

立法會
Legislative Council

LC Paper No. CB(1)1285/07-08
(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 second meeting held on
Thursday, 27 March 2008, at 8:30 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
Dr Hon LUI Ming-wah, SBS, JP
Hon Margaret NG
Hon CHAN Yuen-han, SBS, JP
Hon CHAN Kam-lam, SBS, JP
Hon SIN Chung-kai, SBS, JP
Dr Hon Philip WONG Yu-hong, GBS
Hon Jasper TSANG Yok-sing, GBS, 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 Jeffrey LAM Kin-fung, SBS, JP
Hon Andrew LEUNG Kwan-yuen, SBS, JP
Prof Hon Patrick LAU Sau-shing, SBS, JP

Members absent : Hon James TO Kun-sun
Hon Bernard CHAN, GBS, JP
Hon WONG Yung-kan, SBS, JP
Hon Howard YOUNG, SBS, JP
Hon Timothy FOK Tsun-ting, GBS, JP
Hon LEE Wing-tat
Hon Daniel LAM Wai-keung, SBS, JP
Hon Alan LEONG Kah-kit, SC
Hon LEUNG Kwok-hung

Public officers attending : Ms Esther LEUNG, JP
Deputy Secretary for Home Affairs (3)

Mr Danny LAU
Principal Assistant Secretary for Home Affairs
(West Kowloon Cultural District) 2

Mr Frederick YU
Assistant Secretary for Home Affairs
(West Kowloon Cultural District) 4

Miss Ophelia WONG
Deputy Director of Planning/District
Planning Department

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 : Mr Arthur CHEUNG
Senior Assistant Legal Adviser 2

Mr WONG Siu-yee
Senior Council Secretary (1)7

I Confirmation of minutes

(LC Paper No. CB(1)1099/07-08 -- Minutes of meeting on
29 February 2008)

The minutes of the meeting held on 29 February 2008 were confirmed.

II Meeting with the Administration

(LC Paper No. CB(1)1119/07-08(01) -- Administration's response to
points raised by individual
members at the meeting on
29 February 2008

LC Paper No. CB(3)361/07-08 -- The Bill

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

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)

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

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

- (a) Objective indicators and, where possible, quantifiable indicators should be formulated and included in the Bill to facilitate the public in assessing whether the West Kowloon Cultural District Authority (WKCDA) had achieved its mission as reflected in its functions and purposes.
- (b) The Administration should explain why it was not practicable to provide for a nomination or election mechanism in the Bill for appointment of members of the WKCDA Board.
- (c) Information on the practices and procedures adopted by relevant overseas statutory bodies in appointing their board members should be provided.
- (d) The five members from the arts and cultural sectors to be appointed to the WKCDA Board should possess profound rather than mere knowledge of and experience in arts and culture. Clause 6(3)(c)(i) should be revised to this effect.
- (e) The Chief Executive Officer of WKCDA should be appointed through an open recruitment process. Clause 7 should be revised to this effect.
- (f) The Administration should set out the reasons as to why there were matters not suitable for discussion at open meetings of the WKCDA Board and committees.
- (g) Practices and procedures adopted by the two former Municipal Councils and other comparable local statutory public bodies with regard to opening up of their meetings should be provided.

III Any other business

4. There being no other business, the meeting ended at 10:40 am.

Council Business Division 1
Legislative Council Secretariat
17 April 2008

**Proceedings of the second meeting of the
Bills Committee on West Kowloon Cultural District Authority Bill
on Thursday, 27 March 2008, at 8:30 am
in the Chamber of the Legislative Council Building**

Time marker	Speaker	Subject(s)	Action required
000000 - 000051	Chairman	Confirmation of minutes	
000052 - 000138	Chairman	Opening remarks	
000139 - 000415	Administration	Briefing on LC Paper No. CB(1)1119/07-08(01) -- Item 1	
000416 - 000214	Ms Audrey EU Administration Chairman	<p>Ms EU's view that objective indicators and, where possible, quantifiable indicators should be formulated and included in the Bill to facilitate the public in assessing whether WKCDA had achieved its mission as reflected in its functions and purposes</p> <p>Chairman's view that the Administration could consider rephrasing clause 4 in more specific terms</p> <p>Administration's response that it could consider members' suggestions but envisaged difficulties of putting in specific indicators in legislation</p>	Administration to provide written response
002215 - 003312	Ms Emily LAU Administration Chairman	<p>Ms LAU's enquiry on how the Legislative Council (LegCo) could monitor the work progress and assess the achievements of WKCDA through objective indicators</p> <p>Administration's response that a report on the activities of</p>	

Time marker	Speaker	Subject(s)	Action required
		<p>WKCD, its statements of accounts and auditor's report would be submitted to the Financial Secretary and laid on the table of LegCo, and these documents would provide detailed information for monitoring and assessment purposes; and that the legislation of comparable statutory bodies did not provide detailed indicators for their purposes and functions</p> <p>Chairman's advice that members could make reference to the Administration's recent written response to the Subcommittee on West Kowloon Cultural District Development (Paper No. WKCD-528) for comparisons of WKCD with comparable local and overseas statutory bodies</p>	
003313 - 004226	Ms Margaret NG Administration Chairman	<p>Ms NG's view that the wording of clause 4 was too loose and could not enshrine the unique character of WKCD; and that the manner in which public consultation should be conducted in preparing the development plan should be specified more clearly</p> <p>Administration's response that clause 4 already specified in detail the functions and purposes of WKCD; that clause 17 specified the need for WKCD to consult the public on certain matters; and that clause 18(5) specified that in preparing the development plan, WKCD shall have regard to the views received in public consultation</p>	

Time marker	Speaker	Subject(s)	Action required
004227 - 004457	Administration	Briefing on LC Paper No. CB(1)1119/07-08(01) -- Item 2	
004458 - 005349	Ms Margaret NG Administration Chairman	<p>Ms NG's views that objective criteria for appointment of the non-public officer members of the WKCDA Board should be specified in the Bill; and experience in the United Kingdom demonstrated that board members of public bodies could be nominated, elected or even openly recruited; the appointment process was transparent</p> <p>Administration's response that it was impossible to list out all relevant criteria for appointment exhaustively; that an election mechanism had the undesirable effect that some persons would become non-eligible if they did not belong to any existing constituency; and that the nomination mechanism adopted by the Hong Kong Arts Development Council had met with many difficulties and criticisms</p> <p>Ms NG's view that the Administration should explain why it was not practicable to provide for a nomination or election mechanism in the Bill for appointment of members of the WKCDA Board</p>	Administration to provide written response
005350 - 005842	Ms Emily LAU Administration Chairman	Suggestion that the Bills Committee and the Administration should make reference to the appointment of the governing body of the British Broadcasting Corporation, which had been	Clerk to retrieve relevant information

Time marker	Speaker	Subject(s)	Action required
		<p>studied by a Panel of the Legislative Council</p> <p>Administration's response that many comparable overseas statutory bodies had their board members appointed by the government without any nomination mechanism</p>	
005843 - 010432	Ms Audrey EU Administration	<p>Ms EU's view that the five members from the arts and cultural sectors to be appointed to the WKCDA Board should possess profound rather than mere knowledge of and experience in arts and culture, and that clause 6(3)(c)(i) should be revised to this effect</p> <p>Ms EU's further view that the Chief Executive Officer of WKCDA should be appointed through an open recruitment process, and that clause 7 should be revised to this effect</p> <p>Administration's response that the Chinese version of clause 6(3)(c)(i) could more accurately reflect the Administration's intention and consideration would be given to refining the English version</p> <p>Administration's further response that although the intention was to appoint the Chief Executive Officer of WKCDA through open recruitment, it would be difficult to define "open recruitment"</p>	<p>Administration to provide written response</p> <p>Administration to provide written response</p>
010433 - 010713	Ms Margaret NG	View that the Administration should draw reference from	

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		overseas experience and information on the practices and procedures adopted by relevant overseas statutory bodies in appointing their board members should be provided	
010714 - 010913	Administration	Briefing on LC Paper No. CB(1)1119/07-08(01) -- Item 3	
010914 - 011355	Miss CHAN Yuen-han Administration	View that the Administration should draw reference from overseas practices for appointment of the boards of statutory bodies Administration's response that it would conduct research on overseas experience in this regard	Administration to provide written response
011356 - 012224	Ms Margaret NG Administration Chairman	View that the Administration should provide for a nomination or election mechanism in the Bill for appointment of members of the WKCDA Board Administration's response that although the Bill did not specifically provide for such a mechanism, recommendations for appointment of members of the WKCDA Board could be made to the Chief Executive for consideration; and that there was practical difficulty in drawing up an appropriate electoral roll Chairman's view that there were different views within the arts and cultural sectors on whether to adopt a nomination or election mechanism	
012225 - 012911	Ms Emily LAU	Enquiry on whether	

Time marker	Speaker	Subject(s)	Action required
	Chairman Administration	<p>recommendations for appointment of members of the WKCDA Board would be made public</p> <p>Administration's response that it would have problems disclosing such recommendations but no objection if the organizations making the recommendations chose to disclose their recommendations by themselves</p>	
012912 - 013428	Administration Chairman	<p>Briefing on LC Paper No. CB(1)1119/07-08(01) -- Item 4</p> <p>Chairman's suggestion that the WKCDA Board could hold hearings in open sessions and deliberations in closed sessions</p> <p>Administration's response that it would consider the suggestion</p>	
013429 - 014240	Miss CHOY So-yuk Administration	<p>View that apart from holding meetings in public, WKCDA should also make available its papers to the public</p> <p>Administration's response that transparency could be achieved through means other than opening up meetings, e.g. WKCDA had to submit the necessary reports for laying on the table of LegCo for monitoring and assessment purposes and information about WKCDA's work progress could be made available on its website</p>	
014241 - 014600	Ms Emily LAU Chairman	View that WKCDA meetings should be opened up in principle and closed meetings could be held when necessary	

Time marker	Speaker	Subject(s)	Action required
		Chairman's advice that the legislation of many comparable overseas statutory bodies was silent on whether meetings of their boards and committees should be opened up; the Bills Committee and the Administration might need to understand their actual practices	
014601 - 014824	Miss CHOY So-yuk Administration	View that WKCDA meetings should not be held in closed sessions by default Administration's response that although not specified in the Bill, the WKCDA board could choose to hold its meetings in open or closed sessions according to its own rules of procedure	
014825 - 015450	Ms Audrey EU Administration Chairman	Ms EU's view that the Administration should set out the reasons as to why there were matters not suitable for discussion at open meetings of the WKCDA Board and committees Administration's response that it would provide the details as far as possible to address Ms EU's concerns Chairman's advice that the Administration should set out the reasons why certain matters needed to be discussed at closed meetings	Administration to provide written response
015451 - 020202	Mr WONG Kwok-hing Chairman Administration	Mr WONG's view that WKCDA should operate with a high degree of transparency; that there were many successful experiences of local statutory bodies in this	Administration to provide written response

Time marker	Speaker	Subject(s)	Action required
		<p>regard; and that it would be useful to make reference to the practices and procedures adopted by the two former Municipal Councils and other comparable local statutory public bodies with regard to opening up of their meetings</p> <p>Administration's response that the WKCDA Board should be allowed to formulate its own rules of procedure</p> <p>Chairman's advice that the Administration should provide a written response on the issue</p>	
020203 - 020800	Chairman Ms Audrey EU Ms Emily LAU Miss CHOY So-yuk	Chairman's advice that for the meeting scheduled for 12 April 2008, depending on the total number of deputations, each organization would be given at most five minutes for its presentation; and that the exact ending time of the meeting might need to be adjusted	