

**立法會**  
**Legislative Council**

LC Paper No. CB(1)1780/07-08  
(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 seventh meeting held on  
Thursday, 8 May 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)  
Ir Dr Hon Raymond HO Chung-tai, SBS, S.B.St.J., JP  
Hon CHAN Yuen-han, SBS, JP  
Hon Bernard CHAN, GBS, JP  
Hon CHAN Kam-lam, SBS, JP  
Hon WONG Yung-kan, SBS, 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 Jeffrey LAM Kin-fung, 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)  
Dr Hon LUI Ming-wah, SBS, JP  
Hon Margaret NG  
Hon James TO Kun-sun  
Hon SIN Chung-kai, SBS, JP  
Dr Hon Philip WONG Yu-hong, GBS  
Hon Jasper TSANG Yok-sing, GBS, JP  
Hon LEE Wing-tat  
Hon Daniel LAM Wai-keung, SBS, JP  
Hon Andrew LEUNG Kwan-yuen, SBS, JP

**Public officers attending : Agenda item II**

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 Louis KAU  
Senior Town Planner  
(West Kowloon Cultural District)

Ms NG Wah-chi, Lonnie  
Senior 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

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**I Confirmation of minutes**  
(LC Paper No. CB(1)1450/07-08 -- Minutes of meeting on  
12 April 2008)

The minutes of the meeting held on 12 April 2008 were confirmed.

**II Meeting with the Administration**  
(LC Paper No. CB(3)361/07-08 -- The Bill  
LC Paper No. CB(1)1465/07-08(01) -- Issues raised by individual  
members on which the  
Administration was requested to

- provide written response (as at 7 May 2008)
- LC Paper No. CB(1)1465/07-08(02) -- Administration's response to points raised by individual members at the meeting on 24 April 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
- 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(1)1345/07-08(01) -- Administration's response to points raised by individual members at the meeting on 27 March 2008)

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) whether, other than the Chief Executive Officer of the West Kowloon Cultural District Authority (WKCD), a distinction would be drawn between executive members and non-executive members within the WKCD Board; and if there was such a distinction, whether only non-executive members could sit on the Audit Committee;
- (b) under what circumstances the WKCD Board might exercise the powers under clause 8(6)(a) and (b); and in this regard, whether there would be assurance that the WKCD Board would not exercise those powers before the Audit Committee completed the work referred or assigned to it by the WKCD Board;
- (c) since the Administration refused to provide in the Bill that a non-public officer member of the WKCD Board might not serve as such a member continuously for more than 6 years, whether the Administration would provide an undertaking at the resumption of the Second Reading debate on the Bill that it would abide by the six-year six-board rule when making appointments to the WKCD

Board;

- (d) whether a specific "Remuneration Committee" would be unduly restrictive in its functions; and whether it would be more flexible to provide that there should be a committee to oversee remuneration matters, taking into account the need to strike a balance between providing a proper check and balance mechanism and effective use of secretariat support to WKCDA committees; and
- (e) the Administration should clarify the policy intention and effect of clause 5(2)(n).

**III Any other business**

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

Council Business Division 1  
Legislative Council Secretariat  
4 June 2008

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

Time marker	Speaker	Subject(s)	Action required
000000 - 000010	Chairman	Confirmation of minutes (LC Paper No. CB(1)1450/07-08)	
000011 - 000112	Chairman	Opening remarks	
000113 - 000257	Administration	Briefing on LC Paper No. CB(1)1465/07-08(02) -- Item 1	
000258 - 000635	Mr Alan LEONG Administration	Mr LEONG's view that there should be an institutionalized mechanism for WKCDA to conduct public engagement  Administration's response that --  (a) WCKDA must conduct public consultation on certain important issues;  (b) there were no similar provisions in the legislation of other comparable public statutory bodies; and  (c) WKCDA might conduct open hearings and relevant information on such hearings would be open to the public	
000636 - 001203	Chairman Mr Alan LEONG Administration	Mr LEONG's advice that the Civic Party might propose Committee Stage amendments (CSAs), the direction of which was to provide for a consultative mechanism similar to that adopted by Bilbao Metropoli-30  Administration's further elaboration on its stance	
001204 - 001319	Mr Abraham SHEK Administration	Mr SHEK's views that --  (a) the current wording of clause 17 was in order;  (b) prescribing a specific consultative	

Time marker	Speaker	Subject(s)	Action required
		<p>mechanism in the legislation would unduly constrain the consultative work of WKCD;</p> <p>(c) apart from relevant provisions in the Bill, planning for WKCD would also be subject to the public consultation requirements under the town planning procedures of the Town Planning Board; and</p> <p>(d) the Administration should clarify whether the legislation of comparable public statutory bodies set out a prescribed mechanism for public consultation</p> <p>Administration's response that there was no prescribed mechanism for public consultation in the legislation of other comparable public statutory bodies</p>	
001320 - 001629	Chairman Administration	Briefing on LC Paper No. CB(1)1465/07-08(02) -- Item 2	
001630 - 001821	Mr Abraham SHEK Administration	<p>Mr SHEK's views that --</p> <p>(a) WKCD Board members should be eligible to be members of the Audit Committee but the chairman of the WKCD Board should not be a member of the Audit Committee; and</p> <p>(b) monitoring by the Director of Audit and the Ombudsman should provide sufficient safeguards</p> <p>Administration's response that the Bill already provided that chairman of the WKCD Board should not be a member of the Audit Committee, and that WKCD would be subject to monitoring by the Director of Audit and the Ombudsman</p>	
001822 - 002025	Mr Howard YOUNG Administration	Mr YOUNG's view that members of the Audit Committee could be WKCD Board members or members of other	

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		<p>WKCDAs committees with a scope of work unrelated to the financial affairs of WKCDAs</p> <p>Mr YOUNG's enquiry on whether there were provisions in the legislation of other comparable statutory bodies prohibiting members of other committees to serve as members of the Audit Committee</p> <p>Administration's response that --</p> <p>(a) to address the concern of some Bills Committee members about the independence of the Audit Committee, the Administration had agreed to introduce CSAs to the effect that the Audit Committee would not consist of members who sat on other committees under the WKCDAs Board so as to enhance its independence; and</p> <p>(b) there were no such prohibition provisions in the legislation on other comparable public statutory bodies</p>	
002026 - 002830	Mr Alan LEONG Administration Chairman	<p>Mr LEONG's views that --</p> <p>(a) as according to clause 8(2), the Audit Committee's work would not be limited to the financial affairs of WKCDAs only, whether the scopes of work of the other committees were related to financial affairs was immaterial when considering whether concurrent membership was appropriate; and</p> <p>(b) the Administration should clarify how the rationale that the Audit Committee should perform a monitoring role on behalf of the public could be reflected in the legislation</p> <p>Administration's response that independent members of the public could</p>	

Time marker	Speaker	Subject(s)	Action required
		be appointed to the Audit Committee	
002831 - 003442	Mr Alan LEONG Chairman Administration	<p>Mr LEONG's suggestion that some WKCDA Board members could play a role comparable to that of non-executive directors of listed companies</p> <p>Administration's response that WKCDA Board members who were non-public officers would be independent persons</p> <p>Chairman's advice that the Administration should clarify whether, other than the Chief Executive Officer of WKCDA, a distinction would be drawn between executive members and non-executive members within the WKCDA Board; and if there was such a distinction, whether only non-executive members could sit on the Audit Committee</p>	Administration to provide written response
003443 - 004057	Chairman Administration Mr Alan LEONG	<p>Briefing on LC Paper No. CB(1)1465/07-08(02) -- Item 3</p> <p>Mr LEONG's enquiry on whether there would be assurance that the WKCDA Board would not exercise the powers under clause 8(6)(a) and (b) before the Audit Committee completed the work referred or assigned to it by the Board</p> <p>Administration's response that the Audit Committee could conduct an audit as it considered necessary or desirable and its work was not just limited to that referred or assigned to it by the WKCDA Board</p> <p>Chairman's advice that the Administration should specify under what circumstances the WKCDA Board might exercise the powers under clause 8(6)(a) and (b)</p>	<p>Administration to provide written response</p> <p>Administration to provide written response</p>
004058 - 004315	Chairman Administration	Briefing on LC Paper No. CB(1)1465/07-08(02) -- Item 4	
004316 - 004459	Chairman Administration	Briefing on LC Paper No. CB(1)1465/07-08(02) -- Item 5	

Time marker	Speaker	Subject(s)	Action required
004500 - 004659	Mr Alan LEONG Administration	<p>Mr LEONG's enquiry on why it could not be specified in the Bill that a non-public officer member of the WKCDA Board might not serve as such a member continuously for more than six years</p> <p>Administration's response that in line with its existing administrative guidelines, it would abide by the six-year rule as far as practicable</p>	
004700 - 005056	Mr Alan LEONG Administration Chairman	<p>Mr LEONG's view that as there should be a sufficient number of suitable candidates for appointment to the WKCDA Board, the six-year six-board rule should be applicable</p> <p>Administration's response that organizational continuity would need to be maintained in making appointments</p> <p>Mr LEONG's suggestion that since the Administration refused to provide in the Bill that a non-public officer member of the WKCDA Board might not serve as such a member continuously for more than 6 years, the Administration should consider whether it would provide an undertaking at the resumption of the Second Reading debate on the Bill that it would abide by the six-year six-board rule when making appointments to the WKCDA Board as far as possible</p> <p>Administration's response that it would consider the suggestion</p>	Administration to provide written response
005057 - 005243	Chairman Administration	Briefing on LC Paper No. CB(1)1465/07-08(02) -- Item 6	
005244 - 005645	Chairman Administration	<p>Briefing on LC Paper No. CB(1)1465/07-08(02) -- Item 7</p> <p>Chairman's suggestion that the Administration should consider whether a specific "Remuneration Committee" would be unduly restrictive in its functions; and whether it would be more</p>	Administration to provide written response

Time marker	Speaker	Subject(s)	Action required
		flexible to provide that there should be a committee to oversee remuneration matters, taking into account the need to strike a balance between providing a proper check and balance mechanism and effective use of secretariat support to WKCDA committees	
005646 - 010446	Mr Alan LEONG Administration Chairman	Mr LEONG's view that the Administration could draw reference from the Phase II Study Report of the Subcommittee on West Kowloon Cultural District Development regarding the remuneration for senior executives of public bodies  Administration's response that it had drawn reference from existing public statutory bodies	
010447 - 011437	Miss CHAN Yuen-han Administration Chairman Mr Alan LEONG	Miss CHAN's view that it was necessary to strike a balance between providing a proper checks and balance mechanism and effective use of administrative resources by WKCDA  Administration's response that it would consider members' views on the establishment of a Remuneration Committee	
011438 - 012240	Mr LEUNG Kwok-hung Chairman	Mr LEUNG's views that --  (a) the Administration should conduct comprehensive public consultation; and  (b) the Bills Committee should also consult the public because members had to bear the responsibility for the decisions that they made  Mr LEUNG's enquiry on the timing of passage of the Bill  Chairman's advice that --  (a) the Bills Committee had conducted sufficient consultation; and	

Time marker	Speaker	Subject(s)	Action required
		(b) the Administration had proposed a legislative timetable but the Legislative Council would not be bound by it	
012241 - 012955	Miss CHAN Yuen-han Chairman	Miss CHAN's views that the Administration should consider --  (a) adopting a nomination system similar to that of the Hong Kong Arts Development Council in making appointments to the WKCDA Board;  (b) mandating the WKCDA to hold certain meetings in public; and  (c) acceding to members' suggestions at an early stage  Chairman's advice that the Administration would respond to members' views on the composition of the WKCDA Board	
012956 - 013134	Administration Chairman	Clause-by-clause examination of the Bill  Long Title	
013135 - 013323	Mr Alan LEONG Administration	Mr LEONG's enquiry on the naming of WKCDA and WKCD  Administration's response that changing the name of WKCDA would need legislative amendments but the name of WKCD could be changed without amending the legislation	
013324 - 013439	Miss CHAN Yuen-han Administration	Miss CHAN's view that it would be ridiculous if the name of WKCD had to be changed after passage of the Bill because of the Administration's inadequate consultation on its naming  Administration's response that it was common to adopt the name of a district for naming the authority responsible for managing that district	

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013440 - 013639	Mr CHAN Kam-lam Mr Howard YOUNG Chairman	Mr CHAN's view that any name could be changed but as it would be difficult to arrive at a consensus on the naming of WKCD within a short time, using the district as the name was a practical approach  Mr YOUNG's view that the name of WKCD and that of WKCDA could be different, as in the case of the Hong Kong International Airport and the Airport Authority	
013640 - 013832	Senior Assistant Legal Adviser 2 (SALA2) Administration	SALA2's enquiry on the Long Title in relation to ancillary facilities outside WKCD  Administration's response that the wording would cater for storage places and off-site premises located outside WKCD	
013833 - 013914	Mr Jeffrey LAM SALA2	Mr LAM's enquiry on whether such wording was appropriate  SALA2's response that the wording was acceptable	
013915 - 014004	Chairman Administration	Clause 1  Chairman's enquiry on the commencement day  Administration's response that its intention was for the legislation to commence as early as possible after passage of the Bill	
014005 - 014145	Mr Alan LEONG Administration	Mr LEONG's further enquiry on the commencement day  Administration's response that the provision was drafted in such a way to provide flexibility on the commencement day	
014146 - 014214	Chairman SALA2	SALA2's advice on the three common options adopted for commencement	

Time marker	Speaker	Subject(s)	Action required
014215 - 014332	Chairman SALA2 Administration	Clause 2  SALA2's advice that the terms under clause 2 could be revisited later in the context of the clauses containing those terms  Clause 3	
014333 - 014423	Miss CHAN Yuen-han SALA2	Miss CHAN's enquiry on clause 3(2)  SALA2's response that it was a standard provision	
014424 - 014636	Miss CHOY So-yuk Chairman	Miss CHOY's enquiry on the naming of WKCD and WKCDA  Chairman's recapitulation of the discussion on the issue earlier on	
014637 - 015347	Chairman Administration SALA2 Mr Alan LEONG Miss CHOY So-yuk	Chairman's advice that clause 4 would be examined later  Clause 5  SALA2's advice that clause 5(2)(n) was less common in other legislation and his enquiry on the clause  Mr LEONG's enquiry on why an order under clause 5(2)(n) was in the form of subsidiary legislation  Miss CHOY's enquiry on under what circumstances clause 5(2)(n) would be invoked  Administration's response that --  (a) clause 5(2)(n) was drafted by drawing reference from similar provisions in the Airport Authority Ordinance;  (b) the clause was included in the Bill as a safeguard for the public interest and it would seldom be invoked;	

Time marker	Speaker	Subject(s)	Action required
		<p>(c) the order would be in compliance with the functions and purposes of WKCDA; and</p> <p>(d) subsidiary legislation would enhance monitoring by the Legislative Council on whether such an order was reasonable</p>	
015348 - 020147	<p>Miss CHOY So-yuk Administration Chairman Mr Alan LEONG SALA2</p>	<p>On clause 5(2)(n), Miss CHOY's enquiry on what other legislation of statutory bodies had a similar provision</p> <p>Administration's response that the Urban Renewal Authority Ordinance and Hong Kong Science and Technology Parks Corporation Ordinance had similar provisions</p> <p>Chairman's request that SALA2 make reference to the ordinances mentioned by the Administration</p> <p>Mr LEONG's enquires on whether --</p> <p>(a) clause 5(2)(n) was necessary;</p> <p>(b) clause 5(2)(n) would be applicable to prohibition on WKCDA's activities; and</p> <p>(c) the subsidiary legislation would be subject to positive or negative vetting</p> <p>Mr LEONG's view that a requirement for amending the principal ordinance would offer the highest level of protection</p> <p>SALA2's advice that the subsidiary legislation should be subject to negative vetting</p> <p>Chairman's enquiry on whether clause 5(2)(n) would allow the Chief Executive-in-Council to require WKCDA to do what it should have done but had failed to do</p>	SALA2

<b>Time marker</b>	<b>Speaker</b>	<b>Subject(s)</b>	<b>Action required</b>
		SALA2's response that this could be the case and he needed further clarification from the Administration on the wording of clause 5(2)(n)	
020148 - 020302	Chairman	Chairman's advice that the Administration should clarify the policy intention and effect of clause 5(2)(n)	Administration to provide written response
020303 - 020308	Chairman	Date of next meeting	

Council Business Division 1  
Legislative Council Secretariat  
4 June 2008