

立法會
Legislative Council

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**Panel on Planning, Lands and Works
and Panel on Home Affairs**

**Minutes of joint meeting
held on Tuesday, 18 November 2003, at 9:00 am
in the Chamber of the Legislative Council Building**

Members present : Members of the Panel on Planning, Lands and Works

- * Dr Hon TANG Siu-tong, JP (Chairman)
- Hon LAU Ping-cheung (Deputy Chairman)
- Hon James TIEN Pei-chun, GBS, JP
- Dr Hon David CHU Yu-lin, JP
- Ir Dr Hon Raymond HO Chung-tai, JP
- * Hon James TO Kun-sun
- * Hon Timothy FOK Tsun-ting, SBS, JP
- Hon Abraham SHEK Lai-him, JP
- * Hon Albert CHAN Wai-yip
- * Hon WONG Sing-chi

Members of the Panel on Home Affairs

- # Hon IP Kwok-him, JP (Chairman)
- Hon MA Fung-kwok, JP (Deputy Chairman)
- Hon Albert HO Chun-yan
- Hon NG Leung-sing, JP
- Hon Emily LAU Wai-hing, JP
- Hon Andrew CHENG Kar-foo
- Hon Henry WU King-cheong, BBS, JP
- Dr Hon LO Wing-lok, JP

(* Also members of the Panel on Home Affairs

Also member of the Panel on Planning, Lands and Works)

Members attending : Hon CHAN Yuen-han, JP
Hon Audrey EU Yuet-mee, SC, JP

Members absent : Members of the Panel on Planning, Lands and Works

- * Hon WONG Yung-kan
- * Hon LAU Wong-fat, GBS, JP
Hon TAM Yiu-chung, GBS, JP

Members of the Panel on Home Affairs

Hon Cyd HO Sau-lan
Hon Andrew WONG Wang-fat, JP
Hon CHOY So-yuk
Hon Tommy CHEUNG Yu-yan, JP

(* Also members of the Panel on Home Affairs)

Public officers attending : Mr Thomas TSO
Deputy Secretary for Housing, Planning and Lands
(Planning and Lands)

Mr NGAI Wing-chit
Principal Assistant Secretary for Home Affairs (Culture)

Ms CHOI Suk-kuen
Deputy Director of Leisure & Cultural Services (Culture)

Mr KWAN Pak-lam
Project Manager (Kowloon)
Territory Development Department

Mr Eric JOHNSON
Principal Assistant Secretary for Housing, Planning and
Lands (Planning and Lands)

Attendance by Invitation : Government Cultural Services Grades' Alliance

Mr Gray IP Ga-ri
Member

Hong Kong Arts Centre

Mr Louis YU
Executive Director

Hong Kong Arts Development Council

Mr Darwin CHEN, SBS
Chairman

Mr Albert C C LAM, JP
Chief Executive

Hong Kong Christian Service

Dr Alvin KWOK
Professional Assistant

Hong Kong Curators Association

Mr HO Kam-chuen
Chairman

Mr CHAN Shing-wai
Vice Chairman

Hong Kong Institute of Archaeology

Ms LIU Mao
Director

Hong Kong Institute of Contemporary Culture

Ms May FUNG
Project Director

Zuni Icosahedron Ltd.

Mr Mathias WOO
Programme Director

Project Hong Kong

Mr TSUI Hark
Representative (Film Director)

Mr MA Ka-fai
Representative (Critic)

Hong Kong Institute of Real Estate Administration

Mr SO Chun-hin
President

The Association of Architectural Practices Ltd.

Mr Dennis LAU Wing-kwong, JP
Chairman

The Hong Kong Institute of Architects

Prof Bernard LIM
Chairman, Board of Local Affairs

Mr Vincent NG
Chairman, Planning & Lands Committee

The Hong Kong Institution of Engineers

Ir Dr Alex S K CHAN
President

Ir Francis W C KUNG
Chairman, Civil Division

The Hong Kong Institute of Planners

Mr Roger TANG
Vice-President

Mr Kenneth TO
Council Member

The Hong Kong Institute of Surveyors

Mr Bernard CHAN
Chairman, Town Planning & Development Committee

Mr Francis LEUNG
Chairman, Quantity Surveying Division

The Real Estate Developers Association of Hong Kong

Mr Louis LOONG
Secretary General

Clerk in attendance : Miss Odelia LEUNG
Chief Assistant Secretary (1)4

Staff in attendance : Ms Sarah YUEN
Senior Assistant Secretary (1)6

Ms Christina SHIU
Legislative Assistant

Action

I. Election of Chairman

1. Dr TANG Siu-tong was elected Chairman of the joint meeting.

II. West Kowloon Cultural District

2. An interest declaration letter from Mr LAU Ping-cheung dated 17 November 2003 was tabled. Referring to the letter, Mr LAU declared interests in the following aspects -

- (a) That his company might provide quantity surveying service to one of the companies which had indicated interest in the West Kowloon Cultural District (WKCD) Development Project (the Project); and
- (b) That Hong Kong Institute of Architects, Hong Kong Institute of Planners, Hong Kong Institute of Surveyors and The Association of Architectural Practices Ltd. which belonged to the Architectural, Surveying and Planning Functional Constituency from which he was elected were attending the meeting to present their views on the Project.

(Post-meeting note: Mr LAU Ping-cheung's letter was circulated to members vide LC Paper No. CB(1)359/03-04(02) on 19 November 2003.)

3. Mr Albert HO Chun-yan expressed dissatisfaction that the Chief Secretary for Administration (CS for A) and the Secretary for Housing, Planning and Lands (SHPL) had not attended the meeting. In response, the Deputy Secretary for Housing, Planning and Lands (Planning and Lands) (DSHPL(P&L)) explained that

they were attending the regular Tuesday meeting of the Executive Council, and relayed on their behalf apologies to the Panel. In reply to Mr HO on how the meeting date was decided, the Clerk explained that it was agreed by the Chairmen of the two Panels. They had considered that the present time slot could suit most members of the PLW Panel and the Home Affairs Panel without overlap with other meetings of LegCo.

Meeting with deputations

Meeting with the Government Cultural Services Grades' Alliance (GCSGA)
(LC Paper No. CB(1)329/03-04(01))

4. Mr Gray IP Ga-ri, member of GCSGA, briefed members on GCSGA's submission.

Meeting with the Hong Kong Arts Centre (HKAC)
(LC Paper No. CB(1)345/03-04(01))

5. Mr Louis YU, Executive Director of HKAC, briefed members on HKAC's submission. Apart from the points contained therein, he added the following -

- (a) That HKAC supported in principle the provision of arts and cultural facilities with community involvement and resources; and
- (b) That the blueprint of Hong Kong's cultural development, in particular its future positioning, should be mapped out before taking the Project forward. This was because the manner in which the Project would proceed would have great impact on cultural development in future.

Meeting with the Hong Kong Arts Development Council (HKADC)

6. Mr Darwin CHEN, Chairman of HKADC, briefed members on HKADC's submission.

(Post-meeting note: HKADC's submission was sent to the Secretariat after the meeting and circulated to members vide LC Paper No. CB(1)378/03-04 on 20 November 2003.)

Meeting with the Hong Kong Christian Service (HKCS)
(LC Paper No. CB(1)345/03-04(02))

7. Dr Alvin KWOK, Professional Assistant of HKCS, briefed members on HKCS's submission.

Meeting with the Hong Kong Curators Association (HKCA)
(LC Paper No. CB(1)329/03-04(02))

8. Mr HO Kam-chuen, Chairman of HKCA, briefed members on HKCA's submission. He drew members' attention to a typographical error in the Annex, namely, that Hong Kong's population should be "6720" instead of "0.672" as shown in the table. He also explained that members of HKCA were staff working in both public and private museums at the curator grade.

Meeting with the Hong Kong Institute of Archaeology (HKI of A)
(LC Paper No. CB(1)345/03-04(03))

9. Ms LIU Mao, Director of HKI of A, briefed members on HKI of A's submission. She expressed agreement with HKCA's submission and said that the museums to be included in WKCD should include one on Hong Kong's archaeological finds.

10. Apart from the points contained in the submission, Ms LIU Mao added the following -

- (a) All exhibitions and performances to be staged in WKCD should have local flavour. To achieve this purpose, relevant training should be provided as soon as practicable; and
- (b) Insufficient attention had been given to the archaeological finds from Hong Kong in terms of statutory protection, study and display. In particular, it was undesirable that ancestral tombs of the eighteenth and nineteenth centuries were not covered by statutory protection.

Meeting with the Hong Kong Institute of Contemporary Culture (HKICC)

11. Ms May FUNG, Project Director of HKICC, briefed members on HKICC's views on the Project as follows -

- (a) The arts and cultural facilities to be included in WKCD had not been worked out on the basis of a scientific study. In consideration of the importance of the Project to Hong Kong's cultural development, Government should take time to scientifically ascertain what needed to be included;
- (b) Apart from the need to work out a marketing plan for the Project, training of both performers and audience should be provided to promote cultural development in Hong Kong under an overall arts and cultural policy;

- (c) The public should be involved in assessing the Project proposals and monitoring implementation of the Project; and
- (d) Arts and cultural education was important but had not been given sufficient attention. The Education and Manpower Bureau should play a role in the Project to ensure its implementation in a holistic manner.

Meeting with Zuni Icosahedron Ltd. (Zuni)

12. Mr Mathias WOO, Programme Director of Zuni, briefed members on Zuni's submission. Apart from the points contained therein, he added that the Project was a property development and not an arts and cultural development. He questioned which bureau was responsible for taking forward the Project, and said that an authority should be set up to see the Project through. He further queried whether cost or the promotion of arts and culture was the major consideration when proceeding with the Project.

(Post-meeting note: Zuni's submission was sent to the Secretariat after the meeting and circulated to members vide LC Paper No. CB(1)359/03-04(04) on 19 November 2003.)

Meeting with Project Hong Kong (PHK)

13. Messrs TSUI Hark and MA Ka-fai, representatives of PHK, briefed members on PHK's submission which was tabled at the meeting. Apart from the points contained therein, Mr MA urged the CS for A to honour his undertaking to maintain dialogue with PHK so as to incorporate their views in the Project. He also called upon CS for A to implement the Project with the vision of developing the "WKCD plus" concept promoted by PHK. He highlighted the need for mapping out an overall blueprint for cultural development before proceeding with the Project.

(Post-meeting note: PHK's submission was circulated to members vide LC Paper No. CB(1)359/03-04(01) on 19 November 2003.)

*Meeting with the Hong Kong Institute of Real Estate Administration (HKIREA)
(LC Paper No. CB(1)322/03-04(01))*

14. Mr SO Chun-hin, President of HKIREA, briefed members on HKIREA's submission. Apart from the points contained therein, he stressed the need to divide the Project into smaller packages for tendering so as to reduce risks and maximize returns. He also proposed the establishment of a statutory authority involving the community to develop and operate the arts and cultural facilities in WKCD according to the arts and cultural policy, while developers would be responsible for constructing the facilities only.

Meeting with The Association of Architectural Practices Ltd (AAP)
(LC Paper No. CB(1)322/03-04(02))

15. Mr Dennis LAU, Chairman of AAP, briefed members on AAP's submission. Apart from the points contained therein, he emphasized that the canopy, which was the main feature of the Foster scheme and was adopted as the conceptual basis for WKCD's masterplan, could not comply with the relevant building and fire safety legislation if constructed as designed.

Meeting with The Hong Kong Institute of Architects (HKIA)
(LC Paper No. CB(1)322/03-04(03))

16. Professor Bernard LIM, Chairman of HKIA's Board of Local Affairs, briefed members on HKIA's submission and added the following points -

- (a) There was insufficient public consultation before the launch of the Invitation for Proposals for the Project on 5 September 2003. As in the case of redevelopment of the World Trade Centre in New York, the public should be involved in finalizing the design of the Project;
- (b) The contents of the Project should be carefully worked out before construction of the physical hardwares; and
- (c) The Project should be constructed by phases involving multiple developers instead of a single developer.

17. Mr Vincent NG, Chairman of HKIA's Planning & Lands Committee, supplemented the following -

- (a) Why should developers take the lead in implementing the Project which was said to be cultural in nature? Why was there no restriction on the plot ratio of the property development?
- (b) Why should the Project be exempted from the relevant statutory planning procedures and building and fire safety legislation?
- (c) It had been clearly stated in the terms of the international competition inviting submissions of concept plans for development of the WKCD site (the Competition) that the Project would be developed by phases. Why was it changed to the approach of development as a single package? In HKIA's view, this approach was unfair to small developers and would place Government in an unfavourable position in negotiation with the successful proponent because Government would be keen to reach agreement with the proponent, otherwise the whole project would be called off; and

- (d) It was undesirable that the construction and operation of arts and cultural facilities in WKCD should rest with developers who were expected to be profit-oriented and were not familiar with the tasks.

Meeting with The Hong Kong Institution of Engineers (HKIE)
(LC Paper No. CB(1)329/03-04(03))

18. Ir Dr Alex S K CHAN, President of HKIE, briefed members on HKIE's submission. He cautioned that the proposed canopy, probably the largest and highest one in the world, would be difficult to maintain even if it could be constructed. Moreover, it might violate the existing building legislation and would have impact on important facilities such as the West Kowloon ventilation buildings of the Western Harbour Tunnel and the Airport Express, and the Kowloon portal of the Western Harbour Tunnel. However, the impact assessment was not available.

19. Addressing Mr MA Fung-kwok's concern on the adverse impact of the canopy on the above-mentioned facilities, Ir Dr Alex CHAN said that he had already raised the issue in a number of forums. He suspected that the reason for the proposed canopy to be as high as 120 metres was to address the issue. Since there was no precedent case overseas, he could not comment on the technical viability. He however felt that it might not be advisable to take such a risk simply for the sake of the provision of a canopy.

Meeting with The Hong Kong Institute of Planners (HKIP)
(LC Paper No. CB(1)322/03-04(04))

20. Mr Roger TANG, Vice-President of HKIP, briefed members on HKIP's submission. To supplement, Mr Kenneth TO, Council Member of HKIP, added that he was concerned about the absence of discussion on the contents of the Project, following the Competition. He had doubt on the bargaining power of the arts and cultural community in negotiation with developers and whether concerted efforts could be made in deciding on the contents of the Project. He emphasized that all parties concerned should be involved before finalization of the physical design of the Project.

Meeting with The Hong Kong Institute of Surveyors (HKIS)
(LC Paper No. CB(1)345/03-04(04))

21. Mr Bernard CHAN, Chairman of HKIS's Town Planning & Development Committee, briefed members on HKIS's submission.

Meeting with The Real Estate Developers Association of Hong Kong (REDA)

22. Mr Louis LOONG, Secretary General of REDA, briefed members on REDA's submission.

(*Post-meeting note:* REDA's submission was sent to the Secretariat after the meeting and circulated to members vide LC Paper No. CB(1)359/03-04(05) on 19 November 2003.)

Deliberation

Nature of the Project

23. Mr Albert CHAN Wai-yip recapitulated his views expressed at the meeting of the Panel on Planning, Lands and Works (the PLW Panel) on 4 July 2003. These included: the Administration should have a policy direction on the cultural development in WKCD and this aspect should not be left entirely to the Project proponents; the facilities to be built in WKCD should tie in with the cultural policy; a statutory authority should be established to independently design, manage and oversee the arts and cultural facilities and funded by income from the Project; and cultural training facilities should be constructed in WKCD. Mr CHAN stressed the need for community participation in finalizing the details of the arts and cultural facilities concerned, and stated that he could not support the Project until the details were available. He was concerned that the development of WKCD might become a property development under the guise of an integrated arts, cultural and entertainment district, resulting in control of Hong Kong's cultural life by developers.

24. While agreeing with Mr Albert CHAN that the Project was essentially a property development, Mr Louis LOONG of REDA pointed out that there could be co-operation between the arts and cultural community and the property sector. This was why REDA had proposed to use proceeds from sale of part of the WKCD site to establish a trust fund to finance the construction and operation of the arts and cultural facilities.

25. Mr Abraham SHEK Lai-him agreed with some of the depositions that the Project was a property development. He considered the above proposal of REDA viable, and urged the arts and cultural community to grasp the opportunity to promote arts and culture.

26. In response, Mr MA Ka-fai of PHK agreed that the arts and cultural sector should strive for enhancement of the local arts and cultural activities. He stressed that they had been working hard in this regard for the past three years but the Government and the Legislative Council (LegCo) did not seem to have given sufficient regard to their views.

27. Mr CHAN Shing-wai, Vice Chairman of HKCA, opined that culture and architecture were not necessarily contradictory but could complement each other. In fact, co-operation between the two sectors in a number of overseas cases had produced delightful results. He however pointed out that views in the arts and cultural sector were diverse because of the many sub-sectors involved. As such, consolidation of views was difficult. In his view, if the costs and risks involved in

constructing and operating the different arts and cultural facilities in WKCD could be properly assessed, there could be a win-win situation balancing the needs of both sectors. He hoped there could be an equitable partnership to make the Project successful and becoming a landmark for Hong Kong.

Development and operation mode

28. Mr James TIEN Pei-chun thanked the deputations for their views. He stated that Members of the Liberal Party had reservation about the single package development approach. He sought views of the representatives from the arts and cultural sector on the appropriate authority for managing and maintaining the arts and cultural facilities in WKCD.

29. In response, Mr Louis YU of HKAC opined that the task should involve a tripartite partnership including the arts and cultural sector, Government and the successful proponent for WKCD. Mr MA Ka-fai of PHK said that the mode of operation would depend on the performances contemplated, the political environment and the style of the successful proponent. He shared Mr YU's view on the importance of a tripartite partnership, and said that the right of participation by the arts and cultural sector should be enshrined in the Project. Mr Mathias WOO of Zuni also echoed Mr YU's views, and supplemented that an overall arts and cultural policy should be mapped out before deciding on the operation mode which should take into account both ideals and cost effectiveness. A partnership involving both the community and Government in the form of a trust fund could be explored. As regards museum, he agreed that a museum commission established by Government in conjunction with the successful proponent for WKCD could be considered.

30. Mr WONG Sing-chi said that there should be thorough discussion involving the community on the development of WKCD before proceeding with the Project further. In response to Miss CHAN Yuen-han on the mechanism to ensure community involvement in the Project, the deputations made the following points -

- (a) Mr TSUI Hark of PHK said that to secure the community involvement in and support for the promotion of arts and culture, both Government and the successful proponent for WKCD should recognize the importance for the arts and cultural sector as well as the public to work together in the Project and for the public to have a right to enjoy the facilities and services. As to how the arts and cultural community and the public could participate, this would necessitate detailed examination. An efficient communication channel in this regard was necessary. Ideally the arts and cultural facilities to be included in WKCD should be decided before proceeding with its design.

- (b) Ms May FUNG of HKICC said that community participation was a must and a mechanism for that purpose should be established. Arts and cultural practitioners should be involved from planning to monitoring of the Project.
- (c) Mr CHAN Shing-wai of HKCA said that to ensure smooth implementation of the Project, relevant expertise was necessary. As such, apart from the arts and cultural sector, it was important that all relevant professionals as well as the target users should also be involved in the Project.
- (d) Mr Louis YU of HKAC supported the establishment of a mechanism to ensure tripartite co-operation in the Project and commented that the mechanism should function not only in management of the facilities concerned but also at the planning and tendering stages. In his view, the establishment of the mechanism was viable given that many arts organizations and statutory bodies had been actively participating in mapping out the arts and cultural policy for Hong Kong.

31. Mr MA Fung-kwok shared the deputations' comments on the need for partnership in deciding on the performances to be staged in WKCD before planning the facilities.

Physical design

32. Mr WONG Sing-chi was concerned that given the flexibility of the development plot ratio in WKCD, the development intensity of the site might be increased to such an extent as to adversely affect the overall concept plan. Mr LAU Ping-cheung also queried why the maximum plot ratio had not been specified in the IFP. This would make it difficult to assess the proposals as they were not like-to-like comparison. Mr Dennis LAU of AAP echoed their views and considered their concern justified because the plot ratio could be increased from 1.81 to 3.5 or even more.

33. Referring to CS for A's reply to the Oral Question asked by Mr James TIEN at the Council meeting on 12 November 2003 that the Administration would not let the Project proceed as a real estate development with second-rate cultural facilities, Mr WONG Sing-chi sought the comments of the representatives from the arts and cultural sector. He also questioned why the sector's views on the contents of the Project were so different from the Government's given that it had been consulted in as early as September 2002. In response, Mr MA Ka-fai of PHK pointed out that whether a facility was first-rate or second-rate was a matter of comparison, and that informal talks could hardly be considered as formal consultation.

34. Mr Mathias WOO of Zuni also made the following points on the physical design of WKCD -

- (a) In deciding on the arts and cultural facilities to be included in WKCD, due regard should be given to the latest world trend and developments in Hong Kong's neighbourhood;
- (b) The arts and cultural sector was of the view that the seating capacity of the main theatre in WKCD should be 500 to 700 seats instead of 2,000 seats as proposed by the Administration; and
- (c) The Foster scheme was an architectural and not planning design. The canopy, which might entail operational problems and very high maintenance cost, should be modified.

35. Mr Albert HO opined that the reason why the deputations had so many concerns and queries about the Project was that the Government had failed to conduct overall planning of the Project from users' point of view. He considered that a lot of problems rested with the mandatory requirement to provide the canopy. Mr Abraham SHEK opined that the substantial cost for constructing the canopy could be better utilized for promotion of arts and culture. Echoing their views, Mr Dennis LAU of AAP also cast doubt on whether construction of the canopy would be value for money considering that it was decorative in nature. He also pointed out that because of the need for protection against typhoons, maintenance of the canopy would entail significant problems and extremely high costs.

36. In response to Mr James TIEN on technical problems in maintaining the proposed canopy, representatives of the organizations in the building and property sector provided the following views -

- (a) Professor Bernard LIM of HKIA pointed out that the canopy might trap smoke in the event of a fire. As such, the ventilation system concerned would need to function very well to reduce the risks. The canopy might also produce greenhouse effect, causing adverse impact on the environment. Mitigation measures might have implication on maintenance and costs. In addition, access to the 120-metre-high canopy might also pose problems. All these factors called for careful consideration of the merits of the canopy.
- (b) Ir Dr Alex CHAN of HKIE opined that if the canopy was to provide shelter from the rain, the effect of expansion and movement of its joints and the resultant high maintenance costs would need to be considered.
- (c) Ir Francis W C KUNG of HKIE said that to ensure good ventilation and acoustics, due regard must be given to the curvature of the canopy and the material to be used. Where maintenance was concerned, accessibility should be an important consideration because this might pose great difficulty.

37. Referring to some deputations' doubt on compliance of the canopy with the relevant building legislation, Mr MA Fung-kwok was concerned that this aspect might not have been made known to the overseas participants in the Competition, and the Foster scheme might not have taken this into consideration. In response, Mr Dennis LAU of AAP reiterated that the canopy would have difficulty in complying with the relevant building and fire safety legislation. Commenting on the Competition, Mr Kenneth TO of HKIP said that the winning entries were chosen by an adjudicating panel of international experts. He queried why the adjudicating panel should have chosen a design which might have difficulty in complying with the relevant legislation.

Way forward

38. Mr Albert HO Chun-yan stressed the importance of involving all parties concerned in planning and implementation of the Project. He sought the deputations' view on whether the Project should be taken forward in its present form or the WKCD should be replanned taking into account the views of the community and without any prerequisite, such as the Foster scheme. Mr IP Kwok-him also asked the deputations whether the Project should be temporarily shelved to enable detailed examination of the problems identified.

39. In response, Mr Mathias WOO of Zuni said that the overall arts and cultural policy should be mapped out before taking forward the Project. This was because the promotion of cultural development might take other more cost-effective forms, for example, by converting Tsim Sha Tsui into a cultural district where a number of arts and cultural facilities were located. Mr Vincent NG of HKIA opined that since so many problems had already emerged at the initial stage, it might be better to call a halt to the Project. LegCo might consider how this could be done to avoid dampening confidence of the general public and foreign investors in Government. Mr Louis YU of HKAC however said that the options of shelving the Project and proceeding with it as scheduled should both be available.

40. In response to Mr Albert HO on the establishment of a designated authority to take over the planning, consultation, co-ordination and implementation of the Project, the deputations expressed the following views -

- (a) Mr Dennis LAU of AAP supported the establishment of a dedicated authority to consolidate the views of all parties concerned on the contents of WKCD before proceeding with the construction of the relevant physical structure.
- (b) Professor Bernard LIM of HKIA expressed support for the proposal and cited the successful case of Sydney's Darling Harbour the phased development of which was overseen by a dedicated body. He undertook to provide information on the successful examples.

- (c) Mr Mathias WOO of Zuni also expressed support for the proposal. In his view, the reason why the Project had failed to win the support of the parties concerned was that no authority had been designated for co-ordination of the Project. In particular, there was no in-depth discussion on the Project details which were missing from the IFP document. The setting up of a dedicated body could ensure that there would be accountability and flexibility in taking forward the Project, and that the Project would have continuity, international perspective and the full-time involvement of professionals. He also considered it important to devise a system in this respect and LegCo could have a role to play in the process.
- (d) Mr Roger TANG of HKIP quoted the case of the Walt Disney Concert Hall in Los Angeles which took 16 years to complete and was seriously over budget (US\$ 274 million instead of the originally planned US\$100 million). According to him, the developers of both the London Docklands and the Canary Wharf projects of the United Kingdom had once gone into bankruptcy. As such, care should be exercised in implementing the Project and the proposed authority should have a role to play.
- (e) Mr Louis YU of HKAC agreed that there might be a need to set up an authority comprising representatives from Government, developers and the arts and cultural sector to assess the Project proposals. He also opined that HKADC could take the lead in forming a body to represent the arts and cultural sector.

Other concerns

41. Ms Emily LAU Wai-hing thanked the deputations for their views. In recognition of the importance of the Project in providing an icon of modern Hong Kong, she called for prudence to ensure there would not be any mistake in implementation. In particular, the maintenance cost and technical details of the Project should be sorted out first. She called upon the arts and cultural sector to actively participate in the Project, and expressed disappointment that HKADC had not played an active role in this regard.

42. In response, Mr Darwin CHEN of HKADC explained that HKADC had been acting as "a catalyst" to encourage the arts and cultural community to express views on the Project, and consolidate them for the Administration's consideration. HKADC also acted as "a bridge" to ensure communication among different sectors interested in the Project. HKADC would in due course finalize its own position in relation to the Project on the basis of the views expressed by different organizations.

43. Mr LAU Ping-cheung questioned the appropriateness of providing 12 months for negotiation with tenderers after tender-in. In his view, such an

arrangement would provide ample opportunities for lobbying and political manoeuvring. Mr Vincent NG of HKIA shared his view, and agreed that the arrangement was not conducive to fair competition.

Meeting with the Administration

- (LC Paper No. CB(1)161/03-04 -- Background brief on West Kowloon Cultural District
- LC Paper No. CB(1)322/03-04(06) -- Information paper provided by the Administration
- LC Paper No. CB(1)345/03-04(05) -- Extracts from the official record of proceedings of the Legislative Council on Wednesday, 12 November 2003, regarding Oral Question No. 1 on the West Kowloon Cultural District Development Project)

44. DSHPL(P&L) expressed disappointment that despite the very transparent and public process involving wide publicity and extensive consultation, the proposed canopy should be questioned at the present stage of development. He urged the deputations and members to refer to the previously published documents and highlighted the following -

- (a) In assessing the entries in the Competition, consideration had been given to both the overall design and the technical aspects. The adjudicating panel consisted not only of international experts but also local experts in the cultural as well as the architectural fields; and
- (b) When the winning entries were announced, the Foster scheme was well received by the public as a creative conceptual design for development of the WKCD site and the Administration had not been made aware of any criticism. The results of the Competition had also been properly reported to LegCo.

45. Mr Albert HO opined that DSHPL(P&L) should not be disappointed. There was no ground for him to expect support by LegCo as the subject was only reported to the Panel twice.

46. In relation to para 44(a) above, Mr LAU Ping-cheung queried why despite representatives from the cultural and architectural sectors sitting on the adjudicating panel of the Competition, these sectors still had so many questions and concerns about the winning entry of the Competition. Ir Francis W C KUNG, Chairman of HKIE's Civil Division, also pointed out that in the IFP exercise, Project proponents were required to submit details on the ventilation arrangement for the Project. In his view, this might indicate that not all technical details had been taken into consideration in assessing the entries to the Competition.

47. Mr Mathias WOO of Zuni said that the arts and cultural sector had not been consulted on the canopy design or other details of the Foster scheme. He also maintained that the Foster scheme was essentially an architectural design.

48. In recognition of the deputations' concerns, Miss CHAN Yuen-han, Ms Emily LAU and Mr IP Kwok-him enquired whether the Administration would be willing to defer the deadline of 19 March 2004 for submission of Project proposals. In response, DSHPL(P&L) said that the IFP had been launched worldwide on 5 September 2003. As at present, eleven prospective proponents had expressed interest in undertaking the development, and they might have been working with reference to the deadline. As such, the Administration did not consider it appropriate to defer the deadline. He however agreed to actively follow up on the views and suggestions of the deputations, and to continue discussion with them on the Project details.

49. DSHPL(P&L) also emphasized that the Project would be an arts and cultural integrated development and not a property development. Commercial developments were however needed to ensure viability of the Project. He highlighted the importance of a creative thinking, and stressed that the proposed approach for implementing the Project was necessary given the substantial capital investment involved and Government's present financial condition. He believed that developers could work well with the arts and cultural sector in implementing the Project.

50. Ms Emily LAU considered it unacceptable that LegCo should be denied the opportunity to monitor the Project, especially the funding of the proposal through the Finance Committee (FC). In reply, DSHPL(P&L) clarified that the Administration had no intention of bypassing LegCo's scrutiny. In consideration of Government's budget deficit, the Project would not be implemented as a typical works project funded by public money and hence would not require funding approval by the FC. He assured members that the Administration would ensure participation of and support from the community as well as LegCo before deciding on the proposal to be adopted. Mr Abraham SHEK remained concerned that the Project did not need to obtain funding approval by LegCo. Pointing out that the profits from the Project could amount to \$28 billion, he questioned the appropriateness of not putting the Project under LegCo's scrutiny.

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51. In consideration of the concerns expressed by the deputations on the Project and the need for the Administration to respond, Ms Emily LAU suggested that an additional joint meeting of the Panels be held before the motion debate on the subject on 26 November 2003.

52. Members agreed to hold an additional joint meeting of the two Panels on Tuesday, 25 November 2003 at 4:30 pm after the regular PLW Panel meeting and invite the CS for A and the relevant Bureau Secretaries to attend the meeting. Members also extended their invitation to the attending deputations to attend the

joint Panel meeting. DSHPL(P&L) undertook to convey members' request to the Bureau Secretaries concerned.

III. Any other business

53. There being no other business, the meeting ended at 12:40 pm.

Council Business Division 1
Legislative Council Secretariat
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