

立法會
Legislative Council

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Panel on Home Affairs and Panel on Development

**Joint Subcommittee to Monitor the Implementation of the
West Kowloon Cultural District Project**

**Minutes of meeting
held on Monday, 13 February 2012, at 4:30 pm
in Conference Room 3 of the Legislative Council Complex**

- Members present** : Hon IP Kwok-him, GBS, JP (Chairman)
Hon LEE Wing-tat (Deputy Chairman)
Ir Dr Hon Raymond HO Chung-tai, SBS, S.B.St.J., JP
Hon James TO Kun-sun
Hon Mrs Sophie LEUNG LAU Yau-fun, GBS, JP
Hon WONG Yung-kan, SBS, JP
Hon Emily LAU Wai-hing, JP
Hon Timothy FOK Tsun-ting, GBS, JP
Hon Abraham SHEK Lai-him, SBS, JP
Prof Hon Patrick LAU Sau-shing, SBS, JP
Hon Cyd HO Sau-lan
Hon Starry LEE Wai-king, JP
Hon CHAN Hak-kan
Dr Hon Priscilla LEUNG Mei-fun, JP
Hon CHEUNG Kwok-che
Hon Paul TSE Wai-chun, JP
Hon Alan LEONG Kah-kit, SC
Hon Tanya CHAN
- Members attending** : Dr Hon Philip WONG Yu-hong, GBS
Hon Albert CHAN Wai-yip

Members absent : Hon CHAN Kam-lam, SBS, JP
Hon CHEUNG Hok-ming, GBS, JP
Hon WONG Sing-chi

Public Officers attending : Agenda items II to IV

Home Affairs Bureau

Mrs Avia LAI
Deputy Secretary for Home Affairs (3)

Mr WAN Man-leung
Project Manager (Home Affairs Bureau)

West Kowloon Cultural District Authority

Mr Michael Lynch
Chief Executive Officer

Dr CHAN Man-wai
Executive Director, Project Delivery

Mr Garmen CHAN
Executive Director, Communications and Marketing

Agenda item II

Public Policy Research Institute, the Hong Kong Polytechnic University

Prof Peter YUEN
Principal Investigator

Dr Vincent LAW
Project Fellow

Prof LEE Ngok
Project Fellow

Clerk in attendance : Mr Thomas WONG
Chief Council Secretary (2)2

Staff in attendance : Mr Jimmy MA, JP
Legal Adviser

Mr Raymond LAM
Senior Council Secretary (2)2

Miss Jasmine TAM
Council Secretary (2)2

Miss Emma CHEUNG
Legislative Assistant (2)2

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The Joint Subcommittee deliberated (index of proceedings at **Annex**).

I. Items for discussion at the next meeting
[LC Paper Nos. CB(2)997/11-12(01) and (02)]

Issues relating to the West Kowloon Reclamation Concept Plan Competition

2. Members noted the letters dated 13 February 2012 from Ms Emily LAU and Mr Abraham SHEK, which were tabled at the meeting and proposed that the Joint Subcommittee should request the Administration to provide all information relating to allegations of conflict of interests involving Mr LEUNG Chun-ying, a member of the Jury in the West Kowloon Reclamation Concept Plan Competition ("the Competition"). Mr Abraham SHEK further proposed in his letter that should the Administration fail to provide the requisite information, the Joint Subcommittee should seek authorization of the Legislative Council ("LegCo") to exercise the powers under the Legislative Council (Powers and Privileges) Ordinance (Cap. 382) to order the Administration to produce such information.

3. Mr Abraham SHEK considered that as the West Kowloon Cultural District ("WKCD") project involved the use of \$21.6 billion of public money, the public had the right to know what had actually happened. Ms Emily LAU considered that the matter should be discussed at a meeting of the Joint

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Subcommittee or the Panel on Home Affairs, as the Permanent Secretary for Home Affairs ("PSHA") had been answering questions relating to it. She expressed support for invoking the summoning powers under Cap. 382 if the Administration failed to provide the requisite information.

4. Referring to the terms of reference of the Joint Subcommittee, the Chairman advised that the Joint Subcommittee was formed to monitor issues relating to the implementation of the WKCD project, including the work of the WKCD Authority ("WKCDA"), the project's interface with arts and cultural development, and other related matters. He pointed out that as matters relating to the Competition fell outside the purview of the Joint Subcommittee, members might wish to consider following up the issue at another forum. Mr LEE Wing-tat however considered that the matter was within the terms of reference of the Joint Subcommittee.

5. Mr Albert CHAN said that the Joint Subcommittee had a responsibility to examine whether any information had been covered up by the Administration, whether there was any conflict of interests in the Competition and whether there were any other similar cases relating to declaration of interests in the Competition. Mr Alan LEONG said that the public had the right to know what had happened. He supported invoking the powers under Cap. 382 in the event that the Administration failed to provide the requisite information. He considered that the Joint Subcommittee was an appropriate forum to follow up the matter.

6. Ir Dr Raymond HO and Mr WONG Yung-kan expressed support for requesting the Administration to provide the requisite information to the Joint Subcommittee. However, Ir Dr Raymond HO said that in view of the nature of the matter and the anticipated prorogation of LegCo in July 2012, he did not support invoking the summoning powers under Cap. 382.

7. Professor Patrick LAU declared that he was a member of the Jury for the Competition. He expressed support for requesting the Administration to provide all relevant information to the Joint Subcommittee.

8. Legal Adviser said that in determining whether a matter fell within the purview of the Joint Subcommittee, consideration had to be given to the terms of reference of the Joint Subcommittee. It appeared that the matter concerned was outside the purview of the Joint Subcommittee. Members might consider following up the matter at another forum.

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9. The Chairman reiterated that matters relating to the Competition fell outside the purview of the Joint Subcommittee. Nevertheless, the two letters from Ms Emily LAU and Mr Abraham SHEK would be forwarded to the Administration for provision of the requisite information to the relevant committee(s). He added that the House Committee might be an appropriate forum for discussing the matter.

Items to be discussed at the next meeting

10. Members agreed that the next meeting would be held on Monday, 23 April 2012, at 10:45 am to discuss the following matters -

- (a) Planning and development of M+; and
- (b) Communication and co-operation with the arts community.

II. Report on the Analysis of Views for the Stage 3 Public Engagement Exercise for the West Kowloon Cultural District

[LC Paper Nos. CB(2)663/11-12(01) to (04) and CB(2)977/11-12(03)]

11. Deputy Secretary for Home Affairs (3) ("DSHA(3)") briefed members on the Report on the Analysis of Views for the Stage 3 Public Engagement ("PE") Exercise for the West Kowloon Cultural District. Prof Peter YUEN, Principal Investigator ("PI") of the Public Policy Research Institute ("PPRI") of The Hong Kong Polytechnic University, conducted a powerpoint presentation on the findings in the Report.

Collection of views

12. Referring to the questions relating to "lack of iconic buildings in the district" and "lack of a theme for the Great Park" in the summary of views collected by PPRI, Ms Cyd HO expressed concern about the possibility of the views received having been influenced by the choices of answers in the feedback forms provided to the respondents. PI/PPRI advised that the respondents had been required to answer open-ended questions in the feedback forms. There should be no question of the views collected by PPRI having been influenced by the design of the feedback forms.

13. Ms Cyd HO expressed concern that the views collected by PPRI had been mainly analysed on a quantitative basis. She asked whether interviews had been conducted with respondents to collect qualitative data. PI/PPRI

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advised that some of the 20 PE events conducted were of such a nature. To his knowledge, WKCDA had organised a number of such seminars with the stakeholders before the Stage 3 PE exercise. The qualitative data and views collected had already been set out in the Report. Chief Executive Officer of WKCDA ("CEO/WKCDA") advised that WKCDA had already held a number of discussions with focus groups and the youth. The views collected had been provided to PPRI. In the coming weeks, WKCDA would be making preparations for the design competitions for a number of signature facilities in WKCD.

14. Mr Alan LEONG asked how the views collected during the Stage 3 PE exercise had been dealt with and whether they had been incorporated in the Development Plan ("DP") for WKCD submitted to the Town Planning Board ("TPB") in end-December 2011. Dr CHAN Man-wai, Executive Director, Project Delivery of WKCDA ("ED,PD/WKCDA") advised that a summary of the views collected in the Stage 3 PE exercise and WKCDA's response, which had been provided to the Joint Subcommittee, had been submitted to TPB.

Accessibility of WKCD

15. Dr Priscilla LEUNG expressed concern about the connectivity of WKCD with its vicinity. She asked whether ferry routes connecting WKCD with other districts had been planned for the proposed piers in WKCD. CEO/WKCDA advised that WKCD would be easily accessible from the different railway stations in the vicinity. While the proposed piers were outside the purview of TPB, WKCDA was committed to connecting WKCD to other areas and the sea.

16. The Deputy Chairman considered that before the commissioning of Phase I facilities in WKCD, WKCDA should organize more arts activities and exhibitions to attract members of the public to WKCD. CEO/WKCDA advised that WKCDA was working in this direction. In the coming months, WKCDA would organise a series of activities at the WKCD site.

Implementation of the WKCD project

17. Ms Emily LAU expressed concern about the progress of the WKCD project and called for its early implementation. She considered it important for the design competitions for signature facilities in WKCD to be conducted in an open and fair manner. The development of residential blocks in WKCD should not be turned into a property development project. Regarding the retail facilities, she supported the view that preference should be given to smaller operators rather than mega stores.

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18. CEO/WKCDA advised that WKCDA was committed to the early implementation of the WKCD project and would ensure the conduct of the design competitions for facilities in WKCD in an open and fair manner. He stressed that WKCDA would maintain the high standards and requirements regarding declaration of interest. WKCDA was committed to limiting the areas of the residential facilities to 20% of WKCD and complying with the building height and gross floor area requirements. The results of the Stage 3 PE exercise reflected that the respondents generally considered that WKCDA was proceeding on the right track.

19. The Deputy Chairman asked about the latest position of the proposed DP after submission to TPB on 30 December 2011. ED,PD/WKCDA advised that the proposed DP was expected to be considered by TPB in March 2012.

III. Role of the Consultation Panel of the West Kowloon Cultural District Authority

[LC Paper Nos. CB(2)977/11-12(04) and (05)]

20. DSHA(3) and CEO/WKCDA briefed members on the way forward in respect of the work of the Consultation Panel ("CP") of WKCDA upon conclusion of the three-stage PE exercise.

21. In response to Mr Alan LEONG's question on the role of CP, CEO/WKCDA advised that following the conclusion of the PE exercise, the focus of the work of WKCDA would change and hence the role of CP would be refined accordingly. The membership of CP would remain unchanged. In consultation with CP members, it was generally agreed that CP should play a bridging role between WKCDA and the public.

22. Mr Alan LEONG said that during the deliberations of the Bills Committee on the WKCDA Bill, CP had been generally expected to perform a role similar to that of Metropolis 30 of the Abandoibarra project in Bilbao of Spain as mentioned in the Report on Phase II Study of the Subcommittee of West Kowloon Cultural District Development formed in the Third LegCo. He expressed disappointment that instead of performing such a role, CP had been mainly involved in advising how public consultation should be conducted in the past few years. Instead of serving as a bridge between WKCDA and the public, CP should perform the role of collecting and reflecting public views to WKCDA.

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IV. Utilization of the West Kowloon Cultural District site prior to the commissioning of Phase 1 facilities and audience building
[LC Paper Nos. CB(2)977/11-12(06) and (07)]

23. DSHA(3) and CEO/WKCDA briefed members on the proposed temporary use of sites in WKCD and audience building programmes prior to the commissioning of Phase 1 facilities.

24. The Chairman asked whether WKCDA had taken over the entire WKCD site. CEO/WKCDA responded in the negative and informed members that WKCDA had taken over parts of the WKCD site some five weeks ago and entered into Short Term Tenancies ("STTs") with the Lands Department for temporary use of those parts. ED,PD/WKCDA advised that some areas would be maintained for temporary uses, such as audience building, until the construction of facilities commenced around 2013-2014.

25. Ms Cyd HO said that under the Places of Public Entertainment Ordinance (Cap. 172) ("PPEO"), no person was permitted to keep or use any place of public entertainment without a licence granted under PPEO ("PPE licence"). She asked whether artists would be allowed to conduct performances in WKCD without obtaining a PPE licence or WKCDA would obtain a PPE licence covering all performances in WKCD.

26. DSHA(3) advised that it was understood that the primary aim of PPEO was to protect public safety at places of public entertainment to which the general public was admitted. As the keeper of the place of public entertainment, WKCDA had a responsibility to protect the safety of users at the WKCD site regardless of the PPE licence requirements.

27. Noting that some areas in the WKCD site would be reserved for temporary use for street festivals and outdoor events, Ms Cyd HO asked whether these areas would be made available for free use by artists without the need for prior application. DSHA(3) advised that some activities had been held in the WKCD site in the past and WKCDA had already had experience in organizing arts and cultural activities in the site, including the regulatory requirements that had to be met. CEO/WKCDA advised that WKCDA would take steps in conjunction with the event organisers to minimise inconvenience arising from licensing matters.

Action

28. There being no other business, the meeting ended at 6:15 pm.

Council Business Division 2
Legislative Council Secretariat
31 August 2012

**Proceedings of the meeting of
the Joint Subcommittee to Monitor the Implementation of
the West Kowloon Cultural District Project
on Monday, 13 February 2012, at 4:30 pm
in Conference Room 3 of the Legislative Council Complex**

Time Marker	Speaker(s)	Subject(s)	Action required
000107 - 000151	Chairman	Opening remarks	
000152 - 003154	Chairman Mr Abraham SHEK Ms Emily LAU Deputy Chairman Mr Albert CHAN Mr Alan LEONG Mr Philip WONG Mr Raymond HO Mr WONG Yung-kan Prof Patrick LAU LA	Letters from Ms Emily LAU and Mr Abraham SHEK requesting the Administration to provide all relevant information relating to allegations of conflict of interests involving Mr LEUNG Chun-ying, a member of the Jury in the West Kowloon Reclamation Concept Plan Competition ("the Competition") held in 2001-2002. Terms of reference of the Joint Subcommittee and members' views on how the matter should be followed up. Forwarding of the letters from Ms Emily LAU and Mr Abraham SHEK to the Administration for provision of all relevant information to the relevant committee.	
003155 - 003303	Chairman	Date of next meeting and items for discussion	
003304 - 005346	Chairman Admin PPRI	Briefing by the Administration and powerpoint presentation by the Public Policy Research Institute of The Hong Kong Polytechnic University on the report on the analysis of views for Stage 3 Public Engagement ("PE") Exercise for the West Kowloon Cultural District ("WKCD") (LC Paper Nos. CB(2)663/11-12(01) to (04)).	
005347 - 010045	Chairman Ms Cyd HO PPRI WKCD	Ms Cyd HO's concern and view on the design of the feedback forms and collection of qualitative data relating to Stage 3 PE exercise.	
010046 - 010542	Chairman Mr Alan LEONG Admin WKCD	Mr Alan LEONG's concern about the treatment of the views received in Stage 3 PE exercise and whether the views received had been incorporated in the proposed Development Plan ("DP") submitted to the Town Planning Board at end-December 2011.	

Time Marker	Speaker(s)	Subject(s)	Action required
010543 - 011031	Chairman Dr Priscilla LEUNG WKCDA	Dr Priscilla LEUNG's concern about the accessibility of WKCD and planning in respect of ferry routes to the piers at WKCD and the priority for employment of local workers in the WKCD Project.	
011032 - 011509	Chairman Ms Emily LAU WKCDA	Ms Emily LAU's concern about the implementation progress of the WKCD Project and view on the design competitions for the signature facilities at WKCD.	
011510 - 012046	Chairman Deputy Chairman WKCDA	Deputy Chairman's concern about the latest progress regarding the proposed DP for WKCD and attraction of members of the public to WKCD	
012047 - 012331	Admin WKCDA	Briefing by the Administration and WKCDA on the way forward in respect of the work of the Consultation Panel of WKCDA upon conclusion of the three-stage PE exercise (LC paper No. CB(2)977/11-12(04)).	
012332 - 012912	Chairman Admin WKCDA Mr Alan LEONG	Mr Alan LEONG's views on the role of the Consultation Panel of WKCDA.	
012913 - 013347	Admin WKCDA	Briefing by the Administration and WKCDA on the proposed temporary uses of sites in WKCD and audience building programmes prior to the commissioning of Phase 1 facilities (LC Paper No. CB(2)977/11-12(06)).	
013348 - 014245	Chairman Admin WKCDA Ms Cyd HO	Chairman's question on whether the entire WKCD site had been taken over by WKCDA. Ms Cyd HO's concern about whether artists would be allowed to conduct performances in WKCD without a licence issued under the Places of Public Entertainment Ordinance (Cap. 172) ("PPE licence") or whether WKCDA would obtain a PPE licence covering all performances in WKCD.	
014246 - 014312	Chairman	Date of next meeting	