

Bills Committee on West Kowloon Cultural District Authority Bill

**Issues raised by individual members
on which the Administration was requested to provide written response**

I. Functions, purposes and powers of the West Kowloon Cultural District Authority (Relevant clause(s): 4 and 5)		
Meeting date	Issues raised	Paper number and Administration's undertaking
29.2.2008	Will the Administration consider articulating mission statements for the West Kowloon Cultural District Authority (WKCDA) and incorporating such mission statements into the Bill so as to provide objective yardsticks for the public and the Legislative Council (LegCo) to continuously scrutinize the Authority's work?	CB(1)1119/07-08(01) Will consider suggestions to expand or elaborate WKCDA's purposes
27.3.2008	Objective indicators and, where possible, quantifiable indicators should be formulated and included in the Bill to facilitate the public in assessing whether WKCDA has achieved its mission as reflected in its functions and purposes.	CB(1)1345/07-08(01) Will consider revising the presentation of the purposes, and requiring WKCDA to make reference to its purposes in its annual report for submission to the Financial Secretary
29.4.2008	The Administration should consider specifying as one of the purposes of WKCDA in the Bill the provision of input/recommendations to the Administration with regard to the introduction of legislation to regulate museum services.	CB(1)1514/07-08(02)
8.5.2008	The Administration should clarify the policy intention and effect of clause 5(2)(n).	CB(1)1622/07-08(02)

II. Composition and appointment of members of the Board of the West Kowloon Cultural District Authority (Relevant clause(s): 6, 12 and Part 1 of Schedule)		
Date of meeting	Issues raised	Paper number and Administration's undertaking
29.2.2008	<p>While the Administration considers it not appropriate to specify the precise composition of Board members in the Bill, will the Administration consider specifying the criteria, such as the backgrounds and the qualities possessed, for the appointment of the non-public officer members of the WKCDA Board?</p> <p>Will the Administration consider appointing some of the non-public officer Board members in representative capacities instead of on an ad personam basis? In this regard, the Bill may provide that LegCo Member(s) to be appointed to the Board are to be elected by and from among LegCo Members. For those Board members from the professional sectors, the Bill may provide for an election mechanism linked to the relevant subsectors represented on the Chief Executive Election Committee. For those Board members from the arts and cultural sectors, the Bill may provide for an election mechanism linked to the Sports, Performing Arts, Culture and Publication functional constituency of LegCo.</p> <p>Will the Administration consider including relevant provisions in the Bill to the effect that the six-year six-board rule will be applicable to WKCDA Board members?</p>	<p>CB(1)1119/07-08(01)</p> <p>It is practically difficult to specify in the Bill the full range of backgrounds and qualities required of Board members, but suggestions from members may be considered.</p> <p>The Administration will abide by this rule as far as practicable. It is however not necessary to specify the rule in the legislation.</p>
27.3.2008	<p>The Administration should explain why it is not practicable to provide for a nomination or election mechanism in the</p>	<p>CB(1)1345/07-08(01)</p> <p>Will consider how the key factors to be taken into</p>

II. Composition and appointment of members of the Board of the West Kowloon Cultural District Authority (Relevant clause(s): 6, 12 and Part 1 of Schedule)		
Date of meeting	Issues raised	Paper number and Administration's undertaking
	<p>Bill for appointment of members of the WKCDA Board.</p> <p>Information on the practices and procedures adopted by relevant overseas statutory bodies in appointing their board members should be provided.</p> <p>The five members from the arts and cultural sectors to be appointed to the WKCDA Board should possess profound rather than mere knowledge of and experience in arts and culture. Clause 6(3)(c)(i) should be revised to this effect.</p>	<p>consideration in appointing members to the WKCDA Board could be further elaborated or refined</p> <p>Will provide further information</p>
24.4.2008	<p>It should be specified in the Bill that a non-public officer member of the WKCDA Board may not serve as such a member continuously for more than 6 years. Reference could be made to section 10 of the Construction Industry Council Ordinance (Cap. 587) in this regard.</p>	CB(1)1465/07-08(02)
29.4.2008	<p>The Administration should explain whether and how general users of arts and cultural facilities will be represented on the WKCDA Board.</p>	CB(1)1514/07-08(02)
8.5.2008	<p>Since the Administration refuses to provide in the Bill that a non-public officer member of the WKCDA Board may not serve as such a member continuously for more than 6 years, whether the Administration will provide an undertaking at the resumption of the Second Reading debate on the Bill that it</p>	CB(1)1622/07-08(02)

II. Composition and appointment of members of the Board of the West Kowloon Cultural District Authority (Relevant clause(s): 6, 12 and Part 1 of Schedule)		
Date of meeting	Issues raised	Paper number and Administration's undertaking
	will abide by the six-year six-board rule when making appointments to the WKCDA Board.	

III. Chief Executive Officer (Relevant clause(s): 7, 12 and Part 2 of Schedule)		
Date of meeting	Issues raised	Paper number and Administration's undertaking
27.3.2008	The Chief Executive Officer of WKCDA should be appointed through an open recruitment process. Clause 7 should be revised to this effect.	CB(1)1345/07-08(01)
29.4.2008	On the issue of whether the appointment and removal of the Chief Executive Officer should require the prior approval of the Chief Executive, the Administration should provide information on relevant legislative provisions for comparable public statutory bodies.	CB(1)1514/07-08(02)
15.5.2008	<p>Whether the terms of appointment and remuneration package of the Chief Executive Officer will be submitted to the Chief Executive and whether extended integrity check on the candidate will be performed before the appointment.</p> <p>The Administration should consider specifying in the Bill the criteria the Chief Executive shall consider in deciding whether the appointment of the Chief Executive Officer should be approved.</p> <p>The Administration should consider specifying in the Bill the division of</p>	Response awaited

III. Chief Executive Officer (Relevant clause(s): 7, 12 and Part 2 of Schedule)		
Date of meeting	Issues raised	Paper number and Administration's undertaking
	responsibility between the chairman of the WKCDA Board and the Chief Executive Officer and their respective functions.	

IV. Audit Committee (Relevant clause(s): 8)		
Date of meeting	Issues raised	Paper number and Administration's undertaking
29.2.2008	To ensure that the Audit Committee can play an effective financial monitoring role, would it be appropriate to specify in the Bill that the members of the Audit Committee shall not include those persons who make or execute decisions on the expenditure of WKCDA?	CB(1)1119/07-08(01) Will consider specifying in the Bill that the Audit Committee should exclude members of other committees under the WKCDA
24.4.2008	<p>The Administration should clarify whether members of the WKCDA Board could be appointed to the Audit Committee, and in this regard should provide information on the relevant practices of listed companies.</p> <p>The Administration should explain the need for clause 8(6) in relation to withdrawal of matters referred or assigned to the Audit Committee and revoking of appointments to the Audit Committee by the WKCDA Board.</p> <p>The Administration should consider whether the Audit Committee should be required to prepare annual reports and/or should be subject to other requirements to enhance its credibility.</p>	CB(1)1465/07-08(02) Will amend clause 8(4) to provide that the Audit Committee should not consist of members who sit on any other committees under the WKCDA Board

IV. Audit Committee (Relevant clause(s): 8)		
Date of meeting	Issues raised	Paper number and Administration's undertaking
8.5.2008	<p>Whether, other than the Chief Executive Officer of WKCDA, a distinction will be drawn between executive members and non-executive members within the WKCDA Board; and if there is such a distinction, whether only non-executive members can sit on the Audit Committee.</p> <p>Under what circumstances the WKCDA Board may exercise the powers under clause 8(6)(a) and (b); and in this regard, whether there will be assurance that the WKCDA Board will not exercise those powers before the Audit Committee completes the work referred or assigned to it by the WKCDA Board.</p>	CB(1)1622/07-08(02)
15.5.2008	<p>How secretariat support will be provided to the Audit Committee.</p> <p>Regarding the membership composition of the Audit Committee, the Administration should (a) specify the ratio between Board members and non-Board members; and (b) draw reference from the Listing Rules and incorporate the relevant requirements into the Bill as appropriate.</p> <p>The wording "in the manner as the Board considers fit" should be deleted from clause 8(7).</p>	Response awaited

V. Proceedings of the Board of the West Kowloon Cultural District Authority and its committees (Relevant clause(s): 9, 12 and Part 3 of Schedule)		
Date of meeting	Issues raised	Paper number and Administration's undertaking
29.2.2008	Will the Administration consider specifying in the Bill that the meetings of the Board and committees of WKCDA shall be open to the public except under certain specified circumstances? The relevant provisions in the Town Planning Ordinance (Cap. 131) may serve as the reference.	CB(1)1119/07-08(01) Will consider requiring WKCDA to adopt administrative measures similar to those adopted by other existing statutory organizations in enhancing the transparency of their operations
27.3.2008	The Administration should set out the reasons as to why there are matters not suitable for discussion at open meetings of the WKCDA Board and committees. Practices and procedures adopted by the two former Municipal Councils and other comparable local statutory public bodies with regard to opening up of their meetings should be provided.	CB(1)1345/07-08(01)

VI. Appointment of employees (Relevant clause(s): 10)		
Date of meeting	Issues raised	Paper number and Administration's undertaking
29.2.2008	It has been suggested that for the purpose of good governance, there should be a mechanism for determining the remuneration packages for senior executives of WKCDA and for disclosure of their remuneration packages. Will the Administration consider this suggestion and how the relevant arrangements should be reflected in the legislation?	CB(1)1119/07-08(01) Will consider introducing provisions requiring WKCDA to set up a Remuneration Committee

VI. Appointment of employees (Relevant clause(s): 10)		
Date of meeting	Issues raised	Paper number and Administration's undertaking
24.4.2008	Apart from the setting up of a Remuneration Committee, the method for determining the remuneration packages for senior executives of WKCDA and the manner in which the remuneration packages are to be disclosed should also be specified in the Bill.	CB(1)1465/07-08(02)
8.5.2008	Whether a specific "Remuneration Committee" will be unduly restrictive in its functions; and whether it would be more flexible to provide that there is a committee to oversee remuneration matters, taking into account the need to strike a balance between providing a proper check and balance mechanism and effective use of secretariat support to WKCDA committees.	CB(1)1622/07-08(02)

VII. Public consultation (Relevant clause(s): 17)		
Date of meeting	Issues raised	Paper number and Administration's undertaking
29.2.2008	Will the Administration consider providing in the Bill the establishment of statutory consultation panels comprising representatives from various stakeholder groups and members of the public? In this regard, it has been suggested that while the WKCDA should be obliged to engage the panels openly, the opinions of the panels and their members will not bind the Authority.	CB(1)1119/07-08(01)
24.4.2008	The Administration should consider drawing up "best practices" for WKCDA to follow in conducting public	CB(1)1465/07-08(02) Will obtain the relevant information and could ask

VII. Public consultation (Relevant clause(s): 17)		
	consultation, and in this regard should provide information on the practices adopted by comparable overseas statutory bodies in conducting public consultation.	WKCDA to make reference to such practices

VIII. Disclosure of interest (Relevant clause(s): 34 and Part 3 of Schedule)		
Date of meeting	Issues raised	Paper number and Administration's undertaking
29.2.2008	It has been suggested that a system with the most stringent requirements for disclosure of interest should apply to the members of the Board and committees of WKCDA. Will the Administration consider this suggestion and how such a system should be reflected in the legislation?	CB(1)1119/07-08(01) Will consider including provisions to suitably tighten the relevant requirement prescribing that members of the Board and committees of WKCDA shall disclose their interest to WKCDA annually
24.4.2008	Apart from disclosing upon their first appointment and on an annual basis, WKCDA Board members should also be required to disclose interest whenever there are changes in the circumstances of their interest. Disclosure of interest by WKCDA Board members should be made available on the Internet for inspection by the public.	CB(1)1465/07-08(02) Will consider amending clause 34 such that a WKCDA Board or committee member would be required to declare interest every year within the first month of each calendar year and whenever there is any change to the interest disclosed previously

IX. Establishment of committees (Relevant clause(s): 9)		
Date of meeting	Issues raised	Paper number and Administration's undertaking
15.5.2008	<p>The Administration should consider providing for the establishment of a "Financial Management Committee" and an "Investment Committee" in the Bill.</p> <p>The wording "in the manner as the Board considers fit" should be deleted from clause 9(7).</p> <p>The Bill should specify the term of office of members of committees.</p>	Response awaited

X. Chief Executive in Council may give directions (Relevant clause(s): 13)		
15.5.2008	<p>The Administration should elaborate on the need for clause 13 and provide examples of possible scenarios under which the Chief Executive in Council will give directions to WKCDA, and to specify in the Bill that such directions shall be made public.</p> <p>The Administration should confirm that the amount to be paid by the Government to WKCDA under clause 13(5) will not be subject to further funding approval by the Finance Committee of LegCo.</p>	Response awaited

XI. Chief Executive may obtain information and Financial Secretary may obtain information (Relevant clause(s): 14 and 15)		
15.5.2008	The Bill should provide for the circumstances under which clauses 14 and 15 may be invoked, and the scope of the information to be furnished by WKCDA.	Response awaited

XII. Reports, etc. to be laid before Legislative Council (Relevant clause(s): 31)		
15.5.2008	<p>The Bill should specify that the report of the WKCDA submitted under clause 31(1)(a) will include information on the work and activities of all committees.</p> <p>The Bill should provide that LegCo shall have the power to obtain information from WKCDA.</p>	Response awaited

XIII. Others		
29.4.2008	<p>The Administration should consider whether an appeal mechanism should be included in the Bill.</p>	CB(1)1514/07-08(02)

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