

**Joint Meeting of
Panel on Planning, Lands and Works and
Panel on Home Affairs**

**West Kowloon Cultural District (WKCD)
Summary of concerns/views raised by various organizations
(as at 25 November 2003)**

Subject	Organization	Concerns/Views
(I) Canopy	The Association of Architectural Practices Ltd.	The preliminary design of the canopy cannot comply with the requirements under the Buildings Ordinance and the Fire Services Ordinance, etc. Yet the Government fails to respond positively to that problem and simply treats it as a part of the future design, hence feasibility of the design remains doubtful.
	The Hong Kong Institution of Engineers	No compelling need to build the 120 m high glass canopy. There are long term maintenance and replacement considerations similar to the problem of aging high rise buildings in Hong Kong. The capital cost of the canopy is high and so is the recurrent maintenance cost.
	Zuni Icosahedron Ltd.	Objects to Norman Forster's design. The nature of the relevant plan is an architectural design rather than development plan.
	Museum of Site	<ul style="list-style-type: none"> • Might contravene the Buildings Ordinance as well as other legislation. • High costs of construction and maintenance.

Subject	Organization	Concerns/Views
(I) Canopy <i>(cont.)</i>	Museum of Site (cont.)	<ul style="list-style-type: none"> • The design of Foster & Partners imposes limits on various scopes, including the construction and environmental planning, the interests of small developers, the planning strategies of diversified enterprise within the business sector and the foreseeable interests and long-term strategies of the cultural sector in the next 30 years. It also affects the objective assessments made prudently by bureau secretaries. The over-emphasis on Foster & Partners' design is tantamount to putting the cart before the horse! • However, it will also give rise to problems if the Government hastily abandon Foster & Partners' design. It should invite representatives from Foster & Partners to explain the case.
	Urban Watch	<ul style="list-style-type: none"> • The first prize winning design of the canopy has won both praise and criticism. Its functions, characters, energy-saving ability and whether or not it can serve as a symbol for Hong Kong have to be further explored. • Hence, the decision on the canopy should be made after open discussion, instead of made by a few key officials.
(II) Single Arrangement Package	Government Cultural Services Grades' Alliance	<ul style="list-style-type: none"> • No objection in principle to awarding the project by way of a single package arrangement. • A coordinated development plan, a well-adjusted completion schedule for different facilities, as well as an agent to manage the development of various facilities in a holistic way should be put in place.
	Hong Kong Institute of Real Estate Administration	It would be unfair, unjust and unacceptable to the community at large should the development right of the West Kowloon reclamation area be granted to one developer.
	The Hong Kong Institution of Engineers	No sufficient justifications for awarding the development right to a single developer.

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<p>(II) Single Arrangement (<i>cont.</i>)</p> <p>Package</p>	<p>The Association of Architectural Practices Ltd.</p>	<ul style="list-style-type: none"> • The design of a “continuous and connecting” canopy does not equal to an “indivisible” one, it is not a necessity for the canopy to be constructed by a single consortium. • The West Kowloon project has right from the onset emphasized on the appearance and consistency in design but overlooked the detailed features. Specific arrangements will be discussed only after the developer has been selected. The Government will then negotiate with the single selected developer on behalf of the public. The whole process is done the wrong way round. • The threshold is too high and unfair to the small and medium sized developers. This will indirectly create the chance for monopoly. • As there are not many negotiation targets around, the result of the negotiation is very likely be “biased towards one side” and the ultimate interests of the community cannot be sufficiently protected. • The complexity involved in the single package arrangement might result in the adoption of foreign design and consultancy at the expense of the job opportunities of the local professional service sectors.

Subject	Organization	Concerns/Views
(II) Single Package Arrangement <i>(cont.)</i>	Hong Kong Institute of Architects	Technically it is entirely feasible and appropriate to implement Forster's Sky-canopy and conceptual design phase by phase. The relevant Development Board should handle technical coordination with reference to a set of established Control Drawings.
	The Hong Kong Institute of Surveyors	<ul style="list-style-type: none"> • The single package arrangement might give rise to a number of problems, such as favouritism to a large developer, the need for proper risks sharing, the need to cope with the changes that are bound to arise over the project life span, and the likelihood of Government being constrained by post-contract changes. • From both contractual and technical points of view, the Development can be, and should be, broken down into a series of packages without necessarily compromising its integrated design and operation.
	Hong Kong Institute of Planners	<ul style="list-style-type: none"> • The Government should explain how they could minimize and address envisaged problems of a single package approach. • The Government should also explain what other implementation approaches have been examined and why they were considered not feasible.
	The Real Estate Developers Association of Hong Kong	<ul style="list-style-type: none"> • The WKCD is a real estate development project. • The single package approach is disruptive to the operation principle of free market and participation will be limited to a few capable proponents.

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(II) Single Package Arrangement <i>(cont.)</i>	Project Hong Kong	Regarding the controversial issue of “whether the operation, maintenance and management should be awarded to a single developer”, the Government of the Hong Kong Special Administration Region should not merely consider “which approach is the most convenient way to operate, maintain and manage” but also the issue of “which approach is the best for facilitating and improving the cultural development in Hong Kong”.
	Urban Watch	Will such a large-scale development led by a single developer with full control of its design lead to a monopoly on the products concerned? How can the quality and completion time of the cultural items be ensured if such items just serve as frills and bear a monotonous appearance?
(III) Invitation for Proposals (IPF)	Zuni Icosahedron Ltd.	The ambiguity in the contents of IFP is disadvantageous to the proponents
	The Association of Architectural Practices Ltd.	Many details in the IFP are yet to be discussed with the successful proponent. Other information such as the development schedule, design details, technical feasibility studies, operation and management details, and so on, remains unknown and thus poses enormous risks to both the Government and the developer.
	Hong Kong Institute of Architects	The plot ratio and time frame for each phase of the project should be capped appropriately. The public should be consulted on all layout plans, design details and their effects on urban design and view aspects. They should afterwards be reviewed and approved by the Town Planning Board (TPB). All financial and operational arrangements should be reviewed and approved by the Legislative Council.

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(III) Invitation for Proposals <i>(cont.)</i>	The Hong Kong Institution of Engineers	<ul style="list-style-type: none"> • The emphasis of the IFP is not arts and culture property development proposal with 500 000 sq.m. of commercial residential floor area but with no upper limit. The development intensity is likely to be higher and planning merits overlooked. Such situation seems unsatisfactory. • The proposal specifies some 200 000 sq.m. of arts and cultural facilities. The successful bidder is a developer and is likely to put its emphasis into the hardware of performing arts. The IFP only specifies sketchy requirements of a culture management plan. An arts and cultural district requires much more than grandeur buildings to be successful in promoting local cultural developments.
	The Hong Kong Institute of Surveyors	<ul style="list-style-type: none"> • Although the Government appears to benefit from transferring risks to the project proponent, it does not change the simple fact that taxpayers will eventually pick up the bill. The procurement strategies must therefore be devised with caution. • The proposed procedural land grant is undesirable. Too much risk seems to be placed on the proponent who will commit a huge investment based on very loose terms. In the case of a dispute, the Government will not be in a strong bargaining position. • For allocation of undivided shares for the core cultural and arts facilities, the ownership right is unsatisfactory. Allocation of maintenance responsibility will be complex because of the different standards and services involved.

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(III) Invitation for Proposals <i>(cont.)</i>	Museum of Site	<ul style="list-style-type: none"> • The IFP guidelines are completed in an acute lack of research data. • The IFP guidelines have also failed to provide the necessary information or lead the developer to study soft information in great depth for strategic assessment purposes. • The ratio of commercial development to cultural facilities should be 7:3, and no relaxation should be allowed.
	Project Hong Kong	The Government should review afresh the project contents and requirements set out in the IFP, especially the requirements and requests of the innovative cultural sector, so as to ensure that the items of the project will facilitate local cultural development and provide supporting facilities for sustainable development such as human resources training, education, trial, study and development, etc.
(IV) Assessment Criteria and Selection Process	Project Hong Kong	Enhance the transparency of the tender process and publicize relevant assessment criteria, especially the need to put in place a system to ensure that the innovative cultural sector is provided with the right to participate and the right to speak.
	The Hong Kong Institute of Surveyors	The proponents' submissions must be structured to permit evaluation against clear and distinct criteria.
	Hong Kong Institute of Planners	The credibility of the selection panel and openness of the selection process are critical to establishing the legitimacy of the selected scheme. At some point before the selection of the winning bids, the views of the public and the TPB should be gauged on the submitted proposals.
	The Real Estate Developers Association of Hong Kong	Selection process and standards are both unclear.

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(V) Deadline for Submission of Proposals	Zuni Icosahedron Ltd.	The six-month period is insufficient.
	Project Hong Kong	If the subject requires more time to nurture a consensus in the community, the Government should consider deferring the tender closing date.
(VI) Relationship between the WKCD Development and the Arts and Cultural Policy	Hong Kong Institute of Planners Museum of Site	To work out a comprehensive cultural policy that is accepted to all.
	Government Cultural Services Grades' Alliance	The operator can fit into the Government's policy on long term cultural development.
	Hong Kong Institute of Archaeology	<p>The Government should explain:</p> <ul style="list-style-type: none"> • what is Hong Kong's cultural policy? • what is Hong Kong's long term position on culture? • what is the current situation of the arts and culture in Hong Kong? • what is the public's demand for culture and arts? • what is the concept of the West Kowloon project?

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(VI) Relationship between the WKCD Development and the Arts and Cultural Policy <i>(cont.)</i>	Project Hong Kong	<ul style="list-style-type: none"> • The Administration should seriously review the relationship between the WKCD and the overall cultural policy of Hong Kong, sufficiently display its commitment towards the West Kowloon project and that it will not easily give up or shift its responsibility to the operators. • Consideration should be given to the three points raised in the Policy Report by the Culture and Heritage Commission (The Commission), namely the “Integration of facilities within the district”, “Complementarity with other cultural facilities” and “Respecting cultural software”, and attention should be paid to cross-district as well as cross-sector coordination. • The planning and development of West Kowloon should be considered from the perspective of “cultural logic”.
	Hong Kong Christian Service	<ul style="list-style-type: none"> • Should refer to the Commission’s recommendations and work out a comprehensive cultural policy that is accepted by all. Such a policy should then be complemented rather than led by hardware. • The Government should expeditiously work out a comprehensive cultural policy that is accepted to all. • The WKCD should be operating under the “non-profit making” principle, instead of running entirely on a commercial basis. • The WKCD should be operated jointly by the Government, the business sector and the community. • Nurturing should start from early childhood. • The “sustainable” perspectives should be adopted.

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(VI) Relationship between the WKCD Development and the Arts and Cultural Policy <i>(cont.)</i>	Zuni Icosahedron Ltd.	<ul style="list-style-type: none"> • To work out a comprehensive cultural policy that is acceptable to all. • What is needed most is human resources development, hence education should be the theme of the West Kowloon Project.
	Hong Kong Arts Centre	The Government should explain the relationship between the WKCD and the existing arts and cultural framework, including the future development and roles of both the Leisure and Cultural Services Department and the Arts Development Council.
(VII) Public Consultation	Hong Kong Christian Service	Members of the public should be allowed to participate in the discussions relating to the WKCD.
	Zuni Icosahedron Ltd.	The public consultation exercises should be conducted in the form of in-depth group discussions.
	Project Hong Kong	The operation system should offer full protection for the participation right of creative industries, with a view to forming a tripartite partnership comprising the creative industries, the SAR Government and developers.
	Hong Kong Institute of Real Estate Administration	The Administration should invite the public and representatives from professional bodies to join the various advisory committees.
	The Association of Architectural Practices Ltd	The community should be extensively consulted on the parts relating to the arts to solicit opinions from different sectors. Professional and relevant organizations should be allowed to participate in the discussion and evaluation process, as well as formulating the finalized development details before working on the outlook details.
	Hong Kong Institute of Architects	Relevant public exhibitions and discussions should be conducted before finalizing any major development plans.

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(VII) Public Consultation <i>(cont.)</i>	Hong Kong Institute of Planners	<p>The Government has failed to consult the public or the relevant professional bodies when drafting the present IFP.</p> <p>The Government should maintain dialogue with the public, professional institutes and the arts/cultural community on the project and the Government should make decisions based on a more inclusive and transparent process.</p> <p>At this stage, the Government needs to clarify to the public on such issues as the rationale behind changes made to the original winning scheme, the selection criteria, and the proposed implementation/development method.</p>
	The Real Estate Developers Association of Hong Kong	<p>The public should be consulted extensively.</p>
	Museum of Site	<ul style="list-style-type: none"> • Neither the Leisure and Cultural Services Department nor the Hong Kong Arts Development Council (HKADC) had conducted any consultation exercises in relation to individual items (such as the types of museums Hong Kong needs) before the Government published the IFP. While the approval criteria and the construction details of the relevant museums are listed in detail in the IFP, the HKADC has never systematically consulted our some 100 arts consultants on the “West Kowloon” project, nor has the Home Affairs Bureau consulted thoroughly the Sham Shui Po and Yau Tsim Mong District Councils on the “West Kowloon” project. • In brief, no formal extensive consultation with the cultural sector has been conducted on the directions and abstract figures regarding the cultural facilities proposed in the IFP.

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(VIII) Development control and future management of the West Kowloon Cultural District	Hong Kong Arts Centre	To establish a WKCD Steering Committee with participation of representatives from the arts sector, with a view to overseeing the operation of the WKCD in the long run.
	Hong Kong Christian Service	To establish a “WKCD Development Board” comprising representatives from the Government, business circle, the cultural and arts sectors, as well as members of the public. The Board will take care of the arts and cultural development in future.
	Hong Kong Institute of Architects	To establish a “WKCD Development Board”, the members of which will include representatives from the cultural and arts sectors, Legislative Council, professional groups, regional districts, real estate industry and the Government.; as well as to coordinate the development by phases according to an Overall Master Layout Plan and conduct consultation exercises.
	The Hong Kong Institution of Engineers	An IFP issued in respect of the property development and a separate IFP issued in respect of the cultural district funded by the Government (with proceeds from the 700 000sq. m. gross floor area land sale) will relieve the artists from any financial and management entanglement with the developer concerned.

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<p>(VIII) Development control and future management of the West Kowloon Cultural District</p> <p><i>(cont.)</i></p>	<p>Hong Kong Institute of Planners</p>	<ul style="list-style-type: none"> • The Government needs to explain how it intends to maintain planning and development control throughout the whole development time frame of the project which has a leasehold term of 50 years. • Once the Government has selected a winning scheme, the key development parameters and/or the master development plan should be incorporated into the Outline Zoning Plan. Future changes to the scheme could then be monitored and controlled through the established statutory planning procedures to allow public scrutiny. • A management board should be set up to oversee the Cultural District from its design/development and operation throughout the entire leasehold period. The board should comprise members who are representative of a wide range of interests, from the development sector, the arts community to individuals from both the public and private sectors.
	<p>Museum of Site</p>	<ul style="list-style-type: none"> • The future Arts Development Council or Culture and Art Foundation should set up an “Advisory Committee on the Cultural District” to act and operate as a bridge among different sectors. • Cultural facilities should be operated under a “Managing Board System”, which enlists the participation of representatives from the cultural sector, and in the form of some relevant funds. • To establish a comprehensive supplementary system of public and private funds to monitor the operation of the cultural facilities in the cultural district in the long run.

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(IX) Financial and operational arrangements	Government Cultural Services Grades' Alliance	Huge amount of funding injection or participation of international organizations alone is not sufficient to ensure good management and operation of the cultural district.
	Hong Kong Arts Centre	Different facilities should be operated by different arts bodies as far as possible.
	The Association of Architectural Practices Ltd	May make use of the sale proceeds from the property development part of the project to cover the costs of cultural and arts development.
	The Hong Kong Institute of Surveyors	<ul style="list-style-type: none"> • By asking the proponent to deliver these core facilities upfront, the Government will have a better control over the quality of the whole Development, but the problem is that the initial capital outlay will be substantially increased as a result. • Suggests the Government adopt a more flexible approach of allowing “progressive financing” of those less profitable facilities by the more profitable facilities, thereby minimizing the risk exposure of the project proponent.
	Hong Kong Institute of Architects	Financial and operational arrangements must be approved by the Legislative Council.
	The Real Estate Developers Association of Hong Kong	<ul style="list-style-type: none"> • Instead of seeking to subsidize the project with proceeds from land sales, the relevant funding proposals should be submitted to the Legislative Council for approval in accordance with the normal practice. • The core infrastructure should be provided by the Government through a genuine public-private partnership. The rest of the district can be put up for sale in the market by way of auction or through the tendering system.

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(X) Facilities	Government Cultural Services Grades' Alliance	Agrees that more sophisticated venues for cultural and arts events as well as museums of differing themes should be provided in Hong Kong.
	Hong Kong Curators Association	<ul style="list-style-type: none"> • Museums should be of differing themes and overlap of themes should be avoided. • Careful consideration should be given as to whether the sources and items of collection can really support the establishment of a new museum. • Museums should not be operated on commercial principles. Instead, the developer should provide a certain percentage of the proceeds from other development items in West Kowloon for the Government to allocate for the operating costs of the cluster of museums.
	Zuni Icosahedron Ltd	The site cannot cope with the trend of sociocultural development.
	Museum of Site	What are the study basis and justifications for the proposal of four museums and three performance venues?
	Government Cultural Services Grades' Alliance	Will there be enough experts in recreational and cultural venue management to take care of so many new facilities?
	Hong Kong Curators Association	Should start training sufficient professional museum staff to take up the relevant responsibilities.
Hong Kong Arts Centre Hong Kong Arts Development Council	An Academy of Visual Arts should be established.	

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(X) Facilities <i>(cont.)</i>	Hong Kong Arts Development Council	<ul style="list-style-type: none"> • In addition, suggest provision of: <ul style="list-style-type: none"> ➤ concert hall for staging world-class orchestral performances ➤ small scale venue for chamber music performances ➤ book city • Should redevelop the famous historical buildings in Hong Kong.
(XI) Others	Hong Kong Christian Service	Should enable the peripheral regions of WKCD to transform and develop in a direction more related to culture and arts.
	Hong Kong Institute of Planners	The Institute notes that the automatic people mover system is not a mandatory requirement. However, easy access to the site will help to ensure the success of the scheme. Moreover, the Government should take this opportunity to link up the site with other cultural and entertainment nodes in Tsim Sha Tsui.
	Zuni Icosahedron Ltd	International networks, as well as Chinese perspectives and networks should be established.

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(XI) Others (cont.)	The Hong Kong Construction Association Ltd	<ul style="list-style-type: none"> • Priority employment opportunity should be given to the local construction industry. • Should give due regard to the recommendations of the Construct for Excellence Report of the Construction Industry Review Committee. • Other recommendations: <ul style="list-style-type: none"> ➤ The principal contractors of this project should be registered contractors in Hong Kong ➤ The subcontractors of the project should register with the Voluntary Subcontractor Registration Scheme ➤ The workers in this project should possess the trade testing certificate or other relevant certificates issued by the Construction Industry Training Authority ➤ The developer(s) should include a “pay-for-safety” scheme in the construction contracts, which should demand the principal contractors and their subcontractors to implement a safety management system

Submissions from various organizations

Organizations	File Number
Government Cultural Services Grades' Alliance (GCSGA)	LC Paper No. CB(1) 329/03-04(01)
Hong Kong Arts Centre (HKAC)	LC Paper No. CB(1) 345/03-04(01)
Hong Kong Arts Development Council (HKADC)	LC Paper No. CB(1) 378/03-04
Hong Kong Christian Service (HKCS)	LC Paper No. CB(1) 345/03-04(02)
Hong Kong Curators Association (HKCA)	LC Paper No. CB(1) 329/03-04(02)
Hong Kong Institute of Archaeology	LC Paper No. CB(1) 345/03-04(03)
Zuni Icosahedron Ltd	LC Paper No. CB(1) 359/03-04(04)
Project Hong Kong	LC Paper No. CB(1) 359/03-04(01)
Hong Kong Institute of Real Estate Administration (HKIREA)	LC Paper No. CB(1) 322/03-04(01)
The Association of Architectural Practices Ltd (AAP)	LC Paper No. CB(1) 322/03-04(02)
Hong Kong Institute of Architects (HKIA)	LC Paper No. CB(1) 322/03-04(03)
The Hong Kong Institution of Engineers (HKIE)	LC Paper No. CB(1) 329/03-04(03)
Hong Kong Institute of Planners (HKIP)	LC Paper No. CB(1) 322/03-04(04)
The Hong Kong Institute of Surveyors (HKIS)	LC Paper No. CB(1) 345/03-04(04)
The Real Estate Developers Association of Hong Kong (REDAHK)	LC Paper No. CB(1) 359/03-04(05)
The Hong Kong Construction Association Ltd (HKCA Ltd)	LC Paper No. CB(1) 322/03-04(05)
Museum of Site	LC Paper No. CB(1) 359/03-04(03)
Urban Watch	LC Paper No. CB(1) 410/03-04(01)