

WEST KOWLOON CULTURAL DISTRICT AUTHORITY BILL

COMMITTEE STAGE

Amendments to be moved by the Secretary for
Home Affairs

<u>Clause</u>	<u>Amendment Proposed</u>
1	By deleting the heading and substituting - "1. Short title ".
1	By deleting subclause (2).
2	(a) By deleting the definition of "approved development plan" and substituting - "approved development plan" (核准發展圖則) means - (a) subject to paragraph (b), the approved development plan referred to in section 18(11), as from time to time amended, revised or otherwise having effect as an approved plan under the Town Planning Ordinance (Cap. 131); or (b) where any approved plan under that Ordinance has replaced the plan, the approved plan currently having effect in respect of the plan area under

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that Ordinance;".

- (b) In the definition of "committee member", by deleting "section 8 or 9" and substituting "this Ordinance".
- (c) By deleting the definition of "development plan".
- (d) By deleting the definition of "SWK approved plan" and substituting -
"SWK approved plan" (西南九龍核准圖則) means the approved plan currently having effect in respect of the lay-out of South West Kowloon under the Town Planning Ordinance (Cap. 131);".
- (e) By deleting the definition of "SWK draft plan" and substituting -
"SWK draft plan" (西南九龍草圖) means any draft plan for the lay-out of South West Kowloon -
 - (a) which is exhibited under section 5 of the Town Planning Ordinance (Cap. 131); or
 - (b) any amendment to which is exhibited under section 7 of that Ordinance;".
- (f) In the Chinese text, in the definition of "附屬設施", by deleting everything after "外" and substituting "附屬於為準備或提供藝術文化設施而提供的設施;".

ALL PASSED

4(1) By deleting paragraph (a) and substituting -
"(a) to prepare a development plan under section 18(1) and to perform the other functions imposed on it under section 18;".

4 By deleting subclause (2) and substituting -
"(2) The Authority shall perform its functions under subsection (1) in ways which aim to achieve the following objectives -
(a) to facilitate the long-term development of Hong Kong as an international arts and cultural metropolis;
(b) to uphold and encourage freedom of artistic expression and creativity;
(c) to enhance and promote excellence, innovation, creativity and diversity in arts and culture;
(d) to enhance the appreciation of a diverse and pluralistic range of the arts;
(e) to develop new and experimental works in arts and culture;
(f) to cultivate and nurture local talents in the arts (including local artists), and local arts

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- groups and arts-related personnel;
- (g) to encourage wider participation by the local community in arts and culture;
 - (h) to promote and provide arts education to the local community;
 - (i) to facilitate the development of cultural and creative industries;
 - (j) to facilitate and enhance cultural exchange and cooperation between the Mainland of China, Hong Kong and any other place;
 - (k) to facilitate and enhance cooperation between any government or non-government body or organization and providers of the arts, within and outside Hong Kong;
 - (l) to encourage community, commercial and corporate support and sponsorship of arts and culture;
 - (m) to provide or facilitate the provision of free and accessible open space within

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the leased area to the general public; and

- (n) to strengthen the position of Hong Kong as a tourist destination."

- 5(2) (a) In paragraph (f), by deleting "purposes under" and substituting "objectives specified in".
- (b) In paragraph (h), by deleting "attainment of the purposes under" and substituting "achievement of the objectives specified in".
- (c) In paragraph (j), by deleting "purposes under" and substituting "objectives specified in".
- (d) In paragraph (m), by adding "and" at the end.
- (e) By deleting paragraph (n).

5 By deleting subclause (3).

6(3) By deleting paragraph (c) and substituting -

"(c) not less than 8 and 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 -
 - (A) are of good standing in the field of arts and culture in the Mainland of China, Hong Kong or any other place; or
 - (B) have extensive knowledge of,

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or wide experience in or exposure to, arts and cultural activities;

- (ii) at least one member who is a member of the Legislative Council; and
- (iii) such other members who possess experience in management, engineering, planning, architecture, landscape architecture, surveying, accounting, finance, education, law or community service, or such professional or other experience as would, in the opinion of the Chief Executive, render them suitable for appointment; and".

6 By deleting subclause (8).

6(9) By deleting "or (8)".

6(10) By deleting ", (8)".

8(2) (a) In paragraph (a), by deleting "and" at the end.

(b) By adding -

"(aa) to deal with any matter delegated to it by the Authority under section 11; and".

ALL PASSED

8 By adding -

"(3A) At least one member of the Audit Committee is to be a member who, in the opinion of the Board, possesses such appropriate professional qualification or expertise in accounting or financial management as would render the member suitable for appointment."

8 By deleting subclause (4) and substituting -

"(4) Each of the members of the Audit Committee, whether or not the member is a Board member, is to be appointed by the Board."

8 By adding -

"(4A) A person is not eligible for appointment as a member of the Audit Committee if -

- (a) he is the Chief Executive Officer or any other employee of the Authority; or
- (b) he is the chairman of any other committee established under this Ordinance."

8(7) In the English text, by deleting "as" and substituting "that".

ALL PASSED

New

By adding -

"8A. Investment Committee

(1) There is established by this section a committee to be known as the Investment Committee.

(2) The functions of the Investment Committee are -

- (a) to advise the Authority in relation to its functions under section 20;
- (b) for the purposes of paragraph (a), to monitor any investment made under section 20 and oversee the management of such investment;
- (c) to deal with any matter delegated to it by the Authority under section 11; and
- (d) to consider any other matter relating to investment or finance that is referred or assigned to it by the Board for consideration.

(3) The Investment Committee is to consist of -

- (a) the Director of Accounting Services, or his representative; and
- (b) such number of other members,

ALL PASSED

not being less than 2, as the Board may determine who, in the opinion of the Board, possess such expertise or experience as would render them suitable for appointment.

(4) Each of the members of the Investment Committee specified in subsection (3)(b), whether or not the member is a Board member, is to be appointed by the Board.

(5) The Board is to appoint a Board member to be the chairman of the Investment Committee.

(6) The Board may -

(a) withdraw any matter referred or assigned under subsection (2)(d); or

(b) revoke any appointment made under subsection (4) or (5).

(7) An appointment made under this section is to be made public in the manner that the Board considers fit.

(8) Meetings of the Investment Committee are to be held as often as may be necessary for the performance of its functions.

(9) The Investment Committee may, subject to the requirements of this Ordinance, regulate its own administration, proceedings and business in such manner as it considers

ALL PASSED

appropriate.".

New

By adding -

"8B. Remuneration Committee

(1) There is established by this section a committee to be known as the Remuneration Committee.

(2) The functions of the Remuneration Committee are -

(a) to advise the Authority in relation to its functions under section 10(2) and (3);

(b) to advise the Authority on any other matter relating to the remuneration, allowances or benefits made available to its employees, former employees or their dependants that is referred or assigned to it by the Board for consideration; and

(c) to deal with any matter delegated to it by the Authority under section 11.

(3) The Remuneration Committee is to consist of such number of members, not being less than 3, as the Board may determine.

(4) Each of the members of the Remuneration Committee, whether or not the

ALL PASSED

member is a Board member, is to be appointed by the Board.

(5) The Board is to appoint a Board member (other than the Chief Executive Officer) to be the chairman of the Remuneration Committee.

(6) The Board may -

(a) withdraw any matter referred or assigned under subsection (2)(b); or

(b) revoke any appointment made under subsection (4) or (5).

(7) An appointment made under this section is to be made public in the manner that the Board considers fit.

(8) Meetings of the Remuneration Committee are to be held as often as may be necessary for the performance of its functions.

(9) The Remuneration Committee may, subject to the requirements of this Ordinance, regulate its own administration, proceedings and business in such manner as it considers appropriate."

9(7)

In the English text, by deleting "as" and substituting "that".

ALL PASSED

10 In the Chinese text, in the heading, by deleting "委任" and substituting "聘任".

10(1) In the Chinese text, by deleting "委任" and substituting "聘任".

10 By deleting subclause (2) and substituting -
"(2) The Authority may determine the terms and conditions of the employment of its employees, having regard to the advice of the Remuneration Committee established under section 8B."

10(3) By adding ", having regard to the advice of the Remuneration Committee established under section 8B" after "dependants".

11(1) (b) By deleting "section 8 or 9" and substituting "this Ordinance".

11 By adding -
"(1A) In delegating under subsection (1) (b) any function to a committee established under section 8, 8A or 8B, the Authority shall have regard to the committee's functions as specified under this Ordinance."

ALL PASSED

11(6) By deleting "section 8 or 9" and substituting "this Ordinance".

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 of the Authority.

(2) The consultation panel is to consist of a chairman and such number of other members as the Authority may determine.

(3) Each of the members of the consultation panel, including its chairman, is to be appointed by the Authority.

(4) In appointing any member of the consultation panel, the Authority shall have regard to the purpose for which the panel is established under subsection (1).

(5) The Authority shall from time to time issue guidelines in relation to -

(a) the functions of the consultation panel;

(b) subject to subsection (8), the administration, proceedings and business of the panel; and

(c) any other matter relating to the panel that the Authority

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considers appropriate.

(6) A guideline issued under subsection (5) is to be made public in the manner that the Authority considers fit.

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

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

18(2) In the Chinese text, by deleting paragraph (b) and substituting -

"(b) 可規定為所有或任何目的而言須根據該條例第 16 條取得批給許可。".

18 By adding -

"(13) Where the Chief Executive in Council refuses to approve a development plan which is deemed to be a draft plan by virtue of subsection (8), the Authority shall, as soon as reasonably practicable after such refusal, prepare another development plan for the purposes specified in subsection (1)(a), (b) and (c), and this section, other than subsection (1), applies to that other development plan."

ALL PASSED

20(1) By adding ", having regard to the advice of the Investment Committee established under section 8A," before "invest".

25(4) In the Chinese text, by deleting "管理局與該等附屬公司之間" and substituting "管理局及該等附屬公司".

25 By deleting subclause (5) and substituting -

"(5) The Authority shall ensure that the statement of accounts prepared under subsection (2) complies with -

- (a) the manner in which the statement is to be prepared;
- (b) any accounting standards; and
- (c) any other requirement,

as may be notified to the Authority in writing by the Financial Secretary."

New By adding -

"30A. Annual report

(1) The Authority shall, in respect of each financial year, prepare an annual report of the Authority for that financial year.

(2) Without limiting the matters that the Authority may include in it, the annual report must -

- (a) specify the work and activities of the Authority for that financial year and how they

ALL PASSED

relate to the Authority's functions and the objectives specified in section 4(2);

(b) specify the work and activities of the committees established under this Ordinance for that financial year;

(c) include the statement of accounts prepared under section 25(2) for that financial year;

(d) include the report submitted under section 26(3)(b) for that financial year; and

(e) include information on how the Authority, during the financial year, conducted or implemented the activities and projects set out -

(i) in the corporate plan sent in the previous financial year to the Secretary for Home Affairs under section 29(1); and

(ii) in the business plan sent in the previous financial year to the Secretary for Home Affairs under section 30(1).

(3) In this section, "previous financial

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year" (前一個財政年度) means the year immediately preceding the financial year to which the annual report relates."

31 In the heading, by deleting "**Reports, etc.**" and substituting "**Annual report**".

31 By deleting subclause (1) and substituting -
"(1) The Authority shall, within 6 months after the end of each financial year, submit to the Financial Secretary the annual report prepared under section 30A(1) for that financial year."

31(2) By deleting "documents" and substituting "report".

32(1) In the Chinese text, by deleting "獲得穩當的營運、" and substituting "的安全運作或獲得穩當的".

34 By deleting subclause (1) and substituting -
"(1) A Board member or a committee member shall disclose to the Authority any interest that he has which is of a class or description determined by the Authority under subsection (2) -
(a) on his first appointment;
(b) at the beginning of each calendar year after the appointment;

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(c) on becoming aware of the existence of an interest not previously disclosed under this subsection; and

(d) after the occurrence of any change to an interest previously disclosed under this subsection."

34(5) By adding "; by such means as it considers appropriate," before "make available".

Schedule,
section 4 By adding "(including any change of the status of the member by reference to which he has been appointed for the purpose of complying with section 6(3) of this Ordinance)" after "cause".

Schedule,
section 9(1) (a) By deleting "Without affecting the generality of section 15, where" and substituting "Where".

(b) By deleting everything after "it" and substituting a full stop.

Schedule By deleting section 9(2).

Schedule,
section 15(1) By deleting "who is in any way directly or indirectly interested in any contract or any other matter which is to be discussed or considered by the Board at a Board meeting" and substituting

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"present at a Board meeting is in any way directly or indirectly interested in any contract or any other matter which is to be discussed or considered by the Board at the meeting".

Schedule,
section
15(1)(a)

By deleting "(if he is present at the Board meeting)".

Schedule,
section 15

By adding -

"(1A) The Board may from time to time 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 other matter for the purposes of subsection (1)."

Schedule,
section 15(3)

In the Chinese text, by deleting "該合約的各方須以董事局認為合適的方式公布" and substituting "須以董事局認為合適的方式，公布該合約的各方".

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