

立法會
Legislative Council

LC Paper No. LS51/07-08

**Paper for the House Committee Meeting
on 22 February 2008**

**Legal Service Division Report on
West Kowloon Cultural District Authority Bill**

I. SUMMARY

1. **Object of the Bill** To establish the West Kowloon Cultural District Authority (WKCDA) in connection with the development of the West Kowloon Cultural District (WKCD) site, including the operation of its arts, cultural and related facilities.

2. **Comments**
 - (a) The WKCDA is set up with the necessary functions and powers to implement the WKCD project from its planning to operation stages and to ensure its financial sustainability;

 - (b) A Board is set up as the governing and executive body of WKCDA, with no more than 20 members, and at least one of the majority of non-public officer members is appointed from amongst LegCo members. The Chairman may be either a public officer or a non-public officer. All other members, except the Chief Executive Officer, shall be appointed;

 - (c) The WKCDA must consult the Secretary for Home Affairs and the public when preparing the development plan for the WKCD site, and the plan must also be submitted to the Town Planning Board for consideration.

3. **Public Consultation** The Administration conducted a public engagement exercise in late 2007 and has found the public views received to be generally supportive of, among other things, the proposal to set up a statutory body to take forward the WKCD project.

4. **Consultation with LegCo** A Subcommittee on WKCD Development has been established by the House Committee to monitor the project since 2005. After the Bill's gazettal, Subcommittee members have expressed concerns over a range of issues such as accountability, Board membership and public engagement.

5. **Conclusion** In view of the scale of the WKCD project and the public concern that it has engendered, it is recommended that a Bills Committee be set up to study the Bill in detail.

II. REPORT

Object of the Bill

To establish the West Kowloon Cultural District Authority (WKCDA) to develop the West Kowloon Cultural District (WKCD) site into an integrated arts and cultural district and to operate the arts and cultural facilities and other related facilities in the district.

LegCo Brief Reference

2. SF (17) to HAB CS CR 7/1/27 issued by Home Affairs Bureau on 31 January 2008.

Date of First Reading

3. 20 February 2008.

Comments

4. The WKCD project is intended by the Administration as a major initiative to implement its policy on arts and culture by meeting the long term infrastructural and development needs of Hong Kong's arts and culture.

5. After the Invitation for Proposal process was discontinued in February 2006, the Consultative Committee on the Core Arts and Cultural Facilities of the West Kowloon Cultural District (CC) was set up, together with three Advisory Groups to deal specifically with performing arts and tourism, museums and financial matters respectively. The CC submitted a Recommendation Report (the Report) to the Chief Executive in June 2007. A three-month Public Engagement exercise was then launched to solicit public views.

6. The Bill proposes, as recommended by the CC, to set up WKCDA as a dedicated statutory body whose major functions are to implement the WKCD project from its planning to the operation stages and to ensure its financial sustainability. The WKCDA is required, when performing its functions, to have regard to one or more of the specified purposes relating to the promotion of arts and culture and is vested with the necessary powers.

7. A Board is set up as the governing and executive body of the WKCDA with not more than 20 members, consisting of both public officers and a majority of non-public officer members. At least one of the latter shall be appointed from amongst LegCo members. The Chairman may be either a public officer or a non-public officer. All the members, except the Chief Executive Officer, will be appointed.

8. The WKCDA is required to consult the Secretary for Home Affairs and the public in preparing a development plan of the WKCD site and submit the plan to the Town Planning Board for consideration. The plan so submitted may be deemed a draft plan

prepared for the purposes of the Town Planning Ordinance (Cap. 131), so that its provision governing the approval and amendment of the plan will apply accordingly.

9. Part 4 of the Bill is dedicated to "Financial Matters", which sets out the resources of WKCD, the power to enter into financial arrangements, the accounting and auditing arrangements and submission of corporate plans, business plans and reports.

Public Consultation

10. The Administration has conducted a Public Engagement exercise in late 2007 and found the public views received to be generally supportive of the CC recommendations, including the proposal to set up a statutory body to take forward the WKCD project.

Consultation with LegCo

11. Since the release of the Report on 12 September 2007, the Subcommittee on West Kowloon Cultural District Development (the Subcommittee) has held a number of meetings to discuss various aspects of the WKCD project, including the key aspects of the proposed legislation for establishing a statutory body to take forward the WKCD project. Apart from discussions with the Administration, the Subcommittee also met with interested organizations and individuals at three meetings to receive their views.

12. After the gazettal of the Bill on 1 February 2008, the Subcommittee has held two meetings with the Administration on the Bill. Subcommittee members have expressed concerns on various proposed arrangements in the Bill, including-

- (a) that the checks and balances and the accountability measures provided in the Bill are not adequate to ensure that the statutory body would be subject to sufficient public scrutiny and monitoring by LegCo;
- (b) suggestions which they have made to enhance the accountability of the statutory body are not reflected in the Bill; and
- (c) serious concerns about the proposed provision in the Bill that the Chairman of the WKCD may be a public officer.

Conclusion

13. In view of the scale of the WKCD project and the public concern that it has engendered, it is recommended that a Bills Committee be set up to study the Bill in detail.

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