

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, 25 November 2003, at 4:30 pm
in the Chamber of the Legislative Council Building**

Members present : Members of 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
Ir Dr Hon Raymond HO Chung-tai, JP
- * Hon James TO Kun-sun
- * Hon Timothy FOK Tsun-ting, SBS, JP
Hon TAM Yiu-chung, GBS, 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
Hon Tommy CHEUNG Yu-yan, 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 : Dr Hon Eric LI Ka-cheung, GBS, JP
Hon CHAN Yuen-han, JP

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

Dr Hon David CHU Yu-lin, JP
* Hon WONG Yung-kan
* Hon LAU Wong-fat, GBS, JP

Members of the Panel on Home Affairs

Hon Cyd HO Sau-lan
Hon Andrew WONG Wang-fat, JP
Hon CHOY So-yuk

(* Also members of the Panel on Home Affairs)

Public officers attending : Hon Donald Y K TSANG
Chief Secretary for Administration

Mr Michael M Y SUEN
Secretary for Housing, Planning and Lands

Dr Patrick C P HO
Secretary for Home Affairs

Mr Thomas M T TSO
Deputy Secretary for Housing, Planning and Lands
(Planning and Lands)

Ms Lolly Y C CHIU
Deputy Secretary for Home Affairs

Ms Anissa S Y WONG
Director of Leisure & Cultural Services

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

**Attendance by
Invitation**

: Government Cultural Services Grades' Alliance

Mr Gray IP Ga-ri
Member

Mr WONG Chi-kin
Member

Hong Kong Arts Development Council

Dr Peter K K WONG
Vice Chairman

Mr Albert C C LAM, JP
Chief Executive

Hong Kong Curators Association

Mr HO Kam-chuen
Chairman

Mr CHAN Shing-wai
Vice Chairman

Hong Kong Institute of Archaeology

Ms LIU Mao
Director

Zuni Icosahedron Ltd.

Ms Doris KAN
General Manager

Mr WONG Yue-wai
Creative Manager

Hong Kong Institute of Real Estate Administration

Mr SO Chun-hin
President

The Association of Architectural Practices Ltd.

Mr Nevin C L HO
Representative

The Hong Kong Institution of Engineers

Ir Dr Alex S K CHAN
President

The Hong Kong Institute of Planners

Mr Roger TANG
Vice-President

The Hong Kong Institute of Surveyors

Mr Francis LEUNG
Chairman, Quantity Surveying Division

Mr Bernard CHAN
Chairman, Town Planning & Development Committee

The Real Estate Developers Association of Hong Kong

Mr Louis LOONG
Secretary General

Museum of Site

Mr WONG Yui-hin
Visiting Artist

Hong Kong Construction Association

Mr Patrick W T CHAN
Secretary General

Clerk in attendance : Ms Anita SIT
Chief Assistant Secretary (1)6

Staff in attendance : Mr Jimmy MA
Legal Adviser

Ms Rosalind MA
Senior Assistant Secretary (1)8

Mr Anthony CHU
Assistant Secretary (1)2

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

Letter from Mr Abraham SHEK

(LC Paper No. CB(1)401/03-04(02) -- Letter dated 18 November 2003
from Hon Abraham SHEK)

2. Before representatives of the Administration and deputations were invited to be seated in the Chamber, the Chairman said that he would like to consult members on how the request from Mr Abraham SHEK as set out in his letter dated 18 November 2003 should be dealt with. In the letter, Mr SHEK requested the Legislative Council Secretariat to provide legal advice on whether the funding arrangements for the West Kowloon Cultural District (WKCD) development departed from the normal funding practices for Government projects and/or were in breach of section 4 of the Public Finance Ordinance (Cap. 2).

3. Mr Abraham SHEK said that as the WKCD development was a large scale development involving a government site of 40 hectares and capital investment of over \$20 billion, the Legislative Council (LegCo) had the responsibility to monitor the implementation of the development and to ensure that proper funding arrangements were adopted for the development.

4. Ir Dr Raymond HO said that as the Administration had promulgated that it would actively consider the option of engaging private sector resources to deliver public works projects in future, he was concerned that the role of the Finance Committee and even LegCo in monitoring public works projects would be diminished. He suggested that information on the experience of overseas

jurisdictions in engaging private sector resources in delivering public works projects be provided for members' reference.

(Post-meeting note: The proposed research outline prepared by the Research and Library Services Division of the LegCo Secretariat in response to Ir Dr Raymond HO's request was issued to members vide LC Paper No. CB(1)813/03-04(01) on 19 January 2004.)

5. The Legal Adviser of the LegCo Secretariat (LA) said that he needed more time for background research on the issues raised in Mr SHEK's letter. He suggested that as the administration of public finances fell within the purview of the Financial Secretary (FS), members might consider inviting FS to respond to the issues raised in Mr SHEK's letter and other issues relating to the funding arrangements for the WKCD development.

6. LA further said that according to the paper provided by the Administration for the joint Panel meeting on 18 November 2003 (LC Paper No. CB(1)322/03-04(06)), the development approach adopted for the WKCD development was not new and had already been applied successfully in Hong Kong. It was cited in the paper that the Hong Kong Convention and Exhibition Centre and the adjacent hotel, commercial and residential facilities (the HKCEC development) were developed using a conceptually similar single package approach. LA suggested that the Administration be requested to provide information on the HKCEC development. Moreover, LA pointed out that in delivering her speech at the special FC meeting in March 2003, the Secretary for Environment, Transport and Works stated that the Administration was planning a pilot scheme to promote private sector participation in public works projects.

7. Members agreed that the Panels should invite FS to respond to the issues relating to the funding arrangements for the WKCD development and request the Administration to provide information on the HKCEC development. Upon receipt of the information, the Panels would consider how the matter should be pursued.

(Post-meeting note: Letters were sent to FS and the Secretary for Housing, Planning and Lands (SHPL) separately on 27 November 2003. Copies of the letters were circulated to members vide LC Paper No. CB(1)495/03-04 on 3 December 2003. The information provided by the Administration on the HKCEC development and the response from FS were circulated to members vide LC Paper Nos. CB(1)623/03-04 and CB(1)736/03-04 on 18 December 2003 and 8 January 2004 respectively.)

Meeting with the Administration and deputations

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
- LC Paper No. CB(1)401/03-04(01) -- Extracts from the official record of proceedings of the Legislative Council on Wednesday, 19 November 2003, regarding Oral Question No.4 on the Amendments to Draft South West Kowloon Cultural Zoning Plan
- LC Paper No. CB(1)329/03-04(01) -- Submission from the Government Cultural Services Grades' Alliance
- LC Paper No. CB(1)345/03-04(01) -- Submission from the Hong Kong Arts Centre
- LC Paper No. CB(1)378/03-04 -- Submission from the Hong Kong Arts Development Council
- LC Paper No. CB(1)329/03-04(02) -- Submission from the Hong Kong Curators Association
- LC Paper No. CB(1)345/03-04(03) -- Submission from the Hong Kong Institute of Archaeology
- LC Paper No. CB(1)359/03-04(04) -- Submission from Zuni Icosahedron Ltd.
- LC Paper No. CB(1)322/03-04(01) -- Submission from the Hong Kong Institute of Real Estate Administration
- LC Paper No. CB(1)322/03-04(02) -- Submission from the Association of Architectural Practices Ltd
- LC Paper No. CB(1)329/03-04(03) -- Submission from the Hong Kong Institution of Engineers
- LC Paper No. CB(1)322/03-04(04) -- Submission from the Hong Kong Institute of Planners
- LC Paper No. CB(1)345/03-04(04) -- Submission from the Hong Kong Institute of Surveyors
- LC Paper No. CB(1)359/03-04(05) -- Submission from the Real Estate Developers Association of Hong Kong
- LC Paper No. CB(1)359/03-04(03) -- Submission from Museum of

	Site
LC Paper No. CB(1)322/03-04(05) --	Submission from the Hong Kong Construction Association Ltd
LC Paper No. CB(1)322/03-04(03) --	Submission from the Hong Kong Institute of Architects
LC Paper No. CB(1)345/03-04(02) --	Submission from the Hong Kong Christian Service
LC Paper No. CB(1)359/03-04(01) --	Submission from Project Hong Kong
LC Paper No. CB(1)410/03-04(01) --	Submission from Urban Watch)

8. At the Chairman's invitation, the Chief Secretary for Administration (CS) made the following points in response to the issues raised by attending deputations at the last joint Panel meeting on 18 November 2003-

- (a) The Government planned to develop the WKCD into a world class integrated arts, cultural and entertainment area so as to enrich the cultural lives of Hong Kong people and offer tourists a chance to sample the blend of cultures here. To allow flexibility and creativity, it was necessary to break away from the conventional practice of having arts and cultural facilities provided and managed by the Government, and to draw on the commercial know-how of the private sector as well as the expertise of the cultural sector in developing the project.
- (b) As explained in the Administration's reply to Mr James TIEN's question at the Council meeting on 12 November 2003, dividing the project into smaller packages and then inviting separate tenders for these packages would first require the Government to draw up a master layout plan based on uncertain assumptions of what would be commercially viable and how various infrastructural facilities would interface with the design of buildings in the district. This would be dangerous as design and construction of the various arts and cultural facilities would have to be carried out under different packages, thereby losing the opportunity for achieving an integrated development.
- (c) The development proposal would be subject to adequate control, details of which had already been set out in SHPL's reply to Mr Albert HO's question at the Council meeting on 19 November 2003.
- (d) The arts and cultural sector could and was expected to contribute to the WKCD development in several ways. Firstly, they could assist proponents in preparing their proposals. Secondly, they could contribute towards the formulation of detailed guidelines for assessment of development proposals within the framework

published in the Invitation for Proposals (IFP). Thirdly, they could offer further views to the Government on how the new facilities to be provided in the WKCD could be optimally utilized. Fourthly, they would have a very important role in providing input on and monitoring the operation of the arts and cultural facilities in the development.

- (e) The Administration would continue to listen to views from LegCo Members and the arts and cultural community on the WKCD development.

Mode of implementation and funding arrangements

9. Mr WONG Sing-chi expressed grave concern about the single package approach. He enquired whether it would be viable to acquire proceeds from the sale of some land on the WKCD site for financing the construction of the arts and cultural facilities of the WKCD development. In this connection, he asked if the calculation of development mix on the WKCD site in the development proposals to be submitted by proponents would be released to the public for consultation.

10. In response, CS reiterated that dividing the project into smaller packages and inviting tenders would first require the Government to draw up a master layout plan based on uncertain assumptions. Tendering out various packages with a view to using the land sale proceeds for developing the cultural facilities was impractical, as this would entail hypothecation of general revenue. Having regard to all relevant factors, the single package approach was the optimal way forward and could best serve the public interest. As the detailed calculations by interested developers involved commercially sensitive information, disclosure of such information was inappropriate and would not be in the public interest.

11. Mr WONG Sing-chi commented that in the absence of adequate information, it would be unreasonable to expect support from the community and the LegCo in future simply on the basis of a single proposal selected by the Administration. He was concerned whether the LegCo would have the opportunity to scrutinize the development proposal before it was finalized, as the Administration had decided not to finance the project by public funds and the project would not be subject to the funding approval of FC.

12. CS assured members that the WKCD development would be procured in an open and prudent manner. Apart from following all relevant government tendering procedures, the Administration had laid down the criteria for assessment of proposals. Moreover, the Administration had undertaken to seek the views of LegCo and the Town Planning Board on the preferred development proposal. Any comments and proposed changes received would be carefully considered before the preferred development proposal was finalized for approval by the Chief Executive in Council.

13. Ir Dr Raymond HO was concerned about the fairness in the selection of the preferred development proposal. He did not agree with the Administration's claim that the procurement process in this case was more open and transparent than that of other public works projects. On the contrary, he opined that the procurement process was not fair as the details of the development would be ironed out through a negotiation process between the Administration and the selected proponent, thereby depriving other proponents of the same opportunity to revise/refine their proposals after the first stage of selection.

14. CS explained that the IFP was issued as an open invitation to all interested proponents both local and overseas. The Administration had already received written indications from 11 substantial entities expressing interests in undertaking this development. The procurement process for the WKCD was transparent in that the assessment criteria had been revealed to the public and the views of relevant sectors would be taken into account in applying the assessment criteria. The Administration had undertaken to consult LegCo before the preferred proposal was finally adopted. He assured members that the Administration would endeavour to do all that it could to ensure a fair, open and transparent procurement process.

15. Referring to CS's remark that the Administration would continue to listen to views of the community and relevant sectors in assessing proposals for the WKCD development, Mr WONG Sing-chi asked for details on how the community could participate in the development process.

16. CS said that the IFP issued on 5 September 2003 provided the development brief for WKCD and set out the framework for assessment of development proposals. While the selection would be done in strict confidence by an assessment panel comprising senior civil servants, the Administration would consult the arts and cultural sector further, particularly on the mode of governance for the arts and cultural facilities and the application of the assessment criteria. The arts and cultural community would also play an important role, together with the successful proponent and the Administration, in monitoring the governance and operation of the core arts and cultural facilities in future.

17. Miss CHAN Yuen-han opined that involvement of the community in the assessment of development proposals should not be prohibited simply on grounds of possible conflict of interests of certain groups or individuals. Quoting the example of the Hammer Hill Road Park, the design and construction of which was entrusted to the Chi Lin Nunnery, Miss CHAN said that participation of experts and talents of the relevant fields would be beneficial to the WKCD development. She considered that a proper mechanism could be devised to prevent conflict of interests and thus enable individuals from various sectors in particular the cultural sector to participate in this project. Ms Emily LAU shared her view.

18. In reply, CS affirmed that to avoid any actual, potential and perceived conflict of interests, which might invite legal challenges from unsuccessful proponents, the Administration was of the view that participation of any

individuals other than selected senior civil servants, whose background and connections had undergone the strictest vetting process, in the assessment panel for the WKCD development would be undesirable. In view of the huge capital investment involved for the project, the gravity of the legal liability in the case of conflict of interests would be beyond the ability of any individual or group to bear, and the Government might have to face dire consequences of having the result of the procurement overturned. Nevertheless, as he had explained earlier on, the Administration would encourage participation of the community in the form of contributing to the formulation of detailed guidelines for assessment of development proposals, providing expert advice to prospective proponents and the Government on the planning, operation and management of the arts and cultural facilities in the development.

19. In response to Miss CHAN Yuen-han's suggestion of drawing up the blueprint for the arts and cultural facilities of the WKCD through collaborative efforts between the Government and the cultural sector, CS explained that it would be impossible and inappropriate for the Administration to work out a "final and consensus" proposal for the arts and cultural facilities at the WKCD development. The arts and cultural sector was generally satisfied with the proposed hardware of the WKCD but expressed concern about the software, including cultural policy and training.

20. Pointing out that the WKCD development was a large scale project with a site area of 40 hectares and an estimated investment of about \$24 billion, Mr Albert HO opined that there had been inadequate consultation with the community, the arts and cultural sector and professional bodies. He said that instead of pursuing the development in a rush, the Administration should ensure fair and open tendering and procurement processes for the WKCD development by including detailed planning and design parameters in the IFP after conducting thorough consultation with relevant parties and the community at large.

21. Ms Emily LAU shared Mr Albert HO's view. She opined that it was the responsibility of LegCo to ensure that the public concerns over such an important community project were adequately addressed before a decision was taken on how the project should be pursued.

22. CS responded that the proposal of developing a world class arts, cultural and entertainment area in West Kowloon was promulgated in 1998 and since then had been taken forward with due consultation and publicity and thus should not be seen as being pursued in a rush. While pointing out that a completely thorough public consultation was an impossible task, CS stressed that the Administration had tried its best to gauge the views of the community on the development project, through consultation with the District Councils, arts and cultural sector, professional bodies and LegCo, and had taken into consideration the views in taking forward the project. He also pointed out that the international competition inviting submissions of concept plans for development of the site had been conducted in an open and transparent manner. The winning entries were chosen by

a jury of local and international experts and the outcome of the competition was announced with wide publicity, including exhibitions in various districts in the territory.

23. Mr Albert HO raised concern that given the lack of specific planning and design requirements in the IFP, the community could hardly be convinced that the outturn development scheme would best serve the objective of enhancing the cultural lives of Hong Kong people. Moreover, it would be difficult for the assessment panel to make objective comparison among development proposals and hence fairness of the procurement process could hardly be ensured. CS explained that to achieve the most viable and the best development scheme, the Administration had provided a baseline development scheme in the IFP with baseline assumptions on building height and plot ratio as a base reference for proponents in drawing up their proposals. The proposals submitted by interested proponents would be assessed based on the assessment criteria stipulated in the IFP. All the parameters for development, including gross floor area, plot ratio and height limit would be stipulated in the land grant and the Project Agreement to be signed between the Government and the successful proponent, and incorporated into the statutory town plan. These were legally binding documents. If the proponent wanted to amend any of these aspects of the development plan, all the statutory town planning procedures, including approval by the Town Planning Board, would have to be followed.

24. Mr MA Fung-kwok opined that the Administration's issuance of the IFP before the "software" or cultural contents had been thoroughly considered was contradictory to the recommendations of the former Culture and Heritage Commission (CHC). He doubted whether the Administration had taken into account the recommendations of CHC in planning for the WKCD development.

25. CS responded that the existing approach adopted for the WKCD development was not contradictory to the long-term vision of the CHC recommendations. The Secretary for Home Affairs (SHA) added that the vision of CHC on the development of arts and cultural facilities was attached as Annex to the Concept Plan Competition Document. Moreover, in the preparation of the IFP, the Administration had taken into consideration the principles of "people-oriented", "partnership" and "community-driven" promulgated in the recommendations of CHC in its last consultation paper. He drew members' attention to the three major suggestions of CHC for the WKCD development, including integration of facilities within the district, complementarity with other cultural facilities and respecting cultural "software". He said that the Administration planned to report on the progress of implementation of the CHC recommendations by end 2003. He explained that in preparing their proposals for the WKCD development, proponents were expected to engage high quality design teams of relevant professionals, including professionals who were experienced in the management and operation of arts and cultural facilities.

26. Mr Tommy CHEUNG said that members of the Liberal Party were of the view that instead of the proposed single package approach, a statutory body, say an Arts and Cultural Authority, should be established to oversee the development of the core arts and cultural facilities in WKCD. The Administration could make reference to the operation of the Airport Authority in this regard. The new statutory body might secure loans through commercial financing for the development of arts and cultural facilities and no funding from the public purse would be required.

27. Miss CHAN Yuen-han was disappointed that despite the concerns and alternatives put forward by the community, the Administration still insisted on the single package approach. She urged the Administration to consider the alternative suggested by the Hong Kong Christian Service of establishing a WKCD management authority, comprising representatives from the Government, commercial sector, arts and cultural sector and members of the public, to plan and implement the development.

28. In reply, SHPL said that the Administration's vision was to see the WKCD developed into a world class integrated arts, cultural and entertainment area. While there were alternative ways to pursue this goal, such as through the conventional practice of having arts and cultural facilities provided and managed by the Government, given the stringent financial position of the Government and many other competing claims, the prospect of securing the required amount of public funds was remote. From both funding and implementation angles, the Administration considered it appropriate to break away from the conventional practice and to draw on the commercial know-how of the private sector and the input of the arts and cultural community to implement the project. Moreover, to ensure integrity of the development, the single package approach was the optimal way forward.

29. Mr Tommy CHEUNG enquired about the Administration's estimation of proceeds if part of the WKCD site was put on sale. The Deputy Secretary for Housing, Planning and Lands (DSHPL) said that from the planning perspective, the value of land should be assessed according to the relevant planning objectives and designated land uses. A master layout plan with cohesive and complementary development mix and density would be a prerequisite for making a precise land value assessment. At this stage, there was a clear planning objective, i.e. the WKCD site was earmarked for development into an integrated world class arts, cultural and entertainment district, but the master layout plan had yet to be drawn up. The Administration was inviting submissions from the private sector for such a master layout plan through the IFP. It was thus impossible for the Administration to give, at this stage, a reliable assessment of the land value as the land use details of the site were not yet determined.

30. Mr Abraham SHEK opined that the Administration should be able to make an estimation of the land value of the site as the Administration had already made baseline assumptions on the plot ratio and gross floor area of the commercial and

residential developments. He opined that although the selected project proponent would finance the construction and future operation of the arts and cultural facilities in WKCD, the community had to shoulder the costs for the development through the provision of valuable land asset, possibly at a lower land premium, for the commercial/residential developments on the WKCD. He was gravely concerned about the single package approach adopted by the Administration, as this seriously limited the participation of small and medium-sized companies and developers while favouring large corporations.

31. SHPL said that the value of the WKCD site should not be assessed merely on the basis of the estimated proceeds from land sale for commercial/residential developments. He stressed that the Administration had endeavoured to procure world class arts and cultural facilities through an approach which was financially viable and could best serve the public interest.

32. Ms Emily LAU commented that it was unrealistic for the Administration to rely on private sector proponents, who would likely be property developers, to submit development proposals that could fulfill the vision and principles recommended by CHC on the WKCD development. She strongly doubted whether the present approach adopted by the Administration was appropriate for taking forward this important arts and cultural project.

33. In reply, SHA said that proponents were required to propose plans for the governance and operation which, among other things, would enhance the long-term cultural development of Hong Kong and utilize the talents and expertise in the relevant fields. He assured members that the Administration would examine all the development proposals very carefully to ensure sound and sustainable operation of the arts and cultural facilities. If a proposal did not meet the requirements regarding the provision, management and operation of arts and cultural facilities, the Administration would not accept it.

34. Ms Emily LAU expressed concern that the procurement arrangements for the WKCD development departed from normal practices and were not subject to the approval of LegCo's Finance Committee. In response, SHPL said that as CS had mentioned earlier on, the Administration had undertaken to consult LegCo before the preferred proposal was adopted. Ms LAU maintained her concern and commented that the Administration should ensure that it would be fully accountable to LegCo in pursuing the project.

The canopy

35. On the canopy design, CS said that the canopy was a key feature of the first prize winning concept plan, submitted by a team led by Foster and Partners of the UK (the Foster scheme), in the Concept Plan Competition. The Steering Committee for Development of the West Kowloon Cultural District had decided in principle to adopt the Foster scheme as the conceptual basis for the masterplan for the WKCD and that its key feature, the distinctive canopy, would be retained.

36. Miss CHAN Yuen-han and Mr MA Fung-kwok commented that there was no public consensus on the provision of the canopy envisioned in the Foster scheme, in particular when its technical feasibility and the possible maintenance problems were taken into consideration. They queried whether in the process of choosing the Foster scheme, the Administration had consulted the engineering profession on the technical aspects of the canopy before making the decision. Mr Abraham SHEK shared similar concern and doubted whether the Administration had made detailed comparison in cost-effectiveness between the first and second prize winning designs before deciding to adopt the Foster scheme.

37. CS said that there was no question about the technical feasibility of the canopy, as technical feasibility was one of the determining factors in the open Concept Plan Competition. Moreover, in preparing the IFP, the Administration had conducted preliminary examination of the Foster scheme in terms of its practicality, aesthetic aspects and suitability as an architectural icon. He pointed out that the successful proponent would have to comply with all the relevant statutory requirements in the construction of facilities for the WKCD development.

38. The Project Manager (Kowloon), Territory Development Department (PM/TDD) said that members of the public, including professional bodies and LegCo Members, might have some misunderstanding about the design of the canopy. With the aid of a drawing of the Foster scheme, he clarified that the canopy was not designed to cover the site in a complete enclosure. Instead, it would be an architectural feature of 1 400 metre in length with a height ranging from 130 mPD at the Cultural Headland to about 50 mPD near the eastern end as the lowest part of the canopy. He said that there were three major objectives to be achieved through the provision of a canopy under the Foster scheme, namely, to create a pleasant micro-climatic environment underneath without the need for provision of an extensive air-conditioning system in the cultural headland area, to allow pedestrians to enjoy the harbour view under shelter at the podium park; and to create an architectural icon which would be a landmark of Hong Kong. He pointed out that after clarification on the design of the canopy, representatives of some professional bodies, including the Hong Kong Institution of Engineers (HKIE) and the Association of Architectural Practices Limited, had been relieved of their doubts on the technical feasibility and compliance with statutory requirements.

39. PM/TDD further said that the Foster scheme was chosen through an open competition with submissions examined by a jury of local and international experts. Adopting the first prize winning concept plan was a well justified and reasonable decision. He said that divided views were inevitable in pursuit of a world-class development of this kind in any open society. Masterpieces such as the Opera House in Sydney and the Guggenheim Museum in Bilbao were not built without heated debates on the designs, but built they were and they stood now as eminent cultural icons.

40. DSHPL also confirmed that the technical feasibility of the canopy had been examined by experts during the consideration of submissions at the Concept Plan Competition. Moreover, the Administration had conducted preliminary examination of the technical aspects of the Foster scheme before deciding to adopt it in the baseline development scheme for the WKCD project.

Further views of deputations

41. At the Chairman's invitation, Ir Dr Alex CHAN, President of HKIE said that after clarifications by TDD officers following the joint meeting on 18 November 2003, he got a better understanding of the proposed design of the canopy and believed that the technical issues in its construction and maintenance could be resolved with further studies. He urged the Administration to make continued effort to communicate with and consult professional bodies, including HKIE, on the technical aspects of the implementation of the WKCD development. He also took the opportunity to declare interest as a member of the Town Planning Board.

42. Ms Doris KAN, General Manager of Zuni Icosahedron Ltd, considered the six-month period for proponents to submit their proposals too short for a project of this scale. Moreover, she doubted the practicability of relying on the proponents participating in the IFP to work out proposals on the planning, operation, maintenance and management of the core arts and cultural facilities. She opined that the operation and management of these facilities required talents in arts and culture and their successful utilization must be complemented by suitable training and a well-formulated cultural policy. She was glad to know that the Administration was preparing its response to the recommendations of CHC by end 2003.

43. Ms LIU Mao, Director of the Hong Kong Institute of Archaeology, urged the Administration to provide more resources for heritage protection. As an archaeologist, she was concerned about the Administration's cultural policy and looked forward to the Administration's response to CHC recommendations.

44. Mr Patrick CHAN, Secretary General of the Hong Kong Construction Association, proposed an alternative to the single package approach for the development of WKCD. He invited LegCo Members and the Administration to consider inviting private participation on the basis of individual cultural facilities

so that more companies, including small and medium-sized companies, had fair opportunities to participate in the project. He said that under this approach, small and medium-sized developers might secure loans from banks for the development and no investment from the public purse would be needed. Upon completion of the facilities, the Administration would pay an annual or monthly rental for the use of the facilities.

45. Mr WONG Yui-hin, visiting artist of the Museum of Site, opined that the existing provision of arts and cultural facilities in Hong Kong was inadequate, but the goal of providing a world-class integrated arts, cultural and entertainment district at the WKCD site could hardly be attained under the present implementation approach. The Administration had set the baseline for the mix of commercial and cultural development, with commercial development occupying some 70% of the site area. It was unrealistic to expect the private sector proponents to propose a development mix with higher percentage of land use for arts and cultural facilities. He also expressed concern about the overriding influence of the project developer on the future operation and management of the arts and cultural facilities. On the conceptual design of the development, Mr WONG said that even if the Foster scheme was technically feasible, the design was not innovative enough and had not gained much acclaim internationally. It might not be the best design for the WKCD.

46. The Chairman thanked Government officials and representatives of deputations for attending the meeting. In view of time constraint, the meeting had to end at this point. Members might continue the discussion of the WKCD development at the debate of the motion on "West Kowloon Cultural District development project" at the Council meeting on 26 November 2003.

III. Any other business

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