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

Meeting on 1 April 2019

**Updated background brief on
the development of the Art Park and Freespace**

Purpose

This paper provides updated information on the development of Art Park and Freespace in the West Kowloon Cultural District ("WKCD"). It also summarizes the major views and concerns expressed by Members on the related issues at meetings of the Joint Subcommittee to Monitor the Implementation of the West Kowloon Cultural District Project ("the Joint Subcommittee") and relevant committees of the Legislative Council ("LegCo").

Background

2. According to the approved Development Plan for WKCD,¹ the Art Park is an integral part of the 23-hectare public open space ("POS") to be provided in WKCD. The Art Park, located at the western end of WKCD, will house a number of arts and cultural venues/facilities, including M+ Pavilion and Freespace (a schematic plan showing the respective locations is in **Appendix I**):

- M+ Pavilion was opened in late July 2016. It serves as the primary site for M+ exhibitions in the run-up to the completion of the M+ building. After M+ opens, M+ Pavilion will

¹ The Development Plan was submitted to the Town Planning Board in December 2011 and approved by the Chief Executive-in-Council in January 2013.

become a new space for artists, designers and organizations to stage independent small-scale exhibitions and events in the Art Park and be renamed the Arts Pavilion; and

- Freespace is situated in the centre of the Art Park. There will be a black box theatre with an audience capacity of 450 if seated or 900 if standing; a foyer for local live music to be presented in a bar/café environment; and a multi-purpose function hall. An outdoor stage can also be set up at the great lawn next to Freespace for holding large-scale events and festivals for up to 10 000 standing audience.

3. Other planned provisions of the Art Park include retail, dining and entertainment ("RDE") facilities; cycling tracks and bicycle rental points; waterfront promenade and walks; marine landing facilities (subject to compliance with the Protection of the Harbour Ordinance (Cap. 531) and agreement of the relevant government departments); and other recreational and leisure facilities.

4. As part of the pragmatic approach to implement the WKCD project through rigorous cost containment, the West Kowloon Cultural District Authority ("WKCD") announced in mid-2013 that it would commit to the early delivery of the Art Park and related facilities, and the adoption of a simple and functional design in a cost effective manner. Under this approach, the project estimate for developing the Art Park (including M+ Pavilion and Freespace) is \$1 billion (in money-of-the-day prices).² The Art Park would be completed in three phases (a phasing plan of its construction is in **Appendix II**).

5. The construction works of the Art Park commenced in July 2016. In November 2018,³ WKCD reported to the Joint Subcommittee that a section of the Art Park and waterfront promenade had been opened in early 2018, while the remaining part, including the RDE building, was expected to be completed progressively in 2018. It was the target of WKCD to open the remaining section of the Art Park by the first quarter of 2019. Meanwhile, the Freespace building was substantially completed, and it was targeted to obtain the Occupation Permit by early January 2019 for the planned opening in April 2019.

² The said project estimate was reported to the Joint Subcommittee on 28 May 2014 ([LC Paper No. CB\(2\)1591/13-14\(01\)](#)).

³ Source: [LC Paper No. CB\(1\)115/18-19\(03\)](#)

6. In preparation for the opening of the Art Park, WKCDA has made the West Kowloon Cultural District (Public Open Spaces) Bylaw ("the Bylaw") (Cap. 601A) under section 37(1) of the West Kowloon Cultural District Authority Ordinance (Cap. 601) to provide for the management, operation and use of POS within WKCD in order to ensure public safety, order and health; protect the environment; ensure that enjoyment of POS by some visitors does not unduly disturb others; and allow the conduct of outdoor events from time to time.⁴ The Bylaw empowers WKCDA and its authorized persons to give permission for POS users to perform an act or activity which is otherwise prohibited under the Bylaw and to enforce the Bylaw. Prosecution of criminal offences under the Bylaw may be brought in the name of WKCDA.

7. WKCDA also established the Street Performance Scheme in August 2015 to encourage street entertainment to take place in suitable open space initially within the Nursery Park, and in due course within the Art Park and eventually throughout WKCD. A set of guidelines hence formulated put emphasis on co-operation and mutual respect in the sharing of public space by street performers, the public and other users. According to the guidelines, all street performers in WKCD are required to hold a valid permit. As at December 2017, 398 Street Performance Permits ("SP Permits") have been issued by WKCDA since the establishment of the Scheme.

Major views and concerns expressed by Members

8. The major views of members of the Joint Subcommittee in respect of the development of the Art Park and the related facilities, and the concerns of the members of the subcommittee formed to study the proposed resolution on the Bylaw are summarized in the ensuing paragraphs.

⁴ The Secretary for Home Affairs ("SHA") gave notice to move a proposed resolution at the Council meeting of 16 March 2016 to seek LegCo's approval of the Bylaw. A subcommittee was formed to study the proposed resolution; and according to the established practice, SHA then withdrew the proposed resolution to allow time for the subcommittee to study it in detail. The proposed resolution, with amendments proposed by WKCDA to address the concerns of some subcommittee members, was subsequently moved and approved at the Council meeting of 22 June 2016.

Positioning and design of the Art Park

9. Some members of the Joint Subcommittee considered that the Art Park should distinguish itself from other public parks in Hong Kong. They opined that the layout and management approach of the Park should be formulated in such a way that would help create an open and welcoming atmosphere and enable harmonious co-existence of different activities. WKCDA advised that the design consultant of the Art Park had met with arts and cultural organizations to solicit their views and suggestions on the design, use and management of the Art Park.

10. Some members of the Joint Subcommittee were concerned about how WKCDA would ensure that the nearby Western Harbour Crossing ventilation building and the MTR ventilation building would be properly integrated with the surrounding green environment of the Art Park. They also asked if the area occupied by the two buildings had been reduced to a minimum. WKCDA advised that the design team of the design consultant would put more trees and plants around the two buildings to make them less noticeable in the Art Park and integrate better with the surrounding landscape.

11. Some members of the Joint Subcommittee were concerned that certain species of trees might not be suitable for planting in the Art Park on the reclaimed WKCD site, and that the future landscape maintenance costs might be considerably high given its windy and exposed location. They called on WKCDA to identify suitable species of trees to be planted having regard to the climate of Hong Kong and the location of WKCD.

12. WKCDA advised the Joint Subcommittee in December 2017 that there were 937 trees in the Nursery Park in WKCD, of which 512 were found suitable for transferring to the Art Park after having tested their resistance to the exposure to wind, rain, salt water and typhoons, etc. In addition, around 1 000 trees were selected from tree nurseries on the Mainland for the Art Park. However, WKCDA informed the Joint Subcommittee in November 2018 that the progress on the tree and shrub planting for the Art Park was affected by the typhoon Mangkhut which hit Hong Kong in September 2018 and remedial works had been carried out. Of the 1 800 trees that had been successfully planted by end September 2018, approximately 70% were affected with 5% needed to be replaced.

Accessibility of the Art Park

13. Members considered that WKCDA should enhance pedestrian access to and within the Art Park and provide sufficient emergency accesses therein. Some members enquired whether public piers together with ferry or water taxi service serving WKCD would be provided to enhance the accessibility of the district.

14. WKCDA advised that due regard had been given at the design stages to ensuring the accessibility of the Art Park for all, including the provision of appropriate forms of transport for those who were mobility-challenged to get to every part of the Art Park. To facilitate the provision of water transport connection to be operated by third party providers, WKCDA had proposed to take up the management responsibility of the two existing public landing steps within WKCD and the proposal was subject to the approval of relevant government departments. The Administration also advised that while it would not be financially viable for WKCDA to provide water taxi service on its own, the Administration would explore the feasibility of the provision of water taxis serving locations with major tourist attractions within Victoria Harbour.

15. Some members were concerned that the construction programme of the Art Park did not dovetail with that of M+ Pavilion, thus causing difficulties for the public to access M+ Pavilion after its commissioning and use the adjoining open space during the construction period of the Art Park. WKCDA advised that the site where M+ Pavilion was located would be self-contained with all the necessary supporting infrastructure. The area around M+ Pavilion would be landscaped as part of the existing works for the Art Park, and it would be accessible to the public after the commissioning of M+ Pavilion and throughout the construction period of the remaining parts of the Art Park.

Provision of cycling facilities

16. Members considered that WKCDA should provide both bikes for adults and those for children (e.g. tricycles) in WKCD which would become a popular leisure spot for families. WKCDA advised that it had launched Hong Kong's first bike sharing programme, the SmartBike,⁵ in April 2014. Two bike rental points were set up and three self-service

⁵ The SmartBike service is operated by TWGHs BiciLine Cycling Eco-Tourism Social Enterprise and details of the service are available at <https://www.westkowloon.hk/en/smartbike#manual>.

points in the Art Park would be established. Upon completion of software upgrade in mid-2018, bike reservation could be made via mobile application.

Provision of public facilities

17. Members of the Joint Subcommittee asked about the public facilities to be provided in the Art Park, including whether there would be sufficient elderly-friendly facilities, such as benches and rain/sun shelters. Some members called on WKCDA to ensure that the provision of toilet facilities in the Art Park would meet the prevailing standards for the provision of female toilet facilities in public places, in tandem with the increase in the male-to-female toilet compartment ratio in public places. They also asked about the availability of unisex toilets in WKCD to cater for the needs of carers and transgender persons and also as a family-friendly facility.

18. WKCDA indicated that benches would be provided along the promenade. In addition, to promote a vibrant, green, "walkable" environment for visitors, a new form of autonomous and zero-emission vehicle was being operated on a trial basis. There would also be retail and dining facilities at the Double Edged Design in the southern edge of the Art Park, as well as café in Freespace. WKCDA also advised that the design consultant would ensure adequate provision of toilet facilities, including family toilets for use by persons with different needs, in the Art Park.

Management of the Art Park and street performances

19. Members of the subcommittee formed in 2016 to scrutinize the proposed resolution on the Bylaw generally considered that WKCDA should adopt a lenient and flexible approach in managing the Art Park to facilitate public enjoyment of the open space, and that the Bylaw should seek to facilitate public enjoyment with minimum restrictions. In this connection, there was a view that the vision and mission of WKCDA for POS in WKCD should be incorporated into the Bylaw.

20. WKCDA stressed that while it would endeavour to manage the Art Park with a light hand and encourage a wide range of cultural leisure activities to be held therein, it would not be prudent or in the best interest of public safety and security to have no rules of conduct in place. The Bylaw enshrined the guiding principle that use of the Art Park in POS should be open and accessible wherever possible, as well as the mission of the Art Park to inspire, promote and encourage cultural pursuits for all.

Reference had been made to the management practices adopted by local and overseas parks and cultural areas. That said, WKCDA would exercise discretion and flexibility in executing the Bylaw. Having considered members' views, WKCDA moved an amendment to state the vision and mission of WKCDA for POS in WKCD in the preamble of the Bylaw.⁶

21. Some members of the Joint Subcommittee were concerned how WKCDA would rank and prioritize various types of street performances when determining whether to grant an SP Permit. Also, some members queried that given the many restrictions imposed on street performances (volume control, requirement of transporting and removing all the instruments, props and equipment within three minutes, etc.) in WKCD, how WKCDA would attract street performers to perform there.

22. WKCDA stressed that it would not censor the content of street performances and had no intention to rank or regulate these performances. The permit requirement meant for safety purposes and the promotion of excellence in street performances. WKCDA expected and required all those performing within WKCD to fully understand and agree with the notions of street performances promoted by the guidelines under the Street Performance Scheme.

Latest development

23. At the Joint Subcommittee meeting to be held on 22 March 2019, the Administration and WKCDA will update members on the latest development of the Art Park and Freespace, including the construction progress and opening plan.

⁶ In the preamble of the Bylaw, it is stated that "(1) the vision and mission of the West Kowloon Cultural District Authority for the public open spaces in the West Kowloon Cultural District are formulated in the light of section 4, and in particular section 4(2)(m), of the West Kowloon Cultural District Authority Ordinance (Cap. 601); (2) the West Kowloon Cultural District Authority aims to provide or facilitate the provision of free and accessible open space within the leased area to the general public; and (3) the West Kowloon Cultural District Authority aims to manage the open space in ways which aim to achieve the mission for the open space to inspire, promote and encourage cultural pursuits for all".

Relevant papers

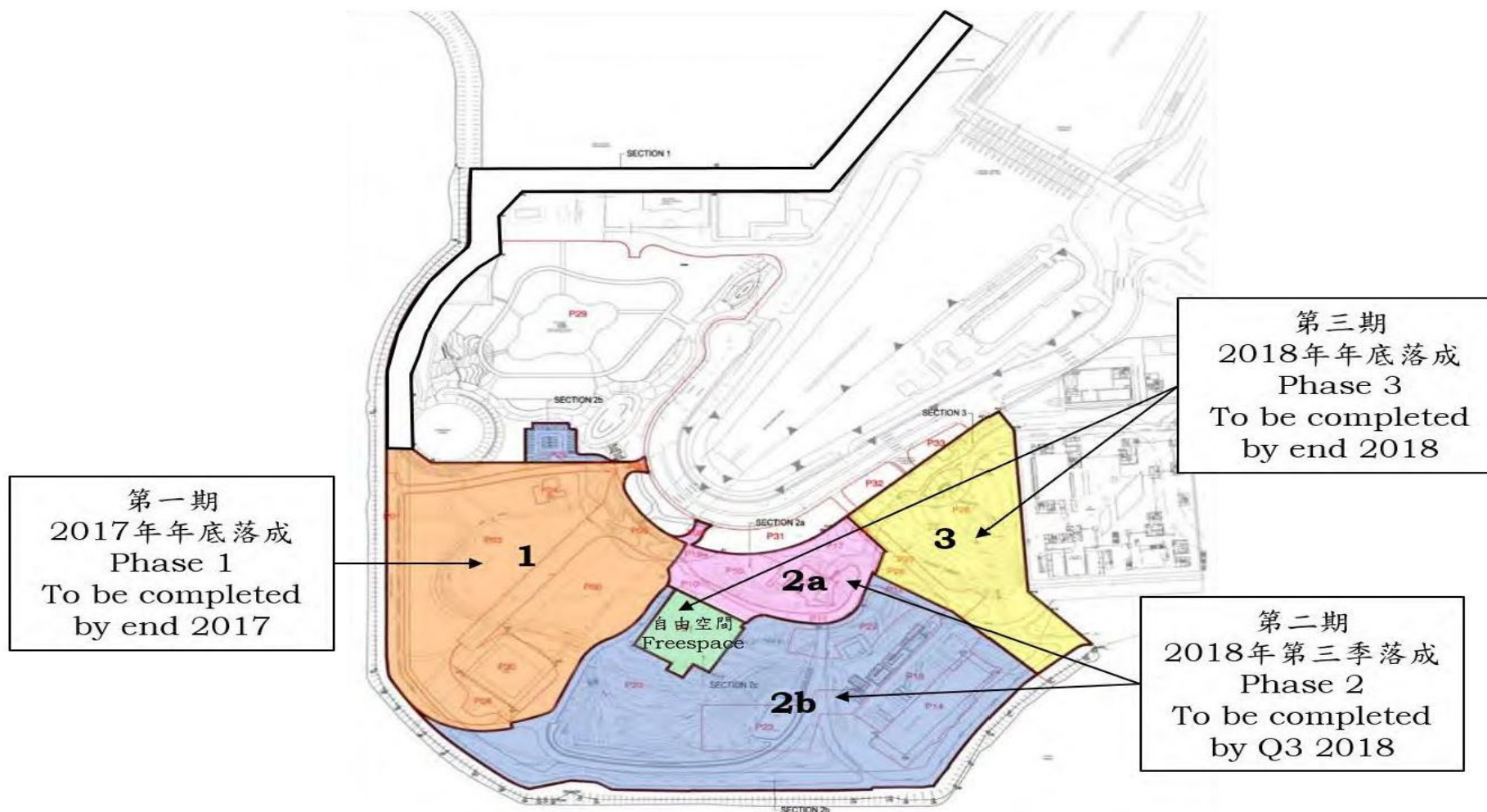
24. A list of the relevant papers on the LegCo website is in **Appendix III**.

Council Business Division 1
Legislative Council Secretariat
26 March 2019

西九文化區主要設施示意圖
Schematic plan of major West Kowloon Cultural District facilities



藝術公園分階段發展圖
Phasing plan of the Art Park



資料來源: [立法會CB\(1\)354/17-18\(03\)號文件的附件二](#)
Source: Annex 2 to [LC Paper No. CB\(1\)354/17-18\(03\)](#)

Development of the Art Park and Freespace

List of relevant papers

Committee	Date of meeting	Paper
Former Joint Subcommittee to Monitor the Implementation of the West Kowloon Cultural District Project formed in the Fifth Legislative Council	23.4.2013 Item III	Agenda Minutes
	3.7.2013 Item II	Agenda Minutes
	29.11.2013 Item III	Agenda Minutes
	23.7.2014 Item II	Agenda Minutes
	24.11.2014 Item II	Agenda Minutes
	23.3.2015 Item I	Agenda Minutes The Administration's response to members' concerns raised at the meeting
Legislative Council	—	Proposed Resolution under Section 37 of the West Kowloon Cultural District Authority Ordinance (Cap. 601) Legislative Council Brief (LC Paper No. LS37/15-16) (LC Paper No. CB(2)1688/15-16)

Committee	Date of meeting	Paper
Joint Subcommittee to Monitor the Implementation of the West Kowloon Cultural District Project	21.11.2017 Item V	Agenda Minutes
	20.12.2017 Item II	Agenda Minutes
	6.11.2018 Item III	Agenda