

**立法會**  
**Legislative Council**

LC Paper No. CB(1)1530/07-08  
(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 fourth meeting held on  
Monday, 21 April 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)  
Ir Dr Hon Raymond HO Chung-tai, SBS, S.B.St.J., JP  
Dr Hon LUI Ming-wah, SBS, JP  
Hon Margaret NG  
Hon James TO Kun-sun  
Hon CHAN Yuen-han, SBS, JP  
Hon CHAN Kam-lam, SBS, JP  
Hon SIN Chung-kai, SBS, JP  
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 LEE Wing-tat  
Hon Jeffrey LAM Kin-fung, SBS, JP  
Hon Andrew LEUNG Kwan-yuen, SBS, JP  
Hon Alan LEONG Kah-kit, SC  
Hon LEUNG Kwok-hung  
Prof Hon Patrick LAU Sau-shing, SBS, JP

**Members absent** : Hon CHEUNG Hok-ming, SBS, JP (Deputy Chairman)  
Hon Bernard CHAN, GBS, JP  
Dr Hon Philip WONG Yu-hong, GBS  
Hon Timothy FOK Tsun-ting, GBS, JP  
Hon Daniel LAM Wai-keung, SBS, JP

**Public officers  
attending**

: Ms Esther LEUNG, JP  
Deputy Secretary for Home Affairs  
(West Kowloon Cultural District)

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

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

Mr Anthony KWAN  
Assistant Director of Planning/Metro  
Planning Department

Ms NG Wah-chi, Lonnie  
Senior Assistant Law Draftsman (Acting)

**Attendance by  
Invitation**

: Spring-Time Stage

Mr KO Chi-sum  
Chief Executive Officer & Producer

Hong Kong Arts Development Council

Mr MA Fung-kwok  
Chairman

The Hong Kong Institute of Surveyors

Mr Raymond CHAN  
Public & Social Affairs Committee, Chairman

Individual

Prof Stephen CHEUNG

Hong Kong Ballet

Mrs Stacey MORSE  
Honorary Chief Executive Officer

Hong Kong Philharmonic Orchestra

Mr Timothy CALNIN  
Chief Executive

Lan Kwai Fong Holdings Ltd.

Mr Allan ZEMAN  
Chairman

Civic Act-up

Mr Kellogg NGAI  
Spokesperson

The People's Panel on West Kowloon

Ms Cyd HO  
Spokesperson

Individual

Prof Stephen CHAN Ching-kiu

**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

Mr Simon CHEUNG  
Council Secretary (1)1

Ms Christina SHIU  
Legislative Assistant (1)7

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**I Confirmation of minutes**

(LC Paper No. CB(1)1285/07-08 -- Minutes of meeting on 27  
March 2008)

The minutes of the meeting held on 27 March 2008 were confirmed.

**II Meeting with deputations and the Administration**

(LC Paper No. CB(1)1298/07-08(01) -- Submission dated 10 April 2008  
from Mr Vincent W S LO

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

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)

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

**III Any other business**

3. There being no other business, the meeting ended at 1:00 pm.

Council Business Division 1  
Legislative Council Secretariat  
14 May 2008

**Proceedings of the fourth meeting of the  
Bills Committee on West Kowloon Cultural District Authority Bill  
on Monday, 21 April 2008, at 10:45 am  
in the Chamber of the Legislative Council Building**

<b>Time marker</b>	<b>Speaker</b>	<b>Subject(s)</b>	<b>Action required</b>
000000 – 000311	Chairman	Confirmation of Minutes	
000312 – 000620	Chairman	Opening remarks	
000621 – 000939	Spring-Time Stage	Presentation of views (LC Paper No. CB(1)1340/07-08(04), received after the meeting and issued on 22 April 2008)	
000940 – 001714	Hong Kong Arts Development Council (HKADC)	Presentation of views (LC Paper No. CB(1)1340/07-08(05), received after the meeting and issued on 22 April 2008)	
001715 – 002228	The Hong Kong Institute of Surveyors (HKIS)	Presentation of views	
002229 – 002425	Hong Kong Ballet (HKB)	Presentation of views	
002426 – 003116	Hong Kong Philharmonic Orchestra (HKPO)	Presentation of views (LC Paper No. CB(1)1328/07-08(01), softcopy of PowerPoint presentation materials issued on 21 April 2008)	
003117 – 003711	Prof Stephen CHEUNG	Presentation of views	
003712 – 004213	Lan Kwai Fong Holdings Ltd. (LKFH)	Presentation of views	
004214 – 004632	Civic Act-up (CAU)	Presentation of views (LC Paper No. CB(1)1340/07-08(02), tabled and issued on 22 April 2008)	
004633 – 005138	The People's Panel on West Kowloon (PPWK)	Presentation of views (LC Paper No. CB(1)1340/07-08(03), tabled and issued on 22 April 2008)	
005139 – 005649	Prof Stephen CHAN Ching-kiu	Presentation of views	

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005650 – 010825	Chairman Miss CHAN Yuen-han PPWK Prof Stephen CHAN Ching-kiu LKFH HKADC	<p>Miss CHAN's views that --</p> <ul style="list-style-type: none"> <li>(a) an election mechanism for constituting the WKCDA Board was preferred and could be further discussed;</li> <li>(b) the crux was to appoint Board members who were acceptable to the arts and cultural sectors;</li> <li>(c) having only one Legislative Council Member on the WKCDA Board might be insufficient; and</li> <li>(d) there should be an appeal mechanism for monitoring the work of WKCDA</li> </ul> <p>PPWK's view that as even an election mechanism might not guarantee that the best WKCDA Board members were chosen, monitoring of WKCDA's work was important</p> <p>Prof CHAN's view that while some flexibility in the appointment of WKCDA Board members was needed, the issue was how to strike a balance</p> <p>LKFH's views that --</p> <ul style="list-style-type: none"> <li>(a) the WKCDA Board could include members from different sectors and political parties; and</li> <li>(b) some suitable persons might not wish to participate in an election if such a mechanism was adopted for appointment of members to the WKCDA Board</li> </ul> <p>HKADC's views that --</p> <ul style="list-style-type: none"> <li>(a) the nomination system adopted for HKADC had been running</li> </ul>	

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		<p>smoothly in general and there had been continuous improvements as could be witnessed by the increase in the number of electors and the voting rate; and</p> <p>(b) there were still divergent views on how best to define the eligibility of electors</p>	
010826 – 012434	<p>Chairman Mr CHAN Kam-lam Prof Stephen CHAN Ching-kiu LKFH PPWK HKIS Mr MA Fung-Kwok</p>	<p>Mr CHAN's solicitation of deputations' views on --</p> <p>(a) the specific criteria for appointment of members to the WKCDA Board; and</p> <p>(b) whether the Bill should only provide a broad framework or include detailed provisions on the missions and other matters related to WKCDA</p> <p>Prof CHAN's views that --</p> <p>(a) the purposes of WKCDA lacked prioritization and it could claim to have achieved its objects easily; and</p> <p>(b) including a core mission statement could provide the criteria for selecting members of the WKCDA Board and for monitoring its work</p> <p>LKFH's view that politicization would be non-conducive to forming a strong and effective WKCDA Board and the existing mechanism for appointing members to Government advisory committees could continue to be adopted</p>	

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		<p>PPWK's views that --</p> <ul style="list-style-type: none"> <li>(a) the authority responsible for making appointments to the WKCDA Board should be elected;</li> <li>(b) the appointment process should be transparent;</li> <li>(c) there should be yardsticks for evaluating the performance of the WKCDA Board; and</li> <li>(d) based on the Bill, Government officials could easily interfere with the operation of the WKCDA Board</li> </ul> <p>HKIS's view that direct election of WKCDA Board members was impractical and it supported a mechanism for relevant sectors to recommend candidates, say 5 to 10, for the Chief Executive's consideration of appointment</p> <p>Mr MA's personal views that --</p> <ul style="list-style-type: none"> <li>(a) an appointment mechanism could also contain an element of indirect election and bring in public views, e.g. through appointing members of the Legislative Council or Yau Tsim Mong District Council; and</li> <li>(b) an election mechanism for appointment of WKCDA members other than the 5 from the arts and cultural sectors might not be the most ideal arrangement; and</li> <li>(c) public monitoring of the work of WKCDA was important</li> </ul>	



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012435 – 013106	<p>Ms Emily LAU Chairman CAU HKPO LKFH</p>	<p>Ms LAU's views that --</p> <ul style="list-style-type: none"> <li>(a) the Chairman of the WKCDA Board should not be a public officer;</li> <li>(b) appointment of WKCDA Board members by the Chief Executive (CE) was undesirable and could also lead to politicization;</li> <li>(c) the Bill should specify that meetings of the WKCDA Board should in general be held in public except for certain matters to be discussed at closed meetings; and</li> <li>(d) there should be a nomination committee for recommending candidates for appointment to the WKCDA Board and the recommendation list should be made public</li> </ul> <p>CAU's views that there should be public participation in the nomination process and the curriculum vitae of the candidates should be made public</p> <p>HKPO's view that the Bill should specify the minimum number of WKCDA Board members and the minimum number of non-public officer members</p> <p>LKFH's views that --</p> <ul style="list-style-type: none"> <li>(a) members of the WKCDA Board should be those who could work in concert with the WKCDA Board Chairman; and</li> <li>(b) the best candidate for the Board Chairman should be identified internationally</li> </ul>	

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013107 – 014450	<p>Mr LEE Wing-tat Chairman HKADC Mr MA Fung-kwok PPWK HKPO Prof Stephen CHAN Ching-kiu</p>	<p>Mr LEE's views that --</p> <ul style="list-style-type: none"> <li>(a) interested deputations could make a proposal on best practices for use by the WKCDA;</li> <li>(b) the arts and cultural sectors were most intolerant of bureaucratic administrative procedures;</li> <li>(c) WKCDA might become mainly responsible for managing venues rather than promoting arts and culture</li> </ul> <p>HKADC's advice that --</p> <ul style="list-style-type: none"> <li>(a) HKADC opened up some of its board meetings to the public although there was no legislative requirement on this; and</li> <li>(b) it was however a fact that some 70% of the meetings had to be closed meetings</li> </ul> <p>Mr MA's personal view that it would suffice for the Administration to commit to require that certain types of meetings of the WKCDA Board would be made open</p> <p>PPWK's views that --</p> <ul style="list-style-type: none"> <li>(a) reference could be drawn from the International Human Rights Treaties and Documents Database on how to constitute the WKCDA Board; and</li> <li>(b) a balance between administrative efficiency and accountability was necessary, and openness and transparency were most important</li> </ul>	

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		<p>HKPO's views that --</p> <ul style="list-style-type: none"> <li>(a) WKCDA might need a corporate plan spanning longer than 3 years; and</li> <li>(b) overseas experts who had managed arts and cultural projects would be resource persons</li> </ul> <p>Prof CHAN's suggestion that a certain percentage, e.g. 15%, of WKCDA Board members should represent community interests</p>	
014451 – 015537	<p>Chairman Mr Alan LEONG HKADC HKB LKFH PPWK</p>	<p>Mr LEONG's views that --</p> <ul style="list-style-type: none"> <li>(a) there should be representatives of the public in the WKCDA Board;</li> <li>(b) the possibility of self-nomination and assessment by an independent committee based on certain widely accepted principles could be considered; and</li> <li>(c) the possibility of providing in the Bill a public engagement system like that of the Bilbao Metropoli-30 should be explored</li> </ul> <p>Mr LEONG's enquiry on whether HKADC would recommend the 5 WKCDA Board members from the arts and cultural sectors</p> <p>HKADC's advice that --</p> <ul style="list-style-type: none"> <li>(a) HKADC should recommend some Board members through appropriate channels;</li> <li>(b) the number of Board members from the arts and cultural sectors</li> </ul>	

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		<p>should be increased to 8 - 10; and</p> <p>(c) self-nomination might not be able to attract the most suitable candidates for appointment</p> <p>HKB's view that the WKCDA Board required professionals and a highly political mechanism was inappropriate because WKCDA could not afford to make mistakes</p> <p>LKFH's views that --</p> <p>(a) anybody could make recommendations to CE for consideration of appointment; and</p> <p>(b) a think-tank independent of the WKCDA Board and responsible for making suggestions or giving opinions was worth considering</p> <p>PPWK's view that the Bill should include provisions for setting up a cultural think-tank and WKCDA should provide funds to that think-tank</p>	
015538 – 020402	Chairman Mr LEUNG Kwok-hung	<p>Mr LEUNG's views that --</p> <p>(a) HKADC should not be made the authority of recommending persons for appointment to the WKCDA Board in the Bill;</p> <p>(b) whether there were sufficient checks and balances and whether WKCDA could be effectively monitored through a formalized public engagement machinery were the core issues;</p> <p>(c) the public funds proposed for the WKCD project could be better spent on other spheres of arts and cultural development</p>	

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020403 – 021332	Ms Audrey EU Mr MA Fung-kwok	<p>Ms EU's views that WKCDA was not a purely commercial organization because public funds were involved</p> <p>Ms EU's enquiries on --</p> <ul style="list-style-type: none"><li>(a) whether HKADC should recommend all the 5 members from the arts and cultural sectors;</li><li>(b) the possibility of specifying in the Bill for CE to consult HKADC or other appropriate bodies before appointing the Board members;</li><li>(c) whether there were suggestions to refine the criteria provided in the Bill for appointment of WKCDA Board members; and</li><li>(d) what types of meetings should be held in public and closed sessions respectively</li></ul> <p>Mr MA's personal views that --</p> <ul style="list-style-type: none"><li>(a) while HKADC was in a position to make recommendations for appointment of the Board members from the arts and cultural sectors, this should not preclude other parties from making recommendations;</li><li>(b) HKADC had not discussed the issue of CE consulting HKADC before appointing the Board members from the arts and cultural sectors;</li><li>(c) a rigid mechanism such as a marking scheme might not be the best choice for making appointments; and</li></ul>	

<b>Time marker</b>	<b>Speaker</b>	<b>Subject(s)</b>	<b>Action required</b>
		(d) HKADC would hold its board meetings in closed sessions if requested by members and so decided by HKADC and relevant guidelines were available	
021333 – 021615	Chairman Clerk Ms Emily LAU	Date of next meeting and addition of two more meetings  Ms LAU's enquiry on whether the Administration would respond to the summary of views of deputations  Chairman's advice that the Administration would provide a written response to the key points of the deputations' views	