

Subcommittee on West Kowloon Cultural District

Key Aspects of the Proposed Legislation for Establishing a Statutory Body to take forward the West Kowloon Cultural District Project

- Submission by Nicholas and Margaret Brooke, Professional Property Services Limited to Meeting on 4 January 2008

The two papers (WKCD 451 and 459) issued by the Government on the subject of the proposed statutory body to be established to take forward the West Kowloon Cultural District project set out the proposed purposes, functions and powers of the new body as well as its proposed membership composition and these details are welcomed in assisting the public to understand and comment on the key aspects of the proposed new legislation.

The name of the body suggested in Paper WKCD – 451 is the WKCD Authority and we would support this in that it indicates that the body will have the powers and resources necessary to plan and implement a project of this scale and duration. Having been involved professionally in many major development projects we appreciate the complexity of delivering the WKCD, not only in terms of the physical development but also in terms of the all important arts and culture programming, future event management and the provision of retail/dining and entertainment facilities which will form the basis of future operational revenues. The Hong Kong public has high expectations of WKCD and the Authority will be expected to deliver quality in all areas of its work.

As regards the new body itself, its proposed powers are wide ranging. This is a bold approach and one which should be widely supported as it could act as a model for similar key areas such as the harbour. The composition of the Board appears to be focused and appropriate with material non-official representation and a limit of three public officers.

In our view, in order to be successful Board members will need to be willing to **do** as well as **advise** - this will not be a body to join without a real commitment to rolling up the sleeves and making things happen. As noted in the papers, the composition of the

Board will need to change dependent upon the progress of the planning and development of the project and it could be that terms of less than three years may be appropriate for some members whose specialist experience may only be relevant during relatively short time spans but whose input during those periods could be very important to the future performance of WKCD. Obviously some experts can be engaged as consultants but to have real professional/technical, as well as arts and culture, knowledge and experience as part of the Board of the Authority itself is likely to make all the difference.

Whilst no doubt some in the community will be concerned to introduce strong monitoring measures, we consider that the wide powers proposed for the Authority are necessary for it to undertake the various functions for which it is to be responsible. It is noted that there will be a number of provisions in the proposed legislation to enhance the public accountability of the WKCD and to safeguard public interest. Conflicts of interest must be avoided and corporate plans should be made publicly available for review and discussion. Other aspects of good corporate governance should also be required including internal audit procedures.

It is noted that the Authority will be responsible for drawing up the master plan for the whole of WKCD in consultation with Government and for approval by the Town Planning Board. The master plan will cover not only the WKCD facilities but also transport and communal facilities as well as residential, office and hotel development and should ensure that there is close integration and connectivity with adjoining areas and that WKCD is not perceived as an enclave which bears no relation to and is detached from its surroundings.

Whilst Paper WKCD – 451 states that the WKCD would be required to consult the public and the stakeholders on the planning, development and operation of the WKCD, the discretion as to what and when to consult on is to be left to the Authority to decide. In our view the Authority should be obligated to engage the public on certain key issues – on the master plan and the designs of the principal performance venues, for example – whilst any further consultation should be left to the discretion of the Board.

Whilst the residential, office and hotel sites will be disposed of by Government in the usual way, the developments on these sites should be compatible with the overall design and ambiance of the WKCD. The WKCDA will be responsible for the master plan but will they have any control over the developments on them? If not how will this necessary compatibility be safeguarded?

On the issue of funding the WKCDA by means of an upfront endowment, we would support the transfer of all committed funds to the Authority at its formation. This is on the grounds that an installment basis could impede the planning and development of the district on a comprehensive and integrated basis with action which could facilitate Phase 2 being deferred during Phase 1 for fear that funds may not be available in the future. This could not only lead to less than optimum overall planning but also to additional spend in the long run. Needless to say, however, the legislation establishing the Authority should contain appropriate checks and balances so that action can be taken should it appear to the Government or the public that funds are not being managed or expended in the optimum manner.

We note that a WKCD Planning Office is to be established within Home Affairs Bureau to coordinate preparations for the establishment of the WKCDA and to undertake initial tasks such as those relating to the preparation of the OZP and provision of interface between Government and the WKCD project during the early stages of its implementation. While such a Planning Office is clearly necessary, we would like assurance that it will support rather than lead the delivery process which should clearly be undertaken by the new body itself and that its makeup will be sufficiently broadly based for it to act as a successful inter-departmental planning and interface agency.

One further concern – whilst WKCD may in time become the focal point for high profile arts and culture in Hong Kong, it should not be considered the only place where arts and cultural events should be nurtured and supported. In order for WKCD to be successful, the appreciation of arts and culture as part of the life of Hong Kong, no matter in which community or what location, needs to be encouraged and it would seem that the WKCDA could and should do much to make this a reality as WKCD is supposed to be an arts and cultural district for the whole of Hong Kong.

In Paper WKCD – 459 WKCD is described as a major initiative to implement the Government’s existing policy on culture and the arts, by meeting the long-term infrastructural and development needs of Hong Kong’s arts and culture. WKCD – 451 notes that it is proposed that the WKCDA should have among its key purposes and objects the facilitation of the provision of quality arts and cultural facilities and services, the promotion of appreciation of, and participation in, culture and the arts, the enrichment of the cultural life of the local community and the fostering and promotion of the development of cultural and creative industries. This being the case, is all cultural life in future to be centred on West Kowloon and the West Kowloon local community?

If this is not the intention, then we would like further information as to how the Government’s arts and culture policy is going to be integrated into that of the WKCSA to the benefit of local communities throughout Hong Kong. What other venues and activities are to be supported in more outlying areas and integrated into the cultural life of the city? Where will the funding come from when some HK\$21 billion and more is being committed to a single location? We welcome the WKCD but not to the exclusion of venues, events, artists, performers and communities outside that one district.

Finally we believe that the appointment of the Chairman of the Authority will be crucial to moving matters forward. He or she will need to lead by example, act as the champion for the Authority and the project and be able not only to cut through interdepartmental differences but also bring together parties from a wide range of differing backgrounds. The decision making process of the Authority will also require careful consideration in that some of the issues to be addressed will be complex and potentially controversial and it may not always be possible to achieve consensus but rather a majority vote.

Thank you.