

**Bills Committee on West Kowloon Cultural District Authority Bill**

**Summary of views of various organizations and individuals  
expressed at the meetings on 12 and 21 April 2008 and in their written submissions**

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<b>I. Functions and purposes of the West Kowloon Cultural District Authority</b> (Relevant clause(s): 4)		
<b>Organization/individual</b>	<b>Views</b>	<b>Administration's response</b>
<b>Purposes / Missions / Objectives</b>		
<i>Zuni Icosahedron</i>	<ul style="list-style-type: none"> <li>The organization reckons that Missions and Objectives should be added to clause 4 on Functions of Authority as follows --</li> </ul> <p>Missions --</p> <ul style="list-style-type: none"> <li>(a) Promote multi-culture and protect freedom of speech and artistic creation;</li> <li>(b) Develop Hong Kong into a world-class arts and cultural centre;</li> <li>(c) Improve the arts and cultural standard of the Hong Kong community; and</li> <li>(d) Develop public space for the enjoyment of all citizens.</li> </ul> <p>Objectives --</p> <ul style="list-style-type: none"> <li>(a) Economy -- promote cultural and creativity industries;</li> <li>(b) Social -- provide public space;</li> <li>(c) Education -- develop artists and raise general</li> </ul>	<p>The views of the deputation are noted.</p> <p>Taking into account the views, the Administration had proposed Committee Stage Amendments (CSAs) to amend the functions and objectives of the West Kowloon Cultural District Authority (WKCDA). Please refer to the following references for details--</p> <ul style="list-style-type: none"> <li>(a) paragraph 3 of LC Paper No. CB(1)1622/07-08(03);</li> <li>(b) paragraph 4 of LC Paper No. CB(1)1785/07-08(01); and</li> <li>(c) paragraph 2 of LC Paper No. CB(1)1901/07-08(01).</li> </ul>

<b>I. Functions and purposes of the West Kowloon Cultural District Authority</b> (Relevant clause(s): 4)		
<b>Organization/individual</b>	<b>Views</b>	<b>Administration's response</b>
	<p>arts and cultural standards of Hong Kong citizens; and</p> <p>(d) International -- develop Hong Kong into a centre for cultural exchanges.</p>	
<i>Mr Leung Siu-tong, District Councillor, Islands District Council</i>	<ul style="list-style-type: none"> <li>In discharging its functions, the future Authority should aim at developing Hong Kong into an international cultural centre, promoting cultural and creative industries, training of local artists and artist organisations, contributing to cultural exchange and collaborations between Hong Kong, Mainland and other places, and helping schools in promoting arts education.</li> </ul>	Ditto.
<i>Community Concern</i> <i>Cultural</i>	<ul style="list-style-type: none"> <li>To add to clause 4(1) a new subclause (h) "鼓勵公眾參與發展西九文化區".</li> <li>To amend "地方社區" in clause 4(2)(f) and (g) to "地方社區及周邊社區".</li> <li>To amend clause 4(2)(k) from "向或協助向公眾提供位於批租地區內的，不收費而便</li> </ul>	Ditto.

<b>I. Functions and purposes of the West Kowloon Cultural District Authority</b> (Relevant clause(s): 4)		
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	<p>於前往的休憩用地" to "向公眾提供位於批租地區內的，不收費、便於前往，規管寬鬆的休憩用地，以促進市民在公共空間內的交流".</p> <ul style="list-style-type: none"> <li>To add a new clause 4(2)(m) "在城市設計上突破九龍舊區與西九龍填海區的區隔狀態，確保方便周邊油尖旺及深水埗社區人士來往西九文化區。而這些地方社區與西九亦有完善的連繫。".</li> </ul>	
<i>Designing Hong Kong Ltd</i>	<ul style="list-style-type: none"> <li>The purposes of WKCDA are too broad and far from being exact and precise. This may create a "black hole" effect in the next 30 or so years.</li> </ul>	Ditto.
<i>Civic Act-up</i>	<ul style="list-style-type: none"> <li>The Bill should state clearly the beliefs, missions and ideals of WKCDA.</li> <li>The Bill should state the objective of WKCD as "推動藝術文化在本地發展，以培育本地</li> </ul>	Ditto.

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	<p>文化人才及參與文化活動人士為目標，既尊重本土創意，亦同時具備國際視野，配合全球之文化發展，將香港長遠發展成為國際藝術文化中心。”。</p>	
<i>The People's Panel on West Kowloon</i>	<ul style="list-style-type: none"> <li>The Bill is short of a clear mission statement, which should be in line and linked with the Government's overall cultural policy. It must include a particular section on how to realise cultural equity. In this regard, reference may be drawn from Hong Kong Arts Development Council Ordinance and the United Nations' Declaration of the Principles of International Cultural Co-operation and the International Covenant on Economic, Social and Cultural Rights. The main points should include --</li> </ul> <p>(a) 落實市民平等參與文化生活的權</p>	Ditto.

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	<p>利，所有人得有機會欣賞、參與及接觸藝術；</p> <p>(b) 以藝術教育為市民充權；</p> <p>(c) 維護及鼓勵藝術表達自由；</p> <p>(d) 鼓勵藝術上傑出表現、創新、創造力及多樣化；</p> <p>(e) 推動國際文化交流合作；</p> <p>(f) 提高國族文化認知；and</p> <p>(g) 鼓勵本土文化發展。</p> <ul style="list-style-type: none"> <li>• The Bill should stipulate the role of WKCDA under the overall cultural policy.</li> </ul>	
<i>Civic Party</i>	<ul style="list-style-type: none"> <li>• There should be a further clause for the mission statement of WKCDA and provisions to ensure, inter alia, freedom of speech and cultural rights of individuals in line with relevant international covenants.</li> </ul>	Ditto.
<i>The Composers &amp; Authors</i>	<ul style="list-style-type: none"> <li>• The Society believes that a clear mission on</li> </ul>	Ditto.

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<b>Organization/individual</b>	<b>Views</b>	<b>Administration's response</b>
<i>Society of Hong Kong Ltd</i>	promoting arts and cultural education for the public should be added to the Bill. Like most developed countries, WKCD should provide venues to facilitate arts and cultural education.	
<b>Functions</b>		
<i>The Hong Kong Academy for Performing Arts</i>	<ul style="list-style-type: none"> <li>It is necessary to add a particular function on policy formulation on the development of WKCD.</li> </ul>	<p>The views of the deputation are noted.</p> <p>Taking into account the views, the Administration had proposed Committee Stage Amendments (CSAs) to amend the functions and objectives of the West Kowloon Cultural District Authority (WKCD). Please refer to the following references for details –</p> <p>(a) paragraph 3 of LC Paper No. CB(1)1622/07-08(03);</p> <p>(b) paragraph 4 of LC Paper No. CB(1)1785/07-08(01); and</p> <p>(c) paragraph 2 of LC Paper No. CB(1)1901/07-08(01).</p>
<i>Hong Kong Arts Development Council</i>	<ul style="list-style-type: none"> <li>There is a need to delineate the roles and functions of WKCD in relation to HKADC and other existing bodies vested with management functions in arts and culture so that all of them</li> </ul>	Ditto.



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	can co-operate with and supplement each other.	

<b>II. Powers of the Board of the West Kowloon Cultural District Authority</b> (Relevant clause(s): 5)		
<b>Organization/individual</b>	<b>Views</b>	<b>Administration's response</b>
<i>Hong Kong Curators Association</i>	<ul style="list-style-type: none"> <li>• Since exhibits and collections of museums are of great historical and cultural value, there should be far stricter rules on their acquisition, holding, selling, surrendering, disposal etc.</li> <li>• According to clause 5(2)(g), WKCDA is empowered to provide financial support to facilitate the organisation of activities relating to arts and culture. To avoid abuse and mishandling, there should be clear guidelines and control measures on the provision of financial support.</li> </ul>	<p>The views of the deputation are noted.</p> <p>In order to ensure proper protection of the collections of M+, when establishing M+ and its governing structure, the WKCDA will deal with the ownership of the collections of M+, including those obtained through donations, and formulate rules and procedures relating to the acceptance, donation or transfer of collections with reference to internationally recognized codes of ethics for museums.</p>
<i>Hong Kong Philharmonic Orchestra</i>	<ul style="list-style-type: none"> <li>• The Orchestra reckons that it is essential that the Board be empowered to act independently from the Government.</li> </ul>	<p>The views of the deputation are noted.</p> <p>The WKCDA will be established as a statutory body. As provided under the legislation, it is neither a servant nor an agent of the Government.</p>

<b>III. Composition and appointment of members of the Board of the West Kowloon Cultural District Authority</b> (Relevant clause(s): 6, 12 and Part 1 of Schedule)		
<b>Organization/individual</b>	<b>Views</b>	<b>Administration's response</b>
<b>Appointment system</b>		
<i>The Professional Commons</i>	<ul style="list-style-type: none"> <li>• The proposed appointment process and its criteria are vague and ill-transparent. There is no mechanism in place to facilitate the Chief Executive (CE) to decide on appointment. It is therefore proposed that --               <ul style="list-style-type: none"> <li>(a) the process of nomination and appointment be made open to all;</li> <li>(b) an independent panel for selection and vetting of candidates be set up;</li> <li>(c) the panel should include key stakeholders of local arts and cultural community;</li> <li>(d) a code of practice for the independent panel be adopted; and</li> <li>(e) clear guidelines and criteria for selection of board members be established.</li> </ul> </li> </ul>	<p>The views of the deputation are noted.</p> <p>Taking into account the views on composition and appointment of members of the Board of the WKCD, the Administration had proposed CSAs to amend the Bill in this respect. Please refer to the following references for details –</p> <ul style="list-style-type: none"> <li>(a) paragraphs 4 and 5 of LC Paper No. CB(1)1751/07-08(01);</li> <li>(b) paragraphs 6 and 7 of LC Paper No. CB(1)1785/07-08(01);</li> <li>(c) paragraphs 3 and 4 of LC Paper No. CB(1)1851/07-08(01); and</li> <li>(d) paragraph 3 of LC Paper No. CB(1)1901/07-08(01).</li> </ul>
<i>Civic Party</i>	<ul style="list-style-type: none"> <li>• The Government should make good use of existing channels and mechanisms such as the HKADC to attract as many as possible nominations for appointment to the Board.</li> <li>• Member of Legislative Council sitting on the Board should be a representative of the Legislative Council</li> </ul>	Ditto.

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	<p>chosen through election amongst fellow Members.</p> <ul style="list-style-type: none"> <li>• There should be not less than 2 non-public officer Board members who have profound interest in arts and culture, have been closely involved in the development of arts and culture for a very long period and preferably are leaders of relevant organizations.</li> <li>• The selection criteria for the members with "knowledge of, or experience in, or exposure to, arts and cultural activities" should be clearly laid down.</li> </ul>	
<i>Civic Act-up</i>	<ul style="list-style-type: none"> <li>• An open selection system which encourages public participation should be put in place. Non-public officer Board members may be selected through open recruitment and assessment by an independent committee.</li> </ul>	Ditto.
<i>Prof Stephen CHAN Ching-kiu</i>	<ul style="list-style-type: none"> <li>• Prof CHAN believes that WKCDA should draw reference from the board of the HKADC which is based on a nomination system.</li> </ul>	Ditto.
<i>Museum of Site Ltd.</i>	<ul style="list-style-type: none"> <li>• The Bill should not exclude any appointment system based on a sophisticated cross-sector, election mechanism in an open society. The current</li> </ul>	Ditto.

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	constituency-based HKADC election system should not be repeated but the principle and operation of a democratic system should be intellectually adopted.	
<i>Mr Vincent W S LO</i>	<ul style="list-style-type: none"> <li>The appointment system should be on ad personam basis since members were required to possess relevant expertise and experience. A rigid election system tied to various functional and electoral constituencies will reduce flexibility of a good and practical arrangement.</li> </ul>	Ditto.
<i>Hong Kong Arts Development Council</i>	<ul style="list-style-type: none"> <li>As a well-established statutory body blessed with a wide representation in the field, the Hong Kong Arts Development Council (HKADC) should be counted on for nominating members from HKADC or other persons for appointment to the WKCDA Board.</li> </ul>	Ditto.
<i>Democratic Party</i>	<ul style="list-style-type: none"> <li>WKCD Authority may follow the example of the Arts Centre in setting up a membership system; individuals and organisations may register as members; nomination and election procedures are drawn up for election of a particular portion of board members.</li> <li>The bill should clearly set out the rationale and principles as to how CE appoints the board</li> </ul>	Ditto.

<b>III. Composition and appointment of members of the Board of the West Kowloon Cultural District Authority</b> (Relevant clause(s): 6, 12 and Part 1 of Schedule)		
<b>Organization/individual</b>	<b>Views</b>	<b>Administration's response</b>
	<p>members.</p> <ul style="list-style-type: none"> <li>The Legislative Council Member(s) sitting on the board should be elected amongst Members of the Legislative Council.</li> </ul>	
<i>Zuni Icosahedron</i>	<ul style="list-style-type: none"> <li>All the board members, instead of just 5 members, should have knowledge of, experience in and exposure to arts and cultural activities.</li> <li>Formation of the Board must be transparent and open. The relevant clauses in the bill should clearly stipulate the procedures and details of the formation, criteria for nomination and areas of expertise required of members e.g. arts administration, arts investment, artistic creation etc. All these must be made known to the public.</li> </ul>	Ditto.
<i>C &amp; G Artpartment</i>	<ul style="list-style-type: none"> <li>There should be greater transparency in the appointment of members to the WKCDA Board.</li> </ul>	Ditto.
<i>Mr Oscar HO</i>	<ul style="list-style-type: none"> <li>Constituting the WKCDA Board through election is not practicable.</li> <li>There is obviously a lack of trust and confidence of the arts and cultural bodies towards a Government-led appointment system which has</li> </ul>	Ditto.

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	<p>brought inappropriate people to different boards and committees.</p> <ul style="list-style-type: none"> <li>• It is of paramount importance to appoint the right persons with relevant expertise and professional backgrounds.</li> </ul>	
<i>The Ink Society Ltd</i>	<ul style="list-style-type: none"> <li>• The Society does not believe members of the WKCDA Board should be openly elected or appointed by a selection panel. As the highest decision-making body, the Board should maintain a broad vision of the entire project. If Board members are elected from narrow constituencies, they are bound to favour particular interest groups. Hong Kong has a long and successful history in running statutory bodies through Government appointment.</li> <li>• The appointment system is supplemented by regular scrutiny of the performance of WKCDA by CE and Legislative Council.</li> </ul>	Ditto.
<i>Mr Frank LEE</i>	<ul style="list-style-type: none"> <li>• Mr LEE is of the view that since it is extremely difficult to draw up constituencies for election of the WKCDA Board, appointment by CE may be a more</li> </ul>	Ditto.

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	realistic approach to select people for the Board.	
<i>Asia Art Archive</i>	<ul style="list-style-type: none"> <li>• Election may not be appropriate for the WKCDA Board.</li> </ul>	Ditto.
<i>The Composers &amp; Authors Society of Hong Kong Ltd</i>	<ul style="list-style-type: none"> <li>• The Society reckons that election for Board members is unrealistic and that nomination is a more preferred option for selecting the right people for the Board.</li> </ul>	Ditto.
<i>Professor Stephen CHEUNG</i>	<ul style="list-style-type: none"> <li>• He is also more inclined to an appointment system coupled with a sound check and balance mechanism.</li> </ul>	Ditto.
<i>Spring -Time Stage</i>	<ul style="list-style-type: none"> <li>• Participation in arts and cultural activities is a highly subjective, personal and unique behaviour of individuals. The company questions the need to bring in an election mechanism for arts management and administration. WKCDA should uphold a policy of nil censorship, absolute freedom for creation and expression as well as diversity in expression. It follows that participation of individuals in the WKCDA board should be on a personal basis. Election is right for the political world, but not so for the arts and cultural sectors.</li> </ul>	Ditto.



<b>III. Composition and appointment of members of the Board of the West Kowloon Cultural District Authority</b> (Relevant clause(s): 6, 12 and Part 1 of Schedule)		
<b>Organization/individual</b>	<b>Views</b>	<b>Administration's response</b>
<i>Lan Kwai Fong Holdings Ltd.</i>	<ul style="list-style-type: none"> <li>• WKCDA needs a strong leadership of the chairman and CEO to drive things through. Election will certainly politicize the Board and limit its operations and development. Inputs from Government officials on the Board will definitely be useful for WKCDA to work through different systems.</li> </ul>	Ditto.
<i>Hong Kong Arts Administrators Association Ltd.</i>	<ul style="list-style-type: none"> <li>• Elections for certain Board members have been discredited by the unfortunate experience of the Hong Kong Arts Development Council, and that experience should not be repeated at WKCD.</li> <li>• The preferred approach is to appoint an independent selection panel to recommend board members for appointment by CE according to clearly defined criteria.</li> </ul>	Ditto.
<i>Hong Kong Dance Company</i>	<ul style="list-style-type: none"> <li>• Election is not necessarily the only way of selecting members of the Board. There is no objection to appointing board members with good representation and professional knowledge by the CE.</li> </ul>	Ditto.
<i>Hong Kong Philharmonic Orchestra</i>	<ul style="list-style-type: none"> <li>• The selection criteria of the 5 non-public officer members with arts and cultural backgrounds need to be clarified and enriched.</li> </ul>	Ditto.

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<b>Board Membership</b>		
<i>Hong Kong Construction Association</i>	<ul style="list-style-type: none"> <li>The minimum of 5 non-public officer members with art and cultural background might not be enough to provide the necessary inputs for arts and cultural activities.</li> <li>Nominees with construction and contracting experiences must serve in the Board during the initial construction stage to ensure a timely and efficient delivery of the facilities.</li> </ul>	Ditto.
<i>Association of Engineering Professionals in Society Ltd.</i>	<ul style="list-style-type: none"> <li>At the planning, development and design stages, the Board should include engineers with good experiences in large capital works projects, transport and environmental engineering.</li> </ul>	Ditto.
<i>Fringe Club</i>	<ul style="list-style-type: none"> <li>Composition of the future board should reflect the importance of expertise and commitment in arts and culture.</li> </ul>	Ditto.

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<i>Hong Kong Arts Administrators Association Ltd.</i>	<ul style="list-style-type: none"> <li>It is not acceptable that up to half of the board members can be public officers. Clause 6(8) contradicts clause 6(3)(c) and 6(3)(d) and should be deleted.</li> <li>In the initial development phases, expertise in urban planning, architecture, legal and financial matters will be required, as well as marketing expertise. However, starting from day one, and at every subsequent phase of the project's life, the creation and operation of WKCD should be guided by artistic expertise.</li> </ul>	Ditto.
<i>Hong Kong Curators Association</i>	<ul style="list-style-type: none"> <li>The Association believes that the minimum number set for Members of the Legislative Council is insufficient. Those board members should be elected amongst Members of the Legislative Council.</li> </ul>	Ditto.
<i>Hong Kong Dance Company</i>	<ul style="list-style-type: none"> <li>At different stages of development, the Authority should bring in members with different expertise. For the initial planning stage, those with project planning, construction and financial experiences should be brought in. For the operational stage, those with operations, management and market promotion expertise should be brought in.</li> </ul>	Ditto.

<b>III. Composition and appointment of members of the Board of the West Kowloon Cultural District Authority</b> (Relevant clause(s): 6, 12 and Part 1 of Schedule)		
<b>Organization/individual</b>	<b>Views</b>	<b>Administration's response</b>
<i>The Hong Kong Institute of Architects</i>	<ul style="list-style-type: none"> <li>The founding WKCDA is expected to deal with complicated planning, architectural, engineering, traffic, environmental, surveying, and landscape issues of a large scale and complex development, which is to be staged through many years, involving complicated financing. Therefore it is considered appropriate to have not less than 50% of the Board members, excluding Authority executives and Government representatives, to have expertise in the above fields.</li> <li>Experiences in arts and cultural facility management and operation among board members and /or the setting of technical committees to assist the Board are considered crucial to the success of the project.</li> </ul>	Ditto.
<i>Mr HUNG Chiu-wah, Derek, District Councillor, Yau Tsim Mong District Council</i>	<ul style="list-style-type: none"> <li>Mr HUNG hopes that Government will appoint persons who know the area well to sit on the Board.</li> </ul>	Ditto.
<i>Mr Leung Siu-tong, District Councillor, Islands District Council</i>	<ul style="list-style-type: none"> <li>Since one of the functions of District Councils is to oversee community facilities and district management, the WKCDA Board should comprise District Councillors.</li> </ul>	Ditto.

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<b>Organization/individual</b>	<b>Views</b>	<b>Administration's response</b>
<i>Dr Darwin Chen</i>	<ul style="list-style-type: none"> <li>Dr CHEN feels strongly that members of the Board should be those with a broad vision instead of those with a limited scope in pursuit of the interests of a particular sector.</li> </ul>	Ditto.
<i>The Hong Kong Institute of Surveyors</i>	<ul style="list-style-type: none"> <li>The Institute holds that the board composition of WKCDA should be reviewed and changed according to actual needs at different stages of development. Being experts in the fields of real estate and building maintenance, surveyors should be properly represented in the WKCDA Board.</li> </ul>	Ditto.
<b>Size of Board</b>		
<i>Hong Kong Arts Development Council</i>	<ul style="list-style-type: none"> <li>The number of WKCDA Board members from the arts and cultural sectors should be increased to 8 to 10 persons.</li> </ul>	Ditto.
<i>Professor Stephen CHEUNG</i>	<ul style="list-style-type: none"> <li>Pointing out that the board of HSBC comprises only 18 persons, Professor Cheung believes that the size of the WKCDA Board should not be too big.</li> </ul>	Ditto.
<i>Hong Kong Philharmonic Orchestra</i>	<ul style="list-style-type: none"> <li>The minimum number of Board members should be specified in the Bill.</li> </ul>	Ditto.

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<b>Organization/individual</b>	<b>Views</b>	<b>Administration's response</b>
<b>Candidature for Chairman of WKCD</b>		
<i>The Law Society of Hong Kong</i>	<ul style="list-style-type: none"> <li>• Clause 6(3)(a) - The chairman of the board should not be a public officer. The chairman should hold a casting vote whenever necessary.</li> </ul>	Ditto.
<i>Civic Party</i>	<ul style="list-style-type: none"> <li>• The Board chairman should not be a public officer.</li> </ul>	Ditto.
<i>Civic Act-up</i>	<ul style="list-style-type: none"> <li>• To ensure a high degree of independence, only a non-public officer may serve as Board chairman.</li> </ul>	Ditto.
<b>Term of appointment</b>		
<i>The Hong Kong Academy for Performing Arts</i>	<ul style="list-style-type: none"> <li>• For the sake of continuity and collective memory, appointment of Board members should be staggered.</li> </ul>	Ditto.
<i>Hong Kong Philharmonic Orchestra</i>	<ul style="list-style-type: none"> <li>• To ensure continuity, the terms of board appointment should be arranged to avoid the possibility of 50% turnover in any year.</li> </ul>	Ditto.

<b>IV. Chief Executive Officer</b> (Relevant clause(s): 7, 12 and Part 2 of Schedule)		
<b>Organization/individual</b>	<b>Views</b>	<b>Administration's response</b>
<b>Chief Executive (CE) and CEO of WKCD Authority</b>		
<i>Hong Kong Arts Administrators Association Ltd.</i>	<ul style="list-style-type: none"> <li>Approval of the CE should not be required for appointment and dismissal of the CEO of WKCD Authority.</li> </ul>	<p>The views of the deputation are noted.</p> <p>Taking into account the importance of the CEO to the effective functioning of the WKCD, an additional layer of approval by the CE prior to the appointment of the Chief Executive Officer (CEO) is required to safeguard public interest.</p> <p>Similar provisions can also be found in legislation of other comparable statutory bodies, for example the Airport Authority (where CE's approval for the appointment of CEO required) and the Hong Kong Science and Technology Parks Corporation (where FS's approval for the appointment of CEO required).</p>
<i>Museum of Site Ltd.</i>	<ul style="list-style-type: none"> <li>To stay away from political influence, CEO should be employed without the prior approval of CE.</li> </ul>	Ditto.
<b>Terms of appointment of CEO</b>		
<i>Zuni Icosahedron</i>	<ul style="list-style-type: none"> <li>The bill should include the terms and conditions of appointment of the CEO and clearly define his role</li> </ul>	The views of the deputation are noted.

<b>IV. Chief Executive Officer</b> (Relevant clause(s): 7, 12 and Part 2 of Schedule)		
<b>Organization/individual</b>	<b>Views</b>	<b>Administration's response</b>
	and the division of duties of other full-time staff.	The CEO shall be responsible for the general management and administration for the WKCDA's affairs and shall perform such functions assigned or delegated to him. The Administration considers that the WKCDA would be in the best position to assess and decide, according to various needs at different stages of the WKCD project, the qualities required of the CEO, the terms and conditions of his appointment and his roles and division of duties vis-à-vis other full time staff. It would not be appropriate to set out them in the legislation.



<b>V. Audit Committee</b> (Relevant clause(s): 8)		
<b>Organization/individual</b>	<b>Views</b>	<b>Administration's response</b>
<i>Professor Stephen CHEUNG</i>	<ul style="list-style-type: none"> <li>The Audit Committee, which should be chaired by a non-public officer to uphold its independence, is a powerful check and balance tool on WKCDA.</li> </ul>	<p>The views of the deputation are noted.</p> <p>Taking into account deputations views, the Administration had proposed CSAs to elaborate the functions and composition of the Audit Committee. Please refer to the following references for details –</p> <p>(a) paragraph 5 of LC Paper No. CB(1)1622/07-08(03); and</p> <p>(b) paragraph 5 of LC Paper No. CB(1)1851/07-08(01).</p>
<i>The Hong Kong Repertory Theatre</i>	<ul style="list-style-type: none"> <li>To enhance corporate transparency, the Audit Committee should be empowered to respond to queries from the public.</li> </ul>	Ditto.
<i>Civic Act-up</i>	<ul style="list-style-type: none"> <li>The independence of the Audit Committee is in doubt as its members are to be appointed by the WKCDA Board and its chairman is one of the Board members.</li> </ul>	Ditto.

<b>VI. Establishment of committees</b> (Relevant clause(s): 9)		
<b>Organization/individual</b>	<b>Views</b>	<b>Administration's response</b>
<i>Community Concern</i> <i>Cultural</i>	<ul style="list-style-type: none"> <li>To add the following to Clause 9: "規定管理局必須成立一個包攬眾多持份者的『公眾參與規劃委員會』，成員包括文化藝術界、建築規劃界、周邊社區及公眾代表，負責統籌公眾參與規劃事宜。成員名單約一半由西九管理局提名，至少一半由民間團體提名，之後交付立法會通過。參與委員會是常設組織，有秘書處、研究發展部及常駐的社區參與規劃師，負責統籌及設計參與規劃的流程及評估結果。委員會必須確保所有的規劃決定都是依據資訊充足、公開公平的公眾參與結果而作出。另外，管理局必須成立一個包攬眾多持份者的『文化設施與節目安排公眾參與委員會』，成員包括文化藝術界、市民團體及周邊社區及公眾代表，負責統籌文化設施及節目的公</li> </ul>	<p>The views of the deputation are noted.</p> <p>Taking into account deputation views, the Administration had proposed to set up an Investment Committee, a Remuneration Committee and a Consultation Panel.</p> <p>Please refer to the following references for details –</p> <ul style="list-style-type: none"> <li>(a) paragraphs 6 - 9 of LC Paper No. CB(1)1751/07-08(01);</li> <li>(b) paragraphs 8 and 9 of LC Paper No. CB(1)1785/07-08(01);</li> <li>(c) paragraphs 5, 6, and 8 – 11 of LC Paper No. CB(1)1851/07-08(01); and</li> <li>(d) paragraphs 4 – 6 of LC Paper No. CB(1)1901/07-08(01).</li> </ul>

<b>VI. Establishment of committees</b> (Relevant clause(s): 9)		
<b>Organization/individual</b>	<b>Views</b>	<b>Administration's response</b>
	<p>眾參與事宜。成員名單一半由西九管理局提名，至少一半由民間團體提出，之後交付立法會通過。此委員會同樣常設的秘書處、研究發展部及文化規劃專員，令公眾能夠參與西九文化區的文化設施及節目的安排。”</p>	
<i>Zuni Icosahedron</i>	<ul style="list-style-type: none"> <li>• Committees on arts development and promotion of arts ventures should be established.</li> </ul>	Ditto.

<b>VII. Appointment of employees</b> (Relevant clause(s): 10)		
<b>Organization/individual</b>	<b>Views</b>	<b>Administration's response</b>
<i>Hong Kong Curators Association</i>	<ul style="list-style-type: none"> <li>• The bill has made no provision to prevent the practice of favouritism in the employee recruitment process. The bill should state clearly the procedures on recruitment, staff appraisal, promotion and dismissal and that the Ombudsman or Civil Service Bureau is empowered to initiate investigations on any complaints on staffing issues.</li> <li>• To check against corruption, the appointment of curators should be protected from inappropriate pressure from the Authority management.</li> <li>• Curators should be subject to the Code of Professional Ethics of International Council of Museums (ICOM).</li> </ul>	<p>The views of the deputation are noted.</p> <p>As the WKCDA will be empowered to determine the terms and conditions of the employment of its employees, the Administration considers that WKCDA would be in the best position to assess and decide, according to various needs at different stages of the WKCD project, the number and type of its staff as well as the qualities required. It would not be appropriate to set out the recruitment procedures rigidly in the legislation.</p> <p>Furthermore, the legislation has elaborate provisions governing the disclosure of interest and conflict of interest. The WKCDA will also be subject to the monitor of the ICAC.</p>
<i>Zuni Icosahedron</i>	<ul style="list-style-type: none"> <li>• There should be a position of artistic director to map out the direction of arts development for WKCD.</li> </ul>	Ditto.

<b>VIII. Directions and further requirements</b> (Relevant clause(s): 13 - 16)		
<b>Organization/individual</b>	<b>Views</b>	<b>Administration's response</b>
<b>Power to obtain information</b>		
<i>Hong Kong Curators Association</i>	<ul style="list-style-type: none"> <li>• Clauses 14 and 15 should be revised to include the Legislative Council in addition to CE and the Financial Secretary (FS).</li> </ul>	<p>The views of the deputation are noted.</p> <p>The legislation already provided that the Legislative Council or any committee of the Council may request the Chairman and the CEO of the WKCDA to attend its meeting. It also provides that the Chairman and the CEO shall comply with the request and answer questions raised by the Members of the Council at the meetings. As such, the Legislative Council would be able to require the WKCDA to provide information through raising questions when the Chairman or the CEO attends such meetings. It is considered not necessary to further provide in the legislation that the Legislative Council shall have the power to obtain information from WKCDA.</p>
<b>Chief Executive in Council may give directions</b>		
<i>Civic Act-up</i>	<ul style="list-style-type: none"> <li>• The powers of the Chief Executive in Council to give directions to WKCDA would substantially undermine the independence of WKCDA.</li> </ul>	<p>The views of the deputation are noted.</p> <p>The purpose of the provision is to safeguard public interest if situation so requires. However, such direction may not require the WKCDA to do, or not to do, any thing if the requirement is wholly or</p>

<b>VIII. Directions and further requirements</b> (Relevant clause(s): 13 - 16)		
<b>Organization/individual</b>	<b>Views</b>	<b>Administration's response</b>
		partly inconsistent with the legislation. Such provision is a standard clause that appears in the enabling legislation of a number of statutory bodies, including, the Airport Authority Ordinance, the Urban Renewal Authority Ordinance and the Hospital Authority Ordinance.
<b>Attendance at Legislative Council</b>		
<i>Hong Kong Curators Association</i>	<ul style="list-style-type: none"> <li>Clause 16 should be amended to the effect that the Chief Executive should follow up with the recommendations of Legislative Council and, where appropriate, use his powers under clause 13 to give directions to the WKCDA in regard to those recommendations.</li> </ul>	<p>The views of the deputation are noted.</p> <p>The Administration considers that the provision would be sufficient for the Legislative Council to monitor the work of the WKCDA.</p>

<b>IX. Public consultation</b> Relevant clause(s): 17		
<b>Organization/individual</b>	<b>Views</b>	<b>Administration's response</b>
<i>Community Cultural Concern</i>	<ul style="list-style-type: none"> <li>To amend clause 17 to read as "在不損害第18(3)(a)條的原則下，管理局須就關於發展或營運藝術文化設施，相關設施及附屬設施，營運方式及節目安排等事宜，讓公眾有最大程度的參與。參與事務由『文化設施與節目安排公眾參與委員會』及『公眾參與規劃委員會』統籌。必須確保民間團體、文化藝術團體及公眾有監察及管理渠道，並有權提出民間的議程。"</li> </ul>	<p>The views of the deputation are noted.</p> <p>In the light of the views, the Administration had proposed CSAs to set up a consultation panel to gather public views on matters relevant to the functions of the WKCDA. Please refer to the following references for details –</p> <p>(a) paragraphs 8 – 11 of LC Paper No. CB(1)1851/07-08(01); and</p> <p>(b) paragraphs 4 – 6 of LC Paper No. LC Paper No. CB(1)1901/07-08(01).</p>
<i>People's Democracy Foundation</i>	<ul style="list-style-type: none"> <li>To change "公眾諮詢" to "公眾參與".</li> <li>To clearly define "公眾參與".</li> <li>Delete loose and non committal terms such as"管理局認為合適的事宜……適當的時間……適當的方式" and add to the clauses more positive wording such as "當局須就有關文化區的事宜</li> </ul>	Ditto.

<b>IX. Public consultation</b>		
Relevant clause(s): 17		
<b>Organization/individual</b>	<b>Views</b>	<b>Administration's response</b>
	容讓公眾參與" and "由多個持分者組成的「公眾參與規劃委員會」及「文化設施與節目的公眾參與委員會」".	
<i>Professional Property Services Ltd</i>	<ul style="list-style-type: none"> <li>The Authority should engage the public on key issues such as content of the development plan and the design and capacity of the principal performance venues.</li> </ul>	Ditto.
<i>Dr Darwin CHEN</i>	<ul style="list-style-type: none"> <li>There is an obvious need to define what "public" means. In Dr CHEN's views, public should include members of the public, arts and cultural service users in addition to major stakeholders in the circle.</li> </ul>	Ditto.
<i>The Law Society of Hong Kong</i>	<ul style="list-style-type: none"> <li>Clauses 17 and 18(3)(a) – These require public consultation in regard to certain matters "at such time and in such manner as it (the proposed Authority) considers appropriate." The drafting is very loose that there should be more details and/or conditions given for the proposed Authority to carry out public consultation. As drafted, there is no obligation for the proposed Authority to carry out any public consultation at all.</li> </ul>	Ditto.



<b>IX. Public consultation</b> Relevant clause(s): 17		
<b>Organization/individual</b>	<b>Views</b>	<b>Administration's response</b>
<i>Civic Act-up</i>	<ul style="list-style-type: none"> <li>• The Bill is ambiguous and non-committal in respect of public consultation.</li> <li>• WKCDA should report regularly to the Legislative Council and hold annual public consultation meetings.</li> </ul>	Ditto.
<i>Civic Party</i>	<ul style="list-style-type: none"> <li>• The Bill should specify that WKCDA is required to hold annual general meetings to brief the public on its work and to collect views from them.</li> </ul>	Ditto.
<i>Asia Art Archive</i>	<ul style="list-style-type: none"> <li>• Efforts should be made by WKDCA to collect public views by means of public meetings or open forums.</li> </ul>	Ditto.
<i>Mr Oscar HO</i>	<ul style="list-style-type: none"> <li>• Public consultation should target at bodies and individuals who are able to come up with substantial, relevant and professional views. Being too formalized, the existing public consultation model would not lead to any solid result.</li> </ul>	Ditto.
<i>Hong Kong Curators Association</i>	<ul style="list-style-type: none"> <li>• WKCDA should publish reports on views gathered from public consultation and present them to the Legislative Council</li> </ul>	Ditto.
<i>The Ink Society Ltd.</i>	<ul style="list-style-type: none"> <li>• The Society believes that the WKCDA Board should</li> </ul>	Ditto.

<b>IX. Public consultation</b> Relevant clause(s): 17		
<b>Organization/individual</b>	<b>Views</b>	<b>Administration's response</b>
	hold regular briefing sessions for the public and the press to enhance its transparency.	
<i>The People's Panel on West Kowloon</i>	<ul style="list-style-type: none"> <li>• A think tank comprising representatives from the Government, business sector and the community should be set up to be in charge of research on cultural policy and public consultation. WKCDA should be required to appropriate funds to the think tank annually.</li> </ul>	Ditto.
<i>Designing Hong Kong Ltd</i>	<ul style="list-style-type: none"> <li>• The Bill should make provision for a guarantee on public engagement. For instance, the WKCDA board may arrange to meet the public once every year to listen to their views and suggestion.</li> </ul>	Ditto.

<b>X. Planning matters</b> Relevant clause(s): 18		
<b>Organization/individual</b>	<b>Views</b>	<b>Administration's response</b>
<i>The Law Society of Hong Kong</i>	<ul style="list-style-type: none"> <li>• Clauses 18(4) and (5)(a) -- The proposed Authority must comply with the requirements or conditions for the draft development plan laid down by the Secretary for Home Affairs. These requirements or conditions are "as he thinks necessary or expedient for the development of the plan area". There is therefore no fetter on the power of the Secretary to control the content of the development plan whereas the views of the public are only to be taken into account: "have regard to the views of..." and may be ignored completely. Even the powers of the Chief Executive in Clause 13 are fettered.</li> <li>• The powers of the Secretary for Home Affairs should also be fettered if the proposed Authority is to be properly independent of the Government and not just be, in effect, a Government department when it comes to the development of the plan area.</li> </ul>	<p>The views of the deputation are noted.</p> <p>The purpose to empower the Secretary for Home Affairs to impose conditions and require the WKCDA to comply with the conditions is to ensure that the planning of the WKCD will be prepared in a way that is conducive to achieving the objectives of the WKCDA and meeting the expectations of the public. As it would be difficult to foresee all the matters that will be involved when the WKCDA prepares the development plan, it is considered inappropriate to define the scope of matters with respect to which SHA may impose requirements and conditions as this may limit his role mentioned above.</p> <p>The legislation has also provided that the WKCDA shall consult the public in preparing the development plan at such time and in such manner as it considers appropriate.</p>
<i>Civic Act-up</i>	<ul style="list-style-type: none"> <li>• The Bill provides the Secretary for Home Affairs with decisive powers over the planning of WKCD.</li> </ul>	Ditto.

<b>X. Planning matters</b> Relevant clause(s): 18		
<b>Organization/individual</b>	<b>Views</b>	<b>Administration's response</b>
<i>Community Cultural Concern</i>	<ul style="list-style-type: none"> <li>To amend the Chinese heading of clause 18 from "擬備發展圖則等" to "透過公眾參與擬備發展圖則等".</li> </ul>	Ditto.
	<ul style="list-style-type: none"> <li>To amend the Chinese version of clause 18(1) to read as "在符合第(3)及(5)款的規定下，管理局須在本條例生效後，通過合理及可行的公眾參與過程擬備一份發展圖則。".</li> </ul>	Ditto.
	<ul style="list-style-type: none"> <li>To amend the Chinese version of clause 18(3)(a) as "從規劃原則、發展參數、發展圖則、都市設計以至與周邊地區連接等議題，都需要有系統的公眾參與規劃程序。每個階段性的成果都要在公開展示不少於三個月時間，並有專</li> </ul>	Ditto.

<b>X. Planning matters</b> Relevant clause(s): 18		
<b>Organization/individual</b>	<b>Views</b>	<b>Administration's response</b>
	人現場解說及蒐集意見。具體工作將由『公眾參與規劃委員會』統籌及執行。".	
	<ul style="list-style-type: none"> <li>To amend Chinese version of clause 18(3) from "諮詢民政事務局局长" to "諮詢民政事務局局长、油尖旺及深水埗區議會及立法會".</li> </ul>	Ditto.
	<ul style="list-style-type: none"> <li>To amend Chinese version of clause 18(4) from "在管理局諮詢民政事務局局长時,他可施加他認為是對發展規劃區屬必需或合宜的規定或條件" to "在管理局諮詢民政事務局局长</li> </ul>	Ditto.

<b>X. Planning matters</b> Relevant clause(s): 18		
<b>Organization/individual</b>	<b>Views</b>	<b>Administration's response</b>
	<p>時，他可施加他認為是對發展規劃區屬必需或合宜的規定或條件，之後必需因應改動，延長公眾參與的時間”。</p>	
	<ul style="list-style-type: none"> <li>To amend Chinese version of clause 18(5) from "在擬備發展圖則時，管理局須顧及在根據第(3)(a)款進行的諮詢中接獲的意見" to "管理局需要按公眾參與規劃的結果，擬備發展圖則”。</li> </ul>	Ditto.
	<ul style="list-style-type: none"> <li>To amend Chinese version of clause 18(5)(b) from "</li> </ul>	Ditto.

<b>X. Planning matters</b> Relevant clause(s): 18		
<b>Organization/individual</b>	<b>Views</b>	<b>Administration's response</b>
	<p>西南九龍核准圖則所指明的發展參數及其他規定或條件在它們關乎規劃區的範圍內，獲得遵從" to "西南九龍核准圖則所指明的發展參數及其他規定或條件在它們關乎規劃區的範圍內，必須經由公眾參與規劃的程序才能訂立，之後必須遵從".</p>	
<i>People's Democracy Foundation</i>	<ul style="list-style-type: none"> <li>To add"須確保社區融合" to Part 3 Planning Matters.</li> </ul>	Ditto.
<i>Professional Property Services Ltd</i>	<ul style="list-style-type: none"> <li>In drawing up the development plan for the whole of WKCD, constraints should be kept to the minimum by allowing greatest possible flexibility for innovative and creative urban planning and design.</li> </ul>	Ditto.
<i>Designing Hong Kong Ltd</i>	<ul style="list-style-type: none"> <li>There is also a need to adjust the work sequence. In</li> </ul>	Ditto.

<b>X. Planning matters</b> Relevant clause(s): 18		
<b>Organization/individual</b>	<b>Views</b>	<b>Administration's response</b>
	the absence of WKCDA and a detailed plan, it is inappropriate for the Planning Department to submit plans that may have long-term impacts on the development of WKCD to the Town Planning Board.	
<i>Hong Kong Institute of Surveyors</i>	<ul style="list-style-type: none"> <li>The participation of professionals without vested interests in formulating the Development Plan is important.</li> </ul>	Ditto.
<i>Western Harbour Tunnel Company Limited</i>	<ul style="list-style-type: none"> <li>The company is concerned that many critical tunnel structures and underground utilities of the Western Harbour Crossing are located within WKCD. The company hence urges the Administration to incorporate the relevant technical requirements into the WKCDA Bill or conditions of future land grants for compliance by WKCDA. No buildings and structures should be constructed directly above tunnel structures and utilities. The company should be duly consulted on all matters which may have an impact on the infrastructure of the tunnel. Due care, meanwhile, should be exercised to protect the structures, facilities and operation of the tunnel during the construction of WKCD.</li> <li>The company is also concerned with the traffic and</li> </ul>	Ditto.



<b>X. Planning matters</b> Relevant clause(s): 18		
<b>Organization/individual</b>	<b>Views</b>	<b>Administration's response</b>
	<p>transport problems facing WKCD and urges that the Government develop a comprehensive traffic improvement scheme to cope with the developments. If possible, the Central Kowloon Route should be advanced. In short, road linkage between WKCD and surrounding areas should be enhanced and sufficient parking spaces for private cars and coaches should be provided within WKCD.</p>	

<b>XI. Resources, financial arrangements and accounting arrangements</b>		
Relevant clause(s): 19 - 28		
<b>Organization/individual</b>	<b>Views</b>	<b>Administration's response</b>
<b>Be financially self-reliant</b>		
<i>Association of Engineering Professionals in Society Ltd.</i>	<ul style="list-style-type: none"> <li>• It is of great importance that WKCD Authority will be self-reliant and financially sound through operating retails, dining, and entertainment facilities.</li> <li>• To be financially self-reliant, WKCD Authority should be prudential in its financial management. It may make investments in areas approved by FS. Meanwhile, regular reports should be submitted to the Government and the Legislative Council for effective scrutiny.</li> </ul>	<p>The views of the deputation are noted.</p> <p>The legislation contains a number of provisions to ensure the WKCDA will manage its finance prudently, for example –</p> <ul style="list-style-type: none"> <li>(a) the establishment of Audit Committee;</li> <li>(b) the Financial Secretary may require the WKCDA to furnish to him information relating to its financial affairs;</li> <li>(c) the requirement for the WKCDA to invest, in a financially prudent manner, the funds available for investment in such classes or descriptions of investment as the Financial Secretary may specify in writing;</li> <li>(d) the Director of Audit may conduct examination into the economy, efficiency and effectiveness with which the WKCDA has expended its resources in performing its functions.</li> </ul> <p>In addition, the Administration had proposed to set up an Investment Committee to advise the WKCDA in investment.</p>

<b>XI. Resources, financial arrangements and accounting arrangements</b>		
Relevant clause(s): 19 - 28		
<b>Organization/individual</b>	<b>Views</b>	<b>Administration's response</b>
		As to the financial arrangement, please refer to the response on "Endowment Fund" below.
<i>Fringe Club</i>	<ul style="list-style-type: none"> <li>Arts and cultural facilities and commercial development should feed off and complement each other.</li> </ul>	Ditto.
<i>Mr. HUNG Chiu-wah, Derek, District Councillor, Yau Tsim Mong District Council</i>	<ul style="list-style-type: none"> <li>WKCD must not become a long-term financial burden of the Government. Hence, it is necessary to attract adequate revenue from its commercial and shopping premises and tourist programmes etc. to set off expenses arising from cultural and arts development.</li> </ul>	Ditto.
<i>The Lion Rock Institute</i>	<ul style="list-style-type: none"> <li>Reiterating its objection to the WKCD project, the Institute is worried that WKCD will become a "white elephant" draining lots of public resources. The Government must put in place a sound financial plan to cater for persistent deficits, if decision is taken for the WKCD project to go ahead.</li> </ul>	Ditto.
<b>Guarantees by Government</b>		
<i>Hong Kong Curators Association</i>	<ul style="list-style-type: none"> <li>On clause 23, the Association firmly believes that the Government should draw up Indemnification</li> </ul>	The views of the deputation are noted.

<b>XI. Resources, financial arrangements and accounting arrangements</b>		
Relevant clause(s): 19 - 28		
<b>Organization/individual</b>	<b>Views</b>	<b>Administration's response</b>
	Law applicable to all private and public arts and cultural organisations. Reference made be made to the Arts and Artifacts Indemnity Act (20 U.S.C. §§ 971-77)	
<b>Endowment fund</b>		
<i>Fringe Club</i>	<ul style="list-style-type: none"> <li>• Prefers an upfront endowment fund to funding by instalments since the former will enable long-term financial planning and minimize the risk of the projects being scaled down due to political and other considerations.</li> </ul>	<p>The views of the deputation are noted.</p> <p>The Consultative Committee on the Core Arts and Cultural Facilities of the WKCD appointed by the CE in April 2006, on the advice of the Financial Matters Advisory Group established under it, recommended that a prudent and transparent financing approach for the WKCD should be adopted, as follows –</p> <p>(a) finance the capital costs of the WKCD project through an upfront endowment to be appropriated by the Legislative Council; and</p> <p>(b) vest the retail/dining/entertainment part of the commercial sites in the WKCDA to provide a steady source of recurrent income through rental proceeds to meet the operating deficits of the core arts and cultural facilities and related facilities.</p>

<b>XI. Resources, financial arrangements and accounting arrangements</b>		
Relevant clause(s): 19 - 28		
<b>Organization/individual</b>	<b>Views</b>	<b>Administration's response</b>
		<p>Under this financing arrangement, the Government provide a one-off upfront endowment as a long-term commitment towards the development of arts and culture in Hong Kong, whilst the sites for residential, hotel and office within the WKCD would be disposed of separately by the Government through the normal land disposal mechanism at suitable timing in future.</p> <p>The WKCDA will be required to manage the upfront endowment (including investment of funds) to ensure that there would be sufficient funds to cover the cash flow requirements of the capital costs of the WKCD project during the project period. The WKCDA will also be required to ensure the financial sustainability of operating and managing the arts and cultural facilities and related facilities in the WKCD.</p> <p>To implement this financial arrangement the Administration has obtained the approval of the Finance Committee of the Legislative Council on 4 July 2008 to give a one-off upfront endowment of \$21.6 billion to the WKCDA to develop the WKCD</p>

<b>XI. Resources, financial arrangements and accounting arrangements</b>		
Relevant clause(s): 19 - 28		
<b>Organization/individual</b>	<b>Views</b>	<b>Administration's response</b>
		project.
<i>Professional Property Services Ltd</i>	<ul style="list-style-type: none"> <li>Supports an upfront endowment fund since funding on instalment basis could impede the planning and development of WKCD on a comprehensive and integrated basis.</li> </ul>	Ditto.
<i>Hong Kong Philharmonic Orchestra</i>	<ul style="list-style-type: none"> <li>The Orchestra agrees that the proposed one-off endowment of \$21.6 billion will enable the WKCD project to develop quickly in order to meet the rapidly increasing needs of the expanding audiences.</li> </ul>	Ditto.

<b>XII. Corporate plan, business plan and reports</b> (Relevant clause(s): 29 - 31)		
<b>Organization/individual</b>	<b>Views</b>	<b>Administration's response</b>
<b>Submission of corporate plan and business plan to Legislative Council</b>		
<i>Democratic Party</i>	<ul style="list-style-type: none"> <li>After receiving the corporate plan and business plan from WKCD Authority, the Government should submit them to the Legislative Council for vetting. It should also keep the public informed of the plans of WKCD Authority.</li> </ul>	<p>The views of the deputation are noted.</p> <p>The corporate plan will include a programme of activities and projects that the WKCDA proposes to conduct or implement and a financial plan for a period of 3 years from the next financial year.</p> <p>The business plan covers the details of activities and projects that are to be conducted or implemented under the corporate plan in the next financial year, the resources required and the details of the financial plan.</p> <p>As the contents of the corporate plan and the business fall under the purviews of the WKCDA which may include market-sensitive or confidential commercial information, it is set out in the legislation that the WKCDA is only required to send them to the Secretary for Home Affairs for record purpose, in order to allow a certain degree of autonomy and flexibility for the WKCDA in exercising its functions.</p>

<b>XII. Corporate plan, business plan and reports</b> (Relevant clause(s): 29 - 31)		
<b>Organization/individual</b>	<b>Views</b>	<b>Administration's response</b>
<i>Hong Kong Dance Company</i>	<ul style="list-style-type: none"> <li>• There should be a balance of autonomy and control on the operations of the Board. As for the latter, the Board should submit business plans, annual reports, and audit reports regularly to the Government and Legislative Council and collect public views through consultation on issues relating to their interests.</li> </ul>	Ditto.



<b>XIII. Miscellaneous</b> (Relevant clause(s): 32 - 37)		
<b>Organization/individual</b>	<b>Views</b>	<b>Administration's response</b>
<b>Secretary for Home Affairs may make regulations</b>		
<i>Civic Act-up</i>	<ul style="list-style-type: none"> <li>Clause 32 provides the Secretary for Home Affairs with extensive powers over the operation of WKCD.</li> </ul>	<p>The views of the deputation are noted.</p> <p>The Secretary for Home Affairs may only make regulations for the purpose of securing the safe operation, management or maintenance of arts and cultural facilities and other related facilities.</p>
<b>Legislation on museum</b>		
<i>Hong Kong Curators Association</i>  <i>The Ink Society Ltd</i>	<ul style="list-style-type: none"> <li>There should be proper legislation i.e. museum regulations to regulate the operation of museums and the handling of their collections in WKDC.</li> </ul>	<p>The views of the deputation are noted.</p>

<b>XIV. Proceedings of the Board of the West Kowloon Cultural District Authority and its committees</b> (Relevant clause(s): 9, 12 and Part 3 of Schedule)		
<b>Organization/individual</b>	<b>Views</b>	<b>Administration's response</b>
<b>Open up of meetings to public</b>		
<i>Democratic Party</i>	<ul style="list-style-type: none"> <li>Except for some sensitive information relating to commercial activities, there is no reason not to open up the board meetings to the public. Information papers of meetings, meanwhile, should be made accessible on relevant websites.</li> </ul>	<p>The views of the deputation are noted.</p> <p>The legislation provided that the WKCDA Board and any committee established under the legislation may regulate its own proceedings and business relating to any Board or committee meeting.</p> <p>Unlike regulatory or consultative bodies, the key functions of the WKCDA are to plan, develop, operate and maintain the WKCD. The WKCDA is a body corporate and the Board is the governing and executive body of the WKCDA. The Board and committees of the WKCDA have the statutory duty to deliberate and make decisions on many matters concerning the development and operation of the WKCD which include not only the management of arts and cultural facilities, the organization of arts, cultural and entertainment programmes, but also the management of commercial facilities such as retail, dining and entertainment facilities. We expect that a vast majority of the meetings of the Board and committees will involve discussions of commercially and market sensitive matters, the</p>

<b>XIV. Proceedings of the Board of the West Kowloon Cultural District Authority and its committees</b> (Relevant clause(s): 9, 12 and Part 3 of Schedule)		
<b>Organization/individual</b>	<b>Views</b>	<b>Administration's response</b>
		<p>disclosure of which will make it very difficult for the WKCDA to operate effectively and efficiently. As the WKCDA Board and committees have to deal with these matters as part of its on-going business, most of their meetings cannot be held openly. We therefore do not consider it appropriate to impose a statutory requirement on the WKCDA to open its meetings.</p> <p>Furthermore, holding meetings in public is just one of the many means of enhancing transparency of the work of the WKCDA. The WKCDA may adopt various transparency measures such as uploading information on its work regularly to its dedicated website, distributing regular newsletters, organizing meet-the-media sessions to report on discussions and decisions of the Board after Board meetings, etc.</p>
<i>Hong Kong Arts Administrators Association Ltd.</i>	<ul style="list-style-type: none"> <li>• Calls for board meetings to be made public are not realistic. Much of the Board's business would be restricted by its very nature, e.g. tender pricing and other commercially sensitive information, tenancy-related issues, reports on negotiations with overseas arts organizations.</li> </ul>	Ditto.

<b>XIV. Proceedings of the Board of the West Kowloon Cultural District Authority and its committees</b> (Relevant clause(s): 9, 12 and Part 3 of Schedule)		
<b>Organization/individual</b>	<b>Views</b>	<b>Administration's response</b>
	<ul style="list-style-type: none"> <li>The Board should not require the attendance of public officers to be quorate.</li> </ul>	
<i>Hong Kong Curators Association</i>	<ul style="list-style-type: none"> <li>While agreeing with the Government that due to commercial confidentiality, meetings of the board should <u>not</u> be held in public, the Association reckons that details of discussion should be brought to the light of public after a specific period of time, say one year.</li> </ul>	Ditto.
<i>Civic Act-up</i>	<ul style="list-style-type: none"> <li>Meetings which touch on public interests should be open to the public.</li> </ul>	Ditto.
<i>Civic Party</i>	<ul style="list-style-type: none"> <li>Meetings of the Board and committee of WKCDA should be open to the public as far as possible. Nevertheless, as in the case of Town Planning Board and HKADC, closed meetings should be allowed when sensitive issues come under discussion and relevant provisions could be included in the Bill.</li> </ul>	Ditto.
<i>Museum of Site Ltd.</i>	<ul style="list-style-type: none"> <li>Like HKADC or Town Planning Board, some meetings and minutes, particularly those on policy matters, should be open to public to ensure public support and transparency.</li> </ul>	Ditto.

<b>XIV. Proceedings of the Board of the West Kowloon Cultural District Authority and its committees</b> (Relevant clause(s): 9, 12 and Part 3 of Schedule)		
<b>Organization/individual</b>	<b>Views</b>	<b>Administration's response</b>
<i>Hong Kong Dance Company</i>	<ul style="list-style-type: none"> <li>It is not necessary to specify in the bill that all meetings of the Board have to be open.</li> </ul>	Ditto.
<i>Asia Art Archive</i>	<ul style="list-style-type: none"> <li>Since meetings of the WKCDA Board may involve a lot of sensitive matters, for instance, programming or collection decisions for its museums, it is not advisable to hold them in public.</li> </ul>	Ditto.
<i>Professor Stephen CHEUNG</i>	<ul style="list-style-type: none"> <li>Having some reservations as to the opening up of meetings of WKCDA to the public, Professor CHEUNG nevertheless considers that minutes of its meetings can be made open to the public.</li> </ul>	Ditto.
<i>The Composers &amp; Authors Society of Hong Kong Ltd</i>	<ul style="list-style-type: none"> <li>Since the meetings will often involve rather sensitive issues, WKCDA Board should not be required to hold its meetings in public.</li> </ul>	Ditto.
<i>The Hong Kong Arts Development Council</i>	<ul style="list-style-type: none"> <li>The organization has drawn up guidelines to determine whether a meeting should be open to the public or otherwise. These guidelines may serve as reference for WKCDA.</li> <li>To enhance transparency and accountability, WKCDA should publish its financial reports and minutes of its open meetings.</li> </ul>	Ditto.

<b>XIV. Proceedings of the Board of the West Kowloon Cultural District Authority and its committees</b> (Relevant clause(s): 9, 12 and Part 3 of Schedule)		
<b>Organization/individual</b>	<b>Views</b>	<b>Administration's response</b>
<i>Hong Kong Philharmonic Orchestra</i>	<ul style="list-style-type: none"> <li>It is not appropriate or practical for Board meetings to be open to the public because the meetings must be capable of addressing confidential and sensitive matters.</li> </ul>	Ditto.
<i>The Ink Society Ltd.</i>	<ul style="list-style-type: none"> <li>Board meetings should not be open to the public because, in doing so, efficiency of the Board would be compromised.</li> </ul>	Ditto.
<i>Lan Kwai Fong Holdings Ltd</i>	<ul style="list-style-type: none"> <li>The Board cannot function effectively if it is mandated to hold its meetings in public.</li> </ul>	Ditto.
<i>Mr Frank LEE</i>	<ul style="list-style-type: none"> <li>Based largely on trust, the WKCDA Board should be given the freedom to decide on its own as to whether its meeting should be open to the public.</li> <li>Minutes of the Board meetings should be made available to the public as far as possible.</li> </ul>	Ditto.
<i>Spring-Time Stage</i>	<ul style="list-style-type: none"> <li>It is absurd to open up the WKCDA Board's meetings to the public, the reason being that these meetings often touch upon highly sensitive matters such as an artist's innovative ideas which, if leaked, may fall prey to copycats. Assessments on performance of arts groups and artists' fees and charges of performing artists and cultural bodies</li> </ul>	Ditto.

<b>XIV. Proceedings of the Board of the West Kowloon Cultural District Authority and its committees</b> (Relevant clause(s): 9, 12 and Part 3 of Schedule)		
<b>Organization/individual</b>	<b>Views</b>	<b>Administration's response</b>
	present yet another worry that makes public discussion of arts-related matters unrealistic.	
<i>Hong Kong Ballet</i>	<ul style="list-style-type: none"> <li>Open public meetings may not be as productive as closed meetings. However, as a compromise, WKCDA may consider opening certain portion of its meetings to public.</li> </ul>	Ditto.
<i>The Hong Kong Institute of Surveyors</i>	<ul style="list-style-type: none"> <li>Due to sensitivity of issues discussed, not all meetings should be open to the public. Nevertheless, as a trade-off, less sensitive meetings should be open to the public.</li> </ul>	Ditto.
<b>Quorum for board meeting</b>		
<i>Mr Frank LEE</i>	<ul style="list-style-type: none"> <li>The ratio of public officer members to non-public officer members (i.e. 2:2) under the quorum requirement for a Board meeting is inconsistent with the composition of the Board and thus should be reviewed.</li> </ul>	<p>The views of the deputation are noted.</p> <p>It is considered that the requirement is appropriate as the public officers serving on the Board have statutory duty to state public interest at a Board meeting.</p>

<b>XV. General and other comments</b>		
<b>Organization/individual</b>	<b>Views</b>	<b>Administration's response</b>
<b>Proposed amendments to the Bill in general</b>		
<i>The Law Society of Hong Kong</i>	<ul style="list-style-type: none"> <li>• Regarding the definition of "land grant", the Society queries the reference to the legal estate created etc by S.14 of the Conveyancing and Property Ordinance ("CAPO") which is unclear. The definition refers to "<i>an agreement</i>" rather than an actual lease which implies a building lease with a building covenant and the usual restrictions on alienation in Government leases.</li> <li>• S.14 states the equitable rules for the conversion of an equitable estate into a legal estate when the conditions set out in an agreement for the grant of a lease have been complied with clarifies the times when the conversion happens in the case of Government leases.</li> <li>• As S.14 already applies to an agreement for lease between the Director of Lands and the proposed Authority (S.14 only applies to Government leases (which include agreements to lease) and all Government leases which set out conditions to be complied with for a grant of lease to be made are covered), the Society is unsure of the purpose of this reference to CAPO in the definition.</li> </ul>	<p>The views of the deputation are noted.</p> <p>The Administration considered that the wording of the definition "land grant" is appropriate.</p>



<b>XV. General and other comments</b>		
<b>Organization/individual</b>	<b>Views</b>	<b>Administration's response</b>
<i>People's Democracy Foundation</i>	<ul style="list-style-type: none"> <li>To clearly define "社區".</li> </ul>	<p>The views of the deputation are noted.</p> <p>The Administration considered that there is no need to define "社區" in the context of the legislation.</p>
<i>Hong Kong Curators Association</i>	<ul style="list-style-type: none"> <li>There should be an additional clause under Part 1(2) to define "cultural body".</li> </ul>	<p>The views of the deputation are noted.</p> <p>The Administration considered that there is no need to define "cultural body" in the context of the legislation.</p>
<i>Dr Darwin CHEN</i>	<ul style="list-style-type: none"> <li>English version of clause 4(2)(e) stipulates that WKCDA is to contribute to the nurturing of local artists and arts groups. Here, the term "artists" is restrictive and excludes arts administrators. In Dr CHEN's views, arts administrators act as a bridge between arts and the public and play an important role in the development of arts and cultural activities in Hong Kong. A clarification on the exact meaning of the term is required.</li> </ul>	<p>The views of the deputation are noted.</p> <p>The Administration had proposed CSAs to amend section 4(2) such that the WKCDA shall perform its functions in ways which aim to achieve the objective of "cultivate and nurture local talents in the arts (including local artists), and local arts groups and arts related personnel".</p> <p>Please also refer to paragraph 3 of LC Paper CB(1)1622/07-08(03).</p>
<b>Clause 39 Ombudsman Ordinance</b>		
<i>Hong Kong Curators</i>	<ul style="list-style-type: none"> <li>The committees and subsidiary bodies and</li> </ul>	<p>The views of the deputation are noted.</p>

<b>XV. General and other comments</b>		
<b>Organization/individual</b>	<b>Views</b>	<b>Administration's response</b>
<i>Association</i>	companies formed by WKCDA should come under the ambit of the Ombudsman Ordinance.	The Administration considers that it is an optimal balance to only put WKCDA under the ambit of the Ombudsman Ordinance.
<b>Renaming of the district or the authority</b>		
<i>Museum of Site Ltd.</i>	<ul style="list-style-type: none"> <li>"West Kowloon Cultural District" should be renamed as "Cultural District" to embody a broader vision and cultural strategy.</li> </ul>	<p>The views of the deputation are noted.</p> <p>The Administration considers that the name "West Kowloon Cultural District Authority" is appropriate taking into account that the name of the Authority does not necessarily have to be identical with the name of the district that it manages.</p>
<i>Fringe Club</i>	<ul style="list-style-type: none"> <li>Proposes to rename WKCD Authority as "WKCD Trust". The term Trust is preferred for its positive connotations.</li> </ul>	Ditto.
<i>Hong Kong Arts Administrators Association Ltd.</i>	<ul style="list-style-type: none"> <li>"Authority" does not connote an organisation entrusted with the creation, management, programming and future development of a significant part of the cultural sector. The idea of authoritarian control is anathema to creativity and the arts. "Trust" implies an outward looking body focused on the needs of its key stakeholders and</li> </ul>	Ditto.

<b>XV. General and other comments</b>		
<b>Organization/individual</b>	<b>Views</b>	<b>Administration's response</b>
	sensitive to public opinions.	
<i>Hong Kong Dance Company</i>	<ul style="list-style-type: none"> <li>Given the development function of the authority, consideration should be given to rename West Kowloon Cultural District Authority (西九文化區管理局) as West Kowloon Cultural District Development Council 西九文化區發展局.</li> </ul>	Ditto.
<i>Asia Art Archive</i>	<ul style="list-style-type: none"> <li>The word "Authority" carries no inspiration or excitement. Hence, consideration should be given to other alternatives such as "Trust".</li> </ul>	Ditto.
<i>The Hong Kong Academy for Performing Arts</i>	<ul style="list-style-type: none"> <li>In determining the name of WKCD, it is necessary to think of the cultural characteristic/quality it is intended to carry. Apparently, it is easier for a simple idea and a short name to be captured by most people.</li> </ul>	Ditto.
<b>General expectations on the WKCD Authority and the Bill</b>		
<i>Democratic Party</i>	<ul style="list-style-type: none"> <li>Members of the public are after a WKCD Authority with a vision, not merely an executive body managing a number of arts and cultural centres.</li> <li>As shown in the bill, the WKCD Authority appears to be government-led, government-oriented instead of people-led and people-oriented.</li> </ul>	<p>The views of the deputation are noted.</p> <p>The Administration will bring the relevant points for the attention of the WKCDA upon its establishment.</p>

<b>XV. General and other comments</b>		
<b>Organization/individual</b>	<b>Views</b>	<b>Administration's response</b>
<i>Fringe Club</i>	<ul style="list-style-type: none"> <li>The WKCD project should make our harbour proud in every aspect of its designs and provide an urban landmark for Hong Kong.</li> </ul>	Ditto.
<i>Ms Christine FONG District Councillor Sai Kung District Council</i>	<ul style="list-style-type: none"> <li>Add to WKCD a museum on Hong Kong's TV productions in the past few decades.</li> <li>WKCD Authority should set aside space and facilities for shared use of artists and arts bodies.</li> </ul>	Ditto.
<i>Local Action</i>	<ul style="list-style-type: none"> <li>There should be a set of guiding principles to regulate the drafting of the bill to enable members of the public to monitor the work of the WKCD Authority in future. The organization attaches great importance to the following principles --               <ol style="list-style-type: none"> <li>public participation;</li> <li>social integration; and</li> <li>openness and transparency.</li> </ol> </li> </ul>	Ditto.
<i>Fringe Club</i>	<ul style="list-style-type: none"> <li>The governance structure should be open, fair and accountable, but there are trade practices in the arts management that require confidentiality</li> <li>It will be a responsibility of WKCD Authority to train up arts managers and artistic directors.</li> </ul>	Ditto.
<i>C &amp; G Artpartment</i>	<ul style="list-style-type: none"> <li>In future, WKCDA should make provisions for greater convenience for artists and their bodies in</li> </ul>	Ditto.

<b>XV. General and other comments</b>		
<b>Organization/individual</b>	<b>Views</b>	<b>Administration's response</b>
	venue booking.	
<i>Mr Oscar HO</i>	<ul style="list-style-type: none"> <li>The Government should leave WKCDA to the arts and cultural professionals and adopt a policy of minimum intervention which is the key to success in arts and cultural development.</li> </ul>	Ditto.
<i>Professor Stephen CHEUNG</i>	<ul style="list-style-type: none"> <li>It is necessary to effectively evaluate the performance of individual Board members.</li> </ul>	Ditto.
<b>Additional clauses to be added to the Bill</b>		
<i>Hong Kong Curators Association</i>	<ul style="list-style-type: none"> <li>There should be clauses on principles and mechanism on the setting of the ticket fares.</li> <li>There should be clauses defining what assets belong to the Authority and what assets belong to the Government and yet placed on under trusteeship of the Authority.</li> </ul>	<p>The views of the deputation are noted.</p> <p>Under the legislation, the WKCDA will be empowered to make bylaws for the regulation, operation or management of arts and cultural facilities, related facilities or ancillary facilities, which will be subject to the approval of the Legislative Council.</p> <p>The Legislative Council will have the opportunity to scrutinize the relevant bylaws when they are introduced for approval.</p>
<i>Hong Kong Curators Association</i>	<ul style="list-style-type: none"> <li>There should be proper legislation governing the running of museums and the handling of their</li> </ul>	Ditto.

<b>XV. General and other comments</b>		
<b>Organization/individual</b>	<b>Views</b>	<b>Administration's response</b>
<i>The Ink Society Ltd.</i>	collections.	
<b>Nurturing of arts administrators</b>		
<i>Dr Darwin CHEN</i>	<ul style="list-style-type: none"> <li>To tie in with the development of WKCD, there is a pressing urgency in nurturing and developing arts administrators to escalate them to world-class level.</li> </ul>	<p>The views of the deputation are noted.</p> <p>The Administration will work with the relevant agencies in nurturing art administrators. The Administration had also proposed CSAs so that one of the objectives of the WKCDA is to “cultivate and nurture local talents in the arts (including local artists), and local arts groups and arts-related personnel”.</p>
<b>Complaint mechanism</b>		
<i>Civic Act-up</i>	<ul style="list-style-type: none"> <li>A complaint mechanism should also be in place.</li> </ul>	<p>The views of the deputation are noted.</p> <p>The WKCDA is not a regulatory body. It is an executive organization with a wide scope of duties encompassing different matters ranging from planning, developing and operating arts and cultural facilities and commercial facilities, commissioning of arts and cultural programmes etc. It will be more appropriate for the WKCDA to set up its own complaint handling mechanism in the light of its operational experiences.</p>

<b>XV. General and other comments</b>		
<b>Organization/individual</b>	<b>Views</b>	<b>Administration's response</b>
<b>Planning of performance venues</b>		
<i>Hong Kong Ballet</i>	<ul style="list-style-type: none"> <li>In planning for performing venues, the agency urges WKCDA not to repeat bitter experiences in some countries where beautiful premises are equipped with less than desirable facilities for performers. In order to make these places as "artistically friendly" as possible, the artistic community must be involved in all arts venue planning within WKCD.</li> </ul>	<p>The views of the deputation are noted.</p> <p>The legislation already provides that the WKCDA has to consult the public on the development or operation of arts and cultural facilities and other related facilities of the WKCD at such time and in such manner as it considers appropriate.</p>
<b>Transport connections</b>		
<i>Mr. HUNG Chiu-wah, Derek, District Councillor, Yau Tsim Mong District Council</i>	<ul style="list-style-type: none"> <li>The Guangzhou-Shenzhen-Hong Kong Express Rail Link reaching WKCD should be linked up with the Tung Chung Line and the Kowloon Southern Line to serve people going to and from WKCD.</li> </ul>	<p>The views of the deputation are noted.</p>
<b>The Greater WKCD Concept</b>		
<i>The Hong Kong Institute of Architects</i>	<ul style="list-style-type: none"> <li>It is important for the master plan of this project to recognize that WKCD is an inseparable part of our city. To integrate with the surrounding urban fabric, it is essential that a "Greater WKCD" could function seamlessly. The Government has to partner with WKCDA to ensure the connectivity channels for pedestrians, traffic, views, sea breezes, etc., and the design, planning, development and function of</li> </ul>	<p>The views of the deputation are noted.</p> <p>One of the functions of the WKCDA under the legislation is to prepare a development plan for the whole WKCD. In doing so, the WKCDA has a statutory duty to consult the public in preparing the development plan for the whole WKCD.</p>

<b>XV. General and other comments</b>		
<b>Organization/individual</b>	<b>Views</b>	<b>Administration's response</b>
	adjacent land parcels and waterfront on both sides of WKCD boundary are compatible, well integrated and mutually supporting each other. These requirements should all be reflected in a visionary 3-dimensional urban design master plan for a socially and environmentally sustainable "Greater WKCD", to be drawn up jointly by WKCDA and the Government.	
<b>Cantonese Opera</b>		
<i>The Chinese Artists Association of Hong Kong</i>	<ul style="list-style-type: none"> <li>The Association has briefed the Bills committee on the history and current position of Cantonese opera and hopes that WKCD is able to accommodate regular performances of Cantonese opera and promote its future development.</li> </ul>	The views of the deputation are noted.
<b>Cultural Bureau</b>		
<i>Hong Kong Repertory Theatre</i>	<ul style="list-style-type: none"> <li>The grand mission of promoting Hong Kong's arts and cultural activities should be vested with a new Cultural Bureau within the Government rather than WKCDA.</li> </ul>	<p>The views of the deputation are noted.</p> <p>Under the legislation, the WKCDA will be established as an independent statutory body. The issue of setting up a Cultural Bureau will be outside the scope of the legislation.</p>
<i>The Composers &amp; Authors</i>	<ul style="list-style-type: none"> <li>The Society believes that the Government should set</li> </ul>	



<b>XV. General and other comments</b>		
<b>Organization/individual</b>	<b>Views</b>	<b>Administration's response</b>
<i>Society of Hong Kong Ltd</i>	up a Cultural Bureau to look after arts and cultural development in Hong Kong. In future, WKCDA should report to this bureau.	
<b>Management of public areas within WKCD</b>		
<i>Civic Party</i>	<ul style="list-style-type: none"> <li>Citing a recent incident where a famous painter was dispelled from drawing roadside painting, the Party opines that WKCDA should make available public areas within WKCD for use by artists and cultural bodies freely.</li> </ul>	<p>The views of the deputation are noted.</p> <p>Under the legislation, the WKCDA will be empowered to make bylaws for the regulation, operation or management of arts and cultural facilities, related facilities or ancillary facilities, which are subject to the approval of the Legislative Council.</p> <p>The Legislative Council will have the opportunity to scrutinize the relevant bylaws when they are introduced for approval.</p>