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**Arrangements for following up issues
relating to the West Kowloon Cultural District Development**

Purpose

This paper invites members of the Panel on Home Affairs (HA Panel) and Panel on Development to consider the approach suggested by the Subcommittee on West Kowloon Cultural District Development ("the Subcommittee") in following up the outstanding issues pertaining to the West Kowloon Cultural District (WKCD) project.

Present position of the WKCD Project

2. Following the Administration's decision not to pursue the WKCD project under the Invitation for Proposals (IFP) process in February 2006, the Administration set up the Consultative Committee on the Core Arts and Cultural Facilities of WKCD (the Consultative Committee) which operated with its three Advisory Groups, namely the Performing Arts and Tourism Advisory Group, the Museums Advisory Group and the Financial Matters Advisory Group, to re-examine and to re-confirm, if appropriate, the need for Core Arts and Cultural Facilities as defined in the IFP. The Consultative Committee also advised on other arts and cultural facilities to be provided in WKCD and the financial implications of developing and operating these facilities.

3. On 12 September 2007, the Administration released the Recommendation Report of the Consultative Committee and launched a three-month public engagement exercise on the recommendations contained in the report. It has also informed the Legislative Council (LegCo) of the following work plans in respect of the WKCD project:

(a) Establishment of the WKCD Authority

A bill will be introduced in early 2008 on the establishment of a statutory body, the WKCD Authority, to take forward the WKCD project. If the Bill can be passed within the 2007-2008 legislative

session, the statutory body will be set up immediately upon the enactment of the Bill. The Administration aims to consult LegCo on the major contents and proposals of the Bill in late November 2007 prior to the introduction of the Bill.

(b) Town Planning Work

Proposals to amend the draft South West Kowloon Outline Zoning Plan to incorporate the development parameters for the WKCD project area, including the development mix, will be made in early 2008. The statutory plan-making process is expected to be completed by the end of 2008. The WKCD Authority would need to submit a Master Layout Plan to the Town Planning Board for approval in accordance with the development restrictions on the Outline Zoning Plan. The Master Layout Plan will set out, among other things, the detailed disposition of various land uses within WKCD.

(c) Cultural software development

As WKCD is a major strategic investment to promote the long-term development of the arts and culture in Hong Kong, the Administration will consult LegCo on the measures to strengthen the cultural software for the purpose of realizing the vision and objectives of WKCD. These measures should aim to nurture audiences, facilitate arts creation, and foster the development of cultural and creative industries and cultural tourism. The infrastructure to implement some of these measures, such as training for arts professionals and venue partnership, may have to be provided through the development of the core facilities in WKCD; the Master Layout Plan of which will be submitted to the Town Planning Board after the WKCD Authority has been set up in 2008.

(d) Funding arrangements

The Administration plans to submit funding approvals to the Finance Committee towards the end of the 2007-2008 legislative session for an upfront endowment of about \$19 billion to the WKCD Authority for developing and operating WKCD, as well as a provision for the establishment and running of an interim M+ (Museum Plus). The interim M+ will be a platform for training professional staff and providing art education for the public.

Monitoring the WKCD project by LegCo committees

Establishment of a Subcommittee under the House Committee

4. Before the Subcommittee was established, matters relating to the planning and implementation of the WKCD project had been followed up by the Panel on Planning, Lands and Works (now renamed as "Panel on Development") and the HA Panel. The two Panels had held a number of meetings, including joint meetings, to examine different aspects of the subject, with the former focusing on the planning and land use issues and the latter on arts and culture.

5. As issues pertinent to the WKCD project straddled a number of policy areas including culture and arts, planning and lands, environment and public finance, etc., the House Committee set up a subcommittee on 21 January 2005 to study issues relating to the development of WKCD. Members agreed at the meeting that to avoid duplication of efforts and resources, the WKCD project should be followed up by the subcommittee. The relevant extract of the minutes of the House Committee meeting is in **Appendix I**. The terms of reference of the Subcommittee (**Appendix II**) were noted by the House Committee on 18 February 2005. All matters relating to WKCD have since been handled by the Subcommittee. Both the Secretary for Housing, Planning and Lands (who was then in charge of the WKCD project) and the Secretary for Home Affairs (SHA) (who was responsible for cultural policies) attended meetings of the Subcommittee until quite recently when the Administration advised the Subcommittee that SHA had taken up the co-ordination of the WKCD project within the Administration. The Subcommittee submitted two reports to the House Committee on its Phase I and Phase II studies on 6 July 2005 and 6 January 2006 respectively. On 8 February 2006, the Council endorsed the two reports of the Subcommittee.

6 Following the establishment of the Consultative Committee, the Subcommittee continued to monitor the work of the Consultative Committee and its three Advisory Groups. On 9 March 2007, the Subcommittee submitted a progress report to the House Committee. After the Recommendation Report of the Consultative Committee was released on 12 September 2007, the Subcommittee held four meetings to discuss with the Administration and to receive views from interested parties from different sectors in the community. A total of 48 deputations presented views to the Subcommittee.

Recent development

7. At one of the recent meetings of the Subcommittee, SHA suggested that matters relating to the development of cultural software should more appropriately be handled by the HA Panel. The HA Panel scheduled a meeting on 9 November 2007 to discuss with the Administration measures to strengthen the development of cultural software and humanware in Hong Kong in the light

of the vision and objectives of the WKCD project. Members of the Subcommittee were invited to attend that meeting. However, the discussion was deferred to 14 December 2007 due to the overrun of other discussion items at the meeting.

8. In light of the recent development, the chairmen and deputy chairmen of the three relevant committees, i.e. the HA Panel, the Panel on Development and the Subcommittee, had an informal discussion and took stock of the outstanding issues pertinent to the WKCD project. It was agreed that the three committees would separately consider what would be the most effective manner to follow up these issues having regard to the terms of reference of the three committees (**Appendices II to IV**) and the decision of the House Committee on 21 January 2005, as well as the Government's timeframe in taking forward the WKCD project, with a view to coming up with an arrangement which would avoid duplication of efforts and resources.

The way forward

9. The Government will finalize its proposals on some of the important aspects of the WKCD project within the next few months. They are strategic elements of WKCD including the development parameters for the WKCD site, the composition and functions of the WKCD Authority, and the financing approach for the project. It is contemplated that Members would like to have discussion with the Government so that they and members of the public would be able to express their views on these matters for Government's consideration well ahead of the finalization of the proposals. To facilitate discussion by the three committees, a checklist of the outstanding issues pertaining to WKCD is provided at **Appendix V**.

10. At its meeting on 29 November 2007, the Subcommittee discussed the manner the outstanding issues pertinent to the WKCD project should be followed up in order to fulfil the Subcommittee's functions and having regard to the terms of reference of other committees of the Council. The Subcommittee agreed to adopt the following approaches --

- (a) Issues which are directly related to the planning and implementation of the WKCD project, such as planning and funding issues, should continue to be followed up by the Subcommittee. Should wider planning issues arise during the discussions of the Subcommittee, the Subcommittee should consult the Panel on Development on the way to discuss the issues;
- (b) Issues on cultural policy, cultural software development and general management of cultural facilities which may or may not be related to the WKCD project but need to be tackled from a broader perspective should be followed up by the HA Panel. Where such

issues have a direct bearing on the planning or financing of the arts and cultural facilities in WKCD, the HA Panel should consult the Subcommittee on the way to discuss the issues;

- (c) Issues which fall directly within the remit of the WKCD Authority, including its functions, membership, mode of operation, financing arrangement, etc., will be taken up by the Subcommittee. However, if a Bills Committee is formed after the relevant Bill is introduced, the study of the Bill will be taken up by the relevant Bills Committee;
- (d) In line with the normal practice of Panels, members of other committees should be invited to join the discussions on issues which may have a connection with the subject matters within the terms of reference of these other committees; and
- (e) In cases of doubt when deciding the way to deal with an issue which straddles more than one committee, reference would be made to the agreement reached by members of the House Committee as referred to in paragraph 5 above.

Advice sought

11. Members are invited to consider the approaches suggested in paragraph 10.

Council Business Division 1
Legislative Council Secretariat
7 December 2007

**Extract of the minutes of the
House Committee meeting on 21 January 2005**

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VIII. Proposal to set up a subcommittee under the House Committee to follow up the West Kowloon Cultural District project

(Letter dated 15 January 2005 from Hon Alan LEONG Kah-kit to the Chairman of the House Committee (LC Paper No. CB(2) 705/04-05(02))

58. Mr Alan LEONG said that Members should closely monitor the development of the WKCD project. As the project straddled the policy areas of culture and arts, planning and lands, environment and finance, a subcommittee should be set up under the House Committee to enable Members to follow up the project in a more efficient and transparent manner.

59. Mr LEE Wing-tat said that Members belonging to DP supported Mr LEONG's proposal. Given the scale of the WKCD project and the fact that it straddled the policy areas of more than two Panels, it should be followed up by a subcommittee under the House Committee. Mr LEE added that Mr LAU Wong-fat, Chairman of the Panel on Planning, Lands and Works, had told him that he had no objection to the setting up of a subcommittee under the House Committee to follow up the WKCD project.

60. Dr YEUNG Sum said that although some Members had earlier expressed concern about setting up too many subcommittees under the House Committee, he considered that such subcommittees should be set up if there was a need to do so. He expressed support for Mr LEONG's proposal.

61. Mr Abraham SHEK said that Members belonging to The Alliance supported Mr LEONG's proposal.

62. Mr Timothy FOK said that the culture and sports sectors supported Mr LEONG's proposal.

63. Mr LAU Kong-wah supported Mr LEONG's proposal. Mr LAU said that the subcommittee, if formed, should give constructive views on the WKCD project.

64. Mrs Selina CHOW said that while Members belonging to the Liberal Party considered that the WKCD project should be followed up by the relevant Panels holding joint meetings, they had no strong views about Mr LEONG's proposal. They hoped that the setting up of subcommittees under the House Committee could be avoided as far as possible, as it would add pressure on Members' time and the work of the LegCo Secretariat.

65. The Chairman proposed that a subcommittee be set up under the House Committee to follow up the WKCD project. Members agreed. The following Members agreed to join: Mr James TIEN, Mr Albert HO, Ir Dr Raymond HO, Ms Margaret NG, Mrs Selina CHOW, Mr James TO, Mr CHAN Kam-lam, Miss CHOY So-yuk, Mr Timothy FOK, Mr Abraham SHEK, Mr Tommy CHEUNG, Mr LEE Wing-tat, Mr Alan LEONG, Mr Ronny TONG, Mr CHIM Pui-chung, Mr Patrick LAU (as advised by Mr Abraham SHEK) and Mr Albert CHENG.

66. The Chairman said that the Panel on Planning, Lands and Works would hold a meeting on 31 January 2005 to listen to the views of deputations on the WKCD project. She added that the project should not be followed up by the Panel and the subcommittee in parallel.

67. Mr Abraham SHEK and Mr James TIEN said that to avoid duplication of efforts and resources, the project should be followed up by the subcommittee under the House Committee, and not the Panel. Members agreed.

68. The Chairman said that the existing rules of the Council did not provide for the formation of a subcommittee under two or more Panels. However, Members could consider moving a motion in Council to enable a subcommittee to be set up under two or more Panels, if necessary.

69. Ms Margaret NG said that any committee system would evolve and develop over time. As there were more issues which straddled the policy areas of two or more Panels, it was necessary to set up more subcommittees under the House Committee to follow up these issues.

70. Mr LEE Cheuk-yan said that Members should consider whether the Rules of Procedure and House Rules should be amended to allow a subcommittee to be set up under two or more Panels.

71. The Chairman proposed that the Committee on Rules of Procedure be requested to study the matter, and make recommendations for the House Committee's consideration in due course. Members agreed.

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Subcommittee on West Kowloon Cultural District Development

Terms of Reference

To study and follow up issues relating to the development of West Kowloon Cultural District including its interface with arts and cultural development, land use and planning, environmental considerations, financing implications and arrangements, and other related matters.

Panel on Development

Terms of Reference

1. To monitor and examine Government policies and issues of public concern relating to lands, buildings, planning, water supply, Public Works Programme and other works matters.
2. To provide a forum for the exchange and dissemination of views on the above policy matters.
3. To receive briefings and to formulate views on any major legislative or financial proposals in respect of the above policy areas prior to their formal introduction to the Council or Finance Committee.
4. To monitor and examine, to the extent it considers necessary, the above policy matters referred to it by a member of the Panel or by the House Committee.
5. To make reports to the Council or to the House Committee as required by the Rules of Procedure.

Panel on Home Affairs

Terms of Reference

1. To monitor and examine Government policies and issues of public concern relating to district, community and rural matters, human rights, civic education, data protection, press freedom, building management, youth and women matters, the provision of leisure and cultural services, development of arts and culture, public entertainment, sport and recreation, and heritage conservation.
2. To provide a forum for the exchange and dissemination of views on the above policy matters.
3. To receive briefings and to formulate views on any major legislative or financial proposals in respect of the above policy areas prior to their formal introduction to the Council or Finance Committee.
4. To monitor and examine, to the extent it considers necessary, the above policy matters referred to it by a member of the Panel or by the House Committee.
5. To make reports to the Council or to the House Committee as required by the Rules of Procedure.

Subcommittee on West Kowloon Cultural District Development

Checklist of outstanding issues

A. Cultural policy and software development

- (i) the need or otherwise for a high-level body for strategy planning and coordination for arts and cultural development in Hong Kong;
- (ii) funding and support for performing arts groups;
- (iii) nurturing art talents;
- (iv) development of "flagship" local performing art groups;
- (v) arts education at school and community levels;
- (vi) manpower planning, training and development for arts-related professionals at management, operation and supporting levels;
- (vii) establishment of networks and platforms for cultural exchange and cooperation with other jurisdictions; and
- (viii) development and promotion of creative industries.

B. Provision of arts and cultural facilities

- (i) justifiability of the arts and cultural facilities in the West Kowloon Cultural District (WKCD) as recommended by the Consultative Committee;
- (ii) recommended phasing of facility development in WKCD;
- (iii) relationship between the cultural venues in WKCD and the existing cultural venues;
- (iv) management mode for existing and future cultural venues;
- (v) creating and maintaining community-based alternative art space outside WKCD for artists' creations; and

- (vi) Administration's planned consultation with the Subcommittee on the funding proposal for the establishment and running of an interim **Museum Plus**.

C. Planning issues

- (i) development mix in WKCD;
- (ii) development parameters for WKCD;
- (iii) revitalization of neighbouring old districts;
- (iv) accessibility from and connectivity with other districts;
- (v) planning process (Kai Tak process Vs the 2-stage process contemplated by the Administration); and
- (vi) respective roles of Government, WKCD Authority, Town Planning Board.

D. Establishment of WKCD Authority

- (i) functions, powers and composition (in particular whether certain members should be nominated by relevant sectors) of the WKCD Authority;
- (ii) its relationship with other public bodies responsible for policy and funding matters on art and culture;
- (iii) legislative process (in particular the basis for public consultation); and
- (iv) interim arrangements (e.g. setting up a provisional body to take up preparatory work).

E. Financing approach for implementing WKCD

- (i) whether there is consensus on the approach recommended by the Consultative Committee and its underlying principles: one-off endowment for capital costs and operating deficit to be met by rental income from retail, dining and entertainment facilities;
- (ii) monitoring by the Legislative Council: one-off appropriation by the Finance Committee or appropriation in phases; and

- (iii) Administration's planned consultation with the Subcommittee on the funding proposal for an upfront endowment to the WKCD Authority for developing and operating WKCD.

F. Public engagement in planning and implementing WKCD

- (i) the need for structured public engagement throughout the planning and implementation process