

立法會
Legislative Council

LC Paper No. CB(2)630/08-09
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by the Administration)

Ref : CB2/PL/HA

Panel on Home Affairs and Panel on Development

**Minutes of joint meeting
held on Friday, 14 November 2008, at 9:45 am
in the Chamber of the Legislative Council Building**

**Members
present**

- : Members of the Panel on Home Affairs
- * Hon IP Kwok-him, GBS, JP (Chairman)
 - * Hon Tanya CHAN (Deputy Chairman)
 - * Hon James TO Kun-sun
Hon CHEUNG Man-kwong
 - * Dr Hon Philip WONG Yu-hong, GBS
 - * Hon WONG Yung-kan, SBS, JP
 - * Hon Emily LAU Wai-hing, JP
 - * Hon Timothy FOK Tsun-ting, GBS, JP
 - * Hon CHEUNG Hok-ming, SBS, JP
 - # Prof Hon Patrick LAU Sau-shing, SBS, JP
 - * Hon KAM Nai-wai, MH
 - * Hon Cyd HO Sau-lan
Dr Hon LAM Tai-fai, BBS, JP
Hon CHAN Hak-kan
Hon CHEUNG Kwok-che
Hon WONG Sing-chi
Hon WONG Yuk-man
Hon Paul TSE Wai-chun

Members of the Panel on Development

- Hon LAU Wong-fat, GBM, GBS, JP (Chairman)
- Hon Albert HO Chun-yan
- Hon CHAN Kam-lam, SBS, JP
- Hon Mrs Sophie LEUNG LAU Yau-fun, GBS, JP
- Hon Albert CHAN Wai-yip
- Hon LEE Wing-tat

Hon Alan LEONG Kah-kit, SC
Hon Starry LEE Wai-king
Dr Hon Priscilla LEUNG Mei-fun
Hon Mrs Regina IP LAU Suk-ye, GBS, JP

(# Also Deputy Chairman of the Panel on Development)

(* Also members of the Panel on Development)

Members absent : Members of the Panel on Development

Ir Dr Hon Raymond HO Chung-tai, SBS, S.B.St.J., JP
Hon Abraham SHEK Lai-him, SBS, JP
Dr Hon Samson TAM Wai-ho, JP

Public Offices attending : Mr Henry TANG, GBS, JP
Chief Secretary for Administration

Home Affairs Bureau

Mrs Carrie YAU, JP
Permanent Secretary for Home Affairs

Miss Cathy CHU, JP
Deputy Secretary for Home Affairs (West Kowloon Cultural District)

Mr Danny LAU
Principal Assistant Secretary (West Kowloon Cultural District)

Development Bureau

Mr MAK Chai-kwong, JP
Permanent Secretary for Development (Works)

Planning Department

Mrs Ava NG, JP
Director of Planning

Clerk in attendance : Ms Betty FONG
Chief Council Secretary (2)2

Staff in attendance : Ms Janet SHUM
Senior Council Secretary (2)2

Miss Vivien POON
Council Secretary (2)1

Ms Anna CHEUNG
Legislative Assistant (2)2

Action

I. Election of Chairman

Mr LAU Wong-fat, Chairman of the Panel on Development nominated Mr IP Kwok-him, Chairman of the Panel on Home Affairs for the chairmanship of the joint meeting. The nomination was seconded by Ms Emily LAU. Mr IP accepted the nomination. As there was no other nomination, Mr LAU declared Mr IP elected as the Chairman of the joint meeting. Mr IP then took the chair.

II. Monitoring the work of the West Kowloon Cultural District Authority

Meeting with the Administration

[LC Paper Nos. CB(2)241/08-09(01) and (02)]

2. Upon the request of Ms Emily LAU, the Chairman agreed that the membership list of the Board of the West Kowloon Cultural District Authority (the Board) should be tabled at the meeting.

3. The Chief Secretary (CS) briefed members on the salient points of the Administration's paper which set out the latest development of the West Kowloon Cultural District (WKCD) project and the progress of the establishment of the West Kowloon Cultural District Authority (WKCDA).

4. Ms Emily LAU expressed dissatisfaction at information on the background of the 19 members appointed to the Board not being provided in the Administration's paper. She requested the Administration to furnish Legislative Council (LegCo) with the relevant details of individual Board members, in particular their record of public service. Ms LAU also expressed disappointment at LegCo Members who were directly elected or had been actively engaged in following up the WKCD project not being appointed to the Board.

Adm

Action

5. For the smooth implementation of the WKCD project, Ms Emily LAU made the following suggestions -

- (a) WKCDA should put in place a structured mechanism to solicit public views in a systematic and orderly manner and adopt an open attitude to different opinions expressed in the process;
- (b) meetings of the three committees of WKCDA, namely, the Development Committee (DC), the Museum Committee (MC) and the Performing Arts Committee (PAC) should be open to the public, and individuals with suitable qualifications and expertise should be allowed to recommend themselves to join these committees; and
- (c) relevant bodies and organizations which had participated in past discussions on WKCD should be invited as collaborators to participate in the preparation of the development plan.

6. CS considered that both WKCDA and LegCo Members shared two common objectives regarding WKCD, viz. the early implementation of the project and the consideration of public views in the process. He said that WKCDA would endeavour to strike a balance between these two objectives in taking forward the project. In response to Ms LAU's suggestions, CS said that DC, MC and PAC would comprise members of the WKCDA Board and non-Board members who had relevant experience and expertise. Views from the relevant stakeholders and members of the public would also be solicited to facilitate discussion by these committees. The meetings of the committees and other relevant information would be made accessible to the public, as and when appropriate. CS added that the WKCD project, which had attracted worldwide attention, was unprecedented and would be unparalleled in future in terms of its scale of development and mode of implementation.

7. Ms Cyd HO considered that the most direct and effective means to encourage public participation and expression of views on WKCD was for all meetings of WKCDA to be held in public and papers relating to these meetings be made accessible to the public. She suggested that except for those involving sensitive information (such as tender proposals), meetings of WKCDA should be broadcasted live and all meeting papers should be uploaded onto the Authority's website to allow the public to follow up and provide feedback on the progress of WKCD simultaneously. In this connection, she asked CS to clarify the circumstances under which open meetings were considered suitable, and to confirm whether meetings and meeting papers not involving sensitive information would be made open to the public, and if so, the timing for such an arrangement. Ms HO also shared the view that formal mechanisms should be established to gauge public views in a structured manner.

Action

8. CS said that while the Administration did not object in principle to WKCD holding its meeting in public as a normal arrangement, it should be noted that many discussions of WKCD would involve private parties and commercial or sensitive information, such as those related to the selection of master planner, tender proposals, funding allocation and subvention for performing arts groups. It would therefore be difficult to derive a simple rule to cater for all situations regarding the accessibility of meetings and their papers to the public. Nevertheless, CS stressed that WKCD was committed to ensuring the transparency of WKCD's operation and to providing ample opportunities for the community to express their views, particularly on matters of public interest and concern, such as the conceptual plan options for WKCD, development of its facilities, measures to create synergy among various facilities and to promote better integration with WKCD's neighbouring districts. CS reiterated that public access to future meetings of WKCD and the relevant papers would be announced, as and when appropriate.

9. In anticipation of the large number of layoffs in the construction sector amidst the current financial crisis, Mr LEE Wing-tat suggested that WKCD should collaborate with the Secretary for Development and relevant bureaux/departments to expedite the tendering procedures so that the construction of the project could commence as soon as possible. Mr LEE also considered that WKCD should adopt a more accommodating attitude towards different opinions and provide access for members of the public with alternative views to participate in its committees.

10. CS assured the meeting that the WKCD project would be taken forward in parallel tracks. However, he stressed the need to strike a balance between expediting the implementation of the project and engaging the public intensively in the process. CS added that Hong Kong, being an open and pluralistic society, had provided an ideal environment for the expression of diverse views and development of arts and culture. He welcomed innovative ideas and alternative views on the project.

11. Mr LEE Wing-tat further opined that the Administration should step up its efforts to enhance cultural software to complement the development of cultural hardware. He urged the Administration to create, in the interim and prior to completion of Phase 1 of the WKCD project, an environment conducive to the development of arts and culture, such as enhancing the Venue Partnership Scheme of the Leisure and Cultural Services Department and relaxing restrictions to facilitate the staging of street performance. He also urged the Administration to provide assistance for the nurturing of young artists, many of whom were living on a meager income. To this end, he suggested that concerted effort should be made by relevant bureaux/departments to convert vacant factory buildings into cultural facilities, such as cultural villages at district level, for the use of these artists.

Action

12. CS shared Mr LEE's view that street performance could help to enhance public interest in artistic activities. He said that the Administration would consider and consult the District Councils (DCs) on designating outdoor performance areas in the 18 districts, provided that such an arrangement would not cause public inconvenience or obstruct pedestrian flow. CS added that he would give due consideration to Mr LEE's suggestion on the provision of cultural venues for young artists at district level.

13. Sharing Ms LAU's view regarding the appointment of members to the WKCDA Board, Mr Paul TSE enquired about the criteria for the appointment of members to the Board, and its committees as well as the future Chief Executive Officer (CEO) of WKCDA. He also expressed concern about the absence of a representative from the tourism industry in the Task Force on Economic Challenges recently appointed by the Administration, considering that tourism was one of the main pillars of Hong Kong's economy. On measures to promote street performance, Mr TSE considered that the Administration should adopt a more liberal stance and refrain from intervening in street performance as far as practicable so that the performers' initiatives and creativity would not be hampered.

14. In response, CS said that the appointment of members to the WKCDA Board and its committees was based on the provisions prescribed in the West Kowloon Cultural District Authority Ordinance (Cap. 601) (the Ordinance). The appointment of staff, including the CEO, to the Authority would be assessed based on individual merits.

15. Prof Hon Patrick LAU welcomed the Administration's decision to conduct open competitions for the architectural design of the three iconic buildings and other facilities and piazza areas in WKCD. Referring to paragraph 5 of the Administration's paper, he enquired how WKCDA would come up with the three conceptual plans and the final development plan for the WKCD project, and whether world-wide competitions would be held in producing these plans.

16. CS envisaged that given WKCD's good connectivity with the infrastructural facilities in the vicinity, such as the Guangzhou-Shenzhen-Hong Kong Express Rail Link, it would draw visitors not only from the local community, but also from the huge populace of the Pearl River Delta and its surrounding areas, for the enjoyment of arts and culture performances, outdoor life and leisure activities offered by WKCD. In view of the significant impact of the project and the complexity of the planning work, the preparation of the development plan would be conducted in phases underpinned by a three-phase public engagement to solicit comments and suggestions from the public and the relevant sectors. In response to Professor LAU's further enquiry, CS said that the master planner for the WKCD project would be selected through a tendering process.

Action

17. Mr WONG Yuk-man said that the League of Social Democrats had voted against the funding proposal for the WKCD project and it would continue to monitor the work of WKCDA critically along with other pressure groups in the community. In his view, Hong Kong was a utilitarian society with little emphasis on arts and culture, and resources should be directed to improve the education system and open up the public airwave rather than investing in cultural hardware such as the WKCD project which was likely to end up as another mega property development project. Mr WONG queried whether critics of diverse opinions would be included in the list of stakeholders to be consulted and requested the Administration to provide the list for members' information. He expressed doubt on whether members of the WKCDA Board could be entrusted to manage the WKCD project effectively, as many of them were already serving on a number of advisory boards and statutory bodies.

Adm

18. CS responded that the WKCD project, which aimed to enhance the quality of life of Hong Kong people, foster economic opportunities and promote public engagement, was a shared vision of the community at large. There was public consensus for the project to be implemented as soon as possible. While the Administration welcomed the expression of alternative views, CS considered that these views should tally with the shared value and common goal of the society. CS expressed disapproval about the comment that there was a lack of culture in Hong Kong. He considered that the pluralistic nature of the Hong Kong society had been conducive to the development of a diversified culture, ranging from high arts, such as opera and chamber music, to popular arts, such as movies and pop music.

19. Considering that the entire community was in fact the stakeholder of the WKCD project, Mrs Sophie LEUNG suggested that DC, MC and PAC should solicit views from a broad spectrum of the community through discussions with various focus groups at the district level, particularly in the early phases of the project, and report the views collected to LegCo on a regular basis. Mrs LEUNG considered that the proposed arrangement would provide an alternative channel for public participation in the planning process of the WKCD project. She added that WKCDA should draw up plans to define the types of arts and culture to be pursued and developed to complement the WKCD project.

20. In response, CS said that WKCDA would engage the public extensively through a three-phase public engagement process in the preparation of the development plan, with a view to enhancing the vitality and creativity of the project, achieving synergy and promoting integration with WKCD's neighbouring areas. Moreover, CS envisaged that the WKCD project would catalyze the development of cultural and creative industries which, in his view, would become one of the driving forces for the local economy.

Action

21. Mr Albert CHAN said that WKCDA should establish a standing mechanism on how meetings should be conducted by making reference to the practices of the two former Municipal Councils, where meetings were largely held in public except for those involving discussions on confidential matters. He considered that for the successful implementation of the WKCD project, the Administration should appoint the right candidates for the job instead of “yes-men”. Mr CHAN also expressed concern about the progress of the project and asked CS the earliest possible date that construction work at the WKCD site would commence. He further requested CS to clarify his remarks that the development of WKCD was unparalleled.

22. CS said that to his understanding, there was no other development of a scale comparable to the WKCD project. WKCD's 40-hectare site area was more than double the size of the South Bank Centre in the United Kingdom. Twenty-three hectares of open space would be provided and a total gross floor area of around eight million square feet would be available for various facilities and developments. In response to Mr CHAN's enquiry on the construction work, CS said that some ongoing activities were already taking place at the WKCD site to prepare for the construction of the project.

23. Dr Priscilla LEUNG said that while she agreed that the WKCD project should be taken forward as soon as possible, WKCDA should make more efforts to consult and engage the district-based community in the vicinity with a view to promoting its sense of ownership for the project. She also suggested that tree-lined pedestrian pathways linking up WKCD with the nearby districts should be constructed to enhance WKCD's integration with these districts. Dr LEUNG also expressed concern that proposals on WKCD submitted by some DC members of the West Kowloon District had not been duly considered by the Administration and directly elected LegCo Members had not been appointed to the WKCDA Board.

24. CS said that apart from careful planning, WKCD's success hinged largely on the support and sense of ownership of the local community. He reiterated that WKCDA would gauge the views of the public and local community in tandem with the preparation of the development plan. CS also requested Dr LEUNG to provide him with details of the district-based groups for WKCDA's follow up on their views regarding the WKCD project.

25. Mr Alan LEONG welcomed CS's remarks regarding the development of creative industries, which signified the Administration's initiative in this respect for the first time. In his view, creative industries would be instrumental in revitalizing Hong Kong's economy amidst the financial crisis. A case in point was the success of Metropoli-30 of Bilbao in Spain where the development of arts and culture had assisted the revival of the local economy. He remarked that for this very reason, LegCo had high expectations on the WKCD project.

Action

26. As far as public consultation was concerned, Mr Alan LEONG said that the former Subcommittee on West Kowloon Cultural District Development (the former Subcommittee) had consistently advocated the principle of public engagement in the planning and implementation of the project. Under this principle, the public should be consulted not merely on some pre-determined proposals, but should be allowed to participate right at the beginning of the planning process in a non-prescriptive, empowering and participatory manner. Having regard to the latest development of the WKCD, he asked CS -

- (a) how the three phases of consultation would be taken forward in practice and how the three conceptual plans would be consolidated into a final proposal in the master planning of WKCD;
- (b) how the consultation panel prescribed under section 20 of the WKCD Ordinance would be established; and
- (c) how the Administration would be accountable to LegCo in fulfilling its undertakings to ensure the transparency of WKCD's operation, e.g. in the recruitment of CEO, the appointment of members to various committees of the Authority, and the maintenance of records of the relevant selection process.

27. CS said that the Administration shared the same vision as LegCo regarding the development of cultural and creative industries. He hoped that in the course of implementation of the WKCD project, public consensus could be reached in recognizing WKCD's role for the development of cultural and creative industries, the scope of which should cover not only performers and artists at the front line, but also managerial and technical professionals working behind the scene. On WKCD's appointment mechanisms, CS said that as mentioned earlier at the meeting, the recruitment of CEO would be carried out in accordance with the good corporate management principles. Accordingly, open recruitment would be conducted and selection would be made based on individual merits. As for the remuneration package, it would be determined by the Remuneration Committee on the basis of objective criteria to be made open to the public when finalized.

28. Mr CHAN Kam-lam asked whether a timetable would be worked out to enable an early commencement of the WKCD project, so as to create job opportunities and ease the unemployment problem of construction workers in the light of the financial crisis. To facilitate the smooth implementation of the project, he also urged WKCD to enhance public consultation on WKCD and to provide more opportunities for different parties and individuals to channel their views.

Action

29. CS said that despite the global financial crisis which had adversely affected the Hong Kong economy particularly the construction sector, the community should be confident that it could overcome the adversity as in previous occasions. As a strategy to tackle the crisis, the Administration would review the 10 major infrastructure projects (including the WKCD project) with a view to accelerating their implementation, where appropriate, for the creation of more job opportunities. As regards the timetable, CS advised that the Administration had undertaken to complete Phase 1 of the project in 2014-2015 when it introduced the legislative and financial proposals on WKCD to LegCo. To achieve this target, WKCDA was committed to expediting the planning of the hardware for WKCD and engaging the public as far as possible in the process. The Administration would also embark on discussion with the public on a more long term basis on issues related to the future development of cultural software and humanware to complement the development of the WKCD project.

30. Ms Emily LAU considered there to be a need to establish a subcommittee to provide a forum for the Administration to revert to LegCo Members on the following issues -

- (a) matters relating to the recruitment of CEO, such as the selection procedures, entry requirements and remuneration for the post;
- (b) composition of the six committees set up by WKCDA and mechanism for appointment of members to these committees, and whether individuals might join the committees on a self-recommended basis;
- (c) measures to enhance the transparency of meetings of WKCDA and public access to meeting papers and information on its operation; and
- (d) a work plan in the form of a timetable indicating the steps to be taken to ensure the completion of Phase 1 of the project in 2014-2015.

31. CS welcomed members' proposal on the appointment of a subcommittee to follow up on the WKCD project, and undertook to collaborate with members in taking forward the WKCD project. Since issues relating to WKCD straddled the policy areas of arts and culture and development, CS considered that a joint subcommittee appointed under the two Panels should provide an appropriate forum for future discussion and exchange of views on the subject.

Action

Way forward

[LC Paper No. CB(2)254/08-09(01)]

32. The Chairman invited members to express their views on Mr Alan LEONG's proposal for the appointment of a subcommittee under the House Committee (HC) to monitor the implementation of the WKCD project as detailed in his letter dated 8 November 2008.

33. Mr Alan LEONG said that the proposal had been made in consideration of the following -

- (a) the former Subcommittee was appointed under HC and dedicated to study issues relating to WKCD on behalf of all LegCo Members. Its reports and the recommendations contained therein represented the views and consensus of all LegCo Members. The same arrangement should be followed in monitoring the work of the WKCD project;
- (b) a subcommittee appointed under HC would enable the participation of all LegCo Members; and
- (c) the Administration had made a number of undertakings to LegCo as a whole regarding the WKCD project during its past discussions with the former Subcommittee. The appointment of a subcommittee under HC, which represented all LegCo Members, would provide a more appropriate forum for the Administration to revert to LegCo on its progress in the delivery of these undertakings.

34. Ms Emily LAU and Mr LEE Wing-tat expressed support for Mr LEONG's proposal. Ms LAU requested the Secretariat to summarise members' concerns raised at the meeting to facilitate the drafting of the proposed terms of reference for the subcommittee. Mr LEE requested the Secretariat to summarise recommendations of the former Subcommittee as listed in the Report on Phase III Study to enable members to pursue the outstanding issues requiring follow-up actions by the Administration.

Clerk

[Post-meeting note: The list, as requested by Hon LEE Wing-tat, was issued vide LC Paper No. CB(2)612/08-09(02) on 12 January 2009.]

35. Mrs Regina IP expressed concern that WKCD would end up as a mega infrastructure without any substance. She considered that there was an apparent lack of transparency on the planning of WKCD and operation of WKCDA, and the definition of creative industries referred to by the Administration was not clear. Mrs IP supported the appointment of a subcommittee under HC, as in the Third LegCo, so that members could step up the monitoring of the WKCD project.

Action

36. Mr James TO supported Mr LEONG's proposal taking into account the scale of the WKCD project, the public resources involved and the public aspiration for the project. He considered that it was incumbent upon LegCo Members to exercise vigilant monitoring of the project, particularly in its formulation stage.

37. Mrs Sophie LEUNG said that although the former Subcommittee was appointed under HC, the possibility of setting up a joint subcommittee under the two Panels to monitor the issue should not be ruled out. Referring to HC's decision on 7 November 2008 in rejecting Mr Andrew LEUNG's proposal on the appointment of a subcommittee under HC to consider support for small and medium enterprises, Mrs LEUNG pointed out that it would be logical to follow the same principle in deliberating on the proposal for the appointment of a subcommittee to monitor the WKCD project. Ms Emily LAU said that the main contention regarding Mr Andrew LEUNG's proposal was that it had not been discussed by the Panel on Commerce & Industry, and it was inappropriate to draw a parallel between the two proposals. She added that according to the established practice, it was a matter of procedure for the relevant Panels to examine issues under their purview before bringing them to HC for discussion.

38. The Chairman concluded the discussion by inviting members to consider two options for monitoring of the WKCD project, viz. the appointment of a joint subcommittee under the Panel on Development and Panel on Home Affairs (Option 1), or the appointment of a subcommittee under HC as proposed by Mr Alan LEONG (Option 2). On Option 1, he drew members' attention to the fact that since the appointment of the former Subcommittee to follow up the WKCD project, the Rules of Procedure (RoP) of the Council and the House Rules (HR) had been amended in October 2005 (RoP77(9A) and HR22(t)) to provide for the appointment of a joint subcommittee by two or more Panels to study any matter of common interest to the relevant Panels.

39. After deliberation, members decided to take a vote on Option 2. Thirteen members voted for it, no member voted against it, and one member abstained. As Option 2 was carried, members agreed that the proposal should be forwarded to HC for consideration.

III. Any other business

40. There being no other business, the meeting ended at 11:35 am.

Council Business Division 2
Legislative Council Secretariat
12 January 2009