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

**Background brief prepared by the Legislative Council Secretariat
for the meeting on 23 April 2013**

**Management and utilization of the West Kowloon Cultural District
("WKCD") site prior to commencement of the construction works
for the WKCD project**

Purpose

This paper provides information on the management and utilization of the WKCD site prior to commencement of the construction works for the WKCD project. It also summarizes the relevant views and concerns expressed by members of the Joint Subcommittee to Monitor the Implementation of the West Kowloon Cultural District Project formed in the Fourth Legislative Council ("the former Joint Subcommittee") on the subject.

Background

2. The West Kowloon Cultural District Authority ("WKCDA") is established under the West Kowloon Cultural District Authority Ordinance (Cap. 601) ("WKCDAO") to develop the land leased to it into an integrated arts and cultural district. Pursuant to section 4(1)(c) of WKCDAO, WKCDA is responsible, either alone or jointly or by agreement with any other person, for providing, operating, managing, maintaining or otherwise dealing with arts and cultural facilities, related facilities or ancillary facilities.

3. In accordance with WKCDAO, WKCDA prepared a Development Plan ("DP") for WKCD and submitted it to the Town Planning Board for consideration on 30 December 2011. The draft WKCD DP was approved by the Chief Executive in Council on 8 January 2013. According to WKCDA, upon completion of the statutory planning process, construction of the planned facilities in WKCD is expected to commence around 2013-2014 for completion

in phases starting from 2014-2015. In WKCDA's view, the period before the commencement of active construction of permanent development provides an opportunity for it to utilize the WKCD site to bring people to WKCD and to bring arts to the public.

4. At its meeting on 11 July 2011 and 13 February 2012, the former Joint Subcommittee was briefed by the Administration and WKCDA on the proposed temporary uses of the WKCD site prior to the commissioning of Phase 1 facilities and the overall objectives of such uses in **Appendix I**. Members noted that WKCDA had entered into Short Term Tenancies ("STTs") in respect of parts of the WKCD site with the Lands Department in January 2012 for preparation for the advance works and organization of interim programmes and activities to build audiences. Members were also advised that WKCDA would engage relevant contractors to carry out site and access improvement works and take up the site management and maintenance. Prior to commencement of any events/activities, WKCDA would collaborate with the management agent and event organizers in working out specific details and obtaining necessary permissions and licences from related government departments for the proposed events/activities.

Members' views and concerns

5. The former Joint Subcommittee had not specifically discussed the subject of the management and utilization of the WKCD site prior to commencement of the construction works for the WKCD project. Nevertheless, members had expressed views on relevant issues at the meetings of the former Joint Subcommittee in July and August 2011 and February 2012 when the subject of the utilization of the WKCD site prior to the commissioning of Phase 1 facilities was discussed. Members' major views and concerns are summarized in the ensuing paragraphs.

Interim programmes and activities

6. Members generally supported WKCDA's plan to utilize the vacant portion of the WKCD site for organizing interim programmes and activities to cultivate audience base. There was a suggestion that WKCDA should at least stage five to six large-scale activities on the WKCD site every year up to the launch of Phase I facilities in 2015. In view of the shortage of performing venues for local artists, WKCDA should also consider inviting such artists to organize activities on the site in the interim.

7. WKCDA advised that it had been working on a series of interim programmes and activities on the WKCD site. It had obtained STTs from the Lands Department to accommodate temporary structures at the site for a wide

variety of outdoor performing arts programmes, art installations and exhibitions as well as commercial activities in order to achieve a balanced mix of events to suit different needs of the community. Some areas would be maintained for temporary uses, such as audience building, until the construction of facilities commenced around 2013-2014.

8. Noting WKCD's plan to organize outdoor music performances on the WKCD site, members called on WKCD to pay attention to the possible noise pollution caused by such performances, take appropriate noise abatement measures to minimize disturbance to the neighbourhood, and communicate with the District Council ("DC") concerned in this regard. There was a view that the admission fees for the interim programmes and activities should be kept low to attract more audience. WKCD assured members that it would communicate with the DC concerned and ensure that appropriate measures would be taken to minimize the environmental impacts of its outdoor performances. With a view to attracting more people to visit the WKCD site, the admission fees for the activities and programmes should not be too high.

Improvements to the WKCD site

9. Concern was raised about whether interim measures would be taken to improve the pedestrian and vehicular access to the WKCD site. According to the Administration, the Home Affairs Bureau had been liaising with WKCD and relevant Government departments, such as the Transport Department and Highways Department, to improve the connectivity between WKCD and the neighbouring areas.

Issues relating to the management of the site

10. There was a view that the public space in Hong Kong had all along been subject to various regulations, which were not conducive to carrying out arts and cultural activities. For instance, members of the public were not allowed to lie on the grass, sing and play musical instruments in public parks. Concern was expressed about how the public space would be managed in WKCD. WKCD was called on to be aware of the regulations relating to the use of public space and strive to protect the freedom of expression in WKCD. WKCD assured members that while there were always some limits to the use of any major venues or public space to ensure safety, etc., a main task for WKCD was to create a public space in WKCD and make it accessible to all Hong Kong people. They would be allowed to enjoy freely on the grass and street performances would be encouraged in WKCD.

11. Members noted 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").

Concern was raised about 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. Clarification was also sought on whether WKCDA would make available certain areas in WKCD for free use by artists without the need for prior application.

12. According to the Administration, 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. WKCDA had already had experience in organizing arts and cultural activities in the site, including the regulatory requirements that had to be met. WKCDA would take steps in conjunction with the event organizers to minimize inconvenience arising from licensing matters.

Recent development

13. At the meeting of the Joint Subcommittee to Monitor the Implementation of the West Kowloon Cultural District Project of the Fifth Legislative Council ("the Joint Subcommittee") on 29 January 2013, Dr Hon Kenneth CHAN pointed out that the earlier media reports on a private wedding party staged on the WKCD site in November 2012 had aroused public concern about the management and utilization of the site. Members agreed to the suggestion of Dr CHAN that the Administration and WKCDA should brief the Joint Subcommittee on the management and utilization of the WKCD site prior to commencement of the construction works for the WKCD project, including, amongst others, the criteria adopted by WKCDA in approving applications for use of the site and the related charging scheme.

14. The Administration and WKCDA will brief the Joint Subcommittee on the subject at the meeting on 23 April 2013.

Relevant papers

15. A list of the relevant papers on the Legislative Council website is in **Appendix II**.

**Overall objectives of the temporary uses of
the West Kowloon Cultural District ("WKCD") site**

- (a) Utilizing the WKCD site before commissioning of the Phase 1 facilities and providing opportunities for outdoor and/or indoor events;
- (b) Raising public awareness of the future uses of the site;
- (c) Bringing people to the site so that they will be familiar with access to the site and reinforcing the message that WKCD is developed for all the people of Hong Kong with their different backgrounds and interests;
- (d) Acting as incubators for developing and nurturing talents in performing arts and visual culture, plus associated venue management and other ancillary professional/technical skills;
- (e) Piloting the integration of software building with hardware development in response to public expectation; and
- (f) Providing the West Kowloon Cultural District Authority with a foretaste of running a site with mixed cultural and commercial activities, and balancing the two to achieve a financially sustainable and viable operation for WKCD.

Source: Extract from LC Paper No. CB(2)977/11-12(06)

Appendix II

Relevant papers on Management and utilization of the West Kowloon Cultural District ("WKCD") site prior to commencement of the construction works for the WKCD project

| Committee | Date of meeting | Paper |
|---|------------------------|---|
| Former Joint Subcommittee to Monitor the Implementation of the West Kowloon Cultural District Project | 11.7.2011 Item I(c) | Agenda Minutes |
| | 26.8.2011 Item I | Agenda Minutes |
| | 13.2.2012 Item IV | Agenda CB(2)977/11-12(06) Minutes |
| Joint Subcommittee to Monitor the Implementation of the West Kowloon Cultural District Project | 29.1.2013 Item II | Agenda Minutes |

Council Business Division 2
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