

立法會
Legislative Council

LC Paper No. CB(2)1867/08-09
(These minutes have been by the
Administration)

Ref : CB2/PS/2/08

Panel on Home Affairs and Panel on Development

**Joint Subcommittee to Monitor the Implementation of the
West Kowloon Cultural District Project**

**Minutes of meeting
held on Friday, 14 April 2009, at 4:30 pm
in the Chamber of the Legislative Council Building**

- Members present** : Hon IP Kwok-him, GBS, JP (Chairman)
Hon Albert HO Chun-yan
Ir Dr Hon Raymond HO Chung-tai, SBS, S.B.St.J., JP
Hon James TO Kun-sun
Hon CHEUNG Man-kwong
Hon CHAN Kam-lam, SBS, JP
Hon Mrs Sophie LEUNG LAU Yau-fun, GBS, JP
Hon WONG Yung-kan, SBS, JP
Hon Emily LAU Wai-hing, JP
Hon Timothy FOK Tsun-ting, GBS, JP
Hon Abraham SHEK Lai-him, SBS, JP
Hon Alan LEONG Kah-kit, SC
Prof Hon Patrick LAU Sau-shing, SBS, JP
Hon Cyd HO Sau-lan
Hon Starry LEE Wai-king
Dr Hon LAM Tai-fai, BBS, JP
Hon CHAN Hak-kan
Hon Tanya CHAN
Dr Hon Priscilla LEUNG Mei-fun
Hon WONG Sing-chi
Hon WONG Yuk-man
Hon Mrs Regina IP LAU Suk-ye, GBS, JP
Hon Paul TSE Wai-chun
Dr Hon Samson TAM Wai-ho, JP
- Members absent** : Hon LEE Wing-tat (Deputy Chairman)
Dr Hon Philip WONG Yu-hong, GBS
Hon CHEUNG Hok-ming, SBS, JP
Hon CHEUNG Kwok-che

Public Officers attending : Home Affairs Bureau

Mr TSANG Tak-sing, JP
Secretary for Home Affairs

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

Ms Winnie SO
Principal Assistant Secretary (Culture)1

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

Planning Department

Ms Heidi CHAN
District Planning Officer (Tsuen Wan & West Kowloon)

West Kowloon Cultural District Authority

Mr SIN Chung-kai, SBS, JP
Member, Board of the West Kowloon Cultural District
Authority and Chairman, Remuneration Committee

Mr Augustine NG
Project Director
(West Kowloon Cultural District Authority)

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

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

Ms Anna CHEUNG
Legislative Assistant (2)2

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I. Confirmation of minutes

[LC Paper No. CB(2)1283/08-09]

The minutes of the meeting held on 27 February 2009 were confirmed.

2. The Joint Subcommittee deliberated (index of proceedings attached at **Annex**).

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II. Meeting with the Administration and representatives of the West Kowloon Cultural District Authority

[LC Paper Nos. CB(2)1285/08-09(01) - (03)]

LC Paper No. CB(2)1285/08-09(01) -- Paper provided by the Administration on the West Kowloon District Project

LC Paper No. CB(2)1285/08-09(02) -- Summary of past deliberations on public engagement exercise for the West Kowloon Cultural District Project prepared by the Legislative Council Secretariat

LC Paper No. CB(2)1285/08-09(03) -- Summary of past deliberations on the development of M+ prepared by the Legislative Council Secretariat

Masterplanning

Consultancy studies and selection criteria

3. Miss Tanya CHAN enquired about the mechanism and criteria for the selection of consultants for the preparation of the Conceptual Plan (CP) and the Development Plan (DP). Ms Cyd HO expressed concern about the lack of transparency in the selection process and asked whether the marks on individual consultants made by the Assessment Panel of the West Kowloon Cultural District Authority (WKCDA) could be made known to the public. Mr Albert HO asked for the reasons for there to be only three CP Options for public consultation, and enquired whether the consultants shortlisted for preparing the three CP Options would work in a competitive or complementary mode.

4. Prof Patrick LAU was worried that the Government practice of awarding contracts to tenderers offering the lowest fee might not be conducive to the quality of projects. He asked about the weighting accorded to the fee proposal in the selection of consultants. He and Miss Tanya CHAN also enquired about the relationship between CP and DP, and how the consultants concerned would complement each other in working towards the final DP.

5. The Administration responded that -

(a) for the preparation of DP for the West Kowloon Cultural District (WKCD) project, WKCDA would commission three consultants to prepare three CP Options which would show the layout and use of land for various facilities in WKCD, including the distribution and disposition of the core arts and cultural facilities (CACF), open spaces as well as retail, dining, entertainment, residential, hotel and office

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facilities. One option would be selected and modified to incorporate the preferred features of the other two options as indicated by the public in the public engagement (PE) exercises. The selected CP would be developed into a detailed DP by a Project Consultant, who would conduct technical feasibility studies including engineering, traffic and environmental impact assessments. The Project Consultant would also be required to establish the functional requirements for each of the CACF including the preparation of Schedules of Accommodation and detailed Functional Briefs to facilitate design competitions for the iconic buildings and other facilities;

- (b) among the 33 and seven Expression of Interests (EOI) submitted to WKCDA for the consultancy studies on CP and DP respectively, 12 and four consultants had been shortlisted respectively based mainly on a number of criteria including their professional knowledge and experience. These consultants had been invited to provide technical and fee proposals, which carried a weighting of 80% and 20% respectively in the final selection by the Assessment Panel. On the marks for the technical proposals, higher weighting would be given to the consultants' appreciation of the objectives of the consultancy and creativity and innovative arts and cultural ideas, but it was uncommon for the marks on individual consultants participating in tendering exercises to be made known to the public;
- (c) the tendering procedure for the consultancy studies had largely followed government practices and proceeded in a transparent, fair and competitive manner. Tender notices for the studies, which included among other things, the Draft Study Brief, assessment criteria and weighting, were available at the WKCDA website. Sensitive information such as the composition of the consultancy study teams would however be kept confidential; and
- (d) three CP Options were proposed having taken into account a number of considerations including resources, better management of and more systematic public consultation.

Planning approach

6. Prof LAU disagreed with the approach in conducting two separate consultancy studies for developing CP and DP as this might not be conducive to the coordinated development of the WKCD project. Noting that the CP consultant selected by WKCDA would be required to incorporate the merits of the other two CP Options, he expressed concern about copyright. Ms Emily LAU and Mr Albert HO also shared similar concern.

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7. The Administration responded that -
- (a) the engagement of one single consultant or the commissioning of separate consultancy studies for developing CP and DP had their own merits and demerits. WKCDA had adopted the latter approach to enable the participation of more consultancy firms, including small and medium sized firms which might not have the resources to compete with large firms if the two studies were combined into one. Such an approach would also promote creativity of the CP Consultants as they would not be confined by the technical details associated with DP when proposing the design options; and
 - (b) it was specified in the Draft Study Brief that all the submitted deliverables including CP and their modified versions would become the property of the Authority with full copyright.

Project development

8. Ms Cyd HO asked whether areas reserved for Phase II development in WKCD would be open up for immediate public use. Ms Starry LEE enquired about the measures to promote the integration and connectivity between WKCD and its adjoining communities, and to preserve the indigenous culture of these communities.

9. The Administration responded that -
- (a) although the allocation of land at the WKCD site for public open space use in the near future would be largely restricted by the construction of the West Kowloon Terminus of the Guangzhou-Shenzhen-Hong Kong Express Rail Link, WKCDA would endeavour to follow up members' suggestion in this regard;
 - (b) the Planning Department would work closely with WKCDA to ensure that the WKCD development would be in harmony with the surrounding developments, and would examine opportunities for land use restructuring, improvement to the pedestrian environment, integration with the hinterland areas and amalgamation of sites in the older areas for redevelopment; and
 - (c) connectivity with the adjoining areas would be one of the key aspects to be considered by the relevant consultants in the consultancy studies.

Public Engagement and Consultation Panel

10. Ms Cyd HO opined that CP should be formulated based on the society's accumulated knowledge on WKCD as well as public views and consensus reached on the project through various consultation process since 2004. She enquired how far the

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consultants would be required to take into account such factors in the consultancy study. Mrs Regina IP opined that an overall design theme for the WKCD project, which manifested the unique cultural characteristics of Hong Kong, should be incorporated in the design brief to be provided to the consultants. Ms Emily LAU enquired about the progress in shortlisting the three CP Options and expressed concern about the lack of public participation in the process.

11. Mr Paul TSE opined that the design of WKCD should take heed of the needs of the elderly population who would become the one of the main user groups of WKCD in the coming decade, as well as the special requirements of the visually and hearing impaired groups. He asked whether these groups would be engaged in the consultation process.

12. Mr Alan LEONG held the view that the Consultation Panel should be tasked to provide a forum for the public to express their views non-prescriptively and invoke extensive bottom-up discussions rather than focusing on the organisation of consultation programmes as described in the Guidelines for the Consultation Panel.

13. The Administration responded that -

- (a) Hong Kong being a cosmopolitan city where the East met the West could play a significant role in the revival of Chinese traditional culture through the WKCD project, in which major local and overseas consultants had expressed interest;
- (b) the Draft Study Brief, which is in a way the design brief for the consultancy studies, had incorporated the necessary design requirements for the Consultants to follow and had specified that services to be provided by the relevant consultants should take into consideration the relevant plans and studies in relation to the WKCD project which were either completed, on-going or to be commissioned, such as the Recommendation Report of the Consultative Committee on the Core Arts and Cultural Facilities of the WKCD in June 2007, and studies undertaken by the Legislative Council and the Government. The consultants were also required to take into account the public and stakeholders' views (including their vision on the role of WKCD in the development of arts and culture) in the preparation of the CP Options;
- (c) the CP Options would be formulated after the completion of Stage One of the public engagement (PE) exercise scheduled for mid-2009 in which the community's expectations and aspirations on WKCD and facilities requirements of the arts and cultural venues would have been identified;

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- (d) facilities for the elderly and people with disabilities (PWDs) would be integral design elements of the WKCD project, and views of these two groups would be sought through their participation in the PE exercise. Besides, WKCDA had already included representatives of different community sectors on the Consultation Panel; and
- (e) WKCDA would ensure that the meetings of the Consultation Panel would be so arranged that members of the Panel could express their views on WKCD and various cultural issues freely. Apart from providing a forum for the expression of views, the Consultation Panel could also assist in collecting public views.

Planning of M+/Interim M+

14. Mr Alan LEONG queried how the initial mode of operation of M+ could be finalized in early 2010 as a curatorial policy had yet to be formulated and a curatorial professional had yet to be appointed. He opined that the curatorial professional, being the key person to steer the development of M+, should be empowered to take charge of the planning and design of M+ with maximum degree of freedom. To better understand the best practice of museum planning, he requested the Clerk to retrieve the relevant information collected during the overseas duty visit to Bilbao by the former Subcommittee on West Kowloon Cultural District Development.

(Post-meeting note: The paper was circulated to members vide LC Paper No. CB(2)1751/08-09 on 3 June 2009.)

15. The Administration and Mr SIN Chung-kai responded that -

- (a) WKCDA had commissioned a consultancy study on the organizational structure and manpower needs of WKCDA, which was expected to be completed in May/June 2009. Based on the recommendations of the study, WKCDA would decide on its organisational structure and the job descriptions of its key staff (including the Chief Executive Officer) and commence recruitment in mid-2009; and
- (b) pending the appointment of the curatorial professional who would take forward the M+ project in consultation with the WKCDA Board, WKCDA had kicked off the preliminary ground work for the development of M+, such as promotion of public knowledge on M+ and conducting consultation to solicit public expectations on M+ and M+'s facilities requirements, which would serve as a reference for the curatorial professional in the planning of M+.

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16. Mr James TO urged the Administration to expedite the setting up of interim M+ to test out the viability of M+, in particular the feedback of different audiences and sectors towards the concept. Mrs Regina IP reiterated that the Administration should consider expanding the theme of M+, as the current one would restrict the scope of its exhibits and could not provide enough attraction for visitors.

17. The Administration responded that the Leisure and Cultural Services Department (LCSD) had started to take stock of the number of collections which might be suitable for display under the four initial broad groupings of M+. Based on the recommendations of the Consultative Committee on the Core Arts and Cultural Facilities of the WKCD, the collection of M+ would cover historical exhibits/master arts pieces produced in the 20th century as well as contemporary creative artworks of the 21st century. These collections would be gathered from multiple sources including acquisition and donation.

Development and investment of cultural software

18. Mr Alan LEONG asked how the Administration would develop creative cultural industry and preserve local culture such as graffiti which carried the collective memory of Hong Kong people to complement the WKCD project. He expressed reservation on whether the existing provisions in the nurturing of arts audience/artists and the development of arts administrators/professionals could catch up with the development of hardware facilities. He considered that the development of local culture should embrace both the Chinese and Western culture. Members also enquired about the breakdown of the upfront endowment in terms of allocation for hardware and software development for WKCD and the amount reserved for the purchase of world-class exhibits.

19. The Administration responded that -

- (a) the Government was committed to the development of cultural software which was pivotal to the success of the WKCD project as well as the positioning of Hong Kong as an arts and culture metropolis, and which was supportive for the development of creative cultural industry and local arts, in particular those promoting Chinese culture. The WKCD project was a strategic cultural investment to take forward the arts and cultural development in Hong Kong; and
- (b) the upfront endowment of \$21.6 billion as approved by the Finance Committee of LegCo had largely been earmarked for the design and construction of various arts and cultural facilities and related facilities. A portion of the fund would be used to cover the staff costs, provision of staff training and organisation of activities for promoting the WKCD. As estimated by the Financial Advisor engaged by the Government in assessing the financial implications of the WKCD project, the \$1.264 billion to be incurred by the WKCD as operating costs (item (iv) as

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listed below) during the construction and area management stage would be used up to 2014-2015. From 2015 onwards upon the commissioning of the Phase 1 facilities, the operating costs of the WKCDA and various arts and cultural facilities would be met from the revenue generated by various facilities concerned as well as from the rental proceeds generated by the retail, dining and entertainment facilities. A breakdown of the estimated capital costs was as follows -

Categories of estimated capital costs	\$million	%
(i) Design and construction of various facilities	15,697	73%
(ii) Major repair and renovation of the above facilities listed in (i) over the 50-year project period	2,891	13%
(iii) Collection costs and related costs for M+	1,717	8%
(iv) Planning of the WKCD and project management (costs to be incurred by the WKCDA)	1,264	6%
	Total 21,569	100%
	(say 21,600)	

Written response to be provided by the Administration

Admin

20. At members' request, the Administration undertook to provide a written response on the following -

- (a) information on the relevant public works projects adopting similar approach as that of the WKCD project, viz. conducting two separate consultancy studies in the preparation of the CP and DP;
- (b) criteria for the selection of the three consultants to develop the CP Options, and details of the relevant considerations/parameters that the consultants should take into account in designing/formulating CP;
- (c) explanation on the flow chart on the key tasks in working out the DP for WKCD as provided in Appendix 3 of the study brief for the consultancy study, in particular the co-ordination work in the formulation of CP and DP;
- (d) specific arrangements for the PE exercises to be conducted by the Consultation Panel scheduled for mid 2009;

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- (e) advance notice to inform the public of the agenda of the meetings of the Consultation Panel through the website; and
- (f) information, including a flow chart, to illustrate the step-by-step planning of M+ and how far the professional advisor of M+, the project consultants and public views would each contribute to the decision-making process in relation to the planning and design for M+.

Meeting arrangements

21. The Chairman requested the Administration to provide a written response to the views of the deputations as expressed in their submissions forwarded to members vide CB(2)1302/08-09, as well as questions raised by members at the meeting. He suggested that the Administration should brief members on the detailed arrangement of the PE exercise together with its response to the submissions at the next meeting. Mr Alan LEONG suggested and members agreed that the deputations should be invited to a meeting before July 2009 to facilitate in-depth discussion on issues raised in their submissions. The Chairman instructed the Secretariat to follow up with the Administration for scheduling the next meeting.

(Post-meeting note: As instructed by the Chairman, members were informed vide CB(2)1438/08-09 that the next meeting with deputations and the Administration would be held on 19 June 2009.)

III. Any other business

22. There being no other business, the meeting ended at 6:35 pm.

Council Business Division 2
Legislative Council Secretariat
18 June 2009

**Proceedings of the meeting of the
Joint Subcommittee to Monitor the Implementation of the
West Kowloon Cultural District Project
on Friday, 14 April 2009, at 4:30 pm
in the Chamber of the Legislative Council Building**

Time marker	Speaker	Subject(s)	Action required
000001-000619	Chairman	<ul style="list-style-type: none"> - Confirmation of minutes - Opening remarks 	
000620-001005	Chairman Admin	Briefing by the Administration	
001010-001826	Tanya CHAN Admin	<ul style="list-style-type: none"> - Mechanism and criteria for the short-listing of consultants for the Conceptual Plan (CP) and Development Plan (DP) - Relationship between CP and DP 	
001827-003058	Alan LEONG Admin Chairman	<ul style="list-style-type: none"> - Development of cultural software and creative cultural industry, and preservation of local arts - The planning schedule of M+ and exhibition design - Role of the curatorial professional in the planning and development of M+ 	
003059-004142	Patrick LAU Admin	<ul style="list-style-type: none"> - The tendering of consultancy studies and short-listing of consultants - Copyright of the consultants' CP options - Approach of engaging two separate consultancy studies in the WKCD project - The Administration was requested to provide information on the relevant public works projects adopting similar approach to that of the WKCD project, viz. engaging two separate consultancy studies in the preparation the CP and the DP 	The Adm to provide a written response

Time marker	Speaker	Subject(s)	Action required
004143-005649	Cyd HO Admin Chairman	<ul style="list-style-type: none"> - Transparency of the tendering procedure and criteria for short-listing consultants - Consideration of public views in the consultancy study and related specifications in the Draft Study Brief - Public access of the WKCD site - The Administration was requested to provide the criteria for the selection of the three consultants to develop the CP options, and details of the relevant considerations/parameters that the consultants should take into account in designing/formulating the CP 	The Adm to provide a written response
005655-010130	Mrs Regina IP Admin	<ul style="list-style-type: none"> - Thematic design for WKCD project and provision of design brief - Development of local culture 	
010131-011003	Chairman Emily LAU Admin	<ul style="list-style-type: none"> - Importance of public engagement in the WKCD project - Public's participation and criteria in the selection of one CP from the three options - Copyright of the CP options provided by the consultants 	
011014-115555	Chairman Paul TSE Admin	Provision of WKCD facilities for special groups and consultation with the elderly and the visually/hearing impaired groups	
011556-012339	James TO Admin	Promotion of M+ concept and the setting up of an interim M+ to test out the four themes	
012340-012733	Starry LEE Admin	Inclusion of the integration of the old and new areas of Western Kowloon district in the consultancy studies	
012734-013634	Albert HO Admin	<ul style="list-style-type: none"> - The basis in the shortlisting of the three CP Consultants - Relationship among the three CP Consultants 	

Time marker	Speaker	Subject(s)	Action required
		<ul style="list-style-type: none"> - Reasons for arranging only three CP options for public consultation 	
013635-014058	Chairman Tanya CHAN Admin	<ul style="list-style-type: none"> - Criteria for inviting short-listed consultants to submit further proposals - Mechanism to incorporate public views in the three CP options - Provision for software development in the endowment of \$21.6 billion - Scope of the consultancy study on market analysis of performing venues, M+ and exhibition centre in WKCD 	
014059-014510	Alan LEONG Admin	<ul style="list-style-type: none"> - Function of the Consultation Panel as provided in the Guidelines of WKCDA - Advance notice of the meetings of the Consultation Panel - Scope of the development of local culture - The Administration to advise on the advance notice to inform the public of the meetings of the Consultation Panel through the website. 	The Adm to provide a written response
014511-014935	Patrick LAU Admin	<ul style="list-style-type: none"> - Adequacy of public consultation for the final development plan - Progress of staff recruitment for WKCDA - Design competition for the three iconic architecture and other standalone arts and cultural facilities 	
014936-015230	Chairman Mrs Regina IP Admin	<ul style="list-style-type: none"> - Feasibility to expand the theme of M+ - Amount allocated for purchase of museum collection 	
015231-015542	Chairman Admin	<ul style="list-style-type: none"> - Broad breakdown of the estimated capital costs for the WKCD project 	

