

# 立法會 *Legislative Council*

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## **Panel on Home Affairs Background brief prepared by the Legislative Council Secretariat for the meeting on 18 March 2011**

### **Nomination of representatives of arts interests for Hong Kong Arts Development Council**

#### **Purpose**

This paper provides background information on the nomination of representatives of arts interests for the Hong Kong Arts Development Council ("HKADC"), and highlights the concerns of Legislative Council ("LegCo") Members on the subject.

#### **Background**

2. HKADC was established by the Government in 1994 and became a statutory body in 1995 upon the enactment of the Hong Kong Arts Development Council Ordinance ("the HKADC Ordinance") (Cap. 472). HKADC has the statutory functions to, among others, plan, promote and support the broad development of the arts in Hong Kong, and to advise the Government on the policies, standard of provision of facilities, educational programmes, level of funding and any other matters that may effect the planning, development, promotion and support of the arts. HKADC is mainly funded by the Government's recurrent subventions.

#### Governance structure

3. The governing body of HKADC is its Council, which comprises –
- (a) a Chairman, a Vice-Chairman and not more than 22 other members. They are appointed by the Chief Executive of the Hong Kong Special Administrative Region for a term not exceeding three years. Of the 22 other members, up to 10

are nominated by 10 specified arts interests, namely literary arts, music, dance, drama, visual arts, film arts, arts administration, arts education, arts criticism and Chinese opera (Xiqu); and

- (b) three official members, i.e. the Secretary for Home Affairs ("SHA"), the permanent Secretary for Education and the Director of Leisure and Cultural Services, or their representatives.

#### Nomination of representatives from art interests

4. The HKADC Ordinance provides for the nomination of up to 10 representatives from the 10 specified arts interests. During the last year of each term of HKADC's membership, the Home Affairs Bureau ("HAB") is responsible for launching a nomination exercise to return such representatives for the next term. HAB appoints a nomination agent to assist it in conducting the nomination exercise.

#### Past reviews of the nomination procedures

5. The nomination procedures for returning representatives from arts interests to HKADC were reviewed in 1999 and 2009.

##### *Review in 1999*

6. In March 1999, the Government issued The Consultant's Report on Culture, Arts, Recreation and Sports Services, which suggested, among others, that the electorate base of HKADC was fluid and too narrow, and one option to enhance the representativeness of the nominee was to allow an eligible voter to elect not only the representative of his own arts interest group, but also those of the other specified interest groups. In response, HAB agreed to broaden the electorate base of HKADC, allow an eligible voter to elect the representatives of all the arts interests instead of just the art interest to which the voter belonged, and limit eligible voters to those with at least one year membership.

##### *2009 Audit Commission report*

7. In 2009, the Audit Commission conducted a review of HKADC and recommended in the Director of Audit's Report No. 52 ("the 2009 Audit Report") that in conducting future exercises for nominating HKADC members by arts interests, SHA should introduce measures to facilitate the registration of members of the nominating bodies. Such measures might include lengthening the registration period and widening the publicity

channels so as to reach out to as many arts organizations/practitioners as possible. SHA should also step up voter registration efforts and introduce measures to enhance the arts community's understanding of the nomination process. The audit recommendations were accepted by SHA.

### 2010 nomination exercise

#### *Procedures and requirements*

8. Since its establishment, HKADC has undergone seven nomination exercises. The latest one was conducted from March to September in 2010. The 2010 nomination process, which was divided into four phases, namely registration of members of the nominating bodies, voter registration, nomination of candidates, and electioneering and polling, is in **Appendix I**. The requirements for being a voter, a candidate and a proposer in the nomination exercise are in **Appendix II**.

#### *Results*

9. According to HKADC, there were a total of 29 eligible candidates in the 2010 nomination exercise. Among the 10 arts interests, one candidate in the arts interest of Drama was running uncontested while no nomination was received for the arts interest of Arts Criticism. Therefore, no polling was conducted for these two arts interests. Of the 7,071 registered voters, 1,909 turned out to vote for their representatives in the eight contested arts interests. The voter turnout rate was 27%. Details of the polling results are in **Appendix III**. A summary of the voter turnout rates of the last four nomination exercises is in **Appendix IV**.

10. According to HAB, the 2010 nomination exercise had concluded satisfactorily. Since the launch of the exercise in March 2010, publicity of the exercise had been stepped up and funding for the purpose had been increased. The total expenditure for the exercise had increased progressively to about \$1.7 million, which was three folds as compared with \$560,000 in 2001.

### **Members' concerns**

11. The subject of the nomination procedures for returning representatives from arts interests to HKADC had not been discussed by the Panel on Home Affairs ("the Panel"). Nevertheless, LegCo's Public Accounts Committee ("PAC") had expressed concerns about such procedures in its consideration of the 2009 Audit Report.

12. In the PAC Report No. 52 issued in July 2009, PAC was concerned that while HKADC had already undergone six nomination exercises up to 2007 and HAB had appointed the same nomination agent to assist in conducting the nomination exercises between 2001 and 2007, there was still feedback from some arts organizations/practitioners that in the 2007 nomination exercise, the nomination process was not well understood by arts interests, with some arts organizations/practitioners not yet registered as members of the nominating bodies. In this connection, PAC urged the Administration to lengthen the registration period to facilitate the registration of members of the nominating bodies and expeditiously implement the relevant recommendations in the 2009 Audit Report.

13. The Administration responded that HAB would lengthen the registration period for members of the nominating bodies, step up voter registration efforts and widen publicity channels to promote the arts community's understanding of the nomination process.

### **Latest development**

14. At the Panel meeting on 14 October 2010, a member referred to the concerns of some members of the public about the confusion and lack of transparency in the 2010 nomination exercise, and urged HKADC to review the nomination procedures to ensure their fairness and transparency. The Panel will discuss the matter at its meeting on 18 March 2011.

### **Relevant papers**

15. A list of relevant papers with their hyperlinks at LegCo's website is in **Appendix V**.

**Nomination of representatives of arts sectors for HKADC  
Operation procedures for 2010 exercise**

Phase	Period	Main procedures
Phase I: Registration of members of the nominating bodies	30 March to 10 May	<ul style="list-style-type: none"> <li>● Arts organisations and practitioners which/who had been previously registered did not need to register again unless they wish to update their particulars or change the arts sectors for which they had been registered.</li> <li>● Arts organisations or individual arts workers participating in the nomination exercise for the first time must apply for registration as members of the nominating bodies of their respective arts interests in order that they can participate in the subsequent phases of the nomination exercise including voter registration, nomination of candidates, electioneering and voting.</li> <li>● Following the close of this phase, the HAB promulgated in the Gazette a list of registered organisational members (nominating organisations) and registered individual members (nominating individuals) of the 10 nominating bodies.</li> </ul>
Phase II: Voter registration	11 June to 19 July	<ul style="list-style-type: none"> <li>● Nominating individuals automatically qualified as voters and need not register.</li> <li>● Nominating organisations (including both newly and previously registered ones) must help their own members (individual members, eligible employees and group/corporate members) register as voters, with the following points to note – <ul style="list-style-type: none"> <li>(a) In cases of multi-discipline organisations where the organizations concerned have been specified as</li> </ul> </li> </ul>

		<p>members of the nominating bodies of more than one arts interest, each member could be registered under one of the arts interests only; and</p> <p>(b) For organisational/corporate members of the organisations concerned, only one representative of each organisational/corporate member was eligible to be registered as voter.</p>
Phase III: Nomination of candidates	3 August to 16 August	<ul style="list-style-type: none"> <li>● A candidate had to be a registered voter of the arts sector for which he was standing as a candidate. The minimum number of proposers required was 5 or 1% of the number of registered voters of the arts sector, whichever was higher.</li> <li>● A proposer must be a registered voter of the same arts sector as the candidate and might nominate one candidate.</li> </ul>
Phase IV: Electioneering and polling	20 August to 19 September	<ul style="list-style-type: none"> <li>● 3 days for polling on 17 - 19 September 2010(from 9 a.m. to 9 p.m.)</li> <li>● A "cross-arts interests voting" system was adopted (i.e. if there were no uncontested seats, each registered voter would be voting for each of the 10 arts interests, casting a total of 10 votes)</li> </ul>

Source: *HAB official website for2010 Nomination Exercise*  
<http://www.voteforhkadc2010.hk/eng/index.php>

**Nomination of representatives of arts sectors for HKADC  
Requirements for a voter, a candidate and a proposer in 2010 exercise**

Roles	Requirements
A voter	<ul style="list-style-type: none"> <li>(i) be aged 18 years or above; and</li> <li>(ii) be a member or an employee directly involved in arts activities of an organisation which had registered as nominating organization in the nomination exercise, and had joined the organisation for not less than one year prior to the start date of this nomination exercise, i.e. 30 March 2010; or be an individual arts worker who had registered as a nominating individual.</li> </ul>
A candidate	<ul style="list-style-type: none"> <li>(i) be a registered voter of the arts interest for which he/she was standing for candidature; and</li> <li>(ii) be nominated by 5 proposers or 1% of the number of the registered voters from the same arts interest (whichever is the higher).</li> </ul>
A proposer	<ul style="list-style-type: none"> <li>(i) be a registered voter of his/her arts interests; and</li> <li>(ii) made only one nomination in the nomination exercise.</li> </ul>

Source: *HAB official website for2010 Nomination Exercise*  
<http://www.voteforhkadc2010.hk/eng/index.php>

**Nomination of representatives of arts sectors for HKADC  
Polling results of 2010 exercise**

<b>Arts Interest</b>	<b>Candidate Number</b>	<b>Candidates</b>	<b>Votes Received</b>
Arts Administration	1	Ms CHEUNG Chu Yu	280
	2	Mr WU Shou Nan (NG Kang Fai)*	650
			(blank votes: 971)
			(void votes: 8)
Arts Criticism	--	-----	-----
Arts Education	1	Mr HEUNG Lui	197
	2	Mr WAI Ching	250
	3	Ms TSE Siu Wah	120
	4	Mr CHAN Wai Lun	84
	5	Ms CHOI Tsz Kwan*	260
	6	Ms HO Yuk Ching	45
			(blank votes: 947)
			(void votes: 6)
Dance	1	Mr HO Ho Chuen*	814
	2	Ms YEE Fui Koon	256
	3	Mr CHOW Man Fai	103
	4	Ms FU Kit Yun, Deirdre	124
			(blank votes: 593)
			(void votes: 19)
Drama	--	Mr KO Tin Lung	Uncontested
Film Arts	1	Mr TO Kei Fung*	781
	2	Mr CHUI Wan Shun, Vincent	369
			(blank votes: 754)
			(void votes: 5)

\* Candidate received the highest number of votes in the respective arts interest



<b>Arts Interest</b>	<b>Candidate Number</b>	<b>Candidates</b>	<b>Votes Received</b>
Literary Arts	1	Mr WONG Wai Ming, Otis	96
	2	Mr CHENG Wai Ming, Peter	98
	3	Ms TANG Siu Wa	304
	4	Mr TANG Kei Sang	169
	5	Mr CHOI Yick Wai*	467
			(blank votes: 766)
			(void votes: 9)
Music	1	Ms FEI Barbara*	801
	2	Mr LAM Chun Kwok	60
	3	Mr LAM Kwok Pan	173
	4	Ms FONG LIU Show May, Helen	193
			(blank votes: 672)
			(void votes: 10)
Visual Arts	1	Mr LEE Kam Yin*	649
	2	Mr IP Ho Lun, Roland	332
	3	Mr KWOK Chi Lap, Frank	160
			(blank votes: 764)
			(void votes: 4)
Chinese Opera (Xiqu)	1	Mr YUEN Siu Fai*	1141
	2	Ms AU Man Fung, Bernice	276
			(blank votes: 479)
			(void votes: 13)

\* Candidate received the highest number of votes in the respective arts interest

Source: HAB official website for2010 Nomination Exercise  
<http://www.voteforhkadc2010.hk/eng/index.php>

**Nomination of representatives of arts sectors for HKADC  
Voter turnout rate of the last four nomination exercises**

Year	2001	2004	2007	2010
(a) Number of registered voters	7253	5337	7029	7071
(b) Number of turnout voters	703	1163	1836	1909
(c) Voter turnout rate	9.7%	21.8%	26.1%	27%

Source: HAB official website for 2010 Nomination Exercise  
<http://www.voteformkadc2010.hk/eng/index.php>

**Relevant documents on  
Nomination of representatives of arts interests for  
Hong Kong Arts Development Council**

<b>Committee</b>	<b>Date of meeting</b>	<b>Documents/Papers</b>	<b>LC Paper No.</b>
Panel on Home Affairs	18.5.1999	Minutes of meeting	CB(2)2574/98-99 <a href="http://www.legco.gov.hk/yr98-99/english/panels/ha/minutes/ha180599.htm">http://www.legco.gov.hk/yr98-99/english/panels/ha/minutes/ha180599.htm</a>
House Committee	14.1.2000	Report of the Bills Committee on Hong Kong Arts Development Board (Amendment) Bill 1999	CB(2) 784/99-00 <a href="http://www.legco.gov.hk/yr99-00/english/hc/papers/cb2-784.pdf">http://www.legco.gov.hk/yr99-00/english/hc/papers/cb2-784.pdf</a>
Council Meeting	21.10.2009	Report of the Public Accounts Committee on Report No. 52 of the Director of Audit on the result of value for money audits	<a href="http://www.legco.gov.hk/yr08-09/english/pac/reports/52/52_rpt.pdf">http://www.legco.gov.hk/yr08-09/english/pac/reports/52/52_rpt.pdf</a>
		The Government Minute in response to the Reports No. 51A and 52 of the Public Accounts Committee dated May and July 2009	<a href="http://www.legco.gov.hk/yr09-10/english/pac/minutes/pac_gm_53a_54-e.pdf">http://www.legco.gov.hk/yr09-10/english/pac/minutes/pac_gm_53a_54-e.pdf</a>
		Hansard	<a href="http://www.legco.gov.hk/yr09-10/english/councilmtg/hansard/cm1021-translate-e.pdf">http://www.legco.gov.hk/yr09-10/english/councilmtg/hansard/cm1021-translate-e.pdf</a>