

立法會
Legislative Council

LC Paper No. CB(1)2229/07-08
(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 twelfth meeting held on
Tuesday, 3 June 2008, at 4:30 pm
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 James TO Kun-sun
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 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 Margaret NG
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 Howard YOUNG, SBS, JP
Hon Timothy FOK Tsun-ting, GBS, JP
Hon WONG Kwok-hing, MH

Hon Daniel LAM Wai-keung, 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 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

I Meeting with the Administration

Draft Committee Stage Amendments

(LC Paper No. CB(1)1751/07-08(01) -- "Proposed Committee Stage Amendments -- The Second Batch" provided by the Administration)

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 in clause 6(3)(c) the minimum number of Board members of the West Kowloon Cultural District Authority (WKCDA) who were not public officers;
- (b) the Administration should consider specifying in the Bill that WKCDA should adopt a prudent investment policy with a view to protecting the capital of the endowment fund approved by the Legislative Council;
- (c) the Administration should consider suitably narrowing down the scope of the functions of the "Investment Committee" under new clause 8A(2)(c);
- (d) the Administration should consider suitably narrowing down the scope of the functions of the "Remuneration Committee" under new clause 8B(2)(b);
- (e) the Administration should clarify whether the Director of Accounting Services would need to be appointed by the WKCDA Board to sit on the "Investment Committee";
- (f) the Administration should clarify the relationship between clause 8B(2) and clauses 10(2), 10(3) and 10(4) and reconsider the need for clause 8B(10); and
- (g) the Administration should clarify whether the development plan prepared under clause 18 and deemed by the Town Planning Board (TPB) to be a draft plan prepared by TPB for the purposes of the Town Planning Ordinance (Cap. 131) (TPO) would have the same legal status in all respects as that of a draft plan prepared directly by TPB under the TPO.

II Any other business

3. There being no other business, the meeting ended at 6:10 pm.

**Proceedings of the twelfth meeting of the
Bills Committee on West Kowloon Cultural District Authority Bill
on Tuesday, 3 June 2008, at 4:30 pm
in the Chamber of the Legislative Council Building**

Time marker	Speaker	Subject(s)	Action required
000000 - 000101	Chairman	Opening remarks	
000102 - 001139	Administration	Briefing on the second batch of Committee Stage amendments (CSAs) proposed by the Administration (LC Paper No. CB(1)1751/07-08(01))	
001140 - 001230	Administration	Clauses 1 and 2	
001231 - 001502	Administration Senior Assistant Legal Adviser 2 (SALA2)	Clause 4(1) SALA2's enquiry on the changes to clause 4(1)(a) Administration's response that the changes would provide that WKCDA had to perform all those functions under clause 18	
001503 - 001610	Administration Chairman	Clause 5(2)	
001611 - 001624	Administration	Clause 5(3)	
001625 - 002259	Administration SALA 2 Mr Alan LEONG	Clause 6 SALA2's view that the Administration should consider specifying in clause 6(3)(c) the minimum number of Board members of WKCDA who were not public officers Mr LEONG's concurrence with SALA2's view Administration's response that although the current wording was in order, it would consider further refining the wording of clause 6(3)(c)	Administration to provide written response
002300 - 002527	Administration	Clause 8	

Time marker	Speaker	Subject(s)	Action required
	Chairman		
002528 - 005613	Administration Chairman Mr Abraham SHEK Mr Jeffrey LAM SALA2 Mr Alan LEONG	<p>Clause 8A</p> <p>Mr SHEK's view that the Administration should consider specifying in the Bill that WKCDA should adopt a prudent investment policy with a view to protecting the capital of the endowment fund approved by the Legislative Council</p> <p>Administration's response that clause 19(2) and 20 could provide sufficient safeguard</p> <p>Mr LAM's views that if the investment policy was too conservative, investment returns would be very low; and the crux was how the Administration could ensure that WKCDA could maximize its investment returns and minimize investment risks</p> <p>Administration's response that the Director of Accounting Services, or his representative, and at least two other members with the necessary expertise or experience would sit on the Investment Committee and there would be guidelines on investment</p> <p>SALA2's queries on whether the scope of the functions of the "Investment Committee" was too wide and whether there was a need to specify in the Bill a name for this committee</p> <p>Administration's response that clause 8A was drafted in a similar manner as clause 8 on "Audit Committee"</p> <p>Mr LEONG's views that the current wording would allow the "Investment Committee" to take up functions entirely unrelated to investment of WKCDA's funds; and alternative wording such as "incidental to or connected with</p>	Administration to provide written response

Time marker	Speaker	Subject(s)	Action required
		<p>investment" could be considered</p> <p>Chairman's advice that the Administration should consider suitably narrowing down the scope of the functions of the "Investment Committee" under new clause 8A(2)(c)</p> <p>Mr LEONG's enquiry on whether the appointment of the Director of Accounting Services could be revoked by virtue of clause 8A(6)(b)</p> <p>Administration's response that its intention was for the Director of Accounting Services to sit on the Investment Committee by virtue of his office and as such, he would not be revoked</p> <p>Mr LEONG's view that the Administration should clarify whether the Director of Accounting Services would need to be appointed by the WKCDA Board to sit on the "Investment Committee"</p>	<p>Administration to provide written response</p> <p>Administration to provide written response</p>
005614 - 005800	Administration Chairman	<p>Clause 8B</p> <p>Chairman's advice that the Administration should consider suitably narrowing down the scope of the functions of the "Remuneration Committee" under new clause 8B(2)(b)</p>	Administration to provide written response
005801 - 010702	Chairman SALA2 Administration	SALA2's view that the Administration should clarify the relationship between clause 8B(2) and clauses 10(2), 10(3) and 10(4) and reconsider the need for clause 8B(10)	Administration to provide written response
010703 - 010712	Chairman	Clause 9(7)	
010713 - 012108	Administration Mr Alan LEONG SALA2 Chairman	<p>Clauses 10, 11 and 18</p> <p>Mr LEONG's concern about the legal status of the development plan prepared</p>	

Time marker	Speaker	Subject(s)	Action required
		<p>under clause 18 and deemed by TPB to be a draft plan prepared by TPB for the purposes of TPO</p> <p>SALA2's view that the development plan should have the same legal status as a draft plan</p> <p>Mr LEONG's concern about whether a judicial review on the draft plan status of a development plan was possible</p> <p>SALA2's view that the scope of matters for a judicial review could be very wide</p> <p>Administration's response that the Urban Renewal Authority Ordinance had similar deeming provisions in relation to development scheme plans</p> <p>Chairman's advice that the Administration should clarify whether the development plan prepared under clause 18 and deemed by TPB to be a draft plan prepared by TPB for the purposes of the TPO shall have the same legal status in all respects as that of a draft plan prepared directly by TPB under the TPO</p>	Administration to provide written response
012109 - 012159	Administration	Clauses 20(1) and 25	
012200 - 012415	Administration	Clause 30A	
012416 - 012509	Administration	Clause 31	
012510 - 012528	Administration	Clause 34	
012529 - 012711	Administration	Section 4 of Schedule	
012712 - 013330	Mr Alan LEONG Chairman Administration Clerk	<p>Mr LEONG's advice that he intended to propose CSAs to clauses 6, 7 and 17</p> <p>Chairman's advice that the Clerk would invite members to provide a paper on their proposed CSAs, if any, for discussion at the meeting on 6 June 2008</p>	

Time marker	Speaker	Subject(s)	Action required
		Administration's advice that it intended to resume the Second Reading debate on 25 June or 2 July 2008	
013331 - 013344	Chairman	Date of next meeting	

Council Business Division 1
Legislative Council Secretariat
30 July 2008