

願望 今天實踐  
西九文化區

✧ CB(1)960/07-08(01)

**A cultural hub in the making  
West Kowloon Cultural District**

藝術家眼下的  
西九文化區  
鳥瞰圖

**West Kowloon Cultural District Development  
Artist's Impression  
Aerial View**

民政事務局  
**Home Affairs Bureau**

# 西九文化區管理局條例草案

## Key Provisions of the WKCDA Bill

概述 –

### **Overview-**

- 管理局的職能、目的和權力  
Functions, purposes and powers of the WKCDA
- 管理局董事局的組成  
Composition of the Board of WKCDA
- 規劃事宜  
Planning matters
- 財務監察和管制  
Financial monitoring and control
- 維護公眾利益的機制  
Provisions to safeguard public interests

# 管理局的職能

## Functions of the WKCDA

主要職能 –

Key Functions –

- 管理局由規劃階段起負責整個西九計劃直至營運階段  
WKCDA to implement the WKCD project from planning to operation stages
- 為整幅西九用地(約40公頃)擬備發展圖則，包括藝術文化設施、相關設施、住宅和商業設施;  
Prepare a development plan for the entire WKCD site (about 40 hectares), including arts and cultural facilities, related facilities, residential and commercial facilities
- 根據核準發展圖則發展西九文化區的土地，但不包括留作發展住宅、酒店和辦公室的土地，這些土地將由政府另行推出市場  
Develop the land within the WKCD in accordance with the approved development plan, excluding residential, hotel and office sites which will be carved out for disposal by Government

## 管理局的職能 (2)

### Functions of the WKCDA (2)

- 營運、管理和保養文化藝術設施，相關設施(包括零售、飲食和娛樂設施)及附屬設施  
Operate, manage and maintain the arts and cultural facilities, related facilities including retail, dining and entertainment (RDE) facilities and ancillary facilities
- 推廣、籌辦及贊助各類藝術及文化的欣賞及參與  
Promote, organize and sponsor the appreciation of and participation in arts and culture

# 管理局的目的(1)

## Purposes of the WKCDA (1)

- 切合西九計劃的願景和目標

Commensurate with the vision and objectives of the WKCD project

- 管理局的目的 –

Purposes of the WKCDA-

- 對香港成爲一個國際藝術文化中心的長遠目標作出貢獻  
contribute to the long-term development of Hong Kong into an international arts and cultural centre
- 對提升對各類型藝術的欣賞作出貢獻  
contribute to the enhancement of appreciation of a diverse and pluralistic range of the arts
- 對各類藝術及文化的新作品及實驗作品的發展作出貢獻  
contribute to the development of new and experimental works in arts and culture

## 管理局的目的(2)

### Purposes of the WKCDA (2)

- 對發展文化及創意產業作出貢獻  
contribute to the development of cultural and creative industries
- 對培育本地藝術工作者及藝術團體作出貢獻  
contribute to the nurturing of local artists and arts groups
- 對鼓勵地方社區更廣泛地參與各類藝術及文化作出貢獻  
contribute to encouraging wider participation of the local community in arts and culture

## 管理局的目的(3)

### Purposes of the WKCDA (3)

- 對向地方社區提供藝術教育作出貢獻  
contribute to the provision of arts education to the local community
- 對內地、香港與任何其他地方之間的文化交流及合作作出貢獻  
contribute to the cultural exchange and cooperation between the Mainland, Hong Kong and any other place
- 對任何非政府團體或組織與香港及香港以外的藝術提供者之間的合作作出貢獻  
contribute to the cooperation between any non-government body or organization and providers of the arts, within and outside Hong Kong

## 管理局的目的(4)

### Purposes of the WKCDA (4)

- 對鼓勵商界及企業支持及贊助各類藝術及文化作出貢獻  
contribute to encouraging commercial and corporate support and sponsorship of arts and culture
- 向或協助向公眾提供位於西九內免費又便於前往的休憩空間  
provide or facilitate the provision of free and accessible open space within WKCD to the general public
- 加強香港作為旅遊目的地的地位  
strengthen the position of Hong Kong as a tourist destination



# 管理局的權力(1)

## Powers of the WKCDA (1)

- 主要權力包括 –  
Major powers include -
  - 發展和營運西九–  
development and operation of the WKCD -
    - 持有、租賃、租用或取得動產或不動產  
hold, lease, hire or acquire movable or immovable property
    - 出售、退回或處置動產；或在不抵觸批地文件的條件下，出售、退回或處置不動產  
sell, surrender or dispose of movable property, or, subject to the conditions of the land grant(s), immovable property
    - 為提供、營運、管理或維持藝術文化設施、相關設施或附屬設施訂立任何協議  
enter into any contract for the purpose of providing, operating, managing or maintaining arts and cultural facilities, related facilities and ancillary facilities

## 管理局的權力 (2)

### Powers of the WKCDA (2)

- 管理資源和財政 –  
management of resources and finances -
  - 以審慎理財的方式將資金投資於財政司司長指明類別或種類的投資項目  
invest its funds in a financially prudent manner and in such classes or descriptions of investment specified by the Financial Secretary
  - 為執行其職能借入或籌措款項(但高於指明款額的借款須獲財政司司長批准)  
borrow money or otherwise raise funds for the performance of its functions (but borrowing above a specified amount would not be allowed without the Financial Secretary's approval)
  - 在財政司司長批准下，設立及維持儲備金  
establish and maintain reserve funds with prior approval of the Financial Secretary

## 管理局的權力 (3)

### Powers of the WKCDA (3)

- 為執行其職能而申請及接受資助  
apply for and receive grants for the performance of its functions
- 為與條例草案相符的目的，接受及索取饋贈、捐贈、贊助等，及擔任款項或其他財產的受託人  
receive and solicit gifts, donations, sponsorship, etc and act as trustee of moneys or other property for purposes consistent with the Bill
- 決定及收取費用和收費，並指明使用其轄下設施的條件  
determine and collect fees and charges and specify conditions for the use of the facilities under its purview
- 聘請員工，並訂定其薪酬條款及僱用條件(包括退休金)  
employ staff and set terms of remuneration and conditions (including pensions) of their employment

## 管理局的權力 (4)

### Powers of the WKCDA (4)

- 發展藝術及文化 –  
development of arts and culture -
  - 委托製作、舉辦或推出任何不同形式的藝術作品  
commission, mount or present any work in different forms of arts
  - 贊助藝術及文化活動  
sponsor arts and cultural activities
  - 為與管理局的目的相符的目的，與任何人合作或聯繫(不論這些人在香港或香港以外的地方)  
liaise and co-operate with other persons, in and outside of Hong Kong, for purposes consistent with the purposes of the WKCDA

## 管理局的權力 (5)

### Powers of the WKCDA (5)

- 除上述各項以外，還包括—  
in addition to the above –
  - 在董事局下成立委員會，設立及取得法人團體(包括附屬公司)，及設立信託或非牟利組織  
set up committees under the Board, establish and acquire bodies corporate (including subsidiaries), and establish trusts or non-profit-making organizations
  - 從事行政長官會同行政會議在諮詢管理局後，藉在憲報刊登命令而准許或指派管理局從事的活動  
engage in activities that the CE in C, after consultation with the WKCDA, permits or assigns to it by order published in the Gazette
  - 訂立附例(須經立法會通過)以履行其職能  
make bylaws (subject to LegCo's approval) for performing its functions

## 管理局董事局的組成 (1)

### Composition of the Board of WKCDA (1)

- 成員應具備不同的專業知識、專長和經驗，尤其是對藝術文化有知識及經驗

Comprise members with different professional knowledge, expertise and experience, in particular individuals who are knowledgeable and experienced in arts and culture

- 在西九計劃的不同階段，需要不同範疇的專長和知識，以發展和營運西九，故不宜在條例草案中仔細訂明成員的組合

Require different expertise and knowledge in various fields at different stages (development and operation) of the project and not appropriate to specify the precise composition of members in the Bill

## 管理局董事局的組成 (2)

### Composition of the Board of WKCDA (2)

- 董事局由不超過20 名成員組成，包括 –  
Not more than 20 members, comprising –
  - 一名可由公職人員或非公職人員出任的主席  
a Chairman, who may or may not be a public officer
  - 一名行政總裁  
a Chief Executive Officer (CEO)
  - 三名公職人員成員  
3 public officer members

## 管理局董事局的組成 (3)

### Composition of the Board of WKCDA (3)

- 15 名非公職人員成員，包括-  
15 non-public officer members including –
- 最少五名屬行政長官認為是對藝術文化活動有知識、經驗或閱歷的人士  
At least five should, in the opinion of the CE, have knowledge of, or experience in, or exposure to, arts and cultural activities;
- 最少一名為立法會議員  
At least one of the non-public officer members should be appointed from amongst the LegCo members



## 管理局董事局的組成 (4)

### Composition of the Board of WKCDA (4)

- 除行政總裁外，主席和所有董事局成員均須由行政長官委任。行政總裁則由管理局在獲得行政長官事先批准下委任，而行政總裁則為董事局的當然成員

The Chairman and all other members of the Board will be appointed by the CE, except the CEO who will be appointed by the WKCDA with prior approval of the CE and who will be an ex-officio member of the Board

- 所有非公職人員成員均以個人身份獲委任

All non-public officer members will be appointed in their personal capacity

## 管理局董事局的組成 (5)

### Composition of the Board of WKCDA (5)

- 鑑於為文化藝術界訂定一個適當公平的選舉制度有實際困難，我們建議在條例草案不訂明任何機制，規定成員須透過訂明選舉程序選出

In view of the practical difficulty of drawing up a proper and fair election system for the arts and cultural community, we propose not to provide in the Bill any mechanism for any members to be returned through any prescribed election procedures.

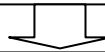
# 規劃事宜

## Planning Matters

規劃程序如下

### Planning Procedures are as follows

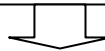
西九管理局擬備發展圖則 (須諮詢公眾和民政事務局局长，後者可施加規定或條件)  
The WKCDA prepares a development plan  
(consult the public and SHA and SHA may impose requirements or conditions)



管理局須向城市規劃委員會(城規會)呈交發展圖則以供考慮  
The WKCDA submits the development plan to the Town Planning Board (TPB) for consideration



如城規會把該圖則視作為適合公佈，該圖則將當作是由城規會在城市規劃條例(第131章)下擬備的草圖，  
第131章內關於任何草圖的條文亦據此適用  
TPB may deem the plan as being suitable for publication, such plan is then deemed to be a draft  
plan prepared by the TPB for the purposes of Town Planning Ordinance (Cap. 131) and  
provisions of Cap. 131 concerning any draft plan will apply



如行政長官會同行政會議核准發展圖則，該圖則即成為第131章下的核准圖則。  
此後，任何對核准圖則的改動將依據第131章進行  
If CE in C approves the development plan, then the development plan will be regarded as an  
approved plan under Cap. 131. Thereafter, any amendment to the approved plan will be subject  
to the Cap. 131

## 財務監察和管制 (1)

### Financial monitoring and control (1)

- 管理局須以應有的謹慎和盡其應盡的努力管理其財政資源，及確保營運其設施在財務上的持續性  
The WKCDA shall manage its financial resources with due care and diligence; and ensure the financial sustainability of the operation and management of its facilities
- 管理局必須將各項交易的帳目及紀錄妥為備存，並向財政司司長提交周年報告、帳目報表和核數師報告，由財政司司長呈交立法會省覽  
The WKCDA will keep proper accounts and records of its transactions and submit an annual report, a statement of accounts and an auditor's report to the Financial Secretary who will cause them to be tabled in the LegCo

## 財務監察和管制 (2)

### Financial monitoring and control (2)

- 管理局須成立審計委員會和委任合資格的核數師審計帳目報表。此外，審計署署長可對管理局在執行其職能時使用其資源是否符合經濟原則及講求效率及效驗，進行審核  
The WKCDA to appoint a qualified auditor to audit the statement of accounts and to set up an Audit Committee. In addition, the Director of Audit may also conduct an examination into the economy, efficiency and effectiveness with which the WKCDA expends its resources in performing its functions

## 財務監察和管制 (3)

### Financial monitoring and control (3)

- 管理局須以審慎理財的方式，將可供投資的資金，投資於財政司司長以書面指明類別的投資項目

WKCD shall invest, in a financially prudent manner, the funds available for investment in such classes or descriptions of investment as the Financial Secretary may specify in writing

- 財政司司長可要求管理局向他提交關於管理局的財政事務的資料

The Financial Secretary may require WKCD to furnish to him such information relating to its financial affairs

- 行政長官可指示管理局不得在未獲得財政司司長的事先書面批准下，借入或籌措超逾該指示所指明的款額的款項

The Chief Executive may direct the WKCD not to borrow or raise any sum which exceeds an amount specified in the direction without the prior written approval of the Financial Secretary

## 維護公眾利益的機制 (1)

### Provisions to Safeguard Public Interests (1)

- 管理局在擬備發展圖則時，管理局須諮詢公眾及諮詢民政事務局局長，而局長可施加必須或合宜的規定或條件

In preparing a development plan, WKCDA shall consult the public and consult the Secretary for Home Affairs such that the Secretary for Home Affairs may impose requirements or conditions as necessary or expedient

## 維護公眾利益的機制 (2)

### Provisions to Safeguard Public Interests (2)

- 管理局須於每一個財政年度終結前向民政事務局局长送交一份涵蓋3年期的事務計劃

Before the end of each financial year, the WKCDA is required to send to the Secretary for Home Affairs a corporate plan covering a period of 3 years

事務計劃涵蓋管理局的活動計劃及財務計劃，包括管理局的預計收支、擬作出的投資、擬作出的貸款及借入該貸款的用途、涉及的款額及還款時間表，以及管理局的人手需求

Corporate plan covers a programme of activities and a financial plan including the projected revenue and expenditure, any proposed investment, any proposed loan and the purpose of taking out the loan, the amount and repayment schedule involved, and the staffing requirement, of the Authority



## 維護公眾利益的機制 (3)

### Provisions to Safeguard Public Interests (3)

- 管理局亦須於每一個財政年度終結前向民政事務局局长送交一份下個財政年度的業務計劃

Before the end of each financial year, the WKCDA is also required to send to the Secretary for Home Affairs a business plan for the coming financial year

業務計劃須涵蓋下個財政年度活動及項目的細節、所需的資源和財務計劃的細節

Business plan is to cover the details of the activities and projects of the WKCDA in the coming financial year, the resources required and the details of the financial plan

## 維護公眾利益的機制 (4)

### Provisions to Safeguard Public Interests (4)

- 行政長官會同行政會議如認為公眾利益有此需要，可向西九管理局給予書面指示  
Chief Executive in Council may, if he considers the public interest so requires, give to the WKCDA directions in writing as he considers appropriate
- 行政長官可要求西九管理局向他提交關於管理局事務或活動的資料  
Chief Executive may require the WKCDA to furnish him such information relating to its affairs or activities as may be specified by him

## 維護公眾利益的機制 (5)

### Provisions to Safeguard Public Interests (5)

- 西九管理局可成立委員會以處理如規劃、財政、營運藝術文化設施等事宜

The WKCDA may establish committees under it to deal with matters such as planning, finance, operation of arts and cultural facilities, etc.

委員會的成員可來自社會各界，以確保各界意見得到反映  
Members of the committees may be drawn from the community to ensure that views of different sectors will be reflected

委員會的委任須向外公佈  
All appointments to these committees should be made public

## 維護公眾利益的機制 (6)

### Provisions to Safeguard Public Interests (6)

- 管理局的主席及行政總裁須應立法會的要求出席立法會會議及回答問題  
The Chairman and the CEO will be required to attend LegCo meetings and answer questions upon LegCo's request
- 管理局須就關於發展及營運藝術文化設施及相關事宜，諮詢公眾  
The WKCDA is to consult the public on matters relating to the development and operation of arts and cultural facilities and other related matters.

## 維護公眾利益的機制 (7)

### Provisions to Safeguard Public Interests (7)

- 爲了避免出現利益衝突的情況，董事局及委員會的所有成員必須在首次獲委任及情況有需要時，向管理局申報利益

To avoid any potential conflict of interest, all members of the Board and committees to disclose their interest upon first appointment and on occasions as circumstances require

- 如任何董事局成員或委員會成員在會議將予審議的事項中有任何利益，則該成員須述明該利益的性質，並在有需要時於審議該事項期間避席

If a member of the Board or committee has an interest in any matter which would be discussed or considered, he has to disclose the nature of his interest and withdraw from the meeting as appropriate

## 維護公眾利益的機制 (8)

### Provisions to Safeguard Public Interests (8)

- 在《防止賄賂條例》(第201章)附表1加入管理局、其轄下委員會和其下成立的法人團體(包括附屬公司)或信託或非牟利組織，使它們的成員和僱員受該條例的有關條文規限  
Include WKCDA, its committees and any body corporate (including a subsidiary) or any trust or non-profit making organization established by it in Schedule 1 to the Prevention of Bribery Ordinance (Cap. 201)
- 在《申訴專員條例》(第397章)附表1第I部加入管理局，令管理局受申訴專員的監察  
Include WKCDA in Part I of Schedule 1 to the Ombudsman Ordinance (Cap. 397)

謝謝!

**Thank you!**