

West Kowloon Cultural District Authority Bill

Amendments to Clause 6 and 7 to be proposed by Alan Leong Ka Kit
(Marked-up copy)

6. Establishment of Board

(1) There is established by this section a Board of the Authority.

(2) The Board is the governing and executive body of the Authority with authority to perform, in the name of the Authority, the functions conferred or imposed on the Authority by or under this Ordinance.

(3) The Board is to consist of—

(a) the Chairman who may or may not be a public officer;

(b) the Chief Executive Officer;

(c) not more than 15 other members who are not public officers, including—

(i) ~~at least 5 members who, in the opinion of the Chief Executive, have knowledge of, or experience in, or exposure to, arts and cultural activities~~ **not fewer than 8 persons selected by the Chief Executive according to the principles and procedures in Schedule A;** and

~~(ii)~~ **(d)** at least one member who is a member of the Legislative Council **elected by Members of the Legislative Council among themselves;** and

~~(d)~~ **(e)** 3 other members who are public officers.

(4) The Chief Executive may appoint one or more than one Board member (other than the Chairman and the Chief Executive Officer) as Vice-Chairman of the Board as long as the person is a Board member.

(5) All Board members (other than the Chief Executive Officer) are to be appointed by the Chief Executive.

(6) The Chief Executive Officer is to be an ex-officio member of the Board.

(7) An appointment made under this section is to be notified in the Gazette.

~~(8) The number of Board members who are public officers is not to exceed the number of those who are not public officers.~~

~~(9)~~ **(8)** Where the requirements of subsection (3) ~~or (8)~~ are not complied with as a result of any change in membership of the Board or any change of the status of any Board member, the Chief Executive shall as soon as reasonably practicable make the necessary appointment to ensure that the requirements are complied with.

~~(10)~~ **(9)** notwithstanding subsections (3), ~~(8)~~ and ~~(9)~~ **and (8)**, the Board may perform any of its functions, and its proceedings are valid, despite—

- (a) a vacancy in the membership of the Board;
- (b) a defect in the appointment or qualification of a person purporting to be a Board member; or
- (c) a minor irregularity in the convening of any Board meeting.

~~(11)~~ **(10)** A notification under subsection (7) is not subsidiary legislation.

7. Chief Executive Officer

The Authority may, ~~with the prior approval of the Chief Executive,~~ appoint a person to be the Chief Executive Officer of the Authority who is to **shall appoint a person according to the principles and procedures in Schedule A to be the Chief Executive Officer of the Authority and the Chief Executive Officer so appointed shall** be an employee of the Authority.

West Kowloon Cultural District Authority Bill

Alan Leong Ka Kit's suggestions to the Administration's proposed
amendments to Clause 17A
(Marked-up copy)

WEST KOWLOON CULTURAL DISTRICT AUTHORITY BILL

COMMITTEE STAGE

Amendments to be moved by the Secretary for
Home Affairs

Clause

Amendments Proposed

New

By adding in Part 2 -

"17A. Establishment of consultation panel

(1) Without limiting the generality of section 17, the Authority shall establish a consultation panel to ~~gather public views on~~ matters relevant to the functions **provide a platform for soliciting views and building consensus among experts, stakeholders and the general public on major matters relating to the work** of the Authority.

(2) The consultation panel is to consist of a chairman and ~~such number of~~ other members **whose number and qualifications may be determined as by** the Authority ~~may determine~~

having regard to the function of the Panel provided in Subsection (1).

(3) Each of the members of the consultation panel, including its chairman, is to be appointed by the Authority- , provided that the appointment is to be consistent with the principles of transparency and equal opportunity.

(4) The Authority shall in consultation with the Panel from time to time issue guidelines in relation to -

- (a) the functions of the consultation panel;
- (b) subject to subsection (7), the administration, proceedings and business of the panel including the establishment and operation of working groups; and
- (c) any other matter relating to the panel that the Authority considers appropriate.

(5) A guideline issued under subsection (4) is to —

- (a) provide for the duty of the authority to give reasons for not adopting any

recommendation supported by a
majority of the members of the
Panel; and

(b) be made public in the manner that
the Authority considers fit.

(6) In performing its functions, the
consultation panel is to have regard to any
guidelines issued and published under this
section.

(7) The consultation panel is to hold at
least one meeting each year and any such meeting
is to be open to the public."

Schedule A

The appointment of members of the Board and Chief Executive Officer of the Authority

- (1) The Chief Executive in selecting a member of the Board and the Board in selecting a Chief Executive Officer of the Authority for appointment shall apply the following principles—
- (a) the person is appointed on the basis of merit and appropriateness having regard to the requirement of the vacancy the appointment fills;
 - (b) no person is appointed without the objective scrutiny by a body independent of the department in which the vacancy arises;
 - (c) the procedure for appointment conforms with the principles of equal opportunity;
 - (d) consideration is given to the person's commitment to the following principles of public service:
 - (i) holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other benefits for themselves, their family or their friends.
 - (ii) holders of public office should not place themselves under any financial or other obligation to outside individuals or organizations that might seek to influence them in the performance of their official duties;
 - (iii) in carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.
 - (iv) holders of public office are accountable for their decision and

actions to the public and must submit themselves to whatever scrutiny is appropriate to their office;

(v) holders of public office should be as possible about all the decision and actions that they take. They should give reasons for their decision and restrict information only when the wider public interests clearly demands;

(vi) holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

(vii) holder of public office should promote and support these principles by leadership and example.

(2) The procedure for the selection of a member of the Board and a Chief Executive shall include the following steps—

(a) public announcement of the particulars and requirements of the vacancy;

(b) making available to the public procedure and criteria of appointment;

(c) providing appropriate resources for the selection process;

(d) keeping a written record of the entire selection process.