

立法會
Legislative Council

LC Paper No. CB(1)1686/07-08
(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 sixth meeting held on
Tuesday, 29 April 2008, at 2:30 pm
in Conference Room A 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
Dr Hon Philip WONG Yu-hong, GBS
Hon Jasper TSANG Yok-sing, GBS, JP
Hon Howard YOUNG, SBS, JP
Hon Emily LAU Wai-hing, JP
Hon CHOY So-yuk, JP
Hon Timothy FOK Tsun-ting, GBS, 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 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

Members absent : Hon CHEUNG Hok-ming, SBS, JP (Deputy Chairman)
Hon Bernard CHAN, GBS, JP
Hon WONG Yung-kan, SBS, JP
Hon LEUNG Kwok-hung
Prof Hon Patrick LAU Sau-shing, SBS, JP

Public officers attending : Agenda item I

Ms Esther LEUNG, JP
Deputy 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)
Department of Justice

Miss Emma WONG
Government Counsel
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 Meeting with the Administration

- (LC Paper No. CB(3)361/07-08 -- The Bill
LC Paper No. CB(1)1345/07-08(01) -- Administration's response to points raised by individual members at the meeting on 27 March 2008
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

Paper No. WKCD-528

-- Administration's response to questions raised and information requested by members at the meeting of the Subcommittee on West Kowloon Cultural District Development on 14 February 2008)

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

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

- (a) the Administration should consider specifying as one of the purposes of the West Kowloon Cultural District Authority (WKCDA) in the Bill the provision of input/recommendations to the Administration with regard to the introduction of legislation to regulate museum services;
- (b) the Administration should explain whether and how general users of arts and cultural facilities would be represented on the WKCDA Board;
- (c) on the issue of whether the appointment and removal of the Chief Executive Officer should require the prior approval of the Chief Executive, the Administration should provide information on relevant legislative provisions for comparable public statutory bodies; and
- (d) the Administration should consider whether an appeal mechanism should be included in the Bill.

II Any other business

3. There being no other business, the meeting ended at 4:35 pm.

**Proceedings of the sixth meeting of the
Bills Committee on West Kowloon Cultural District Authority Bill
on Tuesday, 29 April 2008, at 2:30 pm
in Conference Room A of the Legislative Council Building**

Time marker	Speaker	Subject(s)	Action required
000000 - 000031	Chairman	Opening remarks	
000032 - 000607	Administration	Briefing on LC Paper No.1345/07-08(01) -- Item 1	
000608 - 000952	Chairman Ms Emily LAU Administration	Ms LAU's view that there should be objective and quantifiable indicators for assessing WKCDA's work Administration's response that it would consider refining the wording of clause 4(2)	
000953 - 001458	Mr Alan LEONG Administration	Mr LEONG's view that the contributions to be made by WKCDA and the contents to be included in its reports should be more specific Administration's response that it would revisit clause 4(2) in relation to the contributions to be made by WKCDA	
001459 - 002006	Ms Margaret NG Administration	Ms NG's suggestion that the Administration should consider specifying as one of the purposes of WKCDA in the Bill the provision of input/recommendations to the Administration with regard to the introduction of legislation to regulate museum services Administration's response that in the long run, the responsibility of deciding whether to introduce legislation to regulate museum services should rest on the Government rather than WKCDA	Administration to provide written response
002007 - 002115	Chairman	Advice that the Administration should consider members' views when refining the wording of clause 4(2)	

Time marker	Speaker	Subject(s)	Action required
002116 - 002547	Administration	Briefing on LC Paper No.1345/07-08(01) -- Item 2	
002548 - 002845	Mr SIN Chung-kai Administration	Mr SIN's view that at least some WKCDA Board members from the arts and cultural sectors should be appointed through an election-cum-nomination system Administration's explanation of why it was not practicable to adopt an election-cum-nomination system for the appointment of Board members from the arts and cultural sectors	
002846 - 004230	Mr Alan LEONG Administration Chairman	Mr LEONG's suggestions that -- (a) the number of WKCDA Board members from the arts and cultural sectors be increased; (b) appointments of WKCDA Board members be made according to laid down principles similar to the Nolan Principles; (c) appointments of WKCDA Board members be staggered to ensure continuity; (d) an open and transparent system be put in place where organizations and individuals might nominate persons for consideration for appointment to the WKCDA Board; and (e) a nomination committee be set up to consider the nominations Administration's response that -- (a) the number of WKCDA Board members from the arts and cultural sectors could be more than 5 because 5 was only the minimum number;	

Time marker	Speaker	Subject(s)	Action required
		<p>(b) the Administration would not preclude the possibility of drawing reference from the Nolan Principles but the criteria need not be prescribed in the Bill;</p> <p>(c) there would be staggering of appointments to the WKCDA Board;</p> <p>(d) there was no prohibition in the Bill against organizations and individuals nominating persons for the consideration of the Chief Executive (CE) in making appointments to the WKCDA Board; and</p> <p>(e) the composition of a nomination committee would be controversial</p> <p>Chairman's view that the crux was how to make appointments in a fairer and more transparent way</p>	
004231 - 004844	Ms Emily LAU Administration	<p>Ms LAU's views that --</p> <p>(a) capping the size of the Board at 20 was appropriate;</p> <p>(b) CE to appoint all members of the WKCDA Board would not inspire public confidence;</p> <p>(c) the Administration's argument that persons elected would represent sectoral interests which might be incompatible with the corporate objectives of WKCDA was unfounded; and</p> <p>(d) she supported setting up a nomination committee</p> <p>Administration's response that --</p> <p>(a) it would consider elaborating in the</p>	

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		<p>Bill the major criteria for appointment in more specific terms; and</p> <p>(b) as WKCDA would be an executive organization with a wide scope of responsibilities, if members were returned through election, different sectors might strive for their own interests through their elected representatives</p>	
004845 - 005103	Mr Howard YOUNG Administration Chairman	<p>Mr YOUNG's enquiry on whether the Administration could draw reference from the nomination systems adopted for the Hong Kong Arts Development Council (HKADC) and Construction Industry Council (CIC)</p> <p>Administration's explanation on its stance regarding the adoption of a nomination system for WKCDA</p>	
005104 - 005826	Mr LEE Wing-tat Administration	<p>Mr LEE's enquiry on whether the Administration would publicize a list of candidates, including self-nominated ones, for public discussion before appointment by CE</p> <p>Administration's response that it would have no objection if the organizations or individuals concerned chose to disclose the nominations by themselves, but the Administration itself would not disclose nominations received</p>	
005827 - 010158	Miss CHOY So-yuk Administration	<p>Miss CHOY's views that --</p> <p>(a) it was appropriate to let the organizations or individuals concerned to decide whether to disclose the nominations by themselves; and</p> <p>(b) the Administration could consider disclosing the number of nominations received, the number of appointments made and the</p>	

Time marker	Speaker	Subject(s)	Action required
		<p>reasons for accepting and rejecting nominations for appointment</p> <p>Administration's response that some nominations might be made in an informal way</p>	
010159 - 010426	Mr SIN Chung-kai Administration	<p>Mr SIN's view that the Administration often appointed persons from mainstream organizations and there would be little room for candidates from smaller or non-mainstream organizations</p> <p>Administration's response that the appointment system would facilitate a balanced membership composition because smaller or non-mainstream organizations could also be represented through the system</p>	
010427 - 011145	Miss CHAN Yuen-han Administration	<p>Miss CHAN's view that the nomination system adopted for HKADC, although not perfect, could still be considered</p> <p>Administration's response that HKADC or other organizations could nominate candidates for consideration of appointment</p>	
011146 - 011544	Mr LEE Wing-tat Administration	<p>Mr LEE's enquiry on whether and how general users of arts and cultural facilities would be represented on the WKCDA Board</p> <p>Administration's response that general users might be appointed to the committees to be set up by the WKCDA Board; WKCDA would conduct public consultation, and engage community organizations in venue management</p>	Administration to provide written response
011545 - 011726	Ms Emily LAU	Ms LAU's view that although controversial, nomination of persons by HKADC for appointment to WKCDA was worth consideration; other nomination mechanisms should also be explored	

Time marker	Speaker	Subject(s)	Action required
011727 - 011811	Mr Abraham SHEK Chairman	Mr SHEK's view that the nomination system adopted for CIC was quite successful	
011812 - 011950	Mr LEE Wing-tat Administration	Mr LEE's enquiry on whether self-nomination was feasible for committees under the WKCDA Board Administration's response that the WKCDA Board would decide how to establish its committees and appoint their members	
011951 - 012116	Administration Chairman	Briefing on LC Paper No.1345/07-08(01) -- Items 3 and 4	
012117 - 013142	Administration Chairman Mr Abraham SHEK Ms Emily LAU	Briefing on LC Paper No.1345/07-08(01) -- Item 5 Mr SHEK's view that it would be difficult to provide for open recruitment of the Chief Executive Officer (CEO) in the Bill With reference to the submission from Mr Vincent LO, Ms LAU's enquiries on -- (a) why the appointment and removal of CEO of WKCDA should require the prior approval of the Chief Executive; and (b) CEO's participation in the deliberation of certain WKCDA Board meetings Administration's response that -- (a) the prior approval of the Chief Executive was an additional safeguard in the public interest; and (b) CEO shall not take part in the deliberation of certain WKCDA Board meetings unless two-thirds of the other WKCDA Board members present at the meeting decided otherwise	

Time marker	Speaker	Subject(s)	Action required
		Ms LAU's view that the Administration should provide information on relevant legislative provisions for comparable public statutory bodies in relation to the appointment and removal of CEO	Administration to provide written response
013143 - 013638	Chairman Administration	Briefing on LC Paper No.1345/07-08(01) -- Item 6	
013639 - 014023	Chairman Ms Emily LAU Administration	<p>Ms LAU's view that it was possible to include in the Bill provisions requiring WKCD to hold its meetings in public in general and relevant provisions in the CIC Ordinance could serve as reference</p> <p>Administration's response that as experience of HKADC showed, some 70% of its board meetings were held in closed sessions; as a majority of the meetings of WKCD would need to be held in closed sessions due to the sensitive nature of the issues that would be discussed, it would not be meaningful to impose a legal obligation on WKCD to hold its meetings in public</p>	
014024 - 014326	Administration Miss CHAN Yuen-han	<p>Briefing on LC Paper No.1345/07-08(01) -- Item 7</p> <p>Miss CHAN's enquiry on the practices of the former Municipal Councils when discussing issues relating to tendering of works projects</p> <p>Administration's response that those issues were discussed at closed meetings of dedicated committees under the former Municipal Councils</p>	
014327 - 014938	Mr SIN Chung-kai Chairman Administration	<p>Mr SIN's view that WKCD should hold open hearings</p> <p>Administration's response that it would consider strengthening the provisions on public consultation in the Bill; and requirements on WKCD to conduct hearings in public and release information relating to such hearings to the public</p>	

Time marker	Speaker	Subject(s)	Action required
		might be added to the Bill	
014939 - 015455	Miss CHAN Yuen-han Administration Chairman	Miss CHAN's view that an appeal mechanism should be included in the Bill Chairman's advice that the Administration should consider whether an appeal mechanism should be included in the Bill	Administration to provide written response
015456 - 015850	Chairman Ms Emily LAU	Date of next meeting Ms LAU's request that she be informed to join the meeting when issues relating to the Audit Committee, six-year six-board rule and opening up of WKCDA Board meetings were discussed at the next meeting	