Quality of Cultural and Arts Facilities (and the Canopy) – The new proposal asks that the successful developer to develop (design and construct) the cultural and arts facilities but it is not clear whether the developer will have the obligation to operate and maintain such facilities for 30 years, as required in the IFP. An upfront payment of HK\$30 billion to establish an independent trust fund is required from the developer instead. In the event when the developer are not charged with an obligation to operate and maintain the CACF, the canopy and the communal facilities, there will naturally be a high tendency that the developer will aim to minimize the development cost of the CACF to ensure highest possible profit generated from the development of its portion in WKCD. The control of the quality will then largely rely on the specification written by the Government. Whether the then completed CACF, the Canopy and the communal facilities will still be “world-class” as envisaged will remain in serious doubt.



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- 5.4 Concern on the transfer of Operation and Management Risk to the Statutory Body – We emphasize that we have not disagree to the independent statutory body taking the role of operation and management of the CACF and communal facilities, or the overseeing of such by other Cultural Operators. However, as stated in Section 1.0, the role of the statutory body should not be limited to operation and management of these facilities. It would be entirely unfair for the statutory body to take on the risk from the developer when the statutory body is in no position to determine what arts and cultural facilities (and whether the Canopy) are genuinely required in the WKCD.

In conclusion, the HKIA reiterates that we support the development of the WKCD. We have proposed an “Incremental Approach” as stated in our Position Paper of 21 January 2005 attached to our letter to the Chief Secretary for Administration dated 25 January 2005, which have not deviated too far from the new proposal but would resolve the concerns as mentioned in this Paper. **In conclusion, HKIA believes that the setting up of the Independent Statutory Body for WKCD should be the “first-step” to procure the WKCD, and the “suitable juncture” is NOW.**

The Hong Kong Institute of Architects
October 2005