

**GUIDELINES FOR THE CONSULTATION PANEL
OF THE
WEST KOWLOON CULTURAL DISTRICT AUTHORITY**

September 2013

Guidelines for the Consultation Panel of the West Kowloon Cultural District Authority

- (1) The Consultation Panel was established under the West Kowloon Cultural District Authority (the Authority) in accordance with section 20 of the West Kowloon Cultural District Authority Ordinance.
- (2) The functions of the Consultation Panel are to play the role of a bridge between the Authority and the public; to promote West Kowloon Cultural District with a view to enhancing public's understanding of the project; to reflect public expectations/views to the Authority; and to ensure that consultations are conducted in an open and transparent manner.
- (3) The standing orders of the Consultation Panel are set out at **Attachment**.
- (4) Meetings of the Panel are open to the public. Arrangements should be made for allowing members of the public to attend in person.
- (5) The agenda, minutes and papers of the meetings will be uploaded to the website of the Authority (<http://www.wkcda.hk>).

1. Definitions

In this attachment, unless the context otherwise requires,

- (1) “Authority” means the West Kowloon Cultural District Authority established under section 3(1) of the Ordinance;
- (2) “Board” means the Board of the Authority established under section 6(1) of the Ordinance;
- (3) “Chairman” means the Chairman of the Panel;
- (4) “Chief Executive Officer” means the Chief Executive Officer of the Authority appointed under section 7 of the Ordinance;
- (5) the expression “clear days” includes Saturdays and excludes the day of the giving of a notice, the day of the relevant meeting and intervening public holidays;
- (6) “Guidelines” means the Guidelines for the Panel;
- (7) “Ordinance” means the West Kowloon Cultural District Authority Ordinance (Chapter 601);
- (8) “Panel” means the Consultation Panel of the Authority established under section 20 of the Ordinance;
- (9) “Panel member” means any member of the Panel referred to in section 20(3) of the Ordinance, including its Chairman;
- (10) “Secretary” means the secretary to the Panel;

2. Notice of Meeting

The Secretary shall give notice of a Panel meeting in writing to each Panel member not less than 10 clear days before the date of the meeting. If the circumstances warrant, the Chairman may in his discretion dispense with such notice.

3. Issue of Papers

- (1) The Secretary shall deliver the agenda of a meeting to each Panel member not less than five (5) clear days before the date of the meeting.
- (2) The agenda of any Panel meeting shall be approved by the Chairman prior to issue.
- (3) Meeting papers should be sent to Panel members, unless the Chairman instructs otherwise, not less than five (5) clear days before the date of the meeting.
- (4) The notice of meeting shall be deemed to have been given and the papers and agenda issued if they are delivered to the official address of the Panel member, that is, an address which a Panel member chooses to use and of which he has given prior notice in writing to the Secretary.
- (5) Any defect in the dispatch of a notice of meeting or in the issue of papers or agenda to any Panel member shall not affect the validity of the meeting or render its resolutions void.
- (6) Panel members will receive minutes of all Panel meetings.

4. Quorum and Chairman

- (1) The quorum for a Panel meeting is not less than half of the Panel members including the Chairman.

- (2) If a quorum is not present within 15 minutes after the time appointed for the meeting, the meeting shall be deemed cancelled or shall be reconvened on another date to be decided by the chairman of the meeting. The waiting time can be extended by a maximum of thirty minutes subject to the agreement of the chairman of the meeting and the simple majority of Panel members present at that meeting.
- (3) Where a disclosure is made under section 10(3) and the Panel member concerned is neither required to withdraw from the relevant meeting nor permitted to vote, then for so long as the matter to which the disclosure relates is being discussed or considered at such meeting, his presence is disregarded for the purpose of forming a quorum for the meeting.
- (4) At a Panel meeting –
 - (a) if the Chairman is present, he is to be the chairman of the meeting;
 - (b) if the Chairman is not present, the Panel members present are to choose one of them to be the chairman of the meeting.

5. Order of Business

- (1) The order of business at any Panel meeting shall be –
 - (a) to approve as a correct record the minutes of the previous meeting;
 - (b) to deal with matters arising from the minutes of the previous meeting;
 - (c) to discuss item(s) on the agenda; and/or
 - (d) to consider any other business on the agenda.
- (2) This order of business may be varied by the chairman of the meeting.

6. Conduct of Business

The Panel may deal with matters submitted to it for decision either by circulation of papers or by discussion with the prior approval of the Chairman.

7. Register of Attendance

- (1) A Register of Attendance that records the attendance of Panel members at Panel meetings shall be kept and maintained by the Secretary.
- (2) The Register shall be, subject to section 7(3) below, available for public inspection during office hours from Monday to Friday (with the exception of public holidays).
- (3) Upon receipt of any member of the public's request to inspect the Register, the Secretary shall arrange a time and date for the inspection to take place which will normally be within two (2) working days of receipt of such request.

8. Voting Rights

- (1) Subject to the prior agreement of the chairman of the meeting, a matter coming before a meeting of the Panel may be determined by the simple majority votes of those Panel members present and voting.
- (2) Subject to section 8(3) and 10(3), each Panel member present at a Panel meeting has one vote.
- (3) In relation to any matter on which a decision is taken by a vote in a Panel meeting pursuant to section 8(1), and in the event that voting is equally divided, the chairman of the meeting has a casting vote.

9. Suspension and Adjournment of Meetings

At a Panel meeting, the chairman of the meeting may, with the consent of the simple majority of Panel members present, suspend or adjourn the meeting at any time.

10. Declaration and Registration of Interests

- (1) A Panel member shall disclose to the Authority any registrable interest that he has by filling in the form as advised by the Secretary from time to time –
 - (a) on his first appointment;
 - (b) annually at the beginning of the term of re-appointment;
 - (c) on becoming aware of the existence of an interest not previously disclosed under this set of guidelines; and
 - (d) after the occurrence of any change to an interest previously disclosed under this set of guidelines.

- (2) For the purposes of section 10(1), a “registrable interest” includes –
 - (a) proprietorships, partnerships or directorships of any public or private companies;
 - (b) remunerated employments, offices, trades, professions or vocations;
 - (c) shareholdings in any companies, public or private (1% or more of the issued share capital of the company);
 - (d) land or property holdings in the Hong Kong Special Administrative Region; or
 - (e) other declarable interests including, but not limited to, the following –
 - (i) membership of boards, committees and other organizations the focus of work of which is related to that of the Authority; and
 - (ii) consultant, client, or other important relationship(s) with the companies, firms, clubs, associations or any organizations which may have direct or indirect official dealings with the

Authority. Important relationship refers to the interest arising from such relationship which in the eyes of the objective and reasonable general public may influence the judgement of the member concerned.

- (3) Where a Panel member present at a Panel meeting is in any way directly or indirectly interested in any matter which is to be discussed or considered by the Panel at the meeting –
 - (a) he shall –
 - (i) disclose at the meeting the nature of his interest (and such disclosure is to be recorded in the minutes of the meeting);
 - (ii) withdraw from the meeting while the matter to which the disclosure relates is being discussed or considered, unless –
 - (A) if he is not the chairman of the meeting, he is permitted by the chairman of the meeting to take part in such discussion or consideration; or
 - (B) if he is the chairman of the meeting, two-thirds of the other Panel members present at the meeting decide so to permit him; and
 - (b) he shall not –
 - (i) vote on any question concerning the matter, unless –
 - (A) if he is not the chairman of the meeting, he is permitted by the chairman of the meeting to vote on the question; or
 - (B) if he is the chairman of the meeting, two-thirds of the other Panel members present at the meeting decide so to permit him; or
 - (ii) influence or seek to influence a decision of the Panel concerning the matter.
- (4) If it is known to the Chairman that a Panel member is in any way directly or indirectly interested in any matter which is

to be discussed at a forthcoming meeting or to be decided by circulation of paper before the relevant paper is circulated-

- (a) the Chairman should decide whether circulation of the paper to the member concerned should be withheld. If so, the Chairman should inform the member concerned of his decision in writing. In the case of meeting, the member concerned should not attend that part of the meeting at which the relevant item is discussed; and
 - (b) any such case of known interest should be made known to the meeting at its beginning. The meeting should also be informed of the action taken by the Chairman.
- (5) For the purposes of section 10(3), circumstances in which a Panel member is to be regarded as being directly interested in any matter include, but not limited to –
- (a) private interests in the outcome of the deliberation of a matter in which private interests include both the financial and personal interests of Panel members;
 - (b) any of the holding of shares in or a partnership interest in or a directorship of /employment by or an office in the company, firm or any other entity which is connected with, or the subject of, a matter under consideration by the Panel; or
 - (c) any other circumstances that would or could enable a Panel member to prosper or to be relieved of some liability as a result of the Authority’s deliberation upon a matter.
- (6) For the purposes of section 10(3), circumstances in which a Panel member is to be regarded as being indirectly interested in any matter include, but are not limited to connections in respect of family members, relatives, friends, clubs and societies to which a Panel member belongs, and people to whom they owe a favour or are obligated in any way and a matter under deliberation;
- (7) Panel members should refer to the “Guidelines on Declaration of Interests” set out in Appendix in case of

doubt.

- (8) If a Panel member is in receipt of a paper for discussion or a circulation paper seeking members' decision which he knows presents a conflict of interest, he should inform the Secretary as soon as possible and prior to the meeting. The Member should return the concerned paper to the Secretary. The Secretary should bring this to the attention of the Chairman. Any such case of known interest should also be made known to the meeting at its beginning.
- (9) A Panel member need not attend in person at a meeting in order to make a disclosure if he takes reasonable steps to secure that the disclosure is made by a notice in writing which is brought up and read at the meeting. Where a disclosure is made, it shall be recorded in the minutes of the meeting.
- (10) The Authority shall establish and maintain a register relating to any disclosure required to be made under section 10(1) at its principal office.
- (11) Where a Panel member makes a disclosure as required by section 10(1), the Authority shall cause his name and the particulars of the disclosure to be recorded in the register, and if a further disclosure is made, the Authority shall cause particulars of the further disclosure to be recorded in the register.
- (12) The register shall be uploaded to the Authority's website and be available for public inspection during office hours from Monday to Friday (with the exception of public holidays). Upon receipt of any member of the public's request to inspect the register, the Secretary shall arrange a time and date for the inspection to take place which will normally be within two (2) working days of receipt of such request.

11. Arrangements During Tropical Cyclones and Rainstorms

- (1) Panel Meetings shall continue to be held when Tropical Cyclone Warning Signal No. 1 or No. 3 is hoisted or Amber Rainstorm Signal is issued.
- (2) Panel Meetings shall, unless directed otherwise by the chairman of the meeting, be cancelled if, within two hours before the appointed time of the meeting, Tropical Cyclone Warning Signal No. 8 or above is hoisted or remains in force or the Red or Black Rainstorm Signal is issued or remains in force.
- (3) If Tropical Cyclone Warning Signal No. 8 or above is hoisted or the Red or Black Rainstorm Signal is issued while a Panel meeting is in progress, the chairman of the meeting shall decide whether to adjourn or continue with the meeting.
- (4) The chairman of the meeting shall also decide whether to adjourn or continue with the meeting if other unforeseen circumstances arise.

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**Guidelines on Declaration of Interests by
Members of the Consultation Panel of
the West Kowloon Cultural District Authority**

General Principles

When a Panel Member (including the Chairman) has a potential conflict of interest in a matter placed before the Panel, he should make full disclosure of his interest. The basic principle to be observed is that Members' advice should be disinterested and impartial and it is the responsibility of each Member to judge and decide if the situation warrants a declaration, and to seek a ruling from the Chairman in case of doubt.

Potential Conflict of Interest Situations

The following are potential conflict of interest situations:

1. Pecuniary interests in a matter under consideration by the Panel held either by the Member or by any close relative of his. The Member himself is the best judge of who, in the particular circumstances, is a "close relative".
2. A directorship, partnership, advisory or client relationship, employment or other significant connection with a company, firm, club, association, union or other organisation which is connected with, or the subject of, a matter under consideration by the Panel.
3. Some friendships which might be so close as to warrant a declaration in order to avoid the situation where an objective observer may believe that a Member's advice has been influenced by the closeness of the association.
4. A Member who, as a barrister, solicitor, accountant or other professional adviser, has personally or as a member of a company, advised or represented or had frequent dealings with any person or body connected with a matter under consideration by the Panel.
5. Any interest likely to lead an objective observer to believe that the Member's advice may have been motivated by personal interest rather than a duty to give impartial advice.