

Bills Committee on West Kowloon Cultural District Authority Bill

- Submission by Nicholas and Margaret Brooke, Professional Property Services Limited to the Meeting to be held on Saturday 12 April 2008

In overall terms we support the establishment of the West Kowloon Cultural District Authority to implement the planned strategic investment in arts and culture that is the underlying rationale of the West Kowloon development proposals. Such an Authority, so long as it is correctly constituted and provided with appropriate powers, has been shown to be the optimum mechanism for delivery of such complex projects, particularly if it is intended to attract strong private sector support and involvement.

Having said this, however, we do have some comments regarding the contents of the Bill:

The composition of the Board appears to be provide material non-official representation, appropriate emphasis on knowledge of or experience in arts and cultural activities, and a limit of three public officers as “other members”. However, it is also noted that “the number of Board members who are public officers is not to exceed the number of those who are not public officers”. The composition of the Board should ensure that this situation is very unlikely to be reached i.e. 6. 3(c) should be amended to read “a minimum of 15 other members who are not public officers” as against “not more than 15 members....”

In our view, in order to be successful Board members will need to be willing to initiate innovative methods of delivery and implementation of the project as well as to advise - this will not be a body to join without a real commitment to rolling up the sleeves and making things happen. In addition, we believe that the appointment of the Chairman of the Authority will be crucial to moving matters forward. He or she will need to lead by example, act as the champion for the Authority and the project and be able not only to cut across interdepartmental boundaries but also bring together parties from a wide range of differing backgrounds. The decision making process of the Authority will also require careful consideration in that some of the issues to be addressed will be potentially controversial and it may not always be possible to

achieve consensus - rather a majority view may need to prevail to avoid delay and potential stalemate.

It is noted that the Authority will be responsible for drawing up a development plan for the whole of WKCD, taking into account the development parameters that will be set out in the relevant Outline Zoning Plan. Whilst certain parameters may be necessary to ensure that height, density and residential content are within publicly acceptable limits, constraints should be kept to a minimum in order to allow flexibility and the encouragement of innovative and creative urban planning and design. As the final plan requires favourable consideration by the Town Planning Board prior to publication, then such parameters should be kept to an absolute minimum. In this event, the plan should take the form of a “master” rather than detailed development plan so as to provide such required flexibility in the future.

It is proposed, by way of imposing suitable conditions or requirements, that the WKCD Authority should include on the development plan the recommended arts and cultural facilities together with relevant parameters such as the seating capacity of each venue and that these will also be included in the land grant(s). This, in our view, is too restrictive and indeed it is premature at this juncture to try and make such judgment calls. Again, it could result in some inflexibility and an inability to reflect changing industry or community views as to the optimum mix and content of the facilities and such parameters should not be too rigid in nature. Care must also be taken to ensure that there is close integration and connectivity not only between the various venues and developments within the District but also with adjoining neighbourhoods, as well as sensitivity to the district’s harbourfront location. The development plan should avoid WKCD becoming an arts enclave bearing little relation to and isolated from the rest of Hong Kong.

In preparing the development plan, the Authority is required to consult with the public “at such time and in such manner as it consider appropriate” (and “have regard” to such views). This is rather loose and without wishing to be too prescriptive could the procedure usually adopted by the Planning Department/Town Planning Board when introducing a new Zoning Plan to the community not also be adopted by the Authority? In our view the Authority should be obligated to engage the public on

certain key issues – on the content of the development plan and the capacity and designs of the principal performance venues, for example – whilst any further consultation should be left to the discretion of the Board.

The Authority has also to consult with the Secretary for Home Affairs who may “impose such requirements or conditions as he thinks expedient for the development of the plan area”. Such requirements and conditions “imposed” by the Secretary must be satisfied. This is of some concern as if the functioning of the WKCD is perceived to be in any way under the direction of the Secretary of Home Affairs it will not be seen as a “dedicated, area based development and/or operating authority”, and is unlikely to attract material support from the private sector, one of the stated objectives of setting up the Authority.

The development plan will cover not only the WKCD arts and cultural facilities but also transport and communal facilities as well as residential, office and hotel development. It is important that these elements are compatible with the overall design and ambiance of the WKCD. Will the Authority have any involvement in the drafting of the Conditions of Sale for the developments sites as these are to be disposed of by Government, not by the Authority? If not, how will this necessary compatibility be safeguarded?

Once the development plan has been published (i.e. approved), the necessary land will be granted to the WKCD through one or more land grants in order to ensure clear title. This is an approach which we endorse.

On the issue of funding the WKCD by means of an upfront endowment, we support the transfer of all committed funds to the Authority at its formation. This is on the grounds that an installment basis could impede the planning and development of the district on a comprehensive and integrated basis with action which could facilitate the overall development being deferred during the initial planning phases for fear that funds may not be available in the future. This could not only lead to less than optimum overall planning but also to additional spend in the long run. It is considered that the proposed Bill contains appropriate checks and balances so that action can be

taken should it appear to the Government or the public that funds are not being managed or expended in the optimum manner.

One further concern – whilst WKCD may in time become the focal point for high profile arts and culture in Hong Kong, it should not be considered the only place where arts and cultural events should be nurtured and supported. In order for WKCD to be successful, the appreciation of arts and culture as part of the life of Hong Kong, no matter in which community or what location, needs to be encouraged and it would seem that the Authority could and should do much to make this a reality given that WKCD's specified purposes include contributing “to encouraging wider participation of the local community in arts and culture” and contributing “to the provision of arts education to the local community”.

If this is not the intention, then we would like further information as to how the Government's arts and culture policy is going to be integrated into that of the WKCSA to the benefit of local communities throughout Hong Kong. What other venues and activities are to be supported in more outlying areas and integrated into the cultural life of the city? Where will the funding come from when some HK\$21 billion and more is being committed to a single location? We welcome the WKCD but not to the exclusion of venues, events, artists, performers and communities outside that one district.

The delivery of WKCD will be complex, not only in terms of the physical development but also in the context of the all important arts and culture programming, the ongoing educational role, the future event management and the provision of retail/dining and entertainment facilities which will form the basis of future operational revenues. The Hong Kong public has high expectations of WKCD and the Authority will be expected to deliver quality in all areas of its work.

Thank you.