

**立法會**  
**Legislative Council**

LC Paper No. CB(1)2237/07-08  
(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 thirteenth meeting held on  
Friday, 6 June 2008, at 10:45 am  
in Conference Room A of the Legislative Council Building**

**Members present** : Hon Mrs Selina CHOW LIANG Shuk-ye, GBS, JP  
(Chairman)

Dr Hon LUI Ming-wah, SBS, JP  
Hon Margaret NG  
Hon James TO Kun-sun  
Hon CHAN Yuen-han, SBS, JP  
Hon Bernard CHAN, GBS, JP  
Hon SIN Chung-kai, 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 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)  
Ir Dr Hon Raymond HO Chung-tai, SBS, S.B.St.J., JP  
Hon CHAN Kam-lam, SBS, JP  
Dr Hon Philip WONG Yu-hong, GBS  
Hon Jasper TSANG Yok-sing, GBS, JP  
Hon Timothy FOK Tsun-ting, GBS, JP

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 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)1780/07-08 -- Minutes of meeting on  
8 May 2008)

The minutes of the meeting held on 8 May 2008 were confirmed.

## **II Meeting with the Administration**

### Draft Committee Stage Amendments

(LC Paper No. CB(3)361/07-08 -- The Bill  
LC Paper No. CB(1)1785/07-08(01) -- "Proposed Committee Stage Amendments -- The Third Batch" provided by the Administration)

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) the Administration should consider using wording such as "have reputation and standing within the relevant sectors" in clause 6(3)(c)(i) so as to provide objective criteria for appointment of non-public officer members of the Board of the West Kowloon Cultural District Authority (WKCDA);
- (b) the Administration should specify in new clause 8A(2) that the functions of the Investment Committee should include those investment and finance related functions delegated by WKCDA under clause 11
- (c) the Administration should specify in new clause 8B(2) that the functions of the Remuneration Committee should include those remuneration related functions delegated by WKCDA under clause 11;
- (d) the Administration should specify in new clause 8B(5) that the Chief Executive Officer shall not serve as chairman of the Remuneration Committee;
- (e) the wording "in the manner that the Board considers fit" was unnecessary in clauses 8A(7) and 8B(7);
- (f) the Administration should consider using wording such as "employ" instead of "appoint" in clause 10 in relation to WKCDA's employees;
- (g) in re-drafting clause 10, the Administration should take into consideration alternative modes of employment such as engagement contracts or service contracts;

- (h) the Administration should consider requiring WKCDA to make public its guidelines made by the WKCDA Board under section 15(1A) of the Schedule on what constituted direct and indirect interests; and
- (i) the Administration should consider strengthening the provisions on public consultations under clause 18.

**III Any other business**

- 4. There being no other business, the meeting ended at 12:50 pm.

Council Business Division 1  
Legislative Council Secretariat  
1 August 2008

**Proceedings of the thirteenth meeting of the  
Bills Committee on West Kowloon Cultural District Authority Bill  
on Friday, 6 June 2008, at 10:45 am  
in Conference Room A of the Legislative Council Building**

<b>Time marker</b>	<b>Speaker</b>	<b>Subject(s)</b>	<b>Action required</b>
000000 - 000204	Chairman	Confirmation of minutes of the meeting held on 8 May 2008 (LC Paper No. CB(1)1780/07-08)	
000205 - 000557	Administration	Administration's briefing on its proposed Committee Stage amendments (CSAs) (LC Paper No. CB(1)1785/07-08(01), tabled and issued on 10 June 2008)  Clauses 4 to 6	
000558 - 000728	Administration	New clauses 8A and 8B	
000729 - 000822	Administration	Section 9 of the Schedule	
000823 - 000859	Administration	Section 15 of the Schedule	
000900 - 000940	Mr Abraham SHEK	Mr SHEK's view that the WKCDA Board should include surveyors as members	
000941 - 001224	Administration Chairman	Examination of the CSAs proposed by the Administration  Clause 4(2)	
001225 - 001237	Administration	Clause 5(2)	
001238 - 003708	Administration Chairman Ms Audrey EU Mr James TO Mr Abraham SHEK Miss CHAN Yuen-han Mr Alan LEONG	Clause 6(3)  Ms EU's view that members of the WKCDA Board should have sufficient reputation and standing in the respective sectors or professions  Chairman's view that some persons had good reputation in the respective sectors but the public might not be familiar with them  Mr TO's view that such persons could be	

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		<p>appointed as expert advisers of the WKCD Board</p> <p>Mr SHEK's view that they should have standing in their respective sectors</p> <p>Miss CHAN's view that a nomination or election system should be adopted</p> <p>Administration's elaboration on its stance</p> <p>Mr LEONG's view that the proposed clause 6(3)(c)(iii) was vague and did not provide any objective criteria</p> <p>Chairman's advice that the Administration should consider using wording such as "reputation and standing within the relevant sectors" in clause 6(3)(c)(iii) so as to provide objective criteria for appointment of non-public officer members of the WKCD Board</p>	<p>Administration to provide written response</p>
003709 - 010432	<p>Administration Mr James TO Mr Abraham SHEK Chairman Senior Assistant Legal Adviser 2 (SALA2)</p>	<p>Clauses 8A and 8B</p> <p>Mr TO's view that the Bill should specify that members of the Investment Committee should possess rich experience in investment</p> <p>Mr SHEK's view that the current wording "possess such expertise or experience" would suffice</p> <p>Chairman's view that the clause was drafted by making reference to listed companies and the wording was clear</p> <p>Administration's response that the clause was drafted in a similar manner as that for the Audit Committee</p> <p>SALA2's enquiry on whether WKCD could delegate its power to the Investment Committee</p> <p>Chairman's enquiry on whether the</p>	

Time marker	Speaker	Subject(s)	Action required
		<p>Investment Committee only had an advisory role</p> <p>Mr TO's view that the Investment Committee only had an advisory role unless new clause 8A(2) specified that the committee's functions included those delegated by WKCD A under clause 11</p> <p>Mr SHEK's concurrence with Mr TO's view</p> <p>Administration's response that clause 11 was a general clause on delegation of power and WKCD A would only delegate to the Investment Committee functions related to investment and finance</p> <p>Chairman's advice that the Administration should specify in new clause 8A(2) that the functions of the Investment Committee should include those investment and finance related functions delegated by WKCD A under clause 11</p> <p>Chairman's advice that the Administration should specify in new clause 8B(2) that the functions of the Remuneration Committee should include those remuneration related functions delegated by WKCD A under clause 11</p> <p>Mr TO's view that the wording "in the manner that the Board considers fit" was unnecessary in clauses 8A(7) and 8B(7)</p> <p>Administration's response that the wording was commonly used in drafting</p> <p>Mr TO's view that the Chief Executive Officer should not serve as the chairman of the Remuneration Committee</p> <p>Administration's response that it would specify in new clause 8B(5) that the Chief Executive Officer would not serve as</p>	<p>Administration to provide written response</p> <p>Administration to provide written response</p> <p>Administration to provide written response</p> <p>Administration to provide written response</p>

Time marker	Speaker	Subject(s)	Action required
		chairman of the Remuneration Committee	
010433 - 010737	Miss CHAN Yuen-han Administration Mr James TO Chairman	<p>Miss CHAN's enquiry on why the wording "appoint" was used in clause 10 in relation to WKCDA's employees</p> <p>Administration's response that it would consider using wording such as "employ" instead of "appoint" in clause 10 in relation to WKCDA's employees</p> <p>Mr TO's view that in re-drafting clause 10, the Administration should take into consideration alternative modes of employment such as engagement contracts or service contracts</p>	<p>Administration to provide written response</p> <p>Administration to provide written response</p>
010738 - 010812	Administration	Sections 9 and 15 of the Schedule	
010813 - 012116	Mr James TO Chairman Ms Margaret NG Administration SALA2	<p>Mr TO's enquiry on how WKCDA would handle conflict of interest and define what constituted direct and indirect interests</p> <p>Administration's elaboration on the relevant arrangements</p> <p>Chairman's advice that section 15 of the Schedule provided for matters related to conflict of interest and the WKCDA Board would issue guidelines on what constituted direct and indirect interests</p> <p>Mr TO's enquiry on whether those guidelines were legally binding and whether the Administration would make public those guidelines</p> <p>SALA2's advice that they were not legally binding</p> <p>Ms NG's view that there were other pieces of legislation to regulate conflict of interest and guidelines should not be depended on because they were too fragile</p>	Administration to



Time marker	Speaker	Subject(s)	Action required
		<p>Chairman's advice that the Administration should consider requiring WKCD A to make public its guidelines made by the WKCD A Board under section 15(1A) on what constituted direct and indirect interests</p> <p>Ms NG's enquiry on whether the Administration would propose CSAs for clause 17</p> <p>Administration's response that they would be included in the next batch of CSAs</p>	<p>provide written response</p>
012117 - 010312	<p>Miss CHAN Yuen-han Administration Chairman SALA2</p>	<p>Miss CHAN's enquiry on how to ensure that there would be adequate public consultation in preparing the development plan</p> <p>Administration's response that clause 18 provided for this matter</p> <p>SALA2's advice that clause 18(3) provided that public consultation would be conducted before the development plan was finalized</p> <p>Miss CHAN's request for strengthening the provisions on public consultations under clause 18</p>	<p>Administration to provide written response</p>
013013 - 013114	<p>Chairman</p>	<p>Meeting arrangements</p>	
013115 - 015016	<p>Mr Alan LEONG Chairman Ms Margaret NG Mr James TO</p>	<p>Mr LEONG's briefing on his proposed CSAs (LC Paper No. CB(1)1832/07-08(01), tabled and issued on 10 June 2008)</p> <p>Ms NG's advice that the proposed CSAs would still be subject to refinement</p> <p>Mr TO's views that the composition of the consultation panel would need further consideration; and there was no need to select the Chief Executive Officer based on the Nolan Principles if members of the selection panel were selected based on</p>	

Time marker	Speaker	Subject(s)	Action required
		the Nolan Principles	
015017 - 015359	Mr LEUNG Kwok-hung Chairman	Mr LEUNG's views that he objected to the WKCD project and supported Mr Alan LEONG's CSAs	
015400 - 015519	Mr James TO Chairman	Mr TO's advice that the Administration's proposed CSAs had taken care of some of the Democratic Party's proposed amendments (LC Paper No. CB(1)1832/07-08(02), tabled and issued on 10 June 2008); and he would provide revised proposed CSAs later	
015520 - 015552	Mr Abraham SHEK	Mr SHEK's view that he supported the Administration's proposed CSAs	
015553 - 015719	Ms Emily LAU	Ms LAU's view that she supported Mr LEONG's proposed CSAs	
015720 - 020129	Administration Ms Margaret NG	<p>Administration's response that it was not the appropriate time to specify in the Bill the selection panel proposed by Mr LEONG because existing Government advisory committees and statutory public bodies had no such mechanism; and there was no guarantee that the WKCDA Board members selected for appointment through such a mechanism would have the right qualities</p> <p>Ms NG's enquiry on the Administration's stance on the principles detailed in Schedule A of Mr LEONG's proposed CSAs</p> <p>Administration's response that while those principles should be taken into account in making appointments to public statutory bodies, it was unnecessary to specify such principles in the Bill</p>	
020130 - 020328	Chairman	Date of next meeting	