

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

**Some Key Aspects of the Proposed Legislation for
Establishing a Statutory Body**

Purpose

This paper sets out some key aspects of the proposed legislation for establishing a statutory body to take forward the West Kowloon Cultural District (WKCD) project.

Background

2. We submitted a discussion paper to the Subcommittee on WKCD Development (the Subcommittee) for the meeting on 29 November 2007 outlining the key aspects of the proposed legislation for establishing a statutory body (WKCD Authority as its working title) to take forward the WKCD project. In response to the Subcommittee's request, we provide in this paper more detailed proposals on a number of key aspects of the proposed legislation, namely, the functions, purposes and powers of the WKCD Authority (WKCDA), as well as the composition of the Board of the WKCDA.

Functions of the WKCDA

3. The WKCD project is a major initiative to implement the Government's existing policy on culture and the arts, by meeting the long-term infrastructural and development needs of Hong Kong's arts and culture. It should also contribute to the development of Hong Kong into an international cultural metropolis. It is the Government's policy to develop the WKCD as an integrated arts and cultural district in order to create synergy and promote vibrancy of the district. In this connection, the WKCDA will be tasked with the responsibility of implementing the whole WKCD project from the planning stage to the operation stage

and ensuring the financial sustainability of the project. We propose to express this responsibility in terms of a number of specific functions in the proposed legislation, as described below.

Preparation of Master Plan

4. The WKCDA will be responsible for preparing a master plan for the whole of the WKCD and seeking permission from the Town Planning Board (TPB) of the master plan under the Town Planning Ordinance (Chapter 131) (TPO). The WKCD is the area of land (about 40 hectares) that is zoned “Other Specified Uses” annotated “Arts, Cultural, Commercial and Entertainment Uses” on the South West Kowloon Outline Zoning Plan. The WKCD covers arts and cultural facilities and related facilities (including transport facilities, communal facilities, public open spaces and commercial facilities, such as retail/dining/entertainment facilities) as well as residential, hotel and office facilities. In preparing the master plan, the WKCDA will be required to consult the Government and the public (including stake holders), and the master plan will be formulated subject to any conditions that the Government and the TPB may impose.

Development and Operation of the WKCD

5. The WKCDA will develop the WKCD in accordance with the land uses and other requirements and conditions specified in the master plan approved by the TPB. The WKCDA will provide (i.e., plan, design and construct), operate, manage and maintain the arts and cultural facilities and related facilities within the WKCD including the public open spaces within the WKCD, as well as facilities outside the WKCD that are ancillary to the preparation or provision of the arts and cultural facilities in the WKCD. The WKCDA may exercise these functions either alone or jointly or by agreement with other persons.

Managing arts and cultural facilities and programmes

6. The WKCDA will have the function of advocating, promoting, and providing for the appreciation of and participation in the arts and culture; managing and operating arts and cultural facilities; exhibiting works of art and presenting arts programmes of different nature; and initiating, supporting and sponsoring the creation, production, learning and practising of the arts. The WKCDA may exercise these functions either alone or jointly or by agreement with other persons.

Management of Resources and Finances

7. The WKCDA will have the function of overseeing and managing the resources and finances of the WKCDA with due care and diligence.

Other Functions

8. The WKCDA is required to ensure compliance with the proposed legislation, and to perform such other functions as may be imposed on it under the proposed legislation or any other Ordinance.

Purposes of the WKCDA

9. The WKCDA, in performing its functions, is to have regard to one or more of the following purposes–

- (a) to contribute to the long-term development of Hong Kong into an international arts and cultural centre;
- (b) to contribute to enhancing appreciation of a diverse and pluralistic range of art forms;
- (c) to contribute to the development of new and experimental works in culture and the arts;
- (d) to contribute to the nurturing of local artists and arts groups;

- (e) to contribute to encouraging wider participation of the local community in culture and the arts;
- (f) to facilitate the provision of free and accessible open space within the boundary of the WKCD to the general public;
- (g) to strengthen the position of Hong Kong as a tourist destination;
- (h) to contribute to the co-operation between any non-government body or organization and the providers of arts within and outside Hong Kong;
- (i) to contribute to encouraging commercial and corporate support and sponsorship in culture and the arts; and
- (j) to contribute to the development of cultural and creative industries.

Powers of the WKCDA

10. The WKCDA should be given the power to do all such things as may be necessary for the performance of its functions under the proposed legislation. Such power should not be inconsistent with any other provision of the proposed legislation. In particular, the WKCDA may –

- (a) in relation to the development and operation of the WKCD,
 - (i) hold, lease, hire, or acquire any kind of movable or immovable property;
 - (ii) sell, surrender or otherwise dispose of any kind of movable property, or, subject to government approval, immovable property;
 - (iii) enter into contract;
- (b) in relation to the management of resources and finances,
 - (i) invest any of its funds that are available for investment in a financially prudent manner and

- in such classes or descriptions of investment specified by the Financial Secretary;
- (ii) borrow money from the Government or other sources or otherwise raise funds for the performance of its functions under the proposed legislation (but borrowing above a specified amount would not be allowed without the Government's approval);
 - (iii) establish and maintain reserve funds;
 - (iv) apply for and receive grants for the performance of its functions;
 - (v) receive and solicit gifts, donations, sponsorship, etc. and act as trustee of moneys or other property for purposes consistent with the proposed legislation;
 - (vi) collect, determine, reduce, waive or refund fees and charges and specify conditions for the use of the facilities under its purview;
 - (vii) employ staff, advisors and consultants and set terms of remuneration and conditions of their employment; make arrangements for the provision and maintenance of payment of pensions to the employees of the Authority;
- (c) in relation to the development of the arts and culture,
- (i) commission, mount or present works of art, exhibitions or theatrical, music, dance, film or other arts productions;
 - (ii) sponsor arts and cultural programmes and activities;
 - (iii) liaise and co-operate with other persons, in and outside of Hong Kong, for purposes consistent with the purposes of the WKCDA set out in the proposed legislation;
- (d) in addition to the above,

- (i) set up committees under the board, establish and acquire body corporate (including a subsidiary within the meaning of the Companies Ordinance (Cap. 32)), and establish trusts or non-profit-making organizations, as may be appropriate in the opinion of the WKCDA, to facilitate the attainment of the purposes set out in the proposed legislation;
- (ii) engage in activities that the Chief Executive in Council, after consultation with the WKCDA, permits or assigns to it by order published in the Gazette ; and
- (iii) make bylaws (subject to LegCo approval) for performing its functions as necessary.

Composition of the Board of the WKCDA

11. The Board is the governing body of the WKCDA. It has the authority to perform, in the name of the WKCDA, the functions conferred on it by the proposed legislation. It is proposed that the Board of the WKCDA should consist of not more than 20 members, comprising–

- (a) a Chairman;
- (b) a Chief Executive Officer (CEO);
- (c) not more than 15 members, who are not public officers, including at least five members who, in the opinion of the Chief Executive, are connected with the arts and culture, and at least one member who is a member of the Legislative Council; and
- (d) not more than three members, who are public officers, comprising –
 - (i) the Secretary for Home Affairs or his representative;
 - (ii) the Secretary for Development or his representative;
 - (iii) the Secretary for Financial Services and the Treasury or his representative.

12. The Chief Executive may appoint any Board member (other than the Chairman and the CEO) to be a Vice-Chairman of the Board.

13. All Board members, other than the CEO, are to be appointed by the Chief Executive. The CEO should be appointed by the WKCDA subject to the prior approval of the Chief Executive and should be an ex-officio member of the Board.

**Home Affairs Bureau
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