

**立法會**  
**Legislative Council**

LC Paper No. CB(1)215/17-18(05)

Ref : CB1/PS/2/16

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

**Meeting on 21 November 2017**

**Updated 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"). It also summarizes the views and concerns expressed by Members on the subject at meetings of the Joint Subcommittee to Monitor the Implementation of the West Kowloon Cultural District Project ("the Joint Subcommittee") and relevant committees of the Legislative Council ("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.<sup>1</sup> 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 I**.

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 project,<sup>2</sup> following acceptance of the Report by the Board of WKCDA on the same day. According to WKCDA,<sup>3</sup> 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 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 Board of WKCDA agreed to take the HKPM project forward by preparing the Collaborative Agreement with the Palace Museum.

6. On 29 June 2017, WKCDA signed a Collaborative Agreement with the Palace Museum on the development of HKPM. The Agreement sets out the

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<sup>1</sup> A copy of the MOU is given at [Annex B to LC Paper No. CB\(2\)544/16-17\(01\)](#).

<sup>2</sup> The Report has been issued to members vide [LC Paper No. CB\(1\)924/16-17\(01\)](#).

<sup>3</sup> Source: WKCDA's [press release](#) issued on 9 May 2017

major principles of collaboration, including the overall roles and responsibilities of WKCDA and the Palace Museum in the HKPM project, the governance structure of HKPM, funding arrangement as well as the general framework for loans of collections and other operational matters. A copy of the Collaborative Agreement (Chinese version only) is in **Appendix II**. According to WKCDA, the Authority would move on to finalize the design for HKPM and commence construction in 2018, with a view to achieving completion in 2022.

### **Major views and concerns expressed by Members**

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

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

8. 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 culture and 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

9. 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.

10. 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 future 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.

11. 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 m<sup>2</sup> of the MPV/EC site, and around 28 000 m<sup>2</sup> would still be available for the development of a multi-purpose venue for exhibition, convention and performance purposes.

12. Some Members pointed out that MPV should be developed at the site in accordance with the approved Development Plan ("DP") for WKCD<sup>4</sup> 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.

13. 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.

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<sup>4</sup> 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.

### Procurement of consultancy services

14. 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.

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

16. 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

17. 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) ("WKCD AO"), 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.

18. 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.

19. In a written response<sup>5</sup> dated 7 April 2017 to a letter<sup>6</sup> from Dr Helena WONG expressing concerns on HKPM and the financial arrangement for WKCD on 17 February 2017, the Administration advised that, when the WKCDA Bill was 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 WKCDAO. Therefore, the Administration considered that the current provision in section 19 of WKCDAO had already struck a fair balance between enhancing transparency and meeting the actual operational needs.

20. 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.

21. At the Joint Subcommittee meeting held on 29 May 2017, members discussed the outcome of the public consultation exercise on the HKPM

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<sup>5</sup> [LC Paper No. CB\(1\)793/16-17\(01\)](#)

<sup>6</sup> [LC Paper No. CB\(1\)576/16-17\(01\)](#)(Chinese version only)

project.<sup>7</sup> Some members queried that, by extending the six-week consultation period for two weeks until 8 March 2017 and conducting in parallel a public opinion poll during the extended period of public consultation, WKCD was making an attempt to soften the unfavourable feedback received via paper and online questionnaires. Members also queried why WKCD had not indicated its intention to conduct a public opinion poll when it announced the commencement of the public consultation exercise in January 2017 and the extension of it on 14 February 2017.

22. WKCD advised that the eight-week consultation exercise had fully met all relevant requirements under WKCDAO. It considered that the consultation had provided 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. WKCD also pointed out that it had intended to conduct a public opinion poll as part of the public consultation exercise from the start. As it was a common practice for a public consultation exercise to include a public opinion poll, WKCD had not highlighted this channel for collecting public opinion in its publicity. It further advised that the public opinion poll had included questions on whether the respondents supported the development of HKPM in WKCD. According to the findings of the public opinion poll, 52% of the public were supportive (very supportive/supportive) to the development of the HKPM project and 14.7% were not supportive (not supportive at all/not supportive). The remaining 33.3% of the public had no opinion either way, i.e. neither supporting nor opposing the HKPM project.

23. Some members of the Joint Subcommittee questioned why an open tender exercise was not conducted for selecting the company to provide data collection and analysis services for the public consultation exercise. WKCD advised that since the estimated value of the service contract was below \$1.5 million, the procurement of the services was made through a request for quotations rather than an open tender exercise. The request for quotations was issued to seven potential suppliers, including private research companies/institutions as well as the strategic professional service arm of a local university. Three of the seven invited suppliers returned their quotes.

24. Some members of the Joint Subcommittee enquired whether the public and the concerned sectors would be consulted at a later stage on the design of HKPM and matters related to the collections to be displayed. The Administration assured members that WKCD would continue to engage the

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<sup>7</sup> A paper on the "Outcome of the public consultation exercise on the HKPM project" ([LC Paper No. CB\(1\)995/16-17\(01\)](#)) was submitted by WKCD for discussion at the meeting.

public during the development process and discuss with the Joint Subcommittee the detailed design and operation of the museum in the future as with the arrangements for other major WKCD facilities.

#### Other issue

25. At the meeting of the Joint Subcommittee on 29 May 2017, some members expressed dissatisfaction on the arrangement for perusing the four consultancy study reports related to the development of MPV/EC (vide LC Paper No. CB(1)861/16-17(01)) on a confidential basis and that a lot of information in the reports were redacted.

26. In view of members' request on improving the above perusal arrangement, WKCDA replied in July 2017 that after careful reconsideration of the matter, the Authority maintained the view that only redacted copies of the reports could be provided to Members at that stage as the redacted content contained certain commercially sensitive and third party information, the disclosure of such information and the business parameters adopted in the reports prior to tendering would severely undermine WKCDA's commercial bargaining power and interest in relation to future developments in WKCD, including the tendering of the Exhibition Hub Development Area package by way of public-private partnership. The Administration indicated that it accepted and respected WKCDA's decision but would ensure that WKCDA would brief the Joint Subcommittee on the proposed development parameters for the Exhibition Hub Development Area when the details were available.

#### **Latest development**

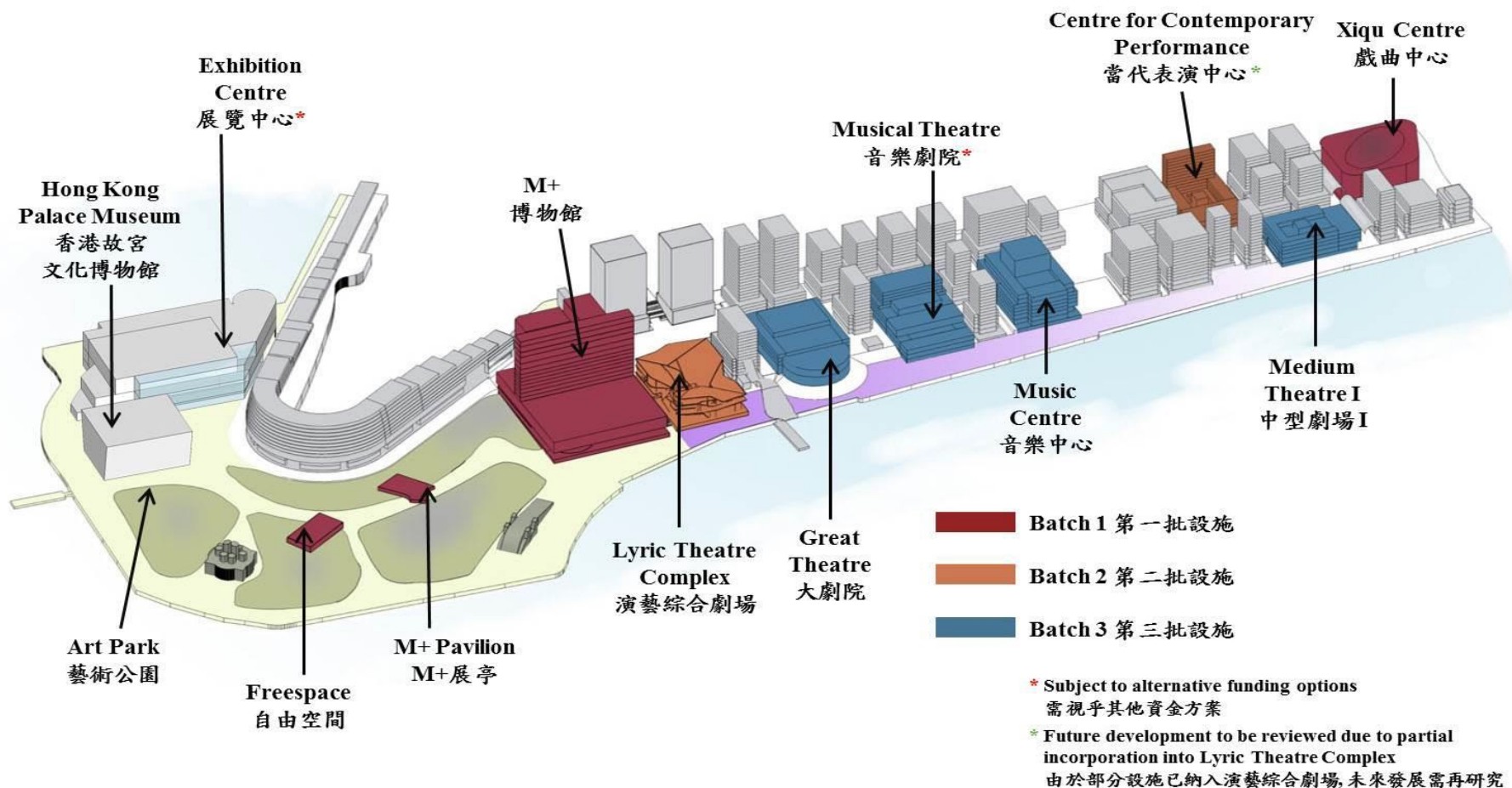
27. At the meeting of the Joint Subcommittee to be held on 21 November 2017, the Administration and WKCDA will update members on the development of HKPM.

#### **Relevant papers**

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



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\(01\)](#)

西九文化區管理局與故宮博物院就  
興建香港故宮文化博物館簽訂的合作協議

本合作協議於2017年6月29日由

西九文化區管理局(以下簡稱甲方，即根據中華人民共和國香港特別行政區法例第601章《西九文化區管理局條例》第3條設立的法人團體，地址為香港數碼港道100號數碼港3座C區6樓608至613室)

與

故宮博物院(以下簡稱乙方，地址為北京市景山前街4號，郵政編碼：100009)

訂立。

**1. 序言**

- 1.1 為慶祝香港特別行政區成立二十周年並配合香港發展為文化大都會的願景，香港特別行政區政府提出在西九文化區(下稱“西九文化區”)興建香港故宮文化博物館(下稱“香港故宮文化博物館”)，以展出故宮博物院獨一無二的珍藏，供香港市民和訪港旅客觀賞。為此，甲方與乙方(以下合稱“雙方”)在2016年12月23日簽署了《合作備忘錄》(下稱“備忘錄”)。
- 1.2 備忘錄第三(2)條訂明，備忘錄簽署雙方須致力在6個月內締結和簽立合作協議(下稱“協議”)以取代備忘錄。本協議根據該條款列明香港故宮文化博物館項目的詳細合作條款，由雙方簽署。

**執行部分**

**2. 定義及釋義**

在本協議中，下列各詞具有下列涵義—

- 2.1 “香港故宮文化博物館項目”指備忘錄所建議的項目。
- 2.2 “西九管理局”或“管理局”指西九文化區管理局。

- 2.3 “西九管理局董事局”或“西九管理局董事局成員”的意義與香港法例第 601 章《西九文化區管理局條例》中“董事局”的定義相同。
- 2.4 “西九管理局行政總裁”的意義與香港法例第 601 章《西九文化區管理局條例》中“行政總裁”的定義相同。
- 2.5 “特區政府”指中華人民共和國香港特別行政區政府。
- 2.6 在本協議內，除非另有指明：
  - 2.6.1 “公司”包括所有不論在何地以任何方式成立的公司、法團或其他法人團體；
  - 2.6.2 時間指 UTC +8 時區；
  - 2.6.3 “日”或“營業日”指由午夜 12 時至翌日午夜 12 時的 24 小時；
  - 2.6.4 “元”或“\$”指港元；
  - 2.6.5 “人士”得視為包括任何個人、商號、公司、政府、國家或國家的機構、政府機關或任何合營企業、協會或合夥經營(不論是否擁有獨立的法人資格)。
- 2.7 本協議內文插入標題僅為方便參閱。詮釋本協議時無須理會標題。

### **3. 共識**

- 3.1 雙方承認以下對香港故宮文化博物館項目的共識，此共識為構成本協議的條件：
  - (a) 甲方將負責設計和建造香港故宮文化博物館，並根據本協議第 5、7 及 8 條，在香港故宮文化博物館落成後負責其日常管理、營運和維修保養；以及
  - (b) 在香港故宮文化博物館落成後營運期間，乙方將根據本協議第 6 條及第 9 條負責安排和提供藏品借予香港故宮文化博物館展出，雙方將為每個展覽另行簽署展覽協議書。

#### **4. 香港故宮文化博物館的管治架構**

- 4.1 甲方是在 2008 年根據香港法例第 601 章《西九文化區管理局條例》設立的法定機構。
- 4.2 甲方會為香港故宮文化博物館成立一間全資擁有的附屬公司(香港故宮文化博物館公司)。該公司的董事局由甲方董事局委任，並將負責訂定香港故宮文化博物館的願景和使命，及為該博物館的策展事宜、專業水平和營運制訂策略、政策和指引。
- 4.3 香港故宮文化博物館公司董事局由以下成員組成：
  - (a) 一名主席；
  - (b) 一名副主席；
  - (c) 其他成員不超過十名，當中包括甲方董事局成員，以及在中國藝術、歷史和文化遺產領域具備有關博物館藏品、管理和策展事宜的專業知識和經驗的人士；
  - (d) 兩名由特區政府民政事務局局長提名的代表；
  - (e) 一名由乙方提名的代表(待乙方主管部門批准後正式作出提名)；以及
  - (f) 西九管理局行政總裁。

#### **5. 甲方的角色和責任**

- 5.1 為落實香港故宮文化博物館項目，甲方須負責：
  - 5.1.1 在西九文化區內提供面積不少於 10 000 平方米的土地(如附件 I 所示)以興建香港故宮文化博物館；
  - 5.1.2 有需要時就有關撥地、土地規劃、用途、高度限制、建造工程、博物館相關設施、消防及公眾娛樂場所等事宜，向香港特別行政區有關當局申請法例及監管規定的批准 / 許可證 / 牌照；以及
  - 5.1.3 設計和管理香港故宮文化博物館的建造

(包括委聘設計顧問)，以及監察香港故宮文化博物館項目的進度，確保如期完工。

- 5.2 甲方會通過香港故宮文化博物館公司承擔香港故宮文化博物館的策展、管理、日常營運和維修保養等工作。香港故宮文化博物館公司並需要就香港故宮文化博物館的策展和相關的設計要求以及其藏品、展覽、節目及商品等事宜，積極尋求乙方的專業意見。

## 6. 乙方的角色和責任

### 6.1 乙方須負責：

- 6.1.1 向內地有關當局申請所有所需的批准，特別是下文第 9 條詳述乙方向香港故宮文化博物館借出藏品以供展出所需的批准；
- 6.1.2 在甲方或香港故宮文化博物館有需要時，就以下範疇提供專業意見與支援：
- (a) 香港故宮文化博物館的設計要求；
  - (b) 借予香港故宮文化博物館的故宮藏品，借展協議另行簽訂；
  - (c) 為香港故宮文化博物館人員(包括策展人、文物修護人員和見習員)提供專業培訓；以及
  - (d) 與香港故宮文化博物館合作開展和籌辦文化交流和教育計劃。

## 7. 財政安排

- 7.1 香港賽馬會慈善信託基金(香港賽馬會)已承諾捐贈 35 億元予甲方，資助香港故宮文化博物館項目，以支付設計、建造和籌備展覽的費用。甲方會以下列方式鳴謝香港賽馬會的重大捐贈：

- 7.1.1 在香港故宮文化博物館的當眼位置裝設一面牌匾；
- 7.1.2 邀請香港賽馬會出席與香港故宮文化博物館項目有關的儀式和宣傳活動或擔任

- 主禮嘉賓(視乎情況而定)；以及
- 7.1.3 香港故宮文化博物館演講廳以香港賽馬會慈善信託基金命名。
- 7.2 甲方負責為香港故宮文化博物館的管理、日常營運、維修保養以及在文物借予香港故宮文化博物館期間的修護工作提供足夠經費。香港故宮文化博物館營運的收入，包括來自下述第 8.2.4 條提及的零售和餐飲服務以及展覽和節目的收入，概由甲方或香港故宮文化博物館公司保留。

## **8. 香港故宮文化博物館的設計及設施**

- 8.1 甲方委聘的設計顧問將負責香港故宮文化博物館項目的設計和工程項目管理；甲方負責批出項目的建造合約，並負責管理為香港故宮文化博物館項目而採購的所有合約。
- 8.2 香港故宮文化博物館將設置下列主要設施：
- 8.2.1 展覽廳(淨作業樓面面積約 7 600 平方米)——舉行展覽介紹故宮博物院的書畫、陶瓷、宮廷文物、建築、文物修護和修繕工程，以及與故宮博物院有關的文化、歷史和藝術；並設一個展覽廳，利用多媒體技術介紹故宮博物院的建築特色及藏品，包括展出故宮博物院製作的展品；
- 8.2.2 上述第 8.2.1 條提及的展覽廳亦可舉行由本地或海外機構外借展出的大型展覽，以及與中華文化藝術有關，價值與故宮藏品相稱的私人珍藏；
- 8.2.3 教育設施——包括一個演講廳及多個活動室，以提供各類互動和參與性的教育活動，以提高香港市民，尤其是青少年及兒童，對中華文化的欣賞能力；以及
- 8.2.4 零售及餐飲區——包括售賣文化創意產品的商店，亦可包括展示文化創意的書店

/ 紀念品店。

- 8.3 附件 II 載有初步的設施面積分配列表，開列香港故宮文化博物館的主要設施，項目進入詳細設計階段後甲方會再作調整。

## 9. 乙方借出藏品

- 9.1 乙方須就上文第 6.1.1 條所述事宜，徵求內地有關當局批准以下事項：

9.1.1 借出文物時限一般為期一年，如香港故宮文化博物館公司認為有需要延期，乙方會根據國家相關規定申請。視乎文物的實際狀況、修護方面的考慮，以及策展方面的需要，部分文物的借用期或會較短及須提早交還乙方。乙方會盡力提供藏品輪流展出，確保香港故宮文化博物館展覽的敘事脈絡完整無缺；

9.1.2 原則上常設展覽展出的文物不少於 600 件(套)；以及

9.1.3 配合上文第 9.1.1 及 9.1.2 條的安排，在香港故宮文化博物館展出的一級文物的數目及比例根據展覽主題進行選擇，有需要時，乙方會根據國家相關規定按程序申請特別批准。

- 9.2 乙方向香港故宮文化博物館借出的文物的清單，將由本協議雙方或本協議雙方及香港故宮文化博物館公司定期協商決定。

- 9.3 安排及運送藏品借予香港故宮文化博物館所涉及的費用和附帶支出由甲方負擔，乙方會就借出的藏品減收借展費。

- 9.4 甲方會按照經乙方同意的標準，採取一切合理和所需的步驟提供最佳環境，以展示、儲存、修護和維修保養乙方借予香港故宮文化博物館展出的藏品，並為其保護和防護實施最佳保安和監控措施。

**10. 規管法律**

- 10.1 此協議受香港特別行政區法律所管限，須符合其規定並按其詮釋。
- 10.2 與文物出借有關的事項，優先適用中華人民共和國法律。

**11. 協議生效**

- 11.1 本協議自雙方簽署之日起生效。

**12. 解決爭議**

- 12.1 如雙方因履行本協議而產生爭議或分歧，則任何一方可以書面向對方闡明爭議或分歧的性質。
- 12.2 有關爭議或分歧的信件送達對方後，雙方應秉誠處理，開會磋商解決爭議或分歧。磋商應在收到有關爭議或分歧的信件後儘快舉行。

**13. 非合夥關係**

- 13.1 本協議的任何條款均不得視為構成雙方之間的合夥關係或其他形式的合資或代理關係。任何一方亦不得以明示或暗示的方式，以對方的名義或代表對方的名義承擔或產生任何形式的義務或責任。

**14. 繼承人和受讓人**

- 14.1 本協議對雙方的繼承人和受讓人均具約束力。未經對方書面同意，本協議中任何一方均不得轉讓其權利或義務予第三者。

**15. 通知書**

- 15.1 須發出的通知書或通信一律須通過以下途徑送達：
  - (a) 人手送遞往對方於本協議列明的地址或不時告知另一方的地址；



- (b) 以預付掛號方式投寄往對方於本協議列明的地址或不時告知另一方的地址；
  - (c) 以傳真發送至
    - (i) 西九管理局 [+ (852) 2485 1022][經辦人：藏品高級管理主任]；
    - (ii) 故宮博物院 [+ (86) 10 85007078][故宮博物院外事處]
  - (d) 以電子郵件發送至
    - (i) 西九管理局 [registrar@wkcda.hk]
    - (ii) 故宮博物院 [waishichu@dpm.org.cn]
- 15.2 任何以人手送遞的通知書若已送抵第 15.1(a)條所指的對方地址，即視作送達。
- 15.3 按照上述第 15.1(b)條規定的方式投寄的任何通知書或信息，若沒有因無法投遞而退回發信人，得視為在投寄後第 14 天送達。
- 15.4 任何通過傳真或電子郵件傳送的通知書或信息，會視為在發送當日送達。

## **16. 協議全文**

- 16.1 本協議構成雙方之間的完整協議，並取代雙方先前就此事所簽訂的備忘錄。

## **17. 變更**

- 17.1 除非經雙方或其授權代表以書面形式簽署確認，否則就本協議的任何變更均不得生效。

## **18. 第三者**

- 18.1 香港法例第 623 章《合約(第三者權利)條例》不適用於本協議。除非本協議另有明文規定，否則只有本協議雙方及其各自的繼承人及獲准受讓人方擁有本協議所述的所有權利。本協議的任何條款亦不得由雙方以外的第三者執行。

**19. 其他約定**

- 19.1 香港故宮文化博物館的文化創意產品的知識產權歸屬，本協議雙方或者本協議雙方與香港故宮文化博物館三方應另行協商並用書面約定予以確立。
- 19.2 如雙方經過上述第 12 條的磋商解決爭議程序後，認定在本協議簽定後，對方有行為損害、傷害到另一方的名譽、信譽等或使另一方陷於被索償或被追究法律責任，則另一方有權終止本協議規定下的合作。在此情況下，香港故宮文化博物館及香港故宮文化博物館公司的名稱中不得繼續使用“故宮”。
- 19.3 協議雙方同意上述第 19.2 條亦適用於香港故宮文化博物館公司。

**20. 簽署**

- 20.1 本協議由雙方授權的人員簽署。
- 20.2 本協議正本一式兩份，雙方各執一份為憑。

甲方：  
西九文化區管理局  
董事局主席張建宗



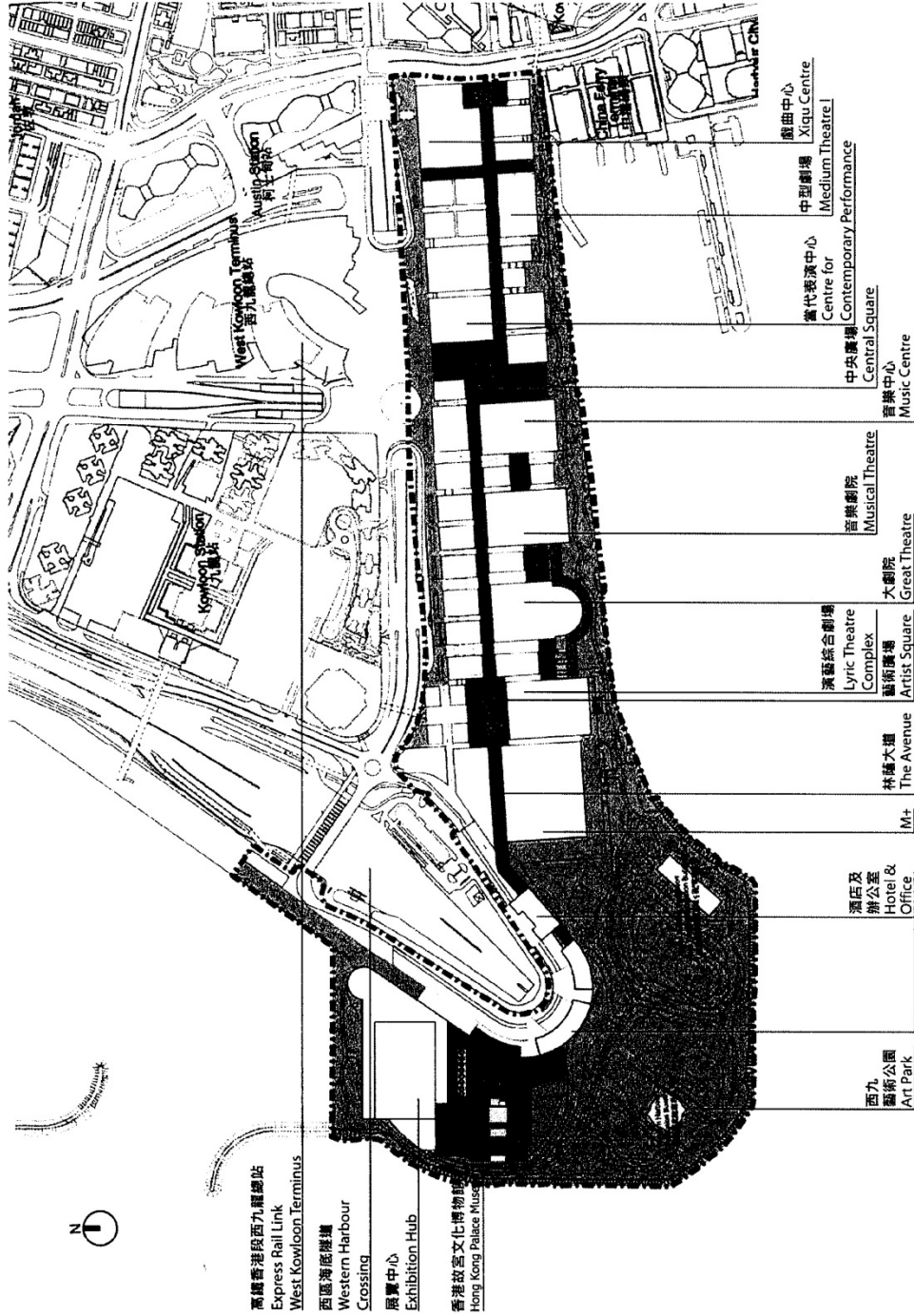
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乙方：  
故宮博物院  
院長單霽翔



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附件 I



高橋香港段西九龍總站  
 Express Rail Link  
 West Kowloon Terminus  
 西區海底隧道  
 Western Harbour  
 Crossing  
 展覽中心  
 Exhibition Hub  
 香港故宮文化博物館  
 Hong Kong Palace Museum

西九  
 藝術公園  
 Art Park  
 酒店及  
 辦公室  
 Hotel &  
 Office

林蔭大道  
 The Avenue  
 M+  
 演藝綜合劇場  
 Lyric Theatre  
 Complex  
 藝術廣場  
 Artist Square  
 大劇院  
 Great Theatre  
 音樂劇院  
 Musical Theatre  
 音樂中心  
 Music Centre  
 中央廣場  
 Central Square  
 當代表演中心  
 Centre for  
 Contemporary Performance  
 中型劇場  
 Medium Theatre  
 戲曲中心  
 Xiqu Centre

附件 II

暫定的設施面積分配列表

設施	淨作業樓面面積 (平方米)
展覽廳	7 600
教育活動室	750
演講廳 (400 座位)	500
入口大堂	1 340
書店 / 紀念品店	360
餐廳	800 (包括廚房)
辦公室	650
適應室	100
展覽預備室	300
工作坊	300
主要儲存設施	1 000
其他儲存設施	1 200
零售 / 餐飲 / 消閒設施	250
主要設施總計	15 150
其他輔助設施 (包括洗手間、更衣室、茶水間、中庭空間等)	3 000 (不包括所有機電設施空間)

## The Hong Kong Palace Museum project

## List of relevant papers

Committee	Date of meeting	Paper
House Committee	6 January 2017	<a href="#">Agenda</a> <a href="#">Verbatim record of the proceedings</a>
Legislative Council	8 February 2017	<a href="#">An oral question</a> 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 href="#">A written question</a> 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	—	<a href="#">Letter</a> from Dr Hon Helena WONG dated 17 February 2017 on [LC Paper No. CB(1)576/16-17(01)] (Chinese version only)  <a href="#">Administration's response</a> to Dr Hon Helena WONG's letter dated on 7 April 2017 [LC Paper No. CB(1)793/16-17(01)]
Joint Subcommittee to Monitor the Implementation of the West Kowloon Cultural District Project	21 February 2017	<a href="#">Agenda</a> <a href="#">Minutes</a>  <a href="#">Response from the Administration and the West Kowloon Cultural District Authority to members' concerns raised at the meeting</a>

<b>Committee</b>	<b>Date of meeting</b>	<b>Paper</b>
Joint Subcommittee to Monitor the Implementation of the West Kowloon Cultural District Project	29 May 2017	<a href="#">Agenda</a> <a href="#">Minutes</a>  <a href="#">Response from the West Kowloon Cultural District Authority to members' concerns raised at the meeting</a>

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

<b>Date of issuance</b>	<b>Press release</b>
23 December 2016	<p><a href="#">Press release</a> on Collaboration with Palace Museum to develop Hong Kong Palace Museum in West Kowloon Cultural District</p> <p><a href="#">Press release</a> on Transcript of remarks by the then CS at press conference in Beijing on Hong Kong Palace Museum</p> <p><a href="#">Press release</a> on WKCDA announces collaboration arrangement with the Palace Museum to establish a new museum in Hong Kong</p>
9 May 2017	<p><a href="#">Press release</a> on opening remarks by the then CS and Chairman of Board of WKCDA</p> <p><a href="#">Press release</a> on the Report for the public consultation exercise on the Hong Kong Palace Museum project</p>
29 June 2017	<p><a href="#">Press release</a> on Signing of Collaborative Agreement to Establish the Hong Kong Palace Museum</p>