West Kowloon Cultural District Authority

M+

Acquisition Policy

Approved by the Board of West Kowloon Cultural District Authority on 12 June 2012
TABLE OF CONTENTS

1. PURPOSE ........................................................................................................................................... 3
2. BACKGROUND ................................................................................................................................... 3
3. OUTLINE ........................................................................................................................................... 4
4. COLLECTION STRATEGY .................................................................................................................... 4
5. PROCEDURES .................................................................................................................................... 12
6. DISPOSITION/DEACCESSIONING ...................................................................................................... 16
7. ETHICS AND STANDARDS ................................................................................................................ 17
8. CONDITIONS OF GIFTS AND BEQUESTS ......................................................................................... 18
9. REVIEW OF THE ACQUISITION POLICY ......................................................................................... 18
   APPENDIX I ......................................................................................................................................... 19
   APPENDIX II ....................................................................................................................................... 20

(Please note that to secure the museum’s ability to negotiate with potential sellers and donors, the knowledge of some precise numbers in this document has to be limited to the Interim Acquisition Committee, Museum Committee and WKCDA Board)
**PURPOSE**

1. This policy aims to lay down the strategy for building the M+ collection in the short-to-medium-term perspective. This policy is intended to be revisited on a recurring basis as the research and expertise of the M+ team develop.

**BACKGROUND**

2. The Museum Advisory Group’s (MAG) report to the Consultative Committee of 23 November 2006 stated the following:

   ‘Given the nature of M+ and the changing environment, MAG considers that the collection strategy should be broad and general at this stage and recommends as follows:

   The collection may focus on 20\textsuperscript{th} and 21\textsuperscript{st} century visual culture, beginning with visual art, design, moving image and popular culture from Hong Kong, expanding to other regions of China, Asia and the rest of the world.

   Hong Kong has rich collections of ink art works. M+ should try to attract these collections, to showcase this important visual form and its interplay with other art forms.’

3. The report also calls for M+ to:

   ‘acquire, conserve, research and exhibit, as well as communicate and inspire for the purposes of study, education, enjoyment and appreciation of the material evidence of people and their environment.’

4. A sum of HKD 1.7 billion is allocated as “Collection and Collection related costs” in the financial plan of West Kowloon Cultural District Authority (WKCD) for M+, of which HKD 1.0 billion is specifically earmarked for initial acquisitions. As indicated in the Appendix to the Business Plan 2012-13 and Corporate Plan 2012-2015 (issued in March 2012) of the WKCD, it is planned that the first acquisitions to the museum collection will be made by 2012-13 for approximately HK$ X million and thereafter around HK$ X million per year up to 2017 will be spent for the collection. The actual timeline of acquisitions will be subject to the opportunities that may arise after consultation with the Curatorial Acquisitions Group (as defined in paragraph 43). The strategy, criteria and approving procedures for acquisitions are set forth under “Collection Strategy” and “Procedure”.
A number of Stakeholders’ Roundtable discussions focusing on acquisitions and presentation of collections were held in February, March and October 2011 for the purpose of informing and assessing the ideas outlined in this document.

**OUTLINE**

6 M+ plans to build a world-class collection representative of the 20th and 21st century visual culture in the period between 2012 and 2018. The collection will form and become the “backbone” of the museum, constantly in dialogue with the temporary exhibitions, programmes and educational activities in the museum. In addition to providing a historical reference to the contemporary, the collection will also be re-interpreted, re-evaluated and re-written by the temporary programmes.

7 The ambition of M+ does not merely lie in building a collection that reflects its time and place – much in the same way as other world-class museums such as MoMA in New York and the Centre Pompidou in Paris have begun building their respective collections in a certain environment at a particular time. Any visitor that encounters the M+ collection in a decade from now should experience that he/she is in Hong Kong, in China and in Asia, but also in the world. It is therefore our ultimate goal to build a collection that looks at the world from a Hong Kong perspective, in which global developments in visual culture will be filtered through the lens of what is relevant to Hong Kong’s current place in the world.

8 It is crucial to emphasise that building a world-class collection on such a scale from scratch is a serious and complex task, filled with numerous challenges, as these initial acquisitions will undoubtedly shape the future composition of the collection. Thus, collecting for a museum brings together three components: strategy, research and opportunity; in which the strategy will naturally and inevitably be influenced, evaluated, evolved and adjusted in order to reflect on and accommodate the developments of new research as well as the materialisation of unforeseen opportunities.

**COLLECTION STRATEGY**

A. **BUILDING THE CORE**

9 The strategy for collecting works of visual culture will vary significantly over time as the collection grows and develops. The proposed strategy aims at building a core collection for M+. An important part of it is based on the soliciting of donations of whole collections or groups of works from private collectors and foundations.
A part of the strategy is to regard a portion of the M+ acquisition funds as ‘seed money’, using a mixed ‘donation and acquisition’ approach that follows the Panza/d’Offay model (see Appendix II). It will also be important to complement these groups of works, not the least when it comes to contemporary works and objects, with direct acquisitions from galleries, auctions, artists and private collectors, as well as with donations of individual works from collectors and artists.

M+ will also be commissioning works directly from the artists as a way to produce a wide range of works that would have the potential of entering the collection. These approaches clearly indicate that building the M+ collection is and should be viewed as an organic and fluid process, which can only be regulated by a strategy to a certain extent.

B. ACQUIRING WITH FORESIGHT

“Buy early – or wait for historic validation?” – This is an important strategic question, but the answer is highly dependent on what has already come into the collection, not the least via donations. In general, when one studies the European or American art institutions that have put together world-class museum collections, one tends to come to the conclusion that these institutions often acquired/purchased early, thus taking the risk of acquiring works that may not appear to be ‘significant’ from a historical perspective. The general view of this practice is that if, for instance, only ten percent of the acquired works emerges at a later stage as historically important, it is then a ‘risk’ worth taking. This does not mean that acquisitions should be made without exercising strict discipline in selecting and acquiring works. It should however afford a greater flexibility in relation to the geographical core of the collection (Hong Kong) than the periphery (outside Asia) as demonstrated by the model described in Para 18-21.

C. COLLECTING PRIORITIES

The M+ collection strategy will be shaped by the following priorities consisting of (I) three strategic areas of concern relating to chronology, geography and various fields amidst the complexity of visual culture and (II) one or more of the seven criteria relating to the quality and nature of the acquired work.
(I) STRATEGIC AREAS OF CONCERN

The Collection Time Period

14  *M+ will be a new type of cultural institution with its mission to focus on the 20th and 21st century visual culture, broadly defined, from a Hong Kong perspective, the perspective of now, and with a global vision.*

15  To act in accordance with focusing on ‘the perspective of now’, as stated in the MAG paper and quoted above, the composition of the collection must be flexible in its representation of “time”. This implies that the issue of how far back in time the entire collection, or how comprehensive the collection for each of the fields illustrated below ought to be, should and will be determined by the respective work and discipline, as well as the preferred logic of presentation. Collecting cannot just be an end in itself, but should be determined by the functions which we expect the collections to serve.

16  Collecting with a ‘perspective of now’ is more than collecting the most recent, but having the collecting priorities be shaped by a perspective alert to emerging developments in cultural production, such that acquisitions – historic or contemporary – must be relevant to current trends, discussions and research in contemporary culture in order to meet the goal of establishing a new type of cultural institution that echoes the hybridity, contemporaneity and urgency of its place.

17  Although employing the ‘perspective of now’ signifies an approximate starting point for each field of the collection, their formation and development have to be weighed against numerous factors such as the overall composition of the entire collection, the strengths and needs of each category of the collection, and the contemporary relevance of works in the face of a rapidly changing cultural landscape. This ultimately makes it impossible to define these points with a precise and inflexible date or timeline. Additionally, it is essential to bear in mind that the exhibition programme is not bound to a certain time configuration of the collection. The temporary exhibitions should be utilised as external elements to enhance and complement the changing historical narratives that the collection could frame and address.
The Collection Geography

18 The collection can be viewed as a number of concentric circles or as a spiral, which is in essence a materialisation of the corresponding relationships between different geographical zones in a globalised world. At the core of the collection will be visual culture from Hong Kong, represented by major works of contemporary Hong Kong art to provide a rich context on the development of creativity in the city, which is a natural manifestation that facilitates the enforcement of our emphasis on physical, visual and cultural locality.

19 Expanding immediately from this focal point will be a rich and comprehensive collection of visual culture from China. Naturally, and strategically, other parts of Asia should be represented substantially to reflect the connections among these regions.

20 Besides these critical components, the outer circle functions as a metaphor for the rest of the world in which the collection would reflect the historical implications of local, regional and global networks on visual cultural production that will bring about a more nuanced understanding of cultural hybridities across Asia and their relationships to the rest of the world.

21 When selecting works of art or objects of the visual culture sphere from this geography, we must be more strategic and precise in its application. This is in no way an exercise in isolation, but a more focused approach in building the collection. Thus, strong arguments and/or elaborations should be presented as to why this artist and/or that work should enter the collection. This, following the logic of ‘the closer it gets, the richer it becomes’, is attuned to our objective in building a leading museum in the region from a Hong Kong perspective with a global vision.

Fields of Focus amidst the Complexity of Visual Culture

22 In recent years, many of the most interesting elements or works in visual culture have emerged in the thresholds between the different fields of Visual Art, Moving Image, Design and Architecture. While this trend of interdisciplinary approach is visible in many parts of the world, it is made more apparent by the amplification of Asia’s, and especially Hong Kong’s, fluid creative climate, where collaborations and crossovers between different professions and fields have become the norm in many practices.

23 This is also evident in how aspects of popular culture with strong roots in Hong Kong, such as those in the form of comic strips, animation, street art, computer games, and
neon signage, have a productive relationship and overlap with one or more fields of Visual Art, Moving Image, or Design and Architecture. Therefore, for the purpose of this acquisition policy, Popular Culture is not considered as an individual standard category or field, but is nevertheless represented in one or more of the fields listed in Paragraphs 32-35.

24 It is undeniable that the relationships between different types of visual cultural practices have moved into a complex territory. These movements have restructured the preconceived, basically Western, understanding of any rigid boundary between Visual Art and other aspects of visual culture. Many artistic productions or other forms of creation today could be accounted and registered under a variety of categories. The collection should reflect the significance of the vital exchange within these interdisciplinary models.

25 M+ will deploy this recent and more global concept of “art”, coupling it with a degree of flexibility afforded by the notion of ‘interdisciplinarity’ as a starting point, to develop a collection presentation that can function as a portal through which various aspects of visual culture may be investigated and explored, both autonomously and collectively, while retaining the specificities and histories of each genre or type of practice.

26 Given the rapid development of new concepts, technology and means of production today, the collectible media for all visual cultural fields should mainly consist of, but not limited to, drawing, electronic media, film, print, installation, intangibles, painting, photography, printed matter and sculpture. Each of these entails a completely distinct set of conservatory requirements. This is why special care should be applied to the documentation of conservatory requirements of any special media.

27 It is thus imperative to also establish a clear strategy in collecting works of art or objects of more ephemeral character. As modes of expression have evolved rapidly in contemporary artistic production, practices such as time-based or performance art, or art made of materials that deteriorate, have emerged as major trends in shaping and defining the course of contemporary artistic history. The expectation of eternal existence of an object or an artwork has become more and more challenged. Although some museums in principle do not collect works and objects with a limited life span, many others maintain the opposing view and position by honouring the nature of the work or object as intended at its conception. M+ takes the latter stance – that a work of art or object should be judged by its artistic and cultural importance rather than the potential length of its existence.
In some specific fields of visual culture, it is likely that substantial holdings may already exist in other public institutions in Hong Kong. It is worth exploring the possibilities of securing long-term loan arrangements with the responsible institution in order to optimise the usage of resources as well as avoid the unnecessary prospect of duplication.

**Collection Fields:**

To further elaborate and illustrate the configuration of the M+ collection, the following are samples of fields and categories that should be given special attention. However, it is vital that the collection should not be confined and limited to the items listed below under each field. Also, in light of the increasing interrelations between the various fields, some of the listed type of works or media are in no way exclusive to one field or category, but could be represented in one or more of the fields listed below.

The collection for each field will also be accompanied by archival materials that include everything from sketchbooks, printed ephemera, study models, and audio-visual materials that will play a significant role in documenting and interpreting works in the collection.

With the increasing expertise afforded by the M+ curatorial team, a more specific acquisition policy for each field will also be formulated over time.

(a) Visual Art

Spanning a wide range of media – from paintings, ink art, sculpture, installations, printed matter, drawings, and photography to variable media and time-based art such as performance, video, digital and sound art – the Visual Art collection would reflect developments of decisive historical, emergent moments and the expansive terms of art-making today.

(b) Moving Image

The Moving Image collection will comprise largely of seminal films, experimental cinema, documentary, animation, and video/computer games exploring the art, history, technology and creative use of the medium, its engagement with issues of the day, and role as catalyst for public discourse.
(c) Design and Architecture

34 The Design and Architecture Collection will be built on the premise of ‘design’ and ‘architecture’ as a category and as a process, consisting of finished products and materials that reveal the context and dimensions of professional design practice spanning disciplines such as architecture, communication design, industrial design, furniture, interiors, fashion, and digital design, and their relation to socio-cultural-technological significance.

(d) Public Art

35 The commissioning and acquisition of public art in both the West Kowloon Cultural District and potentially other locations – which could be in the form of a work under the category of Visual Art, Moving Image, or Design and Architecture – will follow the same principles outlined in this acquisition policy.

(II) ACQUISITION CRITERIA

Creative & Aesthetic Excellence

36 The creative and aesthetic quality of a work of art, design or film should be of the highest possible nature in relation to its position within the creative oeuvre, within its artistic or historical period, and finally within its particular cultural tradition. The work should illustrate a significant development of a specific technique, exemplify excellence in craftsmanship, and increase the understanding of a method of construction of a particular class of collected works.

Historical & Documentary Significance

37 The work should fulfil one or more of the following with regard to historical and documentary significance: it should contribute significantly to the history of the art, design and film collected by the Museum; it should be datable work by an important artist or workshop; have significant provenance, associated with an important social, cultural or political event; provide evidence of the workings of a specific industry and/or trade; be or have been regarded as particularly significant for reasons related to creative excellence, intellectual exploration, social commentary and research/educational value. The work should throw light on other objects in the collections; it should provide a record of a way of life; reflect the taste of a certain period in a particularly evocative manner.
Establishing the Core

38 Considering that this is the beginning phase of the collection, it is important to acquire significant pieces that can function as seeds in growing the future collection. The proposed strategy thus aims at building a core collection for M+ by soliciting donations of whole collections or groups of works from private collectors and foundations.

Capacity as a Catalyst

39 A collection’s quality is not only dependent on the quality of individual works but also on how the works together, in different combinations, can tell the multiple stories of the 20th and 21st Century visual culture. Building a collection is a cumulative process, where existing works also formulate what the coming works should be. Given the position that a large base in the collection will be put in place through donations of groups of works or whole collections, the decision to choose and to acquire an individual work may have an unusually strong strategic character.

Condition

40 The physical state of preservation of the work of art must be the best possible for the type of work under consideration, and to the extent that there are restorations, these must not be so great as to compromise the original integrity of the work of art.

Attribution and authenticity

41 It is the responsibility of the curatorial staff to establish as precisely as possible the correct attribution and authenticity of all works of art recommended for acquisition. Works will not be knowingly acquired or recommended for acquisition if they have been collected or obtained under illegal circumstances.

Legal Title

42 The legal title of a work of art should be available or obtainable free and clear of restrictions or qualifications. If restrictions or qualifications are unavoidable and acceptable to the museum, they must be approved by the M+ Board or the WKCDA Board, depending on the purchase price/value of the work. Every effort must be made to establish clear title and full provenance of the work under consideration. When a work of art is acquired by purchase for a financial consideration, title will be deemed to be transferred on the date when payment is made.
PROCEDURES

A. CONDITIONS FOR ACQUISITION

43 M+ may acquire works by purchase, gift, bequest, exchange, transfer, or commission – either from its own resources or from monies donated specifically for this purpose. All proposed acquisitions should be carefully reviewed and critically discussed by the Curatorial Acquisitions Group which consists of the Executive Director, M+ (Executive Director) and the curatorial staff as appointed by the Executive Director.

44 Long-term loans are often proposed as alternatives to donations. A strict policy regarding long-term loans is needed. In general M+ does not accept long-term loans of works of art or unique objects if the object does not belong to a museum, trust or any other similar entity that makes a sale of the object impossible. Otherwise, the museum could be in danger of becoming a ‘display window’ for works of art that would later surface in the market, endorsed and validated by the museum at a cost (insurance, conservation, etc.) to the institution. This restrictive view on long term loans is a common practice in most major museums worldwide.

45 A museum should be uncompromising in its decisions with the works it acquires; it should not steer away from the most important or major works of art on the basis of practical issues, such as storage limitation, installation specification or any other similar reason.

46 Authorisation and procedures vary according to the purchase price or fair market value, whereas the criteria for acquisition remain the same.

47 The development of the collections must be made on the recommendation and with the guidance of the curatorial staff and must be within the policy and functional framework of the museum. Staff recommendations are based on their expertise and on the research presented in the written justification. Works of art recommended for acquisition will be judged, where appropriate, according to the criteria listed under Acquisition Criteria.

B. PROCEDURE AND AUTHORISATION OF ACQUISITIONS

48 Purchases or acquisitions by gift or bequest are approved by different tiers of authority according to the purchase price or fair market value of the works of a single purchase/acquisition:
• the Executive Director, where the purchase price/value is less than HKD X00,000

• the Acquisition Committee where the purchase price/value is less than HKD X,000,000

• the M+ Board, where the purchase price/value is less than HKD X0,000,000

• the WKCDA Board, where the purchase price/value is HKDX0,000,000 or more

49 The M+ Board is formed under the WKCDA Board and the Acquisition Committee is formed under the M+ Board. The M+ Board is composed of six to eight members of the WKCDA Board (with the Chairman to be a member of the WKCDA Board) and four to seven external members who are to be appointed by the WKCDA Board. The Acquisition Committee is composed of four to six members of the M+ Board (including the M+ Board Chairman) and not less than one but not more than four external members who are to be appointed by the M+ Board with the endorsement by the WKCDA Board.

Written Justification

50 A written justification will be required in those cases where a decision to acquire an artwork is to be made by the Executive Director and where the acquisition requires the approval of the Acquisition Committee. The Executive Director shall report all acquisitions made by him together with a written justification for each such acquisition to the M+ Board and the WKCDA Board on a quarterly basis. Where the approval of the Acquisitions Committee, the M+ Board or the WKCDA Board is required, the discussion based on a written request for approval and a written justification for each work presented, is usually conducted in front of the work of art being considered and where this is not possible under exceptional circumstances (for example, in the case of works at auction), a photograph of the work to be considered must be made available to the Curatorial Acquisitions Group, and a member of staff or designated representative of the museum must have examined the object in situ.
The written justification includes:

- basic catalogue information
- all criteria directly applicable to the work of art being considered
- biographical information (where applicable)
- a discussion of the importance of the work for the collection
- a substantiation of the price or fair market value
- an estimate of follow-on cost for conservation, storage and installation
- conservation report

An acquisition is accepted when more than half of members of the Acquisition Committee/ M+ Board/WKCDA Board are in favour of the proposed work.

For the purposes of the Hong Kong dollar ceilings expressed above, “purchase price” refers to the transaction price for the work(s) of art to be acquired, and where applicable, includes auction house commissions.

If the only reason for determining fair market value is for the purpose of establishing the authority required for approval, approximation of the value may be determined by the Executive Director.

C. PROCEDURES FOR THE ACQUISITION OF WORKS OF ART OF HKD$00,000 OR MORE (SINGLE PURCHASE/ACQUISITION)

All acquisitions considered by the Acquisition Committee will be brought forward by a curator on the recommendation of the Curatorial Acquisitions Group. The curator recommending a work of art to the Acquisition Committee will provide the written justification as outlined above and will participate in the Acquisition Committee’s full deliberations.

When an independent appraisal is warranted, the Acquisition Committee will by resolution take the necessary steps to obtain it from (i) an expert advisor or (ii) a recognised art dealer or auction house provided that there is no conflict of interests.

The different tiers of authority can set conditions and price ceilings for negotiation purposes. All negotiations will be conducted by a member of the M+ team as appointed by the Executive Director in the presence of a witness who is also appointed by the Executive Director for example, another member of the M+ team, a senior member of other
departments of the WKCDA or a member of the Acquisition Committee, based on the price approved and the conditions and price ceilings set by the Acquisition Committee/M+ Board /WKCDA Board. The salient points and the results of the negotiation will be documented and reported to the approving authority and where practicable, the negotiation team should seek approval-in-principle before concluding the deal.

58 All works of HKD X,000,000 or more and less than HKD X0,000,000 will be presented to the M+ Board and all works of HKD X0,000,000 or more will be presented to the WKCDA Board after recommendation of the Acquisition Committee. The M+ Board or the WKCDA Board, as the case may be, will then act as the “acquisition committee” in becoming the responsible authority for the acquisition.

59 For works of art offered at auction, a summary justification along with an image will be sent to the Acquisition Committee members, or to the M+ Board if the amount is HKD X,000,000 or more and less than HKD X0,000,000, or to the WKCDA Board if the amount is HKD X0,000,000 or more for determining the conditions for bidding such as the price approved and the price ceiling including all premiums and taxes. A conference call may be convened, in order to decide whether M+ will bid and to determine the conditions for bidding and where necessary, also to seek further instruction from the approving authority. The bidding will be conducted by a member of the M+ team as appointed by the Executive Director in the presence of a witness who is also appointed by the Executive Director for example, another member of the M+ team, a senior member of other departments of the WKCDA or a member of the Acquisition Committee, based on the conditions set by the Acquisition Committee/M+ Board /WKCDA Board.

60. M+ management will report to the M+ Board and the WKCDA Board on the purchases made or donations received on a half-yearly basis.
D. PROCEDURES FOR THE ACQUISITION OF COMMISSIONED WORKS OF ART

61 M+ will ask for the right of first refusal for all artworks commissioned by the museum. The decision-making process after completion will be handled in the same way as an acquisition or gift proposal.

E. GOVERNANCE

62 WKCDA will establish a Collection Trust to be the legal owner and to hold the collection (together with other collections and collectibles) under separate legal ownership from the legal entity responsible for the day-to-day management and conduct of M+. For charitable cash donations, a Foundation Trust will be established under the M+ Board.

F. CO-OWNERSHIP

63 M+ will consider co-ownership only on an exceptional basis. In such exceptional cases, and to avoid uncertainty, the details of the agreement and the rights and obligations of each party will be clearly documented.

DISPOSITION/DEACCESSION

64 A disposition is the permanent alienation from M+ of a work in its collection and will only be undertaken under exceptional circumstances. No work may be disposed of contrary to the terms on which it was purchased, given, bequeathed or otherwise made available to M+.

65 The proceeds from a sale of a work are credited to the Acquisition Account for future purchase of works of art.

66 Where a work of art sold was acquired by gift or bequest, further purchases of works of art from these proceeds will be in the name of the original donor or bequeather.

67 Further, deaccession shall be governed by the “General Principles on Conditions of Deaccession From Museum Collections” contained in the Resolution adopted by the General Assembly of CIMAM (International Committee for Museums and Collections of Modern Art) – Mexico D.F. November 10, 2009.
ETHICS AND STANDARDS

68  In its collecting activities, M+ should act in a responsible manner to preserve humanity’s artistic and cultural heritage. Illegal, unethical or irresponsible traffic in works of art is prohibited. M+ is especially concerned to establish proper title and unquestionable provenance of the works in its collection, conforming to national and international ethical standards.

69  A work, design object or other item of visual culture shall not be excluded from being collected by M+ for reasons not related to the quality or importance of the item itself, e.g. the gender, race, political affiliation, ethnicity or religion of the artist, designer or author.

70  In all collection-related activities, the Executive Director, museum employees and members of the Acquisition Committee, M+ Board as well as the WKCDA Board and any other persons who are in a position of responsibility, shall make every effort to anticipate and address situations in which a conflict of interest or the appearance of a conflict of interest, whether direct or indirect, exists. All interests that may be in conflict with an acquisition have to be declared in written form to the WKCDA before the start of the relevant acquisition discussion. The interested person is generally not required to withdraw from the relevant meeting but he/she will be disregarded for the purpose of forming a quorum to the meeting. He/she shall not vote on any question concerning the acquisition, influence or seek to influence the decision on the acquisition, or use or seek to use any information for personal benefit or the benefit of any party other than the WKCDA such that the interest of M+ is prejudiced. Where the declared interest is material (as determined by the Chairman of the approving authority) or is a direct pecuniary interest, the interested person shall withdraw from the meeting and all relevant papers circulated to him/her shall be returned to the Secretary of the approving authority. When a direct pecuniary interest or material interest is known before the meeting, the Secretary shall withhold circulation of relevant papers to the interested person. All cases of declaration of conflict of interest and the decisions made to mitigate the conflict shall be recorded in the minutes of the meeting. Any employees of the WKCDA who are found to have abused his/her position or violated the conflict of interest requirement mentioned above may be subject to disciplinary action and/or summary dismissal. Any employees and board/committee members who are found to have abused his/her position or violate the conflict of interest requirement mentioned
above could also be subject to criminal sanction such as the common law offence of misconduct in public office.

71 Private collecting of works of art by the Executive Director and museum employees is acceptable provided that no private collecting by the Executive Director or museum employees conflicts in any way with the collecting interests of the museum. All museum employees shall declare annually to the Executive Director all personal art and design acquisitions worth more than HKD50,000 each and all personal art and design de-acquisitions worth more than HKD50,000 each. The Executive Director shall declare annually to the Chairman of the M+ Board all personal art and design acquisitions worth more than HKD50,000 each and all personal art and design de-acquisitions worth more than HKD50,000 each.

72 The monetary value of acquisitions, whether the purchase price or the fair market value for gifts and bequests, will be disclosed only by the Executive Director.

73 In instances where a vendor, a donor or a bequeather requests that the value of the acquisition remain confidential, the Executive Director shall seek the opinion of WKCDA’s general counsel or where appropriate, external legal advisor.

74 M+ shall not disclose the identity of the donor or bequeather unless he/she agrees to it.

**CONDITIONS OF GIFTS AND BEQUESTS**

75 M+ does not accept gifts or bequests where conditions are attached, unless these conditions are approved by the M+ Board or if the amount exceeds HKD0,000,000, the WKCDA Board.

**REVIEW OF THE ACQUISITION POLICY**

76 This acquisition policy shall be reviewed by the Acquisition Committee/M+ Board at least once every two years and any amendments to this policy shall be approved by the WKCDA Board.
APPENDIX I

REFERENCE DOCUMENTS

National Gallery of Australia - Acquisitions Policy, 2006
Museum of New Zealand Te Papa Tongarewa - Annual Report 2008/09
National Gallery of Canada - Acquisitions Policy, 2011
Professional Practices in Art Museums - Association of Art Museum Directors, USA 2011
Acquisition Policy and Procedures of the Irish Museum of Modern Art
Acquisition policy of the Musée National d'Art Modern, Centre Pompidou, Paris
Count Giuseppe Panza di Biumo was one of the great collectors of first American Abstract Expressionism and early Pop Art as well as American Minimalism, Light/Space and Conceptual Art. His transactions with MOCA (Museum of Contemporary Art in Los Angeles) in 1984 and the Guggenheim Museum in 1991 became a model for transferring major collections from a private collector to a museum. The museums paid what had been estimated to be between 20-25% of the market value to the collector, thereby both confirming the commitment from the museum’s side and reimbursing the collector for the approximate cost at the time of the original acquisition. The sums paid (USD 11 million and USD 30 million respectively) were still substantial by museum standards.

Anthony d’Offay was the owner of one of London’s most prominent art galleries from 1980 to 2002. In 2006, The National Galleries of Scotland and Tate acquired a collection of 725 works from Anthony d’Offay for GBP 26.5 million – the sum d’Offay originally paid for it. The collection was valued at GBP 125 million, meaning that the museums paid 21.5% of the market value. In 2000, renowned German/ Jewish gallery owner and collector Heinz Berggruen sold his collection of modern masterpieces, including Pablo Picasso, Alberto Giacometti, Georges Braque, Paul Klee and Henri Matisse, for Euro 120 million—one-tenth of its value—to the State of Berlin, Germany. The Berggruen Collection is now part of the National Gallery of Berlin and a museum has been named after him.