

立法會
Legislative Council

LC Paper No. CB(1)1099/07-08
(These minutes have been seen
by the Administration)

Ref : CB1/BC/5/07/2

Bills Committee on West Kowloon Cultural District Authority Bill

**Minutes of first meeting held on
Friday, 29 February 2008, at 10:45 am
in the Chamber of the Legislative Council Building**

- Members present** : Hon Mrs Selina CHOW LIANG Shuk-ye, GBS, JP (Chairman)
Hon CHEUNG Hok-ming, SBS, JP (Deputy Chairman)
Ir Dr Hon Raymond HO Chung-tai, SBS, S.B.St.J., JP
Hon Margaret NG
Hon James TO Kun-sun
Hon CHAN Yuen-han, SBS, JP
Hon Bernard CHAN, GBS, JP
Hon CHAN Kam-lam, SBS, JP
Hon SIN Chung-kai, SBS, JP
Dr Hon Philip WONG Yu-hong, GBS
Hon WONG Yung-kan, SBS, JP
Hon Jasper TSANG Yok-sing, GBS, JP
Hon Howard YOUNG, SBS, JP
Hon Emily LAU Wai-hing, JP
Hon CHOY So-yuk, JP
Hon Abraham SHEK Lai-him, SBS, JP
Hon Audrey EU Yuet-mee, SC, JP
Hon WONG Kwok-hing, MH
Hon Daniel LAM Wai-keung, SBS, JP
Hon Jeffrey LAM Kin-fung, SBS, JP
Hon Andrew LEUNG Kwan-yuen, SBS, JP
Hon Alan LEONG Kah-kit, SC
Hon LEUNG Kwok-hung
- Members absent** : Dr Hon LUI Ming-wah, SBS, JP
Hon Timothy FOK Tsun-ting, GBS, JP
Hon LEE Wing-tat
Prof Hon Patrick LAU Sau-shing, SBS, JP

- Public officers attending** : Ms Esther LEUNG, JP
Deputy Secretary for Home Affairs (3)
- Mr Vincent FUNG
Principal Assistant Secretary for Home Affairs
(West Kowloon Cultural District) 1
- Mr Danny LAU
Principal Assistant Secretary for Home Affairs
(West Kowloon Cultural District) 2
- Mr Anthony T K KWAN
Assistant Director/Metro
Planning Department
- Miss Emma WONG
Government Counsel
Department of Justice
- Ms NG Wah-chi, Lonnie
Senior Assistant Law Draftsman (Acting)
Department of Justice
- Clerk in attendance** : Ms Anita SIT
Chief Council Secretary (1)4
- Staff in attendance** : Ms Pauline NG
Assistant Secretary General 1
- Mr Arthur CHEUNG
Senior Assistant Legal Adviser 2
- Mr WONG Siu-yee
Senior Council Secretary (1)7
- Ms Christina SHIU
Legislative Assistant (1)7
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I Election of Chairman

Ir Dr Raymond HO, the member who had the highest precedence among members of the Bills Committee, presided over the election of Chairman of the Bills Committee. He invited nominations for the chairmanship.

2. Dr Philip WONG nominated Mrs Selina CHOW and the nomination was seconded by Mr Howard YOUNG. Mrs Selina CHOW accepted the nomination. Ms Emily LAU nominated Mr Alan LEONG and the nomination was seconded by Ms Audrey EU. Mr Alan LEONG accepted the nomination. As there were two nominations, members cast their votes by secret ballot. Mrs Selina CHOW received 15 votes and Mr Alan LEONG received six votes. Ir Dr Raymond HO declared that Mrs Selina CHOW was elected Chairman of the Bills Committee. Mrs Selina CHOW then took over the chair.

3. The Chairman solicited members' views on the need for a Deputy Chairman. At the suggestion of Ms Emily LAU and with the agreement of members, the Chairman invited nominations for a deputy chairman. Ms Emily LAU nominated Mr Alan LEONG and the nomination was seconded by Ms Audrey EU. Mr Alan LEONG accepted the nomination. Mr Jeffrey LAM nominated Mr CHEUNG Hok-ming and the nomination was seconded by Mr Jasper TSANG. Mr CHEUNG Hok-ming accepted the nomination. As there were two nominations, members cast their votes by secret ballot. Mr Alan LEONG received four votes and Mr CHEUNG Hok-ming received 14 votes. The Chairman declared that Mr CHEUNG Hok-ming was elected Deputy Chairman of the Bills Committee.

II Meeting with the Administration

(File Ref: SF (17) to HAB CS CR -- Legislative Council Brief
7/1/27

LC Paper No. CB(3)361/07-08 -- The Bill
LC Paper No. LS51/07-08 -- Legal Service Division Report
LC Paper No. CB(1)935/07-08(01) -- Background brief on West
Kowloon Cultural District
Authority Bill prepared by the
Legislative Council Secretariat)

4. The Bills Committee deliberated (index of proceedings attached at **Annex**).

5. The Administration was requested to provide written response on the following points raised by individual members of the Bills Committee --

- (a) Would the Administration consider articulating mission statements for the West Kowloon Cultural District Authority (WKCDA) and incorporating such mission statements into the Bill so as to provide objective yardsticks for the public and the Legislative Council

(LegCo) to continuously scrutinize the Authority's work?

- (b) While the Administration considered it not appropriate to specify the precise composition of Board members in the Bill, would the Administration consider specifying the criteria, such as the backgrounds and the qualities possessed, for the appointment of the non-public officer members of the WKCDA Board?
- (c) Would the Administration consider appointing some of the non-public officer Board members in representative capacities instead of on an ad personam basis? In this regard, the Bill might provide that the LegCo Member(s) to be appointed to the Board were to be elected by and from among the LegCo Members. For those Board members from the professional sectors, the Bill might provide for an election mechanism linked to the relevant subsectors represented on the Chief Executive Election Committee. For those Board members from the arts and cultural sectors, the Bill might provide for an election mechanism linked to the Sports, Performing Arts, Culture and Publication functional constituency of the LegCo.
- (d) Would the Administration consider specifying in the Bill that the meetings of the Board and committees of WKCDA should be open to the public except under certain specified circumstances? The relevant provisions in the Town Planning Ordinance (Cap. 131) might serve as the reference.
- (e) Would the Administration consider providing in the Bill the establishment of statutory consultation panels comprising representatives from various stakeholder groups and members of the public? In this regard, it had been suggested that while WKCDA should be obliged to engage the panels in the form of open meetings, the opinions of the panels and their members would not bind WKCDA.
- (f) To ensure that the Audit Committee could play an effective financial monitoring role, would it be appropriate to specify in the Bill that the members of the Audit Committee should not include those persons who would make or execute decisions on the expenditure of the WKCDA?
- (g) Would the Administration consider including relevant provisions in the Bill to the effect that the six-year six-board rule would be applicable to WKCDA Board members?
- (h) It had been suggested that a system with the most stringent requirements for disclosure of interest should apply to the members

of the Board and committees of WKCDA. Would the Administration consider this suggestion and how such a system should be reflected in the legislation?

- (i) It had been suggested that for the purpose of good governance, there should be a mechanism for determining the remuneration package for senior executives of WKCDA and for disclosure of their remuneration packages. Would the Administration consider this suggestion and how the relevant arrangements should be reflected in the legislation?

III Any other business

Invitation for views

6. Members agreed that organizations and individuals that had provided views to the Subcommittee on West Kowloon Cultural District Development on the proposals in relation to the establishment of a statutory body to take forward the West Kowloon Cultural District (WKCD) project and the 18 District Councils would be invited to present views. A press release would be issued and a general notice would be put up on the website of LegCo.

Dates of subsequent meetings

7. Members agreed that the next meeting would be held on Thursday, 27 March 2008 at 8:30 am to meet with the Administration. Another meeting would be held on Saturday, 12 April 2008 to receive public views. The Clerk would consult the Chairman on the possible dates of subsequent meetings.

8. There being no other business, the meeting ended at 12:50 pm.

**Proceedings of the first meeting of the
Bills Committee on West Kowloon Cultural District Authority Bill
on Friday, 29 February 2008, at 10:45 am
in the Chamber of the Legislative Council Building**

| Time marker | Speaker | Subject(s) | Action required |
|--------------------|-------------------------------------|---|------------------------|
| 000000 - 000820 | Ir Dr Raymond HO | Opening remark and election of Chairman | |
| 000821 - 001440 | Chairman | Election of Deputy Chairman | |
| 001441 - 001611 | Chairman | Welcoming the Administration | |
| 001612 - 003103 | Administration | Briefing on the Bill (PowerPoint presentation materials LC Paper No. CB(1)960/07-08(01)) | |
| 003104 - 003120 | Chairman | Inviting members to express views | |
| 003121 - 003610 | Mr WONG Kwok-hing Administration | Suggestion that District Councils should have representatives on the WKCDA Board and its committees Response that those who were knowledgeable in district affairs would be considered for appointment to the WKCDA Board and its committees | |
| 003611 - 003900 | Ms Emily LAU | WKCDA's lack of transparency, representativeness and a formalized framework for conducting public consultation Whether WKCDA's corporate plans and business plans would be disclosed to LegCo or the public Why the Chief Executive in Council might give directions to WKCDA and why the Chief Executive might obtain information from WKCDA | |
| 003901 - 004255 | Administration | No objection if WKCDA held some of its meetings in public but reservation on specifying in the Bill that WKCDA meetings should be held in public | |

| Time marker | Speaker | Subject(s) | Action required |
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| | | <p>Provisions in the Bill for WKCD A to consult the public on certain important matters such as preparation of the development plan and for LegCo and its committees to request the Chairman and Chief Executive Officer of WKCD A to attend meetings</p> <p>Requirement for WKCD A to submit its corporate plans and business plans to the Secretary for Home Affairs</p> <p>Provisions in relation to giving directions and obtaining information were drafted by drawing reference from similar provisions in the legislation of other statutory bodies; the purpose of the provisions was to safeguard public interest</p> | |
| 004256 - 004510 | Ms Emily LAU | WKCD A's lack of accountability | |
| 004511 - 004552 | Administration | Requirement for WKCD A to submit its annual reports, statement of accounts and auditor's reports to the Financial Secretary for laying on the table of LegCo | |
| 004553 - 005045 | Mr Abraham SHEK Administration Chairman | <p>Support for establishing WKCD A</p> <p>Views that the responsibilities of WKCD A, criteria for appointment of its Board members and their roles and terms of appointment were not clear enough</p> <p>Administration's response that the Schedule to the Bill specified that non-public officer members of WKCD A would be appointed for a term not exceeding 3 years and that placing such provisions in a schedule was a standard practice for recent legislation</p> | |
| 005046 - 005907 | SALA2 | SALA2's advice that it was only a | |

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| | Mr Abraham SHEK Administration Chairman | <p>matter of presentation because the procedure for amending the Schedule to the Bill would be similar to that for amending the principal ordinance</p> <p>Mr SHEK's query that WKCDA Board members might be appointed for longer than 6 years and that the functions of the WKCDA Board might be too wide; and enquiry on WKCDA's financial arrangements</p> <p>Administration's response that the six-year six-board rule would be adhered to as far as possible and committees comprising different expertise would be formed under WKCDA to take up various functions</p> <p>Administration's explanation on WKCDA's financial arrangements, the details of which could be found in the various reports on WKCD released to the public</p> | |
| 005908 - 011502 | Mr Alan LEONG | <p>Suggestion for the Administration to consider:</p> <ul style="list-style-type: none"> (a) articulating mission statements for WKCDA and incorporating such mission statements into the Bill so as to provide objective yardsticks for the public and LegCo to continuously scrutinize WKCDA's work; (b) specifying the criteria, such as the backgrounds and the qualities possessed, for the appointment of the non-public officer members of the WKCDA Board; (c) appointing some of the non-public officer Board members in representative capacities instead of on an ad | |

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| | | <p>personam basis;</p> <p>(d) specifying in the Bill that the meetings of the Board and committees of WKCDA shall be open to the public except under certain specified circumstances; and</p> <p>(e) providing in the Bill the establishment of statutory consultation panels comprising representatives from various stakeholder groups and members of the public</p> | |
| 011503 - 012448 | Chairman Administration | <p>Administration's response that:</p> <p>(a) as many details as possible had been included in the Bill about the purposes of WKCDA but it would be difficult to exhaust every detail;</p> <p>(b) an election mechanism for appointing some WKCDA members would have the undesirable effect that some persons, such as arts critics, would become non-eligible because they might not be included in any electoral constituency;</p> <p>(c) appointing some WKCDA Board members not on an ad personam basis would have the undesirable effect that they would be wearing more than one hat at the same time with different lines of allegiance;</p> <p>(d) there were no statutory requirements for the boards of comparable overseas bodies to hold meetings in public; and</p> <p>(e) it was unnecessary to specify in the Bill for the establishment of consultation panels which</p> | |

| Time marker | Speaker | Subject(s) | Action required |
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| | | <p>would restrict the WKCDA's flexibility in how to conduct public consultations</p> | |
| 012449 - 013624 | <p>Miss CHAN Yuen-han Chairman Administration</p> | <p>View that WKCDA should conduct genuine public consultation in planning WKCD</p> <p>Administration's response that there were clauses specifying that WKCDA had to consult the public in developing or operating arts and cultural facilities or on other matters as it considered fit; and view that it would not be appropriate to specify in the Bill the format for conducting public consultation</p> | |
| 013625 - 014250 | <p>Miss CHOY So-yuk Chairman Administration</p> | <p>Concern that WKCDA would become the major body for developing arts and cultural hardware, and enquiry about the relationship between WKCDA and the Home Affairs Bureau</p> <p>Administration's response that more resources would be allocated for hardware development outside WKCD and the Home Affairs Bureau would play a coordinating role</p> | |
| 014251 - 014646 | <p>Miss CHOY So-yuk Chairman</p> | <p>Miss CHOY's view that there should be a clear picture on the delineation of the role of WKCDA vis-à-vis the existing bodies with responsibilities on arts and cultural development</p> <p>Chairman's view that the Panel on Home Affairs could follow up the issue</p> | |
| 014647 - 015320 | <p>Mr WONG Kwok-hing Administration</p> | <p>Enquiry on whether it would be appropriate to specify in the Bill that the members of the Audit Committee should not include those persons who would make or execute decisions on the expenditure of WKCDA</p> | |

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| | | Administration's response that there were provisions relating to prudent financial management and the establishment of an Audit Committee, which might comprise members who were not WKCDA Board members; that an independent auditor would be appointed and the statements of accounts had to be submitted to the Financial Secretary for laying on the table of LegCo; and that WKCDA would be subject to examination by the Director of Audit | |
| 015321 - 015613 | Ms Emily LAU | <p>Suggestions for the Administration to consider:</p> <ul style="list-style-type: none"> (a) including relevant provisions in the Bill to the effect that the six-year six-board rule would be applicable to WKCDA Board members; (b) implementing a system with the most stringent requirements for disclosure of interest for members of the Board and committees of WKCDA; and (c) implementing a mechanism for determining the remuneration package for senior executives of WKCDA and for disclosure of their remuneration packages <p>Request for the Administration to give written response</p> | Administration to give written response to issues detailed in paragraph 5 of the minutes |
| 015614 - 020409 | Chairman Miss CHOY So-yuk Ms Emily LAU Mr Alan LEONG | <p>Dates of the next meeting to meet with the Administration and the meeting to receive public views:</p> <p>27 March 2008 (8:30 am - 10:30 am) 12 April 2008 (9:00 am - 12 noon)</p> | |

| Time marker | Speaker | Subject(s) | Action required |
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Council Business Division 1
Legislative Council Secretariat
19 March 2008