

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 Tuesday, 21 June 2016, at 8:30 am in Conference Room 2B of the Legislative Council Complex

Members present : Hon Christopher CHUNG Shu-kun, BBS, MH, JP (Chairman)
Hon Abraham SHEK Lai-him, GBS, JP
Hon Cyd HO Sau-lan, JP
Hon Starry LEE Wai-king, JP
Hon IP Kwok-him, GBS, JP
Hon LEUNG Kwok-hung
Hon Claudia MO
Hon Frankie YICK Chi-ming, JP
Hon YIU Si-wing, BBS
Hon MA Fung-kwok, SBS, JP
Hon CHAN Chi-chuen
Hon CHAN Yuen-han, SBS, JP
Hon Tony TSE Wai-chuen, BBS

Members attending : Hon Emily LAU Wai-hing, JP
Hon WU Chi-wai, MH

Members absent : Hon Alan LEONG Kah-kit, SC (Deputy Chairman)
Hon Steven HO Chun-yin, BBS
Dr Hon Helena WONG Pik-wan
Dr Hon Elizabeth QUAT, JP

Public Officers attending : Items I and II

Mrs Betty FUNG CHING Suk-yee, JP
Permanent Secretary for Home Affairs

Mrs Sorais LEE KWAN Siu-kuen, JP
Project Manager (Home Affairs Bureau)

Ms Angela LEE Chung-yan
Deputy Secretary for Home Affairs (2)

Attendance by : Items I and II
invitation

Mr Duncan PESCOD, GBS, JP
Chief Executive Officer
West Kowloon Cultural District Authority

Mr Jeremy STOWE
Director, Project Control
West Kowloon Cultural District Authority

Item I

Mr Louis YU
Executive Director, Performing Arts
West Kowloon Cultural District Authority

Item II

Mr Doryun CHONG
Deputy Director & Chief Curator, M+
West Kowloon Cultural District Authority

Clerk in : Ms Alice LEUNG
attendance Chief Council Secretary (2)6

Staff in : Ms Jasmine TAM
attendance Senior Council Secretary (2)8

Miss Meisy KWOK
Legislative Assistant (2)6

Action

I. Update on the development of Lyric Theatre Complex
(LC Paper Nos. CB(2)1766/15-16(01)-(02))

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

Action

2. At the invitation of the Chairman, the West Kowloon Cultural District Authority ("WKCDA") provided an update on the development of the Lyric Theatre Complex project, details of which were set out in its paper (LC Paper No. CB(2)1766/15-16(01)) and powerpoint presentation materials tabled at the meeting.

(Post-meeting note: The softcopy of the powerpoint presentation materials provided by WKCDA was issued to members vide LC Paper No. CB(2)1809/15-16(01) on 21 June 2016.)

II. Update on the development of M+
(LC Paper Nos. CB(2)1766/15-16(03)-(04))

3. At the invitation of the Chairman, WKCDA provided an update on the development of the M+ project, details of which were set out in its paper (LC Paper No. CB(2)1766/15-16(03)) and powerpoint presentation materials tabled at the meeting.

(Post-meeting note: The softcopy of the powerpoint presentation materials provided by WKCDA was issued to members vide LC Paper No. CB(2)1809/15-16(02) on 21 June 2016.)

III. Any other business

4. The Chairman advised that the Joint Subcommittee had finished discussion of the items proposed by the Administration/WKCDA and members in the 2015-2016 legislative session. Members generally considered that if necessary, the Sixth Legislative Council ("LegCo") might form a dedicated subcommittee to continue to monitor issues relating to the implementation of the West Kowloon Cultural District project.

5. Members noted that a report on the work of the Joint Subcommittee in the Fifth LegCo would be prepared and circulated to members for consideration before its submission to the Panel on Home Affairs ("HA Panel") and the Panel on Development ("DEV Panel").

(Post-meeting note: The draft report was issued to members vide LC Paper No. CB(2)1888/15-16 on 8 July 2016. The finalized report was issued to the HA Panel and the DEV Panel vide LC Paper No. CB(2)1906/15-16 on 13 July 2016.)

6. There being no other business, the meeting ended at 10:29 am.

**Proceedings of meeting of the Joint Subcommittee to Monitor
the Implementation of the West Kowloon Cultural District Project
held on Tuesday, 21 June 2016, at 8:30 am
in Conference Room 2B of the Legislative Council Complex**

Time marker	Speaker(s)	Subject(s)/Discussion	Action Required
000440 - 000621	Chairman	<p>Opening remarks</p> <p>Discussion on the way forward for the Joint Subcommittee.</p> <p>Members' view that if necessary, a dedicated subcommittee might be formed in the Sixth Legislative Council ("LegCo") to continue to monitor issues relating to the implementation of the West Kowloon Cultural District ("WKCD") project.</p>	
<i>Agenda Item I - Update on the development of Lyric Theatre Complex</i>			
000622 - 002159	Chairman Admin WKCD	Briefing and powerpoint presentation by West Kowloon Cultural District Authority ("WKCD") on the progress of the development of the Lyric Theatre Complex ("LTC") project (LC Paper Nos. CB(2)1766/15-16(01) and CB(2)1809/15-16(01)).	
002200 - 002736	Mr YIU Si-wing Admin WKCD	<p>Mr YIU Si-wing raised the following view and enquiry:</p> <p>(a) given that LTC and the East Kowloon Cultural Centre ("EKCC") were both scheduled for completion in 2020, the Administration/ WKCD should fine-tune the respective positioning and facility framework of the two venues so as to ensure that they would complement rather than competing with each other in terms of target audience and hirer; and</p> <p>(b) how WKCD would enhance the utilization of LTC after its opening and prevent the venue from becoming a "white elephant".</p> <p>The Administration advised that there was keen demand for performing arts ("PA") venues in Hong Kong and the planning of EKCC had already taken into account the planned WKCD facilities. The positioning of EKCC was different from that of the PA facilities to be provided in WKCD. While EKCC was intended to be a cross-district cultural venue serving mainly the local communities and the local arts and cultural groups especially those in the East Kowloon region, WKCD would provide a cluster of major arts and cultural facilities, including LTC, for the staging of world-class performances by arts and cultural groups from around the world. EKCC and LTC should be able to complement each other in meeting the demand.</p>	

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		<p>WKCD A supplemented that WKCD A's approach in providing venues for hire was very different from that adopted by the Leisure and Cultural Services Department ("LCSD"). WKCD A would bring in resident companies at LTC to activate the venue and to support and collaborate in the programmes initiated by WKCD A. The artistic team of WKCD A had also been proactively introducing LTC to potential hirers including local and international professional PA groups to build interest in the venue. WKCD A was confident that the demand for the PA facilities in LTC would be more than enough to support the operation of the venue. On the other hand, WKCD A had attached equal importance to and would continue to work on developing audience interest in LTC.</p>	
002737 - 003154	Mr MA Fung-kwok WKCD A	<p>Mr MA Fung-kwok declared that he was a member of the Board of WKCD A.</p> <p>Mr MA enquired about the following:</p> <p>(a) given that there had been significant progress in the development of cultural hardware and software in the Mainland in recent years, whether WKCD A had any plans to enhance exchanges and collaborations between the arts groups/artists in Hong Kong and those in the Mainland engaging in different arts forms apart from organizing exchange programmes on xiqu; and</p> <p>(b) whether and how WKCD A would leverage the opportunities arising from the Belt and Road Initiative to foster cultural exchanges between Hong Kong and countries along the Belt and Road.</p> <p>WKCD A advised that:</p> <p>(a) WKCD A had all along attached great importance to promoting exchanges with the arts and cultural organizations and professionals in the Mainland. Amongst other programmes, WKCD A organized two rounds of Producers' Network Meeting and Forum in 2015 and 2016 to bring together experienced producers from around the world, in particular those from Chinese-speaking regions, to exchange views on matters relating to the development of the arts and culture. WKCD A would continue to develop cultural exchange network with the Mainland to facilitate the upholding of Hong Kong's unique position as China's window to the world; and</p>	

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		(b) WKCDA would explore whether specific programmes could be launched in the area of PA to tie in with the Belt and Road Initiative.	
003155 - 003608	Ms Cyd HO Admin	<p>Ms Cyd HO raised the following concern and suggestion:</p> <p>(a) the lack of suitable venues for the operation of live houses and the long-standing shortage of black box theatres which were most needed by budding artists and art groups in Hong Kong; and</p> <p>(b) consideration should be given to amending the Fire Services Ordinance (Cap. 95) ("FSO") to facilitate the conduct of arts and cultural activities (including staging of performances) in industrial buildings.</p> <p>The Administration responded that it would be difficult to relax the requirements under FSO to change the use of industrial buildings to allow performance venues for admission of the public. To address the demand, Home Affairs Bureau ("HAB") had been striving to provide more arts spaces through, for instance, the establishment of an arts centre by retrofitting the former Tai Po Government Secondary School as well as the alteration of a rehearsal facility in the Tai Po Civic Centre into a small black box theatre.</p> <p>In response to Ms Cyd HO's concern that the provision of only one black box Studio Theatre in LTC was far from adequate to meet the demand of local arts groups, the Administration clarified that on top of the Studio Theatre in LTC, a black box theatre would be provided in Freespace within the Park and two other black box theatres were under planning.</p>	
003609 - 004047	Mr CHAN Chi-chuen WKCDA	<p>In reply to Mr CHAN Chi-chuen's enquiries, WKCDA advised that:</p> <p>(a) as the detailed design of LTC would only be completed by the end of 2016, information on the estimated cost savings that could be achieved by combining two other PA venues with the original Lyric Theatre to form LTC was not available at the present stage;</p> <p>(b) WKCDA had sought to optimize the size of the three theatres in LTC and their seat capacity was determined in consultation with theatre groups and dance groups; and</p> <p>(c) advance booking arrangement would be put in place for the use of LTC. While priority would be given to dance performances, LTC could also be used for other PA events</p>	

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		including drama and musical performances as well as film screenings. Guidelines for hirers/users of LTC would be published in due course.	
004048 - 004437	Ms Claudia MO WKCD	<p>Ms Claudia MO expressed worry that upon the opening of LTC, there might not be sufficient audience for the arts and cultural performances to be staged at the venue.</p> <p>WKCD responded that it would strive to ensure the quality of the productions to be staged at LTC to attract audience. Apart from building the interest of local audience in LTC, WKCD would also have the opportunity to develop new audiences from the Mainland and other parts of the world given the proximity of WKCD to various major transport nodes. WKCD would continue its efforts in developing audience interest in the run-up to the opening of LTC.</p>	
004438 - 005207	Ms Emily LAU Admin	<p>Ms Emily LAU expressed concerns about how the Administration and WKCD would safeguard the freedom of artistic expression/creation and ensure that there would be sufficient audience to support the operation of the arts and cultural facilities in WKCD.</p> <p>The Administration responded that it had all along respected freedom of artistic expression/creation and the Administration and WKCD would continue to do so in future. To complement the development of WKCD and to support the long-term development of the arts and culture, the Administration and WKCD had in recent years stepped up efforts to promote the development of cultural software through, amongst others, supporting arts programme development, strengthening the grooming of talents and enhancing audience building. It was expected that the enhancement of Hong Kong's artistic capacity would help enlarge the audience base for WKCD in time.</p>	
005208 - 010237	Chairman WKCD	The Chairman raised doubts as to whether the small audience base of dance performances would be able to support the operation of the 1 450-seat dance-focused Lyric Theatre in LTC. He urged WKCD to ensure that the design of Lyric Theatre and the audio facilities provided therein would cater for the use of the venue for a variety of PA events (e.g. large-scale musicals and film screenings) and would achieve the desired acoustic effect.	

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		<p>WKCDA responded that extensive consultation had been conducted with the relevant major PA groups on the proposed three-theatre model for LTC. In the light of the PA groups' aspirations for a purpose-built performance venue for dance, WKCDA decided that Lyric Theatre in LTC should be dance-focused in that the design of the venue and its facilities would cater mainly for the needs of dance performances. While it was anticipated that about half of the performance time slots of Lyric Theatre would be taken up by local and overseas dance companies, the venue could also be used for staging a wide variety of PA events other than dance performances. In WKCDA's view, the development of LTC would facilitate audience-building for dance and long term dance development.</p> <p>In reply to the Chairman's enquiry about the future mode of operation of the three theatres in LTC, WKCDA advised that it would invite local dance companies to become Resident Partners of LTC, which would be provided with administration, rehearsal and other supporting facilities in the Resident Company Centre, have priority access to the three theatres in LTC and participate in the operation of the venue. Discussion was also on-going with local theatre groups on staging long-run productions in the Medium Theatre and Studio Theatre. WKCDA would continue to solicit views from relevant PA groups with a view to mapping out a business model most suitable for LTC.</p>	
<i>Agenda Item II - Update on the development of M+</i>			
010238 - 011310	Chairman Admin WKCDA	Briefing and powerpoint presentation by WKCDA on the progress of the development of the M+ project (LC Paper Nos. CB(2)1766/15-16(03) and CB(2)1809/15-16(02)).	
011311 - 011958	Mr YIU Si-wing Admin WKCDA	<p>Mr YIU Si-wing enquired about the following:</p> <ul style="list-style-type: none"> (a) whether WKCDA had assessed how M+ would position itself and rank among other major museums in Southeast Asia and beyond; and (b) whether WKCDA had assessed the percentage of the visitors to M+ that tourists would account for, and what measures WKCDA would take to attract tourists to visit M+. <p>WKCDA advised that:</p> <ul style="list-style-type: none"> (a) with the ambition to become a global museum, M+ had been focusing on, amongst 	

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		<p>other things, building a world-class collection representative of the 20th and 21st century visual culture in the disciplinary areas of visual art, design and architecture, and moving image, from a Hong Kong perspective with a global outlook. M+ had also been building networks and partnerships with international museums with a view to bringing mega exhibitions to Hong Kong, which would attract both locals and tourists. In addition, M+ had rolled out an outreach programme in a bid to raise awareness of M+ and promote audience building in the community and schools. M+ would continue to enhance the quality of its collection and exhibitions; and</p> <p>(b) the M+ Sigg Collection Exhibition recorded an attendance of more than 40 000 visitors, of whom around 25-30% came from the Mainland or other countries. WKCD expected that the proportion of tourist visitors would increase after the opening of M+.</p>	
011959 - 012658	Chairman Admin WKCD	<p>The Chairman said that since the costs of building the M+ Collection were paid out of public money, the operation and the finances of M+ should be subject to monitoring by LegCo. He was concerned whether the proposal to implement the governance of M+ through the establishment of the M+ Museum Limited ("M+ Ltd.") and the proposal to set up another company limited by guarantee to serve as the corporate trustee of the M+ Collections Trust ("the trustee company") would undermine the transparency of the operation and finances of M+ and its accountability to LegCo. Citing the case of Link Asset Management Limited (formerly named the Link Management Limited) ("Link") as an example, the Chairman expressed worry that the Administration would not be able to retain effective monitoring and control over M+ without having any shareholding in M+ Ltd. and the trustee company.</p> <p>WKCD explained that:</p> <p>(a) while the M+ Collection was held by the M+ Collections Trust to be set up on behalf of Hong Kong, the Trust could not undertake inappropriate deaccession of any part of the M+ Collection under the trust arrangement. The Trust would not be involved in the acquisition process, and the function of operating and running M+ and management (including acquisition) of the M+ Collection would be provided by M+ Ltd. To ensure</p>	

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		<p>transparency, the work of the Trust and M+ Ltd. would be included as part of the annual report of WKCD; and</p> <p>(b) unlike Link which was a private company, M+ Ltd. was set up as a subsidiary company wholly owned by WKCD. In other words, WKCD, with the Chief Secretary for Administration as its Board Chairman and three other principal officials as Board members, was the only shareholder and would have oversight of M+ Ltd. The Board of M+ Ltd. ("the M+ Board") would have to report to the Board of WKCD. Besides, the Museum Director of M+ was employed by and responsible to WKCD. As WKCD was set up by statute and it was bound to fulfill its obligations under the West Kowloon Cultural District Authority Ordinance (Cap. 601) including those in terms of reporting and accountability, there was no way that M+ Ltd. being a subsidiary company of WKCD could avoid being answerable to LegCo and to the public.</p> <p>The Administration assured members that as M+ Ltd. was wholly owned by WKCD, the responsibilities for the overall administration policies and accountability of M+ Ltd. would remain under the auspices of WKCD. HAB being the housekeeping bureau of WKCD had requested WKCD to report to LegCo on matters relating to the operation of M+ Ltd. As with WKCD, the work of M+ Ltd. would be subject to monitoring by LegCo to ensure public accountability.</p>	
012659 - 013525	Miss CHAN Yuen-han Admin WKCD Chairman	<p>Miss CHAN Yuen-han considered that to enable WKCD to retain full control over M+, M+ should operate as a department of WKCD and not as a separate entity.</p> <p>The Administration responded that when the Administration and WKCD last reported on the development of M+ at the meeting of the Joint Subcommittee in May 2015, WKCD had stated in the relevant paper (LC Paper No. CB(2)1463/14-15(03)) that the work of M+ Ltd. would be subject to the monitoring of LegCo to ensure public accountability. The Administration and WKCD reaffirmed its commitment to reporting the work of M+ Ltd. to LegCo in future.</p> <p>In reply to Miss CHAN's enquiry about whether WKCD would consider winding up M+ Ltd. if it was criticized for having become an "independent</p>	

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		<p>kingdom" after operating for a certain period of time, WKCD advised that while it could be an option for WKCD, discontinuing the operation of M+ Ltd. was not WKCD's intention.</p> <p>The Chairman expressed the view that as M+ Ltd. and the trustee company were set up with the intention of protecting the M+ Collection which should be a public asset, the Administration should at least be a shareholder/director of M+ Ltd. and of the trustee company so that it would have the authority to monitor the operation of the two companies.</p> <p>The Administration explained that the directors of the trustee company and those of the M+ Ltd. would be different so as to provide for appropriate checks and balances. Consideration was being given to appointing a representative of LCSD with relevant museum experience as a director of the trustee company.</p> <p>In response to Miss CHAN Yuen-han's enquiry about whether M+ Pavilion would be made available for use by arts and cultural groups or community organizations after the opening of M+, WKCD advised that the gallery spaces of M+ Pavilion would be open for hire by gallery operators and other interested parties for the staging of small-scale exhibitions and events after the main M+ building opened in 2019.</p>	
013526 - 014136	Mr MA Fung-kwok WKCD	<p>Mr MA Fung-kwok expressed the following views:</p> <p>(a) while he, as a member of the Board of WKCD, had previously raised concerns over the acquisition policy of M+, he supported WKCD's proposal to set up a collections trust to hold the M+ Collection and to establish a company limited by guarantee to serve as the corporate trustee of the M+ Collections Trust, which were generally in line with the arrangements adopted by other major museums around the world;</p> <p>(b) in view of the growing volume and value of the M+ Collection as well as the concern of the arts community and the public over the handling of the M+ Collection, WKCD should strive to enhance the transparency of the operation of the M+ Collections Trust and the composition of the Board of the Trust should comprise not only relevant experts but also individuals who would be accountable to the public; and</p>	

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		<p>(c) as a museum for visual culture in Hong Kong and to garner the support of the local arts community, M+ should endeavour to ensure that local artworks should always be the core of and well represented in the M+ Collection.</p> <p>WKCD A responded that:</p> <p>(a) the WKCD A Board would be represented on both the Board of the corporate trustee of M+ Collections Trust (which was tasked with holding the legal interest of the M+ Collection) and the M+ Board (which was responsible for managing the M+ Collection for the Trust) to ensure that the WKCD A Board would have oversight of matters relating to the M+ Collection. WKCD A would also consider appointing representative(s) of relevant government department(s) to the Board of the corporate trustee of M+ Collections Trust as appropriate;</p> <p>(b) information on the membership of the Board of the trustee company and the M+ Board would be published on WKCD A's website to ensure transparency; and</p> <p>(c) there were currently over 5 000 works and objects in the M+ Collection, of which over 1 300 works and objects were from Hong Kong. The core of the M+ Collection was, therefore, very much based in and from Hong Kong and was in line with the vision of M+ to be a museum focusing on the 20th and 21st century visual culture from a Hong Kong perspective and with a global outlook.</p>	
014137 - 014239	Chairman Abraham SHEK	Mr Abraham SHEK shared the view that if necessary, a dedicated subcommittee might be formed in the Sixth LegCo to continue to monitor issues relating to the implementation of the project. Mr SHEK also noted that a report on the work of the Joint Subcommittee in the Fifth LegCo would be prepared and circulated to members for consideration before its submission to the Panel on Home Affairs and the Panel on Development.	
014240 - 014757	Mr MA Fung-kwok WKCD A	Mr MA Fung-kwok said that while he hoped that acquisition of local artworks by M+ would help promote the development of local art and enhance the profile of local artists, M+ should exercise caution in selecting and acquiring artworks so as to avoid being used to influence the prices of artworks, in particular overseas artworks, in the art market.	

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		<p>WKCDA responded that while purchase of artworks by M+ would likely raise the profile of the artists concerned and have an impact on the art market, M+ had sought to minimize such impact by, for instance, negotiating directly with artists (rather than through auction houses or art galleries) and being discreet in the acquisition process. Indeed, it had been an international practice for museums not to disclose the transaction prices of their acquisitions. Besides purchasing artworks, M+ had also been soliciting donations of works, which would make up an important part of the M+ Collection without affecting the art market.</p>	
014758 - 015322	Mr Abraham SHEK WKCDA	<p>Mr Abraham SHEK raised the following views and enquiries:</p> <ul style="list-style-type: none"> (a) given WKCDA's limited budget for acquisition of artworks, the impact of its acquisition decisions on the global art market would be insignificant; (b) whether WKCDA had established any panel to examine acquisition proposals or make acquisition recommendations; (c) WKCDA's acquisition decisions should not be affected by politics and should be based on the artistic merit of the proposed acquisitions. As an international museum, the acquisitions of M+ should not be limited to artworks by Hong Kong artists and should cover also quality artworks by artists from other countries; and (d) whether WKCDA had published information on, or put on display, the artworks it had acquired so far. <p>WKCDA advised that:</p> <ul style="list-style-type: none"> (a) the M+ Acquisition Policy which laid down the strategy and procedures for building the M+ Collection had been published on WKCDA's website for public information. In addition, an Acquisition Committee had been set up to advise WKCDA on matters relating to acquisitions for the M+ Collection; (b) of the 5 000 works and objects acquired so far, about one-fifth were from Hong Kong while the rest were from other countries. All works and objects had to be up to WKCDA's standards before they would be acquired; and 	

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		(c) the list of works and objects in the M+ Collection had been regularly updated and uploaded onto WKCDA's website. A number of exhibitions on the M+ Collection including the recent M+ Sigg Collection Exhibition had been held in Hong Kong and overseas and more exhibitions would be held in future with the opening of the M+ Pavilion.	
015323 - 015837	Chairman WKCDA	<p>The Chairman considered that:</p> <ul style="list-style-type: none"> (a) WKCDA should not rely on a single auction house to value the artworks proposed to be acquired as it might only reflect the market price or even speculative price and not the true value of the artworks concerned; (b) M+ should not be turned into a museum for showcasing the art collection of any private collector and the M+ Collection should not focus predominantly on the Sigg Collection, which only covered selected works of Chinese contemporary art and did not represent fully this arts discipline; and (c) WKCDA should develop objective standards for assessing the collection value of individual artworks and should endeavour to refine the M+ Acquisition Policy taking into account the views of different sectors of the community. <p>WKCDA responded that:</p> <ul style="list-style-type: none"> (a) while the Sigg Collection was a helpful start to the development of the M+ Collection, the Sigg Collection was not the only part of the M+ Collection. M+ had continued making acquisitions and had collected over 5 000 works and objects so far, of which at least 3 500 were not part of the Sigg Collection; (b) acknowledging the controversial nature of contemporary art, WKCDA had endeavoured to put in place a separate governance structure for M+ to ensure that the decisions on the artistic merit of individual artworks could be made independently by M+ and purely for artistic reasons; and (c) the engagement of international advisers by WKCDA for valuation of artworks was for insurance purposes only and not for purposes of sale or influencing the market. 	

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<i>Agenda Item III - Any other business</i>			
015838 - 015858	Chairman	Closing remarks	

Council Business Division 2
Legislative Council Secretariat
3 August 2016