

A SUBMISSION TO

**THE WKCD SUBCOMMITTEE OF THE LEGCO PANEL ON HOME AFFAIRS ON
WEST KOWLOON CULTURAL DISTRICT DEVELOPMENT**

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**THE BUILDING-UP OF A NEW COMMUNICATION SPACE: PROVISIONAL WKCD
COUNCIL PRIOR TO THE ESTABLISHMENT OF A STATUTORY BODY FOR
THE WEST KOWLOON CULTURAL DISTRICT**

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QUESTIONS:

- How to perpetuate the public discourse and temper before the project is launched and well received?
- Can the current Consultation Structure meet the competitive demand of the new era?
- Can Hong Kong be affordable to wait for the set-up of a Statutory Body for the WKCD to decide on everything and make change?
- What kind of Art Administration Structure could be forged to shift / decentralize the administrative power of HAB / LCSD? Will the new system result in the circumvention of Legco's scrutiny?

PROPOSED NEW DIRECTION & MODE OF OPERATION:

A NEW 'PROVISIONAL or 'TRANS-WKCD COUNCIL': COMPONENTS & FUNCTIONS

- A New Space / Mechanism for on-going Media & Public Dialogue:
Use of Internet/Forum/Conference/Education System to interact the WKCD with the community and to ease mistrust and misunderstanding
- Policy Research Mechanism:
Statistics Study and Policy Research on Global Creative Economy
- International Consultation Mechanism:
An on-going international interface to reflect the fleeting development in global situation
- Revamping the Current Consultation and LCSD system:
Meeting the new situation spearheaded by the WKCD
Preparing the transfer / set-up of new cultural facility

A. COMMITMENT OF THE CHIEF EXECUTIVE

- a. Comparing *The Policy Address 2005* & *The Policy Address 2005-6*, Chief Executive Donald Tseng shows no strong political commitment on the project of West Kowloon Cultural District (WKCD), a project which can maintain the competitive edge of Hong Kong in the region.
- b. “67. In the 1999 Policy Address, I referred to a plan to develop West Kowloon Reclamation into a district of culture, entertainment and art. This is a major and forward looking plan. We are now consulting the public on the proposal and many people have participated actively in this exercise. I wish to emphasize that the Government keeps an open mind when listening to views. We will definitely pay heed to public opinion and the overall and long-term interests of Hong Kong when taking a decision after the completion of the consultation exercise.” (**Policy Address 2005 of Tung Chee Hwa**)
- c. “97. We have conducted a six-month public consultation on the development of an integrated cultural district in West Kowloon. The results show that the community generally supports the development of a cultural landmark in West Kowloon. They consider that it will not only enrich our cultural and arts life, but also promote tourism and create jobs. They hope to see an early decision on its construction. In response to community demands, we plan to introduce new development parameters and conditions within the existing development framework. The Chief Secretary for Administration briefed the Legislative Council last Friday on the findings of the consultation exercise and the next steps. We will listen to the views of the Legislative Council, the Town Planning Board, the community at large and the screened-in proponents on the new parameters and conditions. We hope to decide on the specific way forward early next year.” (**Policy Address 2005-6 of Donald Tseng**)
- d. Without a high-level **political commitment** in support of any long-term investment, this world-class project will not be realized. In taking forward the project, the government should indicate its long-term interest by showing certain sign of underwriting to the public. Otherwise, the big business will not make investment. That is one of the possible reasons why the three screen-in proponents recently withdrew their investment plans at the last minute. *If Chief Executive (CE) should not be held responsible for the failure of joint partnership, who should be accountable?*

B. PUBLIC POLICY ON THE WKCD

- a. What engineers a social reform is the formulation of a right set of policy at the right time. Is there any cultural-economic policy appropriate for the tie-in of the project?
- b. Over the past 9 years, the new government has no specific idea how to implement reform on our free economy, by launching phasing stages to convert labor-based economy to creative economy. The government bureaus are incapable of initiating effective policy reforms and recommendations. In terms of cultural-economic policy, neither **The Home Affairs Bureau (HAB)** nor **The Commerce, Industry and Technology Bureau (CITB)** took sharp step to exercise policy departure. The CE should clearly spell out the ambits of each bureau and let the public know which bureau should be responsible for relevant policy development.
- c. **The HAB never published a policy blueprint for developing ‘Cultural Industry’.** *The Policy Recommendation Report* is a recommendation paper worked out by the advisory body, The Cultural & Heritage Commission (CHC), which was scraped by the HAB in May 2003. Our Secretary For Home Affairs responded inactively to the 108 recommendations without issuing an Art & Cultural Policy for public monitoring. Another noted example is that the HAB has not been cost-effective to hold high-sound, cross-city ministerial forums on the subject without any policy recommendation or whatever instrumental to the Government and the public over the past three years.
- d. **A Policy for Cultural Industry** helps to review and study Hong Kong’s economic competitiveness in cultural industry and overall economy. It would help to focus review on the overall objective of human resource, education, land use, environmental protection,

heritage conservation and strategic relations with the magnetic power of The Greater China Region (GCR). It would ensure that Hong Kong's cultural and creative resources are well-used, and that Hong Kong can keep up with global economy in competitive terms, and maintain the sustainability, vitality and constructive partnership in-between economic development and cultural development.

- e. **Correlated Policy** on Professional Development, Land & Property Development, Heritage and Cultural Tourism and Regional Art & Culture Policy should also be worked out and enacted for public review.
- f. An **Economic and Urban policy** to nurture **individual and collective sustainability** must be launched to supplement the exercise of the aforesaid 'Mega Policy' and to ensure social cohesion, cross-sector cultural advancement on an equitable basis.

C. NEW CONSULTATION MECHANISM

- a. We note that the Government has set up a Consultation Committee (CC) on the Core Arts and Cultural Facilities (CACF) and its 3 advisory groups (AGs) to make primal recommendations to the WKCD development. A statutory body for the WKCD will be formed later.
- b. The current Administration / HAB advises that *"when the CC had completed its work on the need for the CACF in the WKCD, the Government would then have more information to consider when to establish an independent statutory body to take over the development of the WKCD from the Government. The establishment of the statutory body would be a subject of public consultation, including its roles and functions, and the suitable juncture at which the statutory body would take over Government's functions for the WKCD."*
- c. The current CC is an ad hoc advisory group. Its terms of reference (TOR) are limited to the discussion of major cultural provisions in the district. Its ambit is not to evaluate **Hongkong's overall community and global plan for arts and culture**. The current advisory Committee on Museums and Committee on Performing art are not well represented by front-line workers of professional bodies, community leaders, NGOs as well as other stake-holders in the territory. After its 2-year inception, the Committee on Museums, for instance, cannot formulate any report or strategic plan to groom museum culture or to develop a new museum vision in support of the non-government funded museum projects for a new Hong Kong.
- d. Out of the 19 advisory committees under the ambit of the HAB, the 4 advisory committees, which were formed in mid-2004 to oversee the strategic development of Hong Kong's cultural facility, failed to contribute fruitful thinking to the WKCD development.
- e. Though the current advisory committees in Hong Kong are team-players in formation of Hong Kong culture, they fail to take a **macro-view** in the formulation of a holistic and integrative public policy for the development of art and culture. There is no mechanism authorized to oversee i) the correlation of different advisory committee, ii) the interaction of the WKCD facility and the Leisure and Cultural Services Department (the LCSD) facility at Tsim Sha Tsui, and iii) the smooth transfer of cultural provisions from the Tsim Sha Tsui facility to the WKCD facility, when and where necessary, etc.
- f. In this regard, we highly recommend that **a 'TRANSITIONAL / PROVISIONAL WKCD COUNCIL'**, joined with members of political party, community group, front-line professional body and other stake-holder, should be forged **immediately after the CACF is finalized**.

This mechanism can later be converted to the statutory body for the WKCD at a time when the enabling legislation is passed by the Legco.

- g. The Terms of Reference (TOR) of the proposed consultative mechanism shall be an **advisory body** under the administration of **The Commission on Strategic Development (the Commission)**. We incline to see this provisional body with more independent power and focus work on the following:
- i) to create a formal channel/space for continued **public dialogue**, and to liaise with all stake-holders and organizations of culture in Hong Kong concerning matters relating to the WKCD.
 - ii) to work out **the enabling legislation** of the statutory body for the WKCD, which could take one year time.
 - iii) to decide on **the suitable schedule and juncture** for the statutory body to take over the WKCD project.
 - iv) to determine **to what extent** the statutory body would be involved in the planning and the design of the WKCD and to determine whether the statutory body can have the legal position to plan development parameters such as development mix, limits on plot ratio, respective proportions of cultural and non-cultural components, or clarify the body simply has the right to monitor the development parameters.
 - v) to recapitulate the recommendations made by the CC and to **ensure accurate interpretation** is made in the course of identifying appropriate policy objective and planning exercise.
 - vi) to bind the land and the facilities in the WKCD into a **financing package**.
 - vii) to ADVISE OR DETERMINE the Commission on **HONG KONG'S OVERALL SHORT- AND LONG-TERM DEVELOPMENT NEEDS, STRATEGIC GOALS AND DELIVERABLE PRODUCTIONS** of art and culture, which is geared by a WKCD vision, *if the advisory council is given the right to do so*.
 - viii) to STUDY OR DECIDE **the master layout plan and the amount of land for the CACF and non-CACF components**.
 - ix) to IDENTIFY OR PRIORITIZE as appropriate **the tasks**, action steps, schedule of project construction, direction of development and phasing stages of development of the WKCD.
 - x) to EXPLORE OR RECOMMEND to the Commission the most appropriate **enabling legislation, type of representation, form of governance and model of operation** in the future statutory body for the WKCD.
 - xi) to work out **feasibility studies / practices** using the premises / facilities of the LCSD on the most appropriate fund-raising and financial operation model proposed by the CC for the WKCD to ensure opportunity for its sustainable development.
 - xii) to PROPOSE OR OVERSEE areas of reform of the cultural facility currently under the administration of the LCSD.

- xiii) to ensure the **research for aforesaid policy of cultural industry / creative economy** to be conducted and to ensure the WKCD and other cultural facilities in Hong Kong can be operated within this research-based policy framework.
 - xiv) to work out strategic plans to **smoothly transfer** the cultural provisions from the Tsim Sha Tsui facility to the WKCD facility, when and where necessary such that the WKCD facility can be integrated with the Tsim Sha Tsui facility.
 - xv) to decide whether a **canopy** is appropriate for an overall image of the WKCD and to cover part of the area of about 40 hectares, which is either an expression of pluralism with unique and multifarious architectural entities, or an architectural complex comprising museums or performing venues taking an integrative approach.
 - xvi) to seek **international advice and input** from time to time to gain project support.
 - xvii) to work out the **IFP2** for tendering.
 - xviii) to work out the enabling legislation for a **“PERCENTAGE ART POLICY”** in Hong Kong such that the project of the WKCD can be supported by the community, etc.
- h. Under this provisional ‘Council’, a **new structure of consultation** such as Museum Committee, Performing Art Committee, Library Committee, Ancillary Facility Committee, Financial Matters Committee and the like can be formed to carry on their specific work.
- i. It is projected that the Provisional WKCD Council will operate for **one and a half year before** the enabling legislation is passed by the Legco. In this connection, it is appropriate for this the Provisional WKCD Council to master plan the development layout, parameters, whereas the statutory body for the WKCD will be a legal body to monitor the design and operation of scheme mentioned above.
- j. To maintain Hong Kong’s complacency amidst increasing competition from the 21st Century Greater China Region, Hong Kong must keep its pace with the outside development. Chief Secretary Rafael Hui sounded a warning of **marginalization** earlier and this could be applied to the way how we view the WKCD with this worry. If we wait for the establishment of a statutory body for the WKCD and then let it decide everything, it will be too late! The past formula will not work!

D. PROPOSED NEW DIRECTION & MODE OF OPERATION:

a. A NEW SPACE / MECHANISM FOR MEDIA & PUBLIC DIALOGUE:

The proposed consultative mechanism shall be an advisory body under the administration of **The Commission on Strategic Development:**

- i) Media has long been unconcerned about art and culture. The current public fanaticism and temper should be kept ‘high’ and the discourse of art should be carried forward until the WKCD facility is opened for public use.
- ii) The public should be empowered to involve in policy-making / consultation process. Their views must be gauged to ensure that there will be broad support of the project.
- iii) Discussion on the subject can be generated in Internet, public forum, international conference and education system. It can also be useful to ease mistrust and misunderstanding.

- iv) One of the problems besetting cultural advancement here is the skeptical attitude towards the corporate / big business in cultural affairs. To groom a healthy, sustainable and on-going dialogue, the steering system / provisional council proposed will be a key for the nurturing of a long-term Business Collaboration/Partnership/Cultural Responsibility.
 - v) The business sector can be involved to propose the non-cultural components, these non-CACF components are not currently discussed in the CC and its AGs.
 - vi) In the council, there should be a sufficient wide representation with high standing from the Cultural / Business / Government / Legal & Professional Sector. A new Public-Private Partnership (PPP) approach will be nominated.
- b. **POLICY RESEARCH MECHANISM:**
- i) One of the gearing powers for a successful WKCD is its global vision based on comparative analysis on global culture. Latest statistics of cultural industry should be studied and policy research on global creative economy should be launched.
 - ii) Cultural statistics have yet developed in Hong Kong. Until the present there has not been a **concentrated studies on major institutions** (e.g. museums and galleries) and **cultural products** (e.g. cultural publication). Data collected are not collated for further comparative analysis.
 - iii) A **Research Institute for Cultural Statistics** (RICS) must be set up under the supervision of the aforesaid provisional council to implement statistical activities on our cultural economy. The proposed RICS should help to introduce cultural assessments and access, participation and usage, and much work is required on conceptual and definitional issues at the beginning.
 - iv) **Consistency and international comparability** in the use of 'global indicators' / 'comparators' on cultural-economic issues must be achieved.
 - v) The provisional council should outsource **some international academic institutes or 'trans-academic bodies'** to conduct a 'cross-cultural', 'interest-free' research on the subject with a view to preparing international comparator and to working out a comprehensive 'Mega-Policy Framework (MPF)' for the long-term development of creative economy and cultural industry.
- c. **INTERNATIONAL MECHANISM:**
- i) The development of Hong Kong cannot be planned in an insular position. An on-going **international input or perspective** is needed to reflect fleeting changes in the competitive global situation. It is proposed that the provisional WKCD council should establish a standing international mechanism for idea and interface.
- d. **REVAMPING THE CURRENT SYSTEM OF CONSULTATION AND LCSD SYSTEM**
- i) In view of the given situation spearheaded by the WKCD, we should take this opportunity to conduct a comprehensive review of the current facility in Hong Kong.
 - ii) It is a sensitive and provocative issue if some parts of cultural facilities will be monitored by an independent statutory body and some parts will still be under the administration of the LCSD. The Government should take this opportunity to re-examine the implications of the CACF after the other two Ads had come up with their recommendations on the

facilities under their respective purview. With the establishment of a new statutory body, namely **The Culture & Heritage Council** to oversee the mega-policy, the future WKCD Council, Hong Kong Arts Development Council, as well as other statutory bodies can be better coordinated. Proposals can also be made to revamp the complexity of cultural situation administered by the LCSD.

- iii) *It is definitely true that the forming of one or more statutory bodies in the future would weaken the roles of Legco and the HAB. It is a question of choice! The HAB must delegate more and more powers to the public sector to initiate economic reform and the Legco must admit that the talent of cultural professionals should be mined and they can be educated and entrusted to play an equal role to monitor the situation. It is a subject for further debate on which course of development (the open reception of cultural pluralism or the objective for cultural centralization) should be taken into account in a way to accelerate the conversion of Hong Kong to a creative-based, competitive global economy such that the cross-impact of art and business can make real change to this shaken society.*

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