

**立法會**  
***Legislative Council***

LC Paper No. CB(1)1395/16-17  
(These minutes have been seen by  
the Administration)

Ref : CB1/PS/2/16

**Panel on Development and Panel on Home Affairs**

**Joint Subcommittee to monitor the implementation of  
the West Kowloon Cultural District Project**

**Minutes of meeting held on  
Monday, 29 May 2017 at 2:30 pm  
in Conference Room 3 of the Legislative Council Complex**

**Members present** : Hon LAU Kwok-fan, MH (Chairman)  
Hon Tanya CHAN (Deputy Chairman)  
Hon Abraham SHEK Lai-him, GBS, JP  
Hon LEUNG Kwok-hung  
Hon Claudia MO  
Hon Steven HO Chun-yin, BBS  
Hon Frankie YICK Chi-ming, JP  
Hon YIU Si-wing, BBS  
Hon CHAN Chi-chuen  
Dr Hon Helena WONG Pik-wan  
Hon CHU Hoi-dick  
Dr Hon Junius HO Kwan-yiu, JP  
Hon Holden CHOW Ho-ding  
Hon Wilson OR Chong-shing, MH  
Dr Hon YIU Chung-yim

**Members absent** : Hon MA Fung-kwok, SBS, JP  
Hon CHEUNG Kwok-kwan, JP  
Dr Hon LAU Siu-lai

**Member attending** : Hon SHIU Ka-chun

[According to the Judgment of the Court of First Instance of the High Court on 14 July 2017, LEUNG Kwok-hung, Nathan LAW Kwun-chung, YIU Chung-yim and LAU Siu-lai have been disqualified from assuming the office of a member of the Legislative Council, and have vacated the same since 12 October 2016, and are not entitled to act as a member of the Legislative Council.]

**Public officers  
attending : Agenda items I and II**

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

**Agenda item I**

Mr Eric CHENG Siu-fun  
Principal Assistant Secretary for Home Affairs (West  
Kowloon Cultural District)

**Agenda item II**

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

Ms Alice PANG, JP  
Project Manager (Kowloon)  
Civil Engineering and Development Department

Mr Ringo MOK Wing-cheong  
Chief Engineer/Kowloon 5  
Civil Engineering and Development Department

**Attendance by  
invitation : Agenda items I and II**

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

**Agenda item I**

Ms Suhanya RAFFEL  
Executive Director, M+  
West Kowloon Cultural District Authority

Mr Kingsley JAYASEKERA  
Director, Marketing and Customer Experience  
West Kowloon Cultural District Authority

Mr Robert LI  
Director, Consumer Search Group

**Agenda item II**

Dr William CHAN  
Chief Operating Officer  
West Kowloon Cultural District Authority

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

**Clerk in attendance** : Ms Sharon CHUNG  
Chief Council Secretary (1)2

**Staff in attendance** : Ms Mandy LI  
Council Secretary (1)2

Ms Christina SHIU  
Legislative Assistant (1)2

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Action

- I Outcome of the public consultation exercise on the Hong Kong Palace Museum project**  
(LC Paper No. CB(1)995/16-17(01) —Administration's paper on outcome of the public consultation exercise on the Hong Kong Palace Museum project
- LC Paper No. CB(1)995/16-17(02) —Paper on the Hong Kong Palace Museum project prepared by the Legislative Council Secretariat (Background brief)
- LC Paper No. CB(2)544/16-17(01) —Administration's paper on development of the Hong

- Kong Palace Museum in the West Kowloon Cultural District
- LC Paper No. CB(1)867/16-17(01) — West Kowloon Cultural District Authority's paper entitled "Report on the Key Findings of the Public Consultation Exercise on the Hong Kong Palace Museum Project"
- LC Paper No. CB(1)924/16-17(01) — "Report on the Analysis of Views for the Public Consultation Exercise on the Proposed Hong Kong Palace Museum Project" provided by the West Kowloon Cultural District Authority
- LC Paper No. CB(1)924/16-17(02) — West Kowloon Cultural District Authority's paper entitled "Key Views of the Public Consultation Exercise on the Proposed Hong Kong Palace Museum Project and the Response by the West Kowloon Cultural District Authority")

At the invitation of the Chairman, Permanent Secretary for Home Affairs ("PSHA") gave an overview of the public consultation exercise on the proposed Hong Kong Palace Museum ("HKPM") project conducted from 11 January to 8 March 2017. With the aid of a powerpoint presentation, Mr Robert LI, Director, Consumer Search Group, briefed members on the outcome of the public consultation exercise on the proposed HKPM project, which were set out in the discussion paper (LC Paper No. CB(1)995/16-17(01)) and the powerpoint presentation materials tabled at the meeting.

*(Post-meeting note: A softcopy of the powerpoint presentation materials was circulated to members vide LC Paper No. CB(1)1028/16-17(01) by email on 31 May 2017.)*

2. The Joint Subcommittee deliberated (index of proceedings in the **Appendix**).

3. The Joint Subcommittee requested the West Kowloon Cultural District Authority ("WKCDA") to provide the following information:

- (a) the process for appointing a company to provide data collection and analysis services for the public consultation on the proposed HKPM project, whether and when an open tender exercise had been conducted; the reason for not appointing a research centre in a university to provide the services; and
- (b) the raw data (without personal data) of the public opinion poll conducted by the Consumer Search Hong Kong Limited (also known as the Consumer Search Group) for the proposed HKPM project.

*(Post-meeting note: WKCDA's supplementary information was circulated to members vide LC Paper No. CB(1)1340/16-17(01) on 26 July 2017.)*

4. Given that members of the Joint Subcommittee were dissatisfied with the arrangement for perusing the four consultancy study reports related to the development of the Mega Performance Venue and the Exhibition Centre (vide LC Paper No. CB(1)861/16-17(01)) on a confidential basis and with a lot of information in the reports redacted, the Administration was requested to work out with WKCDA an improved arrangement acceptable to members.

*(Post-meeting note: The Administration's written response was circulated to members vide LC Paper No. CB(1)1340/16-17(01) on 26 July 2017.)*

## **II Revised funding proposal on "Implementation of the Integrated Basement for West Kowloon Cultural District"**

(LC Paper No. CB(1)987/16-17(02) —Administration's paper on the revised funding proposal on "Implementation of the Integrated Basement for West Kowloon Cultural District")

5. PSHA advised that the revised funding proposal was to upgrade part of 763CL, entitled "Integrated Basement for West Kowloon Cultural District", to Category A at an estimated cost of \$3,638.5 million in money-of-the-day ("MOD") prices for carrying out the third stage of construction works of the integrated basement for the West Kowloon Cultural District. Details of the revised proposal were given in the Administration's paper (LC Papers No. CB(1)987/16-17(02)). Members noted that the original proposal had been discussed at the meeting of the Joint Subcommittee on 21 April 2017 but the Joint Subcommittee had not supported it. PSHA further advised that the Administration was critically reviewing the proposal on the construction of the Artist Square Bridge ("ASB") with WKCD A and would work out a revised proposal. The Administration planned to consult the Joint Subcommittee on the revised proposal separately as and when it was ready. As the proposal on the construction of ASB was under review, the Administration had excluded the cost of the remaining section of ASB and related works (about \$100 million in MOD prices, being a component of the original proposal for upgrading part of 763CL to Category A) and would incorporate it into the revised funding application for ASB.

6. The Chairman reminded members that in accordance with Rule 83A of Rules of Procedure of the Legislative Council, they should disclose the nature of any direct or indirect pecuniary interests relating to the subjects under discussion at the meeting before they spoke on the subjects.

7. The Joint Subcommittee deliberated (index of proceedings in the **Appendix**).

8. The Administration and WKCD A were requested to provide the following information:

- (a) whether any contingency plan for dealing with disasters/emergency situations in the integrated basement was in place (e.g. how WKCD A would evacuate the people inside the basement in case of fire or a vehicle accident); if yes, the details; and
- (b) a table showing an overview (including information about the approved project estimates, nature of works, works/planning progress, etc.) of:
  - (i) the parts of the integrated basement for which funds had been approved by the Finance Committee ("FC")

for implementation; and

- (ii) the current funding proposal and the remaining parts of the integrated basement and the associated public infrastructure works which would require applications for funds with FC in future.

*(Post-meeting note: Supplementary information from the Administration and WKCD was circulated to members vide LC Paper No. CB(1)1112/16-17(01) on 9 June 2017.)*

Submission of the revised funding proposal to the Public Works Subcommittee

9. The Chairman concluded that members had no objection to the Administration's submission of the revised funding proposal to the Public Works Subcommittee for consideration.

**III Any other business**

Date of the next meeting and items for discussion

10. Members noted that the next meeting would be held on Tuesday, 13 June 2017, at 9:00 am for discussion on the following items:

- (a) Update on the development of Xiqu Centre; and
- (b) Update on the development of Lyric Theatre Complex.

*(Post-meeting note: Members were informed on 9 June 2017 vide LC Paper No. CB(1)1105/16-17 that the Joint Subcommittee would discuss, under agenda item IV ("Any Other Business") of the meeting on 13 June 2017, whether to seek extension of its work period.)*

11. There being no other business, the meeting ended at 4:54 pm.

## Panel on Development and Panel on Home Affairs

**Proceedings of meeting of the Joint Subcommittee to Monitor  
the Implementation of the West Kowloon Cultural District Project  
held on Monday, 29 May 2017, at 2:30 pm  
in Conference Room 3 of the Legislative Council Complex**

Time marker	Speaker(s)	Subject(s)/Discussion	Action required
<b>Agenda Item I – Outcome of the public consultation exercise on the Hong Kong Palace Museum project</b>			
000341-001052	Chairman Dr Helena WONG	<p>Dr Helena WONG expressed regret that the Chairman had not accepted her suggestion of inviting deputations/the public to attend the meeting to express views on the proposed Hong Kong Palace Museum ("HKPM") project in the West Kowloon Cultural District ("WKCD"). She said that some art groups had obtained the support of 8 members of the Joint Subcommittee and would request the Joint Subcommittee to hold a meeting to hear public views on the aforesaid project. She urged the Chairman to re-consider arranging a meeting for the said purpose.</p> <p>The Chairman said that he had instructed the Clerk to seek members' views on Dr WONG's suggestion. (On 10 May 2017, the Clerk issued a circular (LC Paper No. CB(1)919/16-17) to invite members to indicate their views.) He had considered members' replies, which had been made on/before 12 May. As the suggestion had not had the support of a majority of the members, he had decided not to invite the public to give views on the subject at the meeting. Members had been informed accordingly on 16 May 2017 vide LC Paper No. CB(1)957/16-17. Not only had he considered members' views, he had made reference to similar cases in the past when making the above decision. He considered that, when members had expressed their views on a matter and the Chairman had made a decision based on their views, it was not appropriate to overturn the decision.</p> <p>Dr Helena WONG expressed dissatisfaction on the arrangement for Legislative Council ("LegCo") Members to peruse the four consultancy study reports provided by the WKCD Authority ("WKCDA") on the development of the Mega Performance Venue</p>	



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		<p>("MPV") and the Exhibition Centre ("EC") on a confidential basis in the Archives of LegCo (vide LC Paper No. CB(1)861/16-17(01)). She said that a lot of information in the reports had been covered and no design plan for HKPM was available. She asked to put in record her strong regrets about:</p> <ul style="list-style-type: none"> <li>(a) the Chairman's refusal to invite deputations/the public to give views on the proposed HKPM project at a meeting; and</li> <li>(b) the Chairman's failure to obtain sufficient information on the project for members' perusal.</li> </ul> <p>The Chairman clarified that:</p> <ul style="list-style-type: none"> <li>(a) His decision not to invite deputations/the public to attend the meeting to give views had been made after considering members' views on the matter. Dr WONG's suggestion did not have the support of a majority of members.</li> <li>(b) The four consultancy study reports had been provided by WKCD in response to Members' requests made at the special meeting of the House Committee on 6 January 2017.</li> <li>(c) Like other Members, he did not know in advance what information in the reports had been covered.</li> <li>(d) Similar arrangements for Members to peruse documents on a confidential basis in the Archives of LegCo had been adopted by other committees before.</li> </ul>	
001053 - 004636	<p>Chairman Dr Helena WONG Deputy Chairman Permanent Secretary for Home Affairs ("PSHA") Chief Executive Officer, West Kowloon Cultural District</p>	<p>The Deputy Chairman, Ms Claudia MO, Dr Helena WONG and Mr LEUNG Kwok-hung expressed the following views on the arrangement for LegCo Members to peruse the four consultancy study reports:</p> <ul style="list-style-type: none"> <li>(a) It was unreasonable to require Members to peruse the four consultancy study reports on a confidential basis. The background of the</li> </ul>	

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	<p>Authority ("CEO/WKCDA") Ms Claudia MO Mr CHAN Chi-chuen Mr Abraham SHEK Mr SHIU Ka-chun Mr LEUNG Kwok-hung</p>	<p>proposal of developing HKPM should be made transparent.</p> <p>(b) Given that a lot of information in the reports had been covered, those reports should not be regarded as containing sensitive information and be treated as confidential documents.</p> <p>(c) The Joint Subcommittee could not perform its function of monitoring the implementation of the WKCD project and the work of WKCDA when members had insufficient information about how and why the Board of WKCDA had decided not to proceed with MPV.</p> <p>The Deputy Chairman opined that WKCDA should make public the four consultancy study reports, with some parts redacted if WKCDA so wished.</p> <p>The Deputy Chairman and Dr Helena WONG enquired who had made the decision that the four consultancy study reports should be redacted and provided to Members for them to peruse on a confidential basis.</p> <p>The Deputy Chairman also asked:</p> <p>(a) whether there were any relevant guidelines for WKCDA to follow in deciding what information to cover; and</p> <p>(b) what the differences between the versions of the reports provided to LegCo Members and those if provided to the public would be.</p> <p>Dr Helena WONG queried why Members had been required not to disclose or release or share in whole or in part to any third parties the information in the four reports. Mr SHIU Ka-chun criticized the Home Affairs Bureau for allowing WKCDA to provide the reports on the condition that Members were to peruse them on a confidential basis.</p> <p>Mr Abraham SHEK considered that members should focus on the question of whether the development of HKPM in WKCD should be supported rather than arguing whether the</p>	

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		<p>information in the consultancy study reports was commercially sensitive. In his view, the Government's estimation of the value of land sites was not important to land developers. He expressed support for the outcome of the public consultation exercise for HKPM as reported in the Administration's paper.</p> <p>In response to members' views and queries, PSHA made the following points:</p> <p>(a) The four consultancy study reports had been provided to LegCo Members in response to Members' request made at the special meeting of the House Committee on 6 January 2017 during which Members were briefed on the background of the proposed HKPM project and queried whether the decision of the WKCDA Board to abandon the development of the proposed MPV was made due to the need to allocate the site concerned to the HKPM project.</p> <p>(b) Hence, the intention of WKCDA providing these reports was to demonstrate to Members that WKCDA had already commenced studies on the alternative use of the MPV site before the proposed allocation of the site to the HKPM project.</p> <p>(c) As the consultancy studies had been commissioned by WKCDA, the Government respected its decision on what information should and could be provided to LegCo Members.</p> <p>CEO/WKCDA made the following points :</p> <p>(a) The purpose of providing the four reports was to facilitate Members' understanding of the chronology and processes in respect of WKCDA's review of the commercial viability of developing MPV and EC, and the alternative development of the Exhibition Hub Development Area of WKCD on the site as explained at the special meeting of the House Committee.</p> <p>(b) The reports included confidential and commercially sensitive financial and related</p>	

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		<p>information, some of which was non-public information obtained from third parties. The information redacted was related to assessment provided to WKCD the premature release of which would affect WKCD's interest in the tendering of the site for commercial development. Disclosure of the confidential information in the reports would severely affect WKCD's commercial bargaining power and position in relation to future developments in WKCD, including the tendering of the Exhibition Hub Development Area by way of public-private partnership. WKCD had already minimized the amount of information redacted as far as possible;</p> <p>(c) The decision to release the four consultancy study reports had been made by the Board of WKCD while CEO/WKCD, in consultation with the lawyers of WKCD, had determined that the four reports should be redacted to exclude sensitive materials.</p> <p>(d) As regards the arrangement for Members to peruse the redacted reports on a confidential basis, it was understood that there had been similar arrangements for other committees for the perusal of other confidential reports.</p> <p>Ms Claudia MO, Mr CHAN Chi-chuen and Mr LEUNG Kwok-hung asked whether the Administration agreed to WKCD's decision of redacting commercially sensitive information. Mr CHAN queried why the incumbent Chief Secretary for Administration-cum-Board Chairman of WKCD did not attend the Joint Subcommittee meeting to answer members' questions. Ms MO called on the Administration to review the structure of the Board of WKCD so as to enhance its public accountability.</p> <p>PSHA clarified that the incumbent Chief Secretary for Administration-cum-Board Chairman of WKCD had indeed attended the meeting of the Joint Subcommittee on 21 February 2017. She advised that following the commitment made at the special meeting of the House Committee, the Government had</p>	

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		<p>provided precedent cases on the provision of confidential reports to LegCo for WKCD's reference and assisted WKCD in submitting the four reports to the LegCo Secretariat. As the consultancy studies had been commissioned by WKCD and the reports were owned by the Authority, the Government should respect the judgment of WKCD on the manner in which the information in the four reports was to be made available to LegCo Members for perusal, taking into consideration that disclosure of commercially sensitive information at this juncture might provide potential bidders with considerable advantages at the expense of WKCD as far as tendering of the development package was concerned, thereby affecting the commercial viability of the development package and undermining the public interest. The Government would explore with WKCD how additional information on the development of the Exhibition Hub Development Area could be provided to LegCo Members without compromising the commercial interests of WKCD.</p> <p>The Chairman requested the Administration to work out with WKCD an improved arrangement acceptable to members for them to peruse the four consultancy study reports</p>	<p>The Administration to take follow-up action as per paragraph 4 of the minutes</p>
004637-005526	PSHA Mr Robert LI, Director, Consumer Search Group ("Director/CSG")	Briefing by PSHA and Director/CSG on the outcome of the public consultation exercise on the proposed HKPM project [LC Papers Nos. CB(1)995/16-17(01) and CB(1)1028/16-17(01)]	
005527-005842	Ms Claudia MO PSHA	Ms Claudia MO was concerned that the formulation of the proposal to develop the HKPM project had not gone through a due process. She expressed strong regret about the lack of public consultation in the process leading to the signing of a Memorandum of Understanding of Cooperation ("MOU") between WKCD and the Palace Museum in Beijing. Pointing out that the proposed HKPM project had been kept confidential until the Government's announcement on 23 December 2016, she criticized that the public consultation	

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		<p>exercise for the project carried out from 11 January to 8 March 2017 was a fake consultation.</p> <p>Taking in view that, if the proposed HKPM project was to be taken forward, WKCDA and the Palace Museum should formulate and sign a Collaborative Agreement in replacement of the MOU within six months after the signing of the latter, Ms MO enquired whether the Board of WKCDA had decided to go ahead with the proposed project.</p> <p>PSHA advised according to the MOU, the two signing parties should endeavour to conclude and execute a Collaborative Agreement within six months of the signing of the MOU and on 9 May 2017, WKCDA had announced that the WKCDA Board had agreed to take the HKPM project forward by commencing the preparation of the content of the Collaborative Agreement with the Palace Museum. Discussions among WKCDA, the Home Affairs Bureau and the Palace Museum on the Collaborative Agreement were currently in progress.</p>	
005843-010533	Deputy Chairman CEO/WKCDA Director/CSG	<p>The Deputy Chairman made the following enquires:</p> <p>(a) when WKCDA had decided to conduct a public opinion poll on the proposed development of HKPM in WKCD; and why WKCDA had not indicated its intention to conduct a public opinion poll when the Authority announced the commencement of the public consultation exercise on 10 January 2017 and the extension of it on 14 February 2017; and</p> <p>(b) whether WKCDA had decided to conduct a public opinion poll in the light of unfavorable feedback received from the responses to the questionnaires.</p> <p>CEO/WKCDA advised that CSG, which had been commissioned by WKCDA to provide data collection and analysis services for the public consultation process, was an independent consulting firm. WKCDA had decided from the start to conduct a public opinion poll to collect</p>	

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		<p>public views on the HKPM project but it had been scheduled at the later part of the public consultation period so that the public would have adequate time to understand the project, allowing views to be collected from an informed public via the public opinion poll.</p> <p>The Deputy Chairman queried whether the remarks of CEO/WKCDA concerning the public opinion poll were the truth. CEO/WKCDA objected strongly to the accusation that he had in any way misled members now or on any other occasion. He stressed to members that he always told the truth and pointed out that it was a usual practice for a public consultation exercise to include a public opinion poll and hence WKCDA had not highlighted this channel for collecting public opinion in its publicity. He then invited Director/ CSG to comment on the issue.</p> <p>Director/CSG advised that the services to be provided by the consultation consultant for the HKPM project as stated in the invitation for provision of consultancy services received on 16 January 2017 had already included, inter alia, the possibility of a public opinion poll. On 23 January 2017, when CSG presented its proposal to WKCDA, the company was well aware that it might have to conduct a public opinion poll and the undertaking of such a poll was also a subject of discussion during the meeting between CSG and WKCDA on that day.</p>	
010534-011455	Chairman Dr Helena WONG PSHA	<p>Dr Helena WONG expressed the following views:</p> <p>(a) Noting that among the responses collected via paper and online questionnaires, only 41.2% of the respondents were supportive, while 34.9% were not supportive of the proposed HKPM project, she considered that the public were concerned about the lack of transparency in WKCDA's plan to develop HKPM in WKCD.</p> <p>(b) Notwithstanding that a public consultation exercise had been conducted by WKCDA, the Joint Subcommittee should hold a meeting and provide a platform for the public</p>	

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		<p>and stakeholders to express views to the Administration and WKCD on the proposed HKPM project.</p> <p>(c) The land parcel planned for developing HKPM belonged to Hong Kong people. As in the case for other facilities in WKCD, the Administration should present to the Joint Subcommittee the planning and design of HKPM clearly.</p> <p>PSHA advised that:</p> <p>(a) As explained in the paper (<a href="#">LC Paper No. CB(2)544/16-17(01)</a>) presented for discussion at the meeting of the House Committee on 6 January 2017, prior to the signing of the MOU, WKCD would not have any basis for announcing the proposal unilaterally or undertaking public consultation for the proposal. After the signing of the MOU, WKCD had been as open and transparent as possible, such as undertaking of a 8-week public consultation exercise.</p> <p>(b) Similar to the existing arrangements in respect of the development of various arts and cultural facilities in WKCD, the Administration and WKCD would brief the Joint Subcommittee on the design, development and operation plans for HKPM when they were ready for discussion.</p> <p>In reply to Dr WONG's further enquiry, PSHA advised that the Collaborative Agreement intended to provide a broad framework of cooperation between WKCD and the Palace Museum setting out the roles and responsibilities of both parties but not the detailed design of HKPM, which would be subject to further adjustment. As with other WKCD facilities, there would be ample opportunities for the Joint Subcommittee to discuss the design, hardware and software development of HKPM in future.</p> <p>In response to Dr WONG's views about holding a meeting to hear public views on the proposed HKPM project, the Chairman reiterated that he had decided not to hold such a meeting after</p>	



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		considering members' replies to the circular LC Paper No. CB(1)919/16-17. He considered that, when members had expressed their views on a matter and the Chairman had made a decision based on their views, it was not appropriate to overturn the decision.	
011456-012106	Mr LEUNG Kwok-hung CEO/WKCDA	<p>Mr LEUNG Kwok-hung said that the idea of developing HKPM in WKCD had never been made known to Hong Kong people until the signing of the MOU, and many people had expressed their opposition to the project.</p> <p>He questioned:</p> <ul style="list-style-type: none"> <li>(a) why WKCDA had not notified the Joint Subcommittee of its decision not to proceed with MPV in 2015;</li> <li>(b) when the Board of WKCDA had decided that HKPM should be developed at the site originally planned for MPV; and</li> <li>(c) whether CEO/WKCDA knew the WKCD project well.</li> </ul> <p>CEO/WKCDA advised that:</p> <ul style="list-style-type: none"> <li>(a) he had been directly involved in the development of WKCD as CEO/WKCDA for two and a half years and indirectly involved in the earlier stage of the WKCD project during his Tourism Commission days about 15 years before ; and</li> <li>(b) he firmly believed that the WKCD project would put Hong Kong on the map.</li> </ul>	
012107-012910	Mr YIU Si-wing Director/CSG	<p>Mr YIU Si-wing expressed support for the Chairman's position that he (the Chairman) would not overturn his decision on whether to invite the public to give views on the proposed HKPM project at a meeting of the Joint Subcommittee.</p> <p>Mr YIU considered that, with reference to the statistics given in the analysis of the public views collected (vide LC Paper No. CB(1)995/16-17(01)), there was general support within the community for the proposed HKPM project.</p>	

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		<p>He asked:</p> <ul style="list-style-type: none"> <li>(a) whether the consultation study had the adequate breadth and depth to effectively gauge the views of the public on the proposed HKPM project; and</li> <li>(b) whether the Administration and WKCD had intervened in the conduct of the public consultation exercise, such as modifying the design of the questionnaires, extending the consultation period for a more favourable outcome.</li> </ul> <p>Director/CSG advised that:</p> <ul style="list-style-type: none"> <li>(a) CSG had conducted a public opinion poll among the general public, covering the Hong Kong resident population of aged 15 or above, with the aim of reaching out to more members of the public to collect their views on the proposed HKPM project. Respondents in 18 districts had been interviewed face-to-face on the street for the poll, providing statistically valid quantitative data. The collected data, which were projected to represent the Hong Kong resident population aged 15 or above, complemented the views obtained in other activities under the consultation exercise.</li> <li>(b) Quota sampling had been adopted to ensure that the enumerated samples represented an appropriate composition of the target population. The quota was set with reference to the corresponding population figures as at the third quarter of 2016 provided by the Census and Statistics Department, including age, gender, highest educational attainment and working status.</li> <li>(c) A five-point Likert scale, with an indifferent option (i.e. the option of "half-half" other than the "supporting" or "not supporting" options), had been used to cater for the respondents who did not have a specific stance on the proposed project (i.e. neither "supporting" nor "not supporting").</li> </ul>	

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		(d) As an independent consulting firm, CSG had maintained its autonomy in terms of survey design, data collection and analyses. The report on the findings prepared by CSG truly reflected the views and opinions received during the public consultation period.	
012911-013445	Mr SHIU Ka-chun PSHA CEO/WKCDA	<p>Mr SHIU Ka-chun expressed/raised the following views/enquires:</p> <p>(a) The result that only about 52% of the general public were supportive of the proposed development of HKPM showed that the government had failed to make the public consultation exercise a means to boost support for the HKPM project.</p> <p>(b) It was important to ascertain when and under what circumstances WKCDA had decided to conduct a public opinion poll as part of the consultation activities, and whether the conduct of the public opinion poll had been manipulated in order to generate favourable results for WKCDA.</p> <p>(c) The public consultation exercise did not seek views on alternative options, such as developing a Bruce Lee museum.</p> <p>PSHA clarified that the public consultation exercise on the HKPM project was undertaken by WKCDA independently and assured members that the Administration had not intervened in the public consultation exercise on the HKPM project at all. The Administration accepted and respected the findings of the independent consultation consultant, which stated that about 52% of the public supported the project while about 14% were not supportive.</p> <p>CEO/WKCDA said the findings of the public consultation exercise revealed that general support for the HKPM project had been consistently recorded across all four different consultation channels. Since WKCDA had appointed an independent consultant, CSG, to analyse the feedback and views gathered during the public consultation period, there was no way that the Authority could manipulate the results of the consultation exercise.</p>	

Time marker	Speaker(s)	Subject(s)/Discussion	Action required
		Notwithstanding the explanation given, Mr SHIU maintained his view that the public consultation exercise, in particular the public opinion poll, lacked credibility.	
013446-013948	Mr CHAN Chi-chuen CEO/WKCDA Director/CSG	<p>Mr CHAN Chi-chuen expressed the following views:</p> <p>(a) The Joint Subcommittee should hold a meeting to receive public views on the proposed HKPM project. He queried the rationale for adopting the principle of "the majority rule" in deciding on whether a special meeting/session should be arranged.</p> <p>(b) In the public consultation exercise, WKCDA should have asked the public a direct question, i.e. whether they supported developing HKPM in WKCD or not.</p> <p>(c) There was a concern that the public opinion poll had only been conducted as a remedial action to soften the unfavourable views collected via paper and online questionnaires.</p> <p>CEO/WKCDA stressed that WKCDA had intended to conduct a public opinion poll as part of the public consultation exercise on the HKMP project from the start as conducting opinion poll was a common practice for a public consultation exercise.</p> <p>Director/CSG supplemented that, according to the consultation results, about 58.3% of the general public agreed that the HKPM project would provide visitors to WKCD a more diverse range of cultural facilities and experience. The public opinion poll had included questions on whether the respondent supported the development of HKPM in WKCD.</p>	
013949-014548	Deputy Chairman CEO/WKCDA	<p>The Deputy Chairman expressed the following views:</p> <p>(a) At the special meeting of the House Committee on 6 January 2017, the then Chief Secretary for Administration and Chairman of the Board of WKCDA ("CS cum WKCDA Board Chairman") had advised that WKCDA</p>	

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		<p>would conduct a public consultation exercise to collect public views on the design and operation of the proposed HKPM as well as the focuses of HKPM's exhibition and educational programmes. However, the questions of the public opinion poll were not related to the aforementioned areas.</p> <p>(b) The commencement date of the public consultation exercise had been deferred from 9 January to 11 January, whereas the extension of the consultation period (i.e. extended for two weeks from 22 February to 8 March) seemed to have been made for the purpose of facilitating the conduct of a public opinion poll by CSG, which had been appointed by WKCDA after the commencement of the consultation exercise.</p> <p>(c) It was not made known to the public that a public opinion poll on the proposed HKPM project would be conducted from 28 February to 7 March 2017.</p> <p>CEO/WKCDA responded that:</p> <p>(a) A copy of the questionnaire for the public opinion poll had been provided to members in <a href="#">Annex I to LC Paper No. CB(1)924/16-17(01)</a>. According to the questionnaire, the four areas of concerns mentioned by the then CS cum WKCDA Board Chairman were covered by the poll.</p> <p>(b) To ensure that the views collected during the public consultation exercise would be analyzed in a professional and impartial manner, CSG had been commissioned to provide an independent analysis of all the feedback received.</p> <p>(c) During the consultation period, two special meetings of the Consultation Panel had been held to gauge the views of Panel members on the HKPM project. WKCDA had also organized five consultation sessions with stakeholders, including architects and members of the related professions, the arts and culture sector, as well as arts and culture-related committees of the District</p>	

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		<p>Councils. Online registration for the consultation session with the arts and cultural sector was available. Apart from the above meetings and consultation sessions, WKCDA had also participated in panel discussions, talks, task force meetings and events organized by local professional groups, professional institutions, etc., to gauge the views of these groups on the HKPM project. WKCDA was committed to continuing the dialogue with the public to address their views and concerns on the development of HKPM.</p>	
014549-014942	Dr Helena WONG PSHA	<p>Dr Helena WONG requested the Administration to provide the text of the Collaborative Agreement to be signed with the Palace Museum. She enquired about:</p> <ul style="list-style-type: none"> <li>(a) the relation between the Collaborative Agreement and the MOU signed by the then CS cum WKCDA Board Chairman;</li> <li>(b) how the Administration would secure the best terms for Hong Kong under the Collaborative Agreement; whether any change could be made after signing the Collaborative Agreement; and</li> <li>(c) whether the operating expenditure and maintenance costs for HKPM would be borne by the Home Affairs Bureau or WKCDA.</li> </ul> <p>PSHA advised that:</p> <ul style="list-style-type: none"> <li>(a) The Collaborative Agreement was under preparation and the discussion with the Palace Museum as well as relevant Mainland authorities was in progress. Hence the text of the Collaborative Agreement was not yet ready for release. WKCDA would make public the text of the Agreement after signing it with the Palace Museum. In general, the Collaborative Agreement was a high-level agreement setting out a general framework including the overall roles and responsibilities of WKCDA and the Palace Museum in developing HKPM, the governance structure</li> </ul>	

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		<p>of HKPM, funding arrangement for the construction works and recurrent expenditure of HKPM as well as the special arrangement for loans of collections and other operational matters, etc.</p> <p>(b) Specifically, the target was to achieve for HKPM the unprecedented lifting of the relevant State restrictions governing the number of artefacts of Palace Museum collections on loan to Hong Kong (to go beyond the current limit of 120 pieces/sets to over 900 at any one time) and the duration of the loan period (to extend beyond the current three-month period). The lifting of such restrictions would be subject to the approval of the relevant Mainland authorities but the Government and WKCDA would strive for the best arrangements for HKPM.</p> <p>(c) According to the MOU, WKCDA would be responsible for the management, day-to-day operation and maintenance of HKPM, whereas the income generated from the operation of the Museum would be kept by WKCDA.</p>	
014943-015359	Ms Claudia MO CEO/WKCDA Director/CSG	<p>Ms Claudia MO said there was concern that WKCDA had attempted to make the public consultation results in favour of the development of HKPM by conducting a public opinion poll. She asked WKCDA to assure members that the aforementioned allegation was not the fact.</p> <p>CEO/WKCDA assured members that WKCDA always planned from the outset that a public opinion poll would be conducted as part of the consultation exercise.</p> <p>Director/CSG stressed that CSG always complied with the code of ethics for an independent consultation consultant and confirmed that it was always free from any interference or influence from clients.</p>	
015400-015542	Mr YIU Si-wing PSHA	Mr YIU Si-wing enquired whether members of the public and the concerned sectors would be consulted at a later stage on the design of HKPM and matters related to the collections to be displayed.	

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		<p>PSHA advised that the theme of the exhibitions and the artefacts to be displayed would be decided by WKCD in discussion with the Palace Museum. During the consultation period, WKCD had collected public views on the design, programming, etc., of HKPM. WKCD would continue to engage the public during the process of the development of the Museum and brief the Joint Subcommittee on the detailed design and operation of the Museum as with the arrangements for other major WKCD facilities.</p>	
015543-015930	Deputy Chairman CEO/WKCD Director/CSG	<p>The Deputy Chairman requested WKCD to provide information on:</p> <ul style="list-style-type: none"> <li>(a) the process for appointing a company to provide data collection and analysis services for the public consultation on the proposed HKMP project, and whether and when an open tender exercise had been conducted; the reason for not appointing a research centre in a university to provide the services; and</li> <li>(b) the raw data (without personal data) of the public opinion poll conducted by CSG for the proposed project.</li> </ul> <p>CEO/WKCD responded that universities had the liberty to reply to the invitation for provision of consultancy services for the public consultation exercise.</p> <p>Director/CSG advised that, for the sake of protecting personal privacy, all personal information collected during the consultation exercise should be kept in strict confidence. The raw data (without personal data) of the public opinion poll could be released subject to the agreement of WKCD. CEO/WKCD said he had no objection to providing anonymous data of the public opinion poll to the Joint Subcommittee.</p>	WKCD to take follow-up action as per paragraph 3(a) and 3(b) of the minutes



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<b>Agenda Item II – Revised funding proposal on "Implementation of the Integrated Basement for West Kowloon Cultural District"</b>			
015931-020401	PSHA	Briefing by PSHA on the revised funding proposal on "Implementation of the Integrated Basement for West Kowloon Cultural District" [LC Paper No. CB(1)987/16-17(02)], which covered various works at Zones 3A and 3B of the integrated basement.	
020402-020839	Dr Helena WONG PSHA Project Manager (Kowloon), Civil Engineering and Development Department ("PM(KLN)/CEDD")	<p>Dr Helena WONG raised the following enquiries:</p> <p>(a) when the Administration would brief the Joint Subcommittee on the revised funding proposal for the construction of the Artist Square Bridge ("ASB") and beautification works for the existing subway across the junction of Austin Road West and Canton Road;</p> <p>(b) with reference to paragraph 14 (b) of LC Paper No. CB(1)987/16-17(02), how the Administration had arrived at the estimation that an estimated cost of \$1,762.5 million was required for essential basement structure and associated works for Zone 3B of the integrated basement;</p> <p>(c) whether the Administration had commenced the tendering process; if yes, whether it was a common practice of the Administration to invite tenders for a public works project before making a funding application; and</p> <p>(d) given that the works under the current proposal would be entrusted to WKCD, how the Administration and WKCD would perform their respective roles in monitoring the works of the contractors.</p> <p>PSHA and PM(KLN)/CEDD advised that:</p> <p>(a) Tentatively, the Administration planned to submit the revised funding applications for construction of ASB and that for the beautification works for the existing subway across the junction of Austin Road West and Canton Road, together with the funding proposal for the pedestrian linkage system between MTR Austin Station and Xiqu</p>	

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		<p>Centre, to the Joint Subcommittee for discussion in the 2017-2018 legislative session. It was expected that the beautification works for the existing subway across the junction of Austin Road West and Canton Road could be completed in around one year after obtaining the funding approval of the Finance Committee ("FC"). It would take a longer time to construct a new pedestrian linkage system between MTR Austin Station and Xiqu Centre.</p> <p>(b) The design of the Zone 3B integrated basement would need to meet a number of functional requirements such as supporting the topside Lyric Theatre Complex, accommodating an underground road and integrating with protection works for the existing Airport Express Tunnels in Zone 3B. The revised funding proposal on "Implementation of the Integrated Basement for West Kowloon Cultural District" aimed to upgrade part of 763CL to Category A at an estimated cost of about \$3,638.5 million in money-of-the-day ("MOD") prices to carry out the third stage of construction works of the integrated basement. The plan area of the Zone 3B integrated basement was very large (about three times the total turfed area of the Hong Kong Stadium). The essential basement structure included the structural elements for the basement.</p> <p>(c) The parallel tendering arrangement, under which the funding application and the invitation of tenders proceeded concurrently, was not uncommon for public works projects. The tendering exercise for the major works of the Zone 3B integrated basement project under discussion started in February 2017. The tender submission deadline was the end of June 2017. The award of the contract would be subject to the funding approval of FC. The validity period of the tenders was rather long.</p> <p>(d) Given that the design and construction of the integrated basement and the future Lyric Theatre Complex were highly integrated, the Administration considered it necessary and</p>	

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		<p>cost-effective to entrust the proposed works to WKCD. The Home Affairs Bureau and CEDD would oversee the project implementation. CEDD would manage the entrustment agreement with WKCD and closely monitor the cost and programme of the entrusted works.</p>	
020840-021103	<p>Chairman Mr YIU Si-wing CEO/WKCD</p>	<p>Mr YIU Si-wing and the Chairman called on the Administration and WKCD to expedite the review of the funding proposal for ASB, which had been discussed at the meeting on 21 April 2017 but not supported by the Joint Subcommittee.</p> <p>Mr YIU raised the following enquiries:</p> <p>(a) whether the project costs would increase due to the delay in the submission of the relevant funding proposals for ASB and beautification works for the existing subway across the junction of Austin Road West and Canton Road; and</p> <p>(b) given that HKPM would be developed in WKCD, whether the Administration/WKCD would conduct a new assessment on the pedestrian/vehicle traffic and demand for car parking spaces in the integrated basement.</p> <p>In response, CEO/WKCD advised that:</p> <p>(a) It was difficult to tell whether the project cost for ASB would increase after the review, but WKCD would exercise stringent cost control in taking forward the project. It was expected that there might be an increase in the overall cost while the unit cost might be reduced slightly. Hence, the project cost would not be significantly different from the original cost after the review, as the changes in costs might offset each other.</p> <p>(b) WKCD had already carried out the traffic impact assessment studies to look into this issue. As HKPM was not located inside the integrated basement zone and the integrated basement would be constructed in different stages, the visitors to be brought about by</p>	

Time marker	Speaker(s)	Subject(s)/Discussion	Action required
		<p>HKPM would not have direct impact on the third stage (relevant to the proposal under discussion) of the construction works of the integrated basement. In the continuous assessment on the traffic in WKCD, various factors, including the progress of development of arts and cultural facilities, would be taken into account.</p>	
021104-021528	<p>Chairman Ms Claudia MO CEO/WKCDA PSHA</p>	<p>While appreciating that the Administration would review the design and the cost of the proposed ASB, Ms Claudia MO enquired:</p> <p>(a) whether the estimated cost of the integrated basement (i.e. \$3,638.5 million) could be further reduced through curtailing the cost of any luxurious design elements; and</p> <p>(b) the meaning of "small reduction in the unit costs" referred to by CEO/WKCDA when he was responding to Mr YIU Si-wing's question.</p> <p>PSHA advised that there would not be any luxurious design elements in the integrated basement project and only essential structural elements would be provided. For this project, the actual in-house management cost for WKCDA had been adjusted and would be capped at a sum of about \$60.3 million (in September 2016 prices), being about 2% of the total estimated cost of the project.</p> <p>CEO/WKCDA responded that a good design could be a cost-effective design and WKCDA was reviewing the design of the proposed ASB with a view to containing the construction cost. The design and the aesthetics of ASB were secondary to the physical requirements.</p> <p>The Chairman asked whether members had any objection to the Administration's submission of the revised funding proposal to the Public Works Subcommittee for its consideration. Members raised no objection.</p>	

Time marker	Speaker(s)	Subject(s)/Discussion	Action required
021529-022142	Dr Helena WONG Director, Project Control, WKCDA ("D(PC)/WKCDA") PM(KLN)/CEDD CEO/WKCDA	<p>Referring to recent media reports on alleged falsification of concrete test reports associated with the works under the Hong Kong-Zhuhai-Macao Bridge and related projects, Dr Helena WONG enquired:</p> <ul style="list-style-type: none"> <li>(a) how the Administration and WKCDA would prevent the recurrence of similar incidents during the construction of the integrated basement for WKCD;</li> <li>(b) what laboratories would undertake the compliance tests for the concrete to be used in the integrated basement; and</li> <li>(c) how WKCDA could ensure the quality of the testing services to be provided by the selected laboratories, and whether WKCDA would conduct random checking of the testing results.</li> </ul> <p>D(PC)/WKCDA advised that:</p> <ul style="list-style-type: none"> <li>(a) Established procedures were in place in WKCDA to ensure the quality of concrete to be used in WKCD works projects. In addition to deploying resident site staff to ensure proper workmanship, testing of concrete samples would be taken on site as well as sent to government licensed agencies or laboratories. Internally, WKCDA had an audit department to inspect the works on a regular and ongoing basis.</li> <li>(b) The compliance tests for the materials to be used in WKCD projects would be done by the laboratories accredited under the Hong Kong Laboratory Accreditation Scheme.</li> </ul> <p>Dr WONG further sought information on whether any contingency plan for dealing with disasters/emergency situations in the integrated basement was in place (e.g. how WKCDA would evacuate the people inside the basement in case of fire or a vehicle accident); if yes, the details.</p> <p>PM(KLN)/CEDD advised that:</p> <ul style="list-style-type: none"> <li>(a) The underground road and the integrated basement would be designed to fully comply</li> </ul>	The Administration/ WKCDA to take follow-up action as per paragraph 8(a) of the minutes

Time marker	Speaker(s)	Subject(s)/Discussion	Action required
		<p>with the relevant public road design standards, the Code of Practice for Fire Safety in Buildings and all relevant fire safety standards.</p> <p>(b) Independent means of escape and means of access for firefighting and rescue would be provided for the integrated basement and WKCDA's facilities to ensure that the general public would have sufficient time to evacuate in the event of fire and emergency. In addition to the usual firefighting equipment such as fire detection systems, audio/visual advisory systems and hose reels, sprinkler systems and smoke extraction systems would be provided to effectively control the fire growth and spread in the integrated basement and WKCDA's facilities. Closed-circuit television surveillance systems and public announcement systems would also be provided. The above facilities would comply with the relevant statutory requirements.</p> <p>(c) WKCDA would timely devise the contingency plan for dealing with disasters/emergency situations in the integrated basement in due course. In the event of emergency, WKCDA would assist in the evacuation of the crowds and the rescue work of relevant departments.</p> <p>CEO/WKCDA supplemented that in the course of designing the integrated basement, WKCDA had been working closely with the Fire Services Department. Once the funding application was approved by FC, the security team of WKCDA would, in collaboration with the Fire Services Department and Hong Kong Police Force, etc., devise the contingency plans for dealing with disasters/emergency situations in the integrated basement.</p>	
022143-022504	Chairman Mr CHAN Chi-chuen PSHA Dr Helena WONG Dr Junius HO	The Chairman and Mr CHAN Chi-chuen sought information (including the estimated project costs) on the remaining parts of the integrated basement of WKCD and the associated public infrastructure works ("PIWs").	

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		<p>PSHA responded that:</p> <p>(a) For the integrated basement, the previously estimated cost for implementing Zones 3A, 3B (i.e. \$6 billion) and 2B (i.e. \$4 billion) of the integrated basement and associated PIWs was about \$10 billion. The preliminary design of Zones 2A, 2B and 2C was in progress and would be completed in end-2018 while detailed design for Zone 2A would be substantially completed in end-2019. Based on the preliminary design for Zone 2, an updated cost estimate of the whole integrated basement project would be available in 2019.</p> <p>(b) As for PIWs, in July 2015, FC had approved the upgrading of part of 754CL "Infrastructure Works for West Kowloon Cultural District, phase 1 – first construction package" to Category A at an estimated cost of \$840.5 million in MOD prices.</p> <p>(c) In addition to the construction of ASB and beautification works for the existing subway across the junction of Austin Road West and Canton Road, a funding application for a pedestrian linkage system between MTR Austin Station and Xiqu Centre would be required. It was expected that those funding proposals would be presented to the Joint Subcommittee for discussion in the 2017-2018 legislative session.</p> <p>At the requests of Dr Helena WONG and Dr Junius HO, the Administration would provide a table showing an overview of the funding applications already approved and to be made for the integrated basement and PIWs for WKCD.</p> <p>Dr Junius HO opined that a table would be a useful reference for members to get a full picture of the development of various facilities in WKCD.</p>	<p>The Administration to take follow-up action as per paragraph 8(b) of the minutes</p>

<b>Time marker</b>	<b>Speaker(s)</b>	<b>Subject(s)/Discussion</b>	<b>Action required</b>
<b>Agenda Item III – Any other business</b>			
022505-022545	Chairman	Date of the next meeting  Items for discussion at the next meeting	

Council Business Division 1  
Legislative Council Secretariat  
29 August 2017