

## **LEGISLATIVE COUNCIL PANEL ON HOME AFFAIRS**

### **Nomination of Representatives of Arts Interests for the Hong Kong Arts Development Council**

#### **PURPOSE**

This paper provides Members with information on the nomination of arts interests representatives for the Hong Kong Arts Development Council (HKADC) (the nomination exercise).

#### **BACKGROUND**

2. Established in 1995, the HKADC is a statutory body set up to promote the development of arts in Hong Kong. Under section 3 of the HKADC Ordinance (Cap. 472), the HKADC comprises 27 members, of which a Chairman, a Vice-chairman and not more than 22 other members shall be appointed by the Chief Executive. Pursuant to clauses (4) and (5) of section 3 of the Ordinance, of the 22 other members, up to 10 may be nominated by specified arts interests, viz. arts administration, arts criticism, arts education, Chinese opera (xiqu), dance, drama, film arts, literary arts, music and visual arts.

3. The arrangements of the nomination exercise have been drawn up having regard to the views of the HKADC and the arts community and past experiences. So far, seven nomination exercises have been conducted. Home Affairs Bureau (HAB) commissioned a consulting firm through open bidding as the nomination agent for each nomination exercise.

## THE 2010 HKADC NOMINATION EXERCISE

### *Four-phase Nomination Exercise*

4. Following past practice, the 2010 nomination exercise proceeded in four phases as outlined below –

(a) Phase 1 – registration of members of the nominating bodies  
(detailed eligibility criteria at **Annex A**)

- ◆ Eligible arts organisations<sup>1</sup> or individual arts workers<sup>2</sup> may register as members of the nominating bodies of the respective arts interests. Registered members of the nominating bodies are published in the gazette<sup>3</sup>.

(b) Phase 2 – voter registration  
(detailed registration guidelines at **Annex B**)

- ◆ Arts organisations which have been registered as members of the nominating bodies may register their members or their employees who engage in artistic productions or arts administration as voters<sup>4</sup>.
- ◆ Individual arts workers who are registered as members of nominating bodies in Phase 1 will automatically become voters and do not need to undergo voter registration

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<sup>1</sup> Eligible arts organisations should be registered bona fide arts organisations with an objective to promote arts development and set up for at least one year in Hong Kong prior to the commencement of the nomination exercise.

<sup>2</sup> Eligible individual arts workers should be current or former members, co-opted members, art advisers, examiners, awardees and grantees of the HKADC, or art advisers and grantees of the Leisure and Cultural Services Department (LCSD) or have collaborated with LCSD in holding art exhibitions / competitions or have participated in these programmes. Full-time or part-time teaching staff of local tertiary institutions, secondary and primary schools teaching arts subjects are also eligible for registration under “arts education”.

<sup>3</sup> Membership of the nominating bodies, once gazetted, will continue to be valid in subsequent nomination exercises without the need for re-registration unless the arts organizations / individual arts workers concerned wish to update their particulars or change the arts interests they have registered.

<sup>4</sup> Such voter registrations should be renewed in each nomination exercise as membership and staffing composition of arts organisations may change over time.

through arts organisations.

(c) Phase 3 – candidate nomination  
(detailed nomination guidelines at **Annex C**)

- ◆ Unless disqualified under section 3(6) of the HKADC Ordinance<sup>5</sup>, registered voters may seek candidature in their own arts interest. A valid candidate nomination should be backed by five proposers or 1% of the number of the registered voters from the same arts interest (whichever is the higher).

(d) Phase 4 – electioneering and polling

- ◆ Candidates may publicise their election platforms and are invited to attend a candidate forum organised by the nomination agent.
- ◆ Polling was held for three days from 17 to 19 September 2010 (Friday to Sunday) in order to facilitate voters' participation.
- ◆ Under a “cross voting system”, each voter may cast a maximum of 10 votes, one vote in each contested arts interest, for candidates standing for nomination. Introduced in 1999, the system aims to encourage members of the arts sector to take a broad view of the development of the dynamic sector. The respective number of registered voters for the 10 arts interests and a breakdown of the votes cast in the 2010 nomination exercise are set out at **Annex D**.

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<sup>5</sup> For example, being an employee of the Government or the Legislative Council Commission; being a judicial officer; being an officer or member of any armed forces; being a salaried functionary of a government of any place outside Hong Kong; being an undischarged bankrupt; being of unsound mind; having been sentenced to death or imprisonment for a term exceeding three months in Hong Kong or any other territories or countries, and has not either suffered the punishment to which he was sentenced or such other punishment as may have been substituted by competent authority or received a free pardon.

## ***Publicity Work***

5. For the nomination exercise in 2010, publicity was stepped up to promote understanding of the arts community towards the nomination exercise. Two briefing sessions were conducted for the public in March 2010 to introduce the arrangements of the nomination exercise and the work of the HKADC. In addition to press releases, radio broadcast, letter, emails, SMS and phone contacts, HAB adopted the following measures to enhance publicity on the nomination exercise –

- (a) establishing a dedicated website to provide up-to-date information on the nomination exercise;
- (b) placing advertisements of the nomination exercise on a number of newspapers (including Apple Daily, Headline Daily, Hong Kong Economic Journal, Ming Pao, Sing Tao and South China Morning Post) and arts magazines (including a.m.post, Artmap, finemusic, Muse and Time-out);
- (c) distributing publicity leaflets and placing posters at numerous venues including the offices of HAB and the HKADC; the Hong Kong Academy for Performing Arts; the Hong Kong Arts Centre; the Jockey Club Creative Arts Centre; the Sunbeam Theatre; the civic centres, museums and major libraries of the LCSD; and the Public Enquiry Services Centres of the 18 District Councils; and
- (d) hanging giant publicity banners on the exterior wall of the Hong Kong City Hall.

6. In response to the recommendations of the Director of Audit and the Public Accounts Committee of the Legislative Council, HAB also implemented the following improvement measures in conducting the 2010 nomination exercise –

- (a) lengthening the period for registration of members of the nominating bodies from 35 days in the 2007 nomination exercise to 42 days in 2010; and

- (b) stepping up voter registration efforts and lengthening the voter registration period from 35 days in the 2007 nomination exercise to 39 days in 2010. The nomination agent also spared no efforts in encouraging the nominating bodies to register their members as voters through various means including website, press releases, letters, e-mails and phone contacts.

7. Funding for the publicity of the nomination exercise has increased progressively over the years. The total expenditure for the exercise was about \$1.9 million in 2010, which was more than three folds as compared with \$560,000 in 2001.

### ***Result***

8. Members of the arts sector responded positively to the 2010 nomination exercise. A total of 1,909 members participated in the polling and a turnout rate of 27% was achieved, both were record high since the inception of the nomination exercise in 1995.

### **THE WAY FORWARD**

9. The terms of office of the HKADC current members will last until 31 December 2013. The next nomination exercise will be conducted in 2013 to return arts interests representatives to the HKADC for the new term commencing on 1 January 2014. We will work with the HKADC to consider measures that may help the smooth conduct of the 2013 nomination exercise.

**Home Affairs Bureau  
March 2011**

**2010 Nomination of Representatives of Arts Interests for  
the Hong Kong Arts Development Council**

**Eligibility Criteria for Registration as  
a Member of the Nominating Body of the Respective Arts Interests**

An arts organisation or an individual arts worker may apply to be a member of the nominating body of the arts interest(s)<sup>Note 1</sup> to which it/he/she belongs subject to the criteria set out at (1) or (2) below respectively.

(1) For arts organisations

- (a) The organisation should:
  - (i) be a bona fide arts organisation that aims at promoting the development of the arts; and
  - (ii) be a statutory arts organisation, or have registered under the Societies Ordinance, Companies Ordinance or Trade Unions Ordinance in Hong Kong; and
  - (iii) be formed and operated under a constitution or memorandum and articles of association; and
  - (iv) have been set up for at least one year before the date of commencement of the nomination exercise (i.e. 30 March 2010). In other words, an organisation set up on or after 31 March 2009 is not eligible to apply.
- (b) Multi-disciplinary organisations may apply in more than one arts interest.
- (c) Arts organisations that were specified in the gazette G.N.4115 on 29 June 2007 as members of the nominating bodies of the respective arts interests will continue their membership for the coming term. These organisations do not need to apply again unless they wish to update their particulars or change the arts interests for which they were registered in 2007.

(2) For individual arts workers

- (a) The arts worker should:
  - (i) be a current or former member, co-opted member, arts adviser or examiner of the HKADC, since its establishment on 15 April 1994; or
  - (ii) have been a winner of the arts achievement awards of the HKADC since 15 April 1994; or
  - (iii) have been successful in obtaining grant from the HKADC for arts projects submitted in his/her name since 15 April 1994 (including the participating arts workers listed in the applications for grant); or
  - (iv) have been successful in obtaining grant, financial sponsorship, venue sponsorship or performance fee from the Leisure and Cultural Services Department (LCSD) for arts projects submitted in his/her name since

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<sup>Note 1</sup> That are, Arts Administration, Arts Criticism, Arts Education, Chinese Opera (Xiqu), Dance, Drama, Film Arts, Literary Arts, Music and Visual Arts

- establishment of LCS D on 1 January 2000 (including the participating arts workers listed in the applications for grant/sponsorship); or
- (v) be or have been in collaboration with LCS D in holding arts exhibitions/competitions; or have participated in these exhibitions/competitions in his/her name since 1 January 2000; or
  - (vi) be a current or former arts adviser of LCS D since 1 January 2000; or
  - (vii) be a full-time or part-time teaching staff of local tertiary institutions<sup>Note 2</sup> (including their schools of continuing studies), secondary schools or primary schools in Hong Kong, of subjects relating to arts administration, arts criticism, arts education, Chinese opera (Xiqu), dance, drama, film art, fine art, literary arts, music or visual arts. (Remarks: Applicants qualified under this item should apply to be registered under the arts interest of “Arts Education”.)
- (b) Individual arts workers who were specified in the gazette G.N.4115 dated 29 June 2007 as members of the nominating bodies of the respective arts interests will continue their membership for the coming term. These individuals do not need to apply again unless they wish to update their personal particulars or change the arts interests for which they were registered in 2007.

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Note 2

Government subvented tertiary institutions (that is, 7 universities, the Hong Kong Academy for Performing Arts and the Hong Kong Institute of Education) and institutions providing full-time accredited self-financing post-secondary programmes, including Caritas Bianchi College of Careers, Caritas Francis Hsu College, Chu Hai College of Higher Education, Community College of City University, Hang Seng School of Commerce, Hong Kong Art School, HKBU College of International Education, HKBU School of Continuing Education, Hong Kong Central College, Hong Kong College of Technology, Hong Kong Institute of Technology, Hong Kong Shue Yan University, HKU SPACE Po Leung Kuk Community College, Community College at Lingnan University, Lingnan Institute for Further Education, The Chinese University of Hong Kong - School of Continuing and Professional Studies, The Chinese University of Hong Kong - Tung Wah Group of Hospitals Community College, The Hong Kong Institute of Education- School of Continuing and Professional Education, The Hong Kong Polytechnic University- Hong Kong Community College, The Hong Kong Polytechnic University- the School of Professional Education and Executive Development, The Open University of Hong Kong, HKU SPACE Community College, Vocational Training Council- the School of Business and Information Systems, Vocational Training Council- Hong Kong Institute of Vocational Education, Yew Chung Community College.

**2010 Nomination of Representatives of Arts Interests for  
the Hong Kong Arts Development Council**

**Guidelines for Voter Registration**

**I. Eligibility to Vote:**

- (1) A voter shall be aged 18 years or above; and
- (2) (a) be a member of an arts organisation which has registered as a member of the nominating body (organisational member) of this nomination exercise <sup>Note 1</sup>, and has joined the organisation for not less than one year <sup>Note 2</sup> prior to the start date of this nomination exercise, i.e. 30 March 2010; or
- (b) be an employee of an arts organisation which has registered as a member of the nominating body (organisational member) of this nomination exercise <sup>Note 1</sup>, and has been directly involved in arts creation, direction or performance in the organisation for not less than one year <sup>Note 3</sup> prior to the start date of this nomination exercise, i.e. 30 March 2010; or be a full-time employee of the arts organisation and has been responsible for co-ordination or promotion of arts events or stage management <sup>Note 4</sup> in the organisation for not less than one year <sup>Note 3</sup> prior to the start date of this nomination exercise, i.e. 30 March 2010; or
- (c) be an individual arts worker who has registered as a member of a nominating body of this nomination exercise <sup>Note 1</sup>.

**II. Application Procedure:**

- (1) For those who are members/employees of arts organisations which have been registered as organisational members of the nominating bodies <sup>Note 1</sup>, they can apply to be registered as voters through the organisations. For those organisations registered as members of the nominating bodies in 2007 or in the years before, they must submit voter registration forms afresh on behalf of their members this year. The organisations concerned must send the completed registration forms to the Nomination Agent <sup>Note 5</sup> by fax, by e-mail, by mail or by

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Note 1 That is, members of the nominating bodies as specified in the Gazette G.N.3329 published on 11 June 2010.

Note 2 If a member joined an arts organisation, which has registered as a member of the nominating body (organisational member) of this nomination exercise, for less than one year but has, prior to joining this organisation, been a member of one or more arts organisation(s) which is(are) also member(s) of the nominating body of the same specified arts interest as this organisation, and his/her membership with all these organisations counted together is not less than one year, then the organisation may produce for consideration by the Nomination Agent documentary proof of his/her membership record with these other arts organisation(s).

Note 3 If an employee joined an arts organisation, which has registered as a member of a nominating body (organisational member) of this nomination exercise, for less than one year, but has, prior to joining this organisation, taken similar positions in other arts organisation(s) which is(are) also member(s) of the nominating body, and his/her service with all these organisations counted together is not less than one year; then the organisation may produce for consideration by the Nomination Agent documentary proof of his/her employment record with these other arts organisation(s).

Note 4 This does not include employees involved in general administration, finance, human resources and other technical support duties in the organisation.

Note 5 That is, PR Concepts Asia Limited.



hand before the deadline, and ensure the legibility of all the information provided on the form(s). For postal applications, the deadline is determined by the postmark. Late submissions will not be accepted.

- (2) For those individual arts workers who have registered as members of the nominating bodies<sup>Note 1</sup>, they will automatically become voters and do not need to register.

### **III. Points to Note:**

- (1) Organisational members of the nominating bodies (the organisations concerned) must ascertain that applicants in the voter registration form agree to be registered as voters through them. Each applicant should be registered through only one organisation.
- (2) The applicants should be registered under the same arts interest<sup>Note 6</sup> of the organisation concerned. In cases of multi-discipline organisations where the organisations concerned have been specified as members of the nominating bodies of more than one arts interest, each of the applicants can be registered under one of the arts interests only.
- (3) If an applicant applies to be registered through more than one arts organisation, the Nomination Agent may contact the organisations concerned to clarify which arts organisation the applicant shall register with. The organisations concerned should inform the Nomination Agent of the applicant's decision within the specified period, or the applicant concerned will not be accepted as a voter.
- (4) Individual arts workers who have registered as individual members of the nominating bodies<sup>Note 1</sup> will automatically become voters and do not need to register.
- (5) For organisational/corporate members of the organisations concerned (e.g. affiliated groups), only one representative of each organisational/corporate member is eligible to be registered as voter.
- (6) The organisations concerned should ensure that all information given for the registration is complete and correct, or the applicants may be disqualified for all purposes relating to this nomination exercise.
- (7) Information provided on the registration form (including the name(s), ID card number(s), correspondence address(es) and contact telephone number(s)) must be complete. Failing this, the registration process cannot be completed, and the applicants concerned cannot be registered as voters.

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<sup>Note 6</sup> That is, the arts interest under which the organisations concerned are specified in the Government Gazette G.N. 3229 published on 11 June 2010.

**2010 Nomination of Representatives of Arts Interests for  
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**Guidelines for the Nomination of Candidates**

**I. Eligibility for being a Candidate or a Proposer:**

- (1) The candidate shall:
  - (a) be aged 18 years or above; and
  - (b) be a voter of the arts interest for which he/she is standing for candidature; and
  - (c) not be disqualified from being nominated under section 3(6) of the Hong Kong Arts Development Council Ordinance (Cap 472); and
  - (d) be nominated by 5 proposers or 1% of the number of the registered voters from the same arts interest (whichever is the higher). (The actual number of proposers required for the respective arts interests will be announced upon confirmation of the electorate.)
- (2) A proposer shall be a voter of the respective arts interest for which the prospective candidate is seeking candidature. The proposer shall make only one nomination in the nomination exercise. Otherwise, his/her eligibility as a proposer will be invalidated.

**II. Procedures of Nominating Candidates:**

Nominations should be made during the nomination period on Candidate Application Forms. Proposers cannot revoke their nominations. Applicants seeking candidature should submit completed forms together with the required supporting documents to the Nomination Agent in person or by their authorised persons before the deadline. The applicants should ensure the legibility of all information submitted for the nomination. Late submissions will not be accepted.

**III. Points to Note:**

- (1) An applicant is encouraged to submit his/her application well before the deadline of the nomination period to allow time for rectification of errors, if any, in his/her application form.
- (2) An applicant should ensure that his/her proposers are eligible voters in his/her arts interest and have not nominated other prospective candidates.
- (3) An applicant is advised to obtain nominations from more than the required minimum so as to avoid the risk of having his/her nomination invalidated should any of the proposers be subsequently found to be unqualified as proposers.

- (4) An applicant should ensure that all information given for the nomination is complete and correct. Should there be any false information or information withheld, the nomination concerned will be invalidated.
- (5) An applicant is not allowed to withdraw his/her candidature application or subsequent candidature (if applicable) after the close of the nomination period.
- (6) Voters subscribing to a nomination should sign the relevant Candidate Application Form personally.
- (7) The Nomination Agent is the final authority to determine the eligibility of an applicant and a proposer.

**Number of Registered Voters and Votes Cast  
in the 2010 Nomination Exercise**

<b>Arts Interest*</b>	<b>No. of Registered Voters</b>	<b>Candidates</b>	<b>No. of Votes</b>
Arts Administration	168	1	650
		2	280
			(blank) 971
			(void) 8
Arts Criticism	33	--	--
Arts Education	647	1	260
		2	250
		3	197
		4	120
		5	84
		6	45
			(blank) 947
			(void) 6
Dance	1,616	1	814
		2	256
		3	124
		4	103
			(blank) 593
			(void) 19
Drama	478	--	uncontested
Film Arts	271	1	781
		2	369
			(blank) 754
			(void) 5
Literary Arts	491	1	467
		2	304
		3	169
		4	98
		5	96
			(blank) 766
			(void) 9
Music	881	1	801
		2	193
		3	173
		4	60
			(blank) 672
			(void) 10

<b>Arts Interest*</b>	<b>No. of Registered Voters</b>	<b>Candidates</b>	<b>No. of Votes</b>
Visual Arts	1,280	1	649
		2	332
		3	160
		(blank)	764
		(void)	4
Chinese Opera (Xiqu)	1,206	1	1141
		2	276
		(blank)	479
		(void)	13
<b>Total</b>	<b>7,071</b>		<b>Voter turnout 1,909 (27%)</b>

\* There were eight contested arts interests (arts administration, arts education, Chinese opera (xiqu), dance, film arts, literary arts, music and visual arts) in the 2010 nomination exercise. As the candidate in drama was uncontested and no nomination was received for arts criticism, no polling was arranged for these two arts interests.