

Bills Committee on West Kowloon Cultural District Authority Bill

**Points raised by individual members at the meeting on 6 June 2008
on which the Administration is requested to provide written response**

The Administration's response to the points raised by individual members at the meeting on 6 June 2008 is set out below –

(1) The Administration should consider using wording such as "have reputation and standing within the relevant sectors" in clause 6(3)(c)(i) so as to provide objective criteria for appointment of non-public officer members to the Board of the West Kowloon Cultural District Authority (WKCDA).

Administration's Response:

We will propose further CSAs to amend Clause 6(3)(c)(i) such that the 5 or more Board members with arts and cultural background should, in the opinion of the Chief executive, have extensive knowledge of, wide experience in or exposure to, arts and cultural activities or are of good standing in the field of arts and culture. Please refer to paragraph 4 of LC Paper No. CB(1)1851/07-08(01).

(2) The Administration should specify in new clause 8A(2) that the functions of the Investment Committee should include those investment and finance related functions delegated by WKCDA under clause 11.

Administration's Response:

We will propose further CSAs such that the functions of the Investment Committee will include functions delegated by the WKCDA under Clause 11 of the Bill. Please refer to paragraph 5 of LC Paper No. CB(1)1851/07-08(01).

(3) The Administration should specify in new clause 8B(2) that the functions of the Remuneration Committee should include those remuneration related functions delegated by WKCDA under clause 11.

Administration's Response:

We will propose further CSAs such that the functions of the Remuneration Committee will include functions delegated by the WKCDA under Clause 11 of the Bill. Please refer to paragraph 5 of LC Paper No. CB(1)1851/07-08(01).

(4) The Administration should specify in new clause 8B(5) that the Chief Executive Officer shall not serve as chairman of the Remuneration Committee.

Administration's Response:

We will propose further CSAs to preclude the Chief Executive Officer of the WKCDA from being appointed as the chairman of the Remuneration Committee. Please refer to paragraph 6 of LC Paper No. CB(1)1851/07-08(01).

(5) The wording "in the manner that the Board considers fit" was unnecessary in clauses 8A(7) and 8B(7).

Administration's Response:

Clauses 8A(7) and 8B(7) require the WKCDA to make public any appointments to the Investment Committee and the Remuneration committee in the manner that the Board considers fit. Taking into account the possible advance in technology on the one hand, and the fact that some members of the public may not have convenient access to the Internet on the other, it would not be appropriate to pre-determine a particular way of announcing the appointments in the Bill. We consider it appropriate to provide the Board with flexibility on the means in which the appointments are to be made public.

(6) The Administration should consider using wording such as "employ" instead of "appoint" in clause 10 in relation to WKCDA's employees.

Administration's Response:

We will propose CSAs to replace references to “委任” by “聘任”. Please refer to paragraph 7 of LC Paper No. CB(1)1851/07-08(01).

(7) In re-drafting clause 10, the Administration should take into consideration alternative modes of employment such as engagement contracts or service contracts.

Administration's Response:

We will propose CSAs to amend Clause 10(2) such that the Authority may determine the terms and conditions of the employment of its employees, having regard to the advice of the Remuneration Committee. As the Clause covers terms and conditions of employment, it would include different modes of employment such as engagement contracts or service contracts.

(8) The Administration should consider requiring WKCDA to make public its guidelines made by the WKCDA Board under section 15(1A) of

the Schedule on what constitutes direct and indirect interests.

Administration's Response:

We will propose CSAs requiring the WKCDA to issue a guideline to set out the circumstances in which a Board member is to be regarded as being directly or indirectly interested in any contract or any matter (c.f. paragraph 11 of LC Paper No. CB(1)1785/07-08(01)). A Board member who is interested in a matter which is to be discussed or considered by the Board at a Board meeting shall disclose the nature of his interest (and such disclosure is to be recorded in the minutes of the meeting) and withdraw from the meeting unless it is allowed by the Chairman.

As what will constitute a direct or indirect interest will involve the internal operation of the WKCDA Board, we do not consider it appropriate to make it a mandatory requirement for the WKCDA Board to make it public. The Board, however, may do so if it considers it suitable taking into account the practical situation.

(9) The Administration should consider strengthening the provisions on public consultations under clause 18.

Administration's Response:

Clause 18(3) provides that when the WKCDA prepares a development plan, the Authority shall consult the public at such time and in such manner as it considers appropriate. We consider that the existing provision is appropriate as it provides the WKCDA with necessary flexibility in considering the most appropriate ways and means to seek public views in preparing the development plan. Furthermore, we will propose CSAs for the setting up of a standing public consultation mechanism, i.e. the consultation panel, for the WKCDA to discharge its statutory duty to consult under Clause 17 upon its establishment. The WKCDA may also make use of this consultation mechanism in consulting the relevant bodies and the public when preparing the development plan.

**Home Affairs Bureau
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