

立法會
Legislative Council

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

Meeting on 29 May 2017

Background brief on the Hong Kong Palace Museum project

Purpose

This paper provides background information on the Hong Kong Palace Museum ("HKPM") project in the West Kowloon Cultural District ("WKCD"), and provides a brief account of the views and concerns expressed by Members on the subject at meetings of the Legislative Council ("LegCo") and relevant committees of LegCo since January 2017.

Background

Review of development of a Mega Performance Venue in the West Kowloon Cultural District

2. According to a press release of the West Kowloon Cultural District Authority ("WKCDA") issued on 5 September 2016, the Board of WKCDA noted the further findings of a review on the possible development of a Mega Performance Venue ("MPV") and Exhibition Centre ("EC") sharing a site on the western part of WKCD, in particular its business viability in the light of relevant government policies and the market environment. Those findings indicated the increasing use of alternative venues for performances in recent years and reported on the Administration's public commitment to press ahead with the Kai Tak Sports Park, including a 50 000-seat stadium with a retractable roof, which is suitable for mega performances. In addition, the Government has advised that the 12 500-seat Hong Kong Coliseum would be retained for sports and performances purposes. Following thorough

discussions, the Board of WKCDA came to the view that the original proposal to build an MPV in WKCD was no longer a suitable proposition.

The Hong Kong Palace Museum project

3. On 23 December 2016, WKCDA announced the signing of a Memorandum of Understanding of Cooperation ("MOU") between WKCDA and the Palace Museum in Beijing to launch a new museum in WKCD with long-term loans from the Palace Museum. A copy of the MOU is in **Appendix I**. Under this special arrangement, HKPM will be established by WKCDA as a new focal point of WKCD for displaying the visual culture of historical Chinese art from the imperial courts. The Hong Kong Jockey Club Charities Trust has agreed to donate \$3.5 billion to fund the capital cost of the project, covering design, construction and exhibition development cost. A schematic plan provided by WKCDA to the House Committee in January 2017 showing the indicative location of a site for HKPM is in **Appendix II**.

4. Following the signing of the MOU on HKPM with the Palace Museum in Beijing, WKCDA conducted a public consultation exercise from 11 January to 8 March 2017 to collect public views on the HKPM project generally and, in particular, on its design, programming, learning and interpretation opportunities. An independent consultant, the Consumer Search Group ("CSG"), was appointed by WKCDA to conduct an analysis of all the submissions and views received during the public consultation period. WKCDA also commissioned CSG to conduct a territory-wide public opinion poll on the HKPM project.

5. On 9 May 2017, WKCDA published the Report on the Analysis of Views for the Public Consultation Exercise on the proposed HKPM project¹ following acceptance of the Report by the WKCDA Board on the same day. According to WKCDA,² taking into account the vision to develop WKCD into a world-class integrated arts and cultural district comprising local, traditional and international elements, the anticipated benefits the HKPM project would bring to Hong Kong and WKCD, as well as the community's general support for the HKPM project as shown in the outcome of the public consultation exercise, the WKCDA Board agreed to take the HKPM project forward by preparing the Collaborative Agreement with the Palace Museum.

¹ The Report has been issued to members vide [LC Paper No. CB\(1\)924/16-17\(01\)](#).

² Source: WKCDA's [press release](#) issued on 9 May 2017

Major views and concerns expressed by Members

6. Issues relating to the development of HKPM in WKCD were raised by Members at the meetings of LegCo, the House Committee and the Joint Subcommittee. Members expressed divergent views on the matter. The major views and concerns expressed by Members at the aforesaid meetings are summarized in the ensuing paragraphs.

Development of a Hong Kong Palace Museum in the West Kowloon Cultural District

7. Some Members supported the development of HKPM in WKCD. They considered that HKPM would offer good educational value and could facilitate Hong Kong's cultural development and a better understanding of the Chinese cultural and Chinese History. In addition, HKPM would benefit M+ and WKCD by attracting more tourists to Hong Kong. The competitiveness of Hong Kong's tourism industry would be enhanced, thus benefiting Hong Kong's tourism and economy.

Site selection

8. Some Members expressed dissatisfaction with the Administration/WKCDA bypassing LegCo in making a drastic change to the original scheme of development of arts and cultural facilities in WKCD, i.e. replacing MPV by HKPM. Given that Hong Kong had a serious shortage of performance venues, they queried why the development of MPV had not been proceeded with. Some Members held the view that the decision not to proceed with MPV was in some way linked to the HKPM project.

9. As advised by WKCDA, it had taken into account all relevant factors, particularly business viability and the market environment when deciding not to proceed with MPV. The Board of WKCDA considered that the long-term demand of the entertainment industry for a 35 000-seat mega venue could largely be met by the main stadium at the proposed Kai Tai Sports Park, while the 7 000- to 10 000-seat indoor sports centre might help fill the demand for an alternative medium-sized venue in the urban area. It was envisaged that competition from the Kai Tai Sports Park would seriously undermine the commercial viability of MPV and thus the prospect of attracting private financing.

10. The Administration emphasized that the decision not to proceed with MPV was based purely on technical and business merits, and that part of the site would be made available for alternative use even without the HKPM project. HKPM would only take up 10 000 m² of the MPV/EC site, and

around 28 000 m² would still be available for the development of a multi-purpose venue for exhibition, convention and performance purposes.

11. Some Members pointed out that MPV should be developed at the site in accordance with the approved Development Plan ("DP") for WKCD³ since the site for the HKPM project was part of the site reserved for the co-located MPV and EC. They expressed doubt on whether the use of the site for HKPM should require prior permission from the Town Planning Board ("TPB"). The Administration advised that the building of HKPM was a use that was always permitted under the approved DP and its proposed gross floor area and building height did not exceed the restrictions of the relevant sub-zone on DP. As such, development of the new museum at the site did not require fresh planning permission from TPB.

12. Regarding some Members' enquiries on why HKPM should be built in WKCD, the Administration advised that WKCD was the biggest ever large-scale cultural investment in Hong Kong and it was developing into a world-class integrated arts and cultural district incorporating local and traditional features and international elements. The Administration considered it most appropriate to build HKPM, which would feature traditional Chinese art and culture, in WKCD. HKPM would fully complement the arts and cultural facilities under construction or planning in WKCD, enriching the diversity of the facilities of the cultural district and enhancing the attractiveness of the district to the public as well as Mainland and overseas visitors.

Procurement of consultancy services

13. Some Members queried the justification for the WKCDA Management to appoint Rocco Design Architects Limited ("RDA") in June 2016 to provide advance consultancy services in a bundle, covering a preliminary technical study on the MPV/EC site (i.e. P46/P47 land parcels) for the integrated development of EC, hotels, offices and a proposed new museum, and to provide conceptual design for reference and cost estimation.

14. As advised by WKCDA, RDA had been engaged by WKCDA Management under its delegated authority in June 2016 to provide the

³ WKCD is planned to be developed by means of a DP prepared by WKCDA under section 21 of the West Kowloon Cultural District Authority Ordinance (Cap. 601). After conducting a three-stage public engagement exercise, WKCDA selected in March 2011 the "City Park" conceptual plan designed by Foster + Partners as the preferred option for developing into a DP for WKCD. The WKCD DP was approved by the Chief Executive in Council in January 2013.

abovementioned consultancy services. The preliminary technical study was commissioned in response to the Board's advice in November 2015 that further studies on the future use of the P46/P47 site should be conducted given that the proposition of developing an MPV in WKCD might no longer be viable.

15. Members expressed concern over WKCDA's direct appointment of Mr Rocco YIM, an Executive Director of RDA, to be the design consultant of HKPM, without going through any open tender exercise or design competition. WKCDA explained that HKPM was a unique museum with very special nature. It should be designed by a local architect who had a good understanding of the vision of WKCD and Chinese art and culture, as well as substantial experience in designing museums similar in nature and scale. According to WKCDA, the appointment was duly approved by the Board of WKCDA with full justification and authority.

Public engagement

16. Some Members expressed concern on the lack of transparency and public consultation in the process leading to the signing of the MOU. The HKPM project had been kept confidential until the Government's announcement on 23 December 2016. Some Members pointed out that, according to section 19 of the West Kowloon Cultural District Authority Ordinance (Cap. 601) ("WKCDAO"), WKCDA shall, in relation to matters concerning the development or operation of arts and cultural facilities, related facilities, ancillary facilities and any other matters as WKCDA considered fit, consult the public at such time and in such manner as it considered appropriate.

17. According to the Administration, the development and operation of WKCD involved a wide range of matters covering not only the building and operation of arts and cultural facilities, but also the planning and operation of commercial facilities, public open space and other communal facilities. As the nature and circumstances of different proposals or projects varied, the stakeholders involved in public consultation, the manner and procedure adopted, as well as the timing and content for consultation would also differ. As such, WKCDAO provided WKCDA with the flexibility to consult the public at such time and in such manner as it considered appropriate.

18. In a written response⁴ dated 7 April 2017 to a letter⁵ from Dr Helena WONG expressing concern on HKPM and the financial arrangement for WKCD on 17 February 2017, the Administration advised that, when the WKCDA Bill had been examined by the Committee of the whole Council in 2008, the Government already pointed out that providing WKCD with the flexibility in public consultation was the legislative spirit of the relevant clause in the Bill (i.e. section 19 of WKCDAO). On the contrary, if WKCDA was rigidly required to consult the public on all matters at a specific time and in a specific manner, not only was such requirement unable to cater for all projects and circumstances, it would also fail to address the needs of different stakeholders. Such requirement was neither appropriate nor in line with the legislative spirit of the Ordinance. Therefore, the Administration considered that the current provision in section 19 of the Ordinance had already struck a fair balance between enhancing transparency and meeting the actual operational needs.

19. The Administration further advised that many artefacts of the Palace Museum's exquisite collections were national treasures classified as grade one relics, and the loan of artefacts to other museums outside the Mainland on a long-term basis (i.e. arrangement for the export of cultural relics) was subject to stringent regulations and restrictions. To take forward the HKPM project, a prerequisite was to obtain the support of the relevant Mainland authorities, including the unprecedented lifting of the relevant state restrictions on the number of artefacts of Palace Museum collections on loan and the duration of the loan period. Without the support of the relevant Mainland authorities, it was not possible for either the Administration or WKCDA to take forward the HKPM project on its own. Hence, the signing of the MOU was the first step for establishing the feasibility of developing HKPM in WKCD. Prior to the signing of the MOU, WKCDA would not have any basis for announcing the proposal unilaterally or undertaking public consultation for the proposal.

20. Some Members criticized that the public engagement exercise was a fake consultation because the scope of the views to be collected were limited, in particular, it did not include views on whether or not the development of HKPM was supported. These Members called on the Administration and WKCDA to shelve the MOU and conduct a comprehensive public consultation on whether the development of HKPM was supported.

⁴ [LC Paper No. CB\(1\)793/16-17\(01\)](#)

⁵ [LC Paper No. CB\(1\)576/16-17\(01\)](#)(Chinese version only)

21. WKCDA advised that the eight-week consultation exercise had fully met all relevant requirements under WKCDAO. It considered that the consultation had provided giving clear and adequate information about what was being proposed at the conceptual stage of the project, while leaving matters sufficiently open for respondents to give their views about the HKPM proposal in general and on detailed matters such as design, programming, learning and interpretation.

Implementation of the project

22. Regarding some Members' enquiries on whether the Administration would consider expediting the process of developing HKPM in WKCD, the Administration advised that WKCDA and the Palace Museum should formulate and sign a Collaborative Agreement in replacement of the MOU within six months after the signing of MOU. The Collaborative Agreement would set out the detailed clauses for the collaboration. As such, after taking into consideration the views collected in the public consultation exercise, WKCDA had to discuss with the Palace Museum in formulating the content and clauses of the Collaborative Agreement and sign the Agreement in due course to implement the various details of the project.

Latest development

23. At the meeting of the Joint Subcommittee to be held on 29 May 2017, the Administration and WKCDA will brief members on the outcome of the public consultation exercise on the HKPM project.

Relevant papers

24. A list of the relevant papers on the LegCo website is in **Appendix III**.

西九文化區管理局與北京故宮博物院
簽訂的《合作備忘錄》
Memorandum of Understanding of Cooperation between
the West Kowloon Cultural District Authority and
the Palace Museum in Beijing

西九文化區管理局
與故宮博物院

就西九文化區興建“香港故宮文化博物館”事宜
簽訂《合作備忘錄》

甲方：西九文化區管理局(下称“西九管理局”)为根据《西九文化區管理局條例》(第 601 章)设立的法定团体

地址：香港数码港道 100 号数码港 3 座 C 区 6 楼 608 至 613 室

乙方：故宮博物院

地址：北京市景山前街 4 号，邮政编码：100009

序言

为庆祝香港回归祖国二十周年并配合香港发展为文化大都会的愿景，香港特别行政区政府(下称“特区政府”) 在中央人民政府(下称“中央政府”) 的大力支持下，决定在西九文化區兴建香港故宮文化博物館，以展出故宮博物院珍藏的国家文化艺术文物。西九管理局与故宮博物院根据以下内容及原则，就项目签订《合作備忘錄》(下称“備忘錄”)。

一. 范围

(1) 兴建香港故宮文化博物館

1. 西九管理局会在西九文化區建造一所博物館，名为香港故宮文化博物館，以展出故宮博物院的藏品；

2. 香港故宫文化博物馆为一单栋建筑物，占地面积约 10 000 平方米，总建筑楼面面积约 30 500 平方米（净作业楼面面积约 15 250 平方米）。设施包括展厅、活动室、演讲厅、书店及 / 或纪念品店、餐厅、工场及附属设施；
3. 香港赛马会慈善信托基金（香港赛马会）已答允捐赠 35 亿港元予西九管理局，用以资助香港故宫文化博物馆计划的设计、建造和筹备展览等费用。西九管理局会在香港故宫文化博物馆内就香港赛马会的重要捐赠作适当鸣谢；以及
4. 西九管理局会负责香港故宫文化博物馆的规划、建造、管理及策展工作，并承诺提供足够经费，支付香港故宫文化博物馆的长远管理、营运和维修保养开支。

(2) 借出藏品及文物

故宫博物院会借出文物及藏品供香港故宫文化博物馆举办展览之用。借予香港故宫文化博物馆的文物清单会由双方协议，并会定期或在有需要时予以更新或重订。

(3) 在香港故宫文化博物馆举办展览及活动

香港故宫文化博物馆会：

1. 策划和举办展览，展出有关故宫博物院的历史、文化和建筑及其收藏国宝文物；

2. 每年举办各式各样以中国文化、艺术和历史为主题的专题展览及公众节目，包括来自故宫博物院或从本地及海外机构外借的大型展览；
3. 在香港及海外举办教育、推广和宣传活动；以及
4. 为故宫博物院及海外文化机构提供平台，在文物保护方面，促进国际层面的专业交流和合作。

(4) 提供博物馆业务意见及专业培训

1. 西九管理局须就香港故宫文化博物馆的设计、藏品、展览、节目策划及文化产品相关的事宜，邀请故宫博物院的积极参与，提供专业的博物馆业务建议和意见；以及
2. 故宫博物院须按需要为香港故宫文化博物馆提供建议和协助，特别是联络内地有关当局，以取得所需的许可证和批准；为西九管理局 / 香港故宫文化博物馆的馆长及文物复修人员提供培训；支持香港故宫文化博物馆的教育活动；以及促进香港故宫文化博物馆与内地及海外对等机构的交流。

二. 管治架构

西九管理局会成立一间全资拥有的附属公司，负责香港故宫文化博物馆的管治事宜。该公司的董事局成员包括西九管理局董事局的成员、来自不同背景具备相关专业知识和经验的人士、西九管理局行政总裁，以及由故宫博物院及特区政府提名的代表。香港故宫文化博物馆董事局的详细组成将另行订定。

三. 备忘录的有效期

- (1) 本备忘录由双方签署当日起生效。
- (2) 双方在签署本备忘录后，须致力在 6 个月内缔结和签立用以取代本备忘录的合作协议。该合作协议须列明香港故宫文化博物馆项目的详细合作条款。
- (3) 任何一方可以在任何时间以任何理由给予 6 个月预先通知，以书面终止本备忘录。本备忘录一旦终止，双方均不须向对方负上任何责任。一旦终止本备忘录，西九管理局将停止使用“故宫”名称。

四. 规管法律

- (1) 本备忘录适用中华人民共和国的法律。
- (2) 本备忘录于 2016 年 12 月 23 日在故宫博物院签订，正本一式两份，双方各执一份为凭。

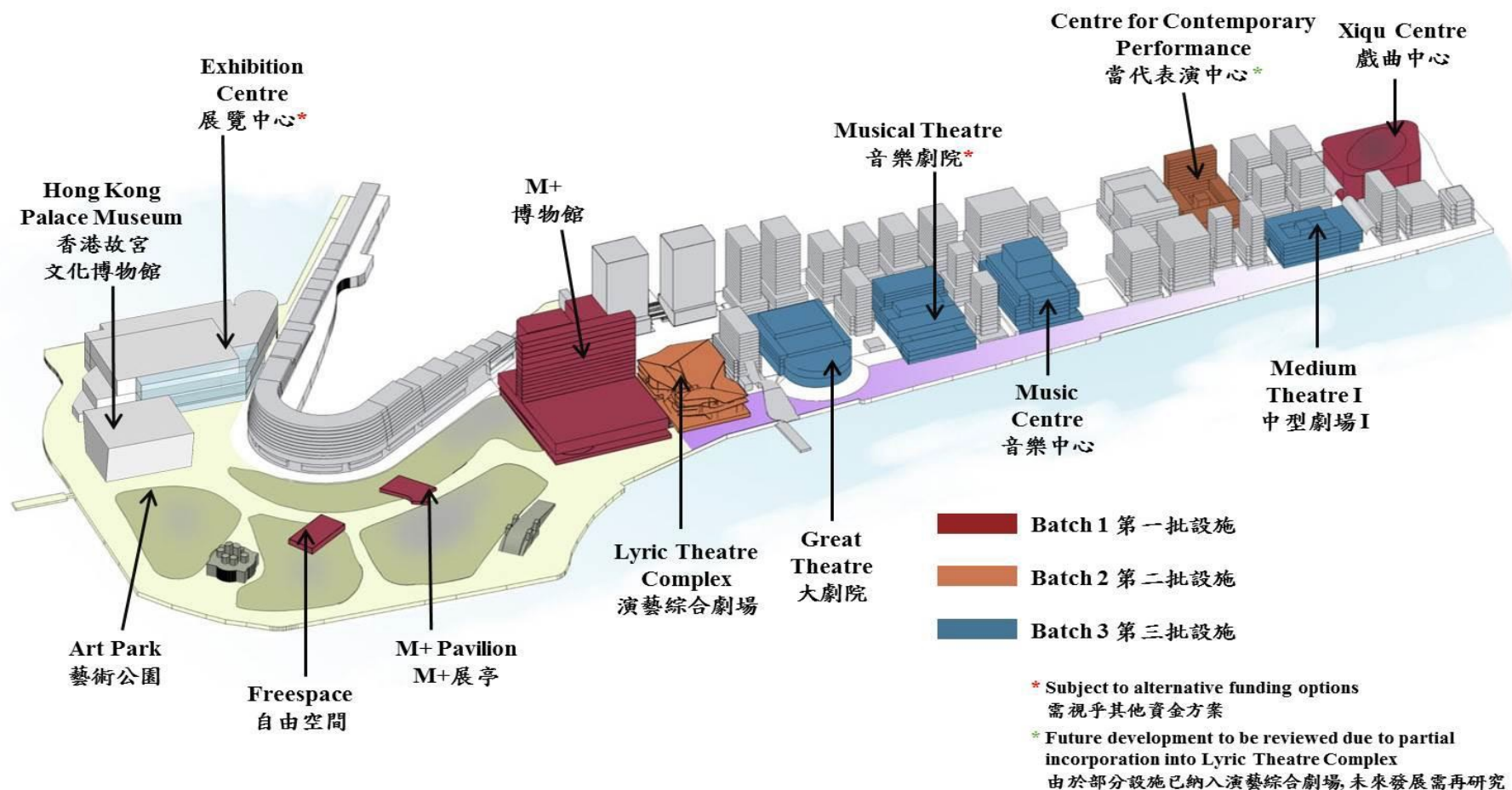
西九文化区管理局
董事局主席林郑月娥

故宫博物院
院长单霁翔





西九文化區設施示意圖(香港故宮文化博物館將設於大型表演場地/展覽中心部分用地)
Schematic plan of West Kowloon Cultural District facilities
(Hong Kong Palace Museum to be developed on part of the Mega Performance Venue/Exhibition Centre site)



資料來源: [立法會CB\(2\)544/16-17\(01\)號文件的附件D](#)

Source: [Annex D to LC Paper No. CB\(2\)544/16-17\(01\)](#)

The Hong Kong Palace Museum project

List of relevant papers

Committee	Date of meeting	Paper
House Committee	6 January 2017	Agenda Verbatim record of the proceedings
Legislative Council	8 February 2017	An oral question on hatching of the project to develop a Hong Kong Palace Museum was raised by Dr Hon Helena WONG. [Hansard, pages 3263 to 3273]
Legislative Council	8 February 2017	A written question on construction and operation of the Hong Kong Palace Museum was raised by Hon YIU Si-wing. [Hansard, pages 3348 to 3351]
Joint Subcommittee to Monitor the Implementation of the West Kowloon Cultural District Project	—	Letter from Dr Hon Helena WONG dated 17 February 2017 on [LC Paper No. CB(1)576/16-17(01)] (Chinese version only) Administration's response to Dr Hon Helena WONG's letter dated on 7 April 2017 [LC Paper No. CB(1)793/16-17(01)]

Committee	Date of meeting	Paper
Joint Subcommittee to Monitor the Implementation of the West Kowloon Cultural District Project	21 February 2017	Agenda Minutes The Administration's response to members' concerns raised at the meeting

Press releases issued by the Government and the West Kowloon Cultural District Authority ("WKCD")

Date of issuance	Press release
23 December 2016	Press release on Collaboration with Palace Museum to develop Hong Kong Palace Museum in West Kowloon Cultural District Press release on Transcript of remarks by CS at press conference in Beijing on Hong Kong Palace Museum Press release on WKCD announces collaboration arrangement with the Palace Museum to establish a new museum in Hong Kong
9 May 2017	Press release on opening remarks by CS and Chairman of Board of WKCD Authority Press release on the Report for the public consultation exercise on the Hong Kong Palace Museum project