

LEGISLATIVE COUNCIL BRIEF

Hong Kong Arts Development Council Ordinance (Cap. 472)
Hong Kong Sports Development Board Ordinance (Cap. 1149)

**HONG KONG ARTS DEVELOPMENT COUNCIL
(AMENDMENT) BILL 1999**

**HONG KONG SPORTS DEVELOPMENT BOARD
(AMENDMENT) BILL 1999**

INTRODUCTION

At the meeting of the Executive Council on 22 June 1999, the Council ADVISED and the Chief Executive ORDERED that the Hong Kong Arts Development Council (Amendment) Bill 1999 and the Hong Kong Sports Development Board (Amendment) Bill 1999 (**the Bills**), at Annexes A and B, should be introduced into the Legislative Council.

BACKGROUND AND ARGUMENT

Consultancy study on Culture, the Arts, Recreation and Sports Services

2. The Administration commissioned Mr. Albert C C LAM to conduct a consultancy study on the new administrative framework for the provision of cultural, sports and recreation services to come into effect on 1 January 2000, after the dissolution of the two Provisional Municipal Councils. In his report which was published in March 1999, the Consultant recommended, inter alia, that -

- (a) the membership of the HKADC should be revamped, with its maximum size raised from 22 to 27, to bring in more expert and community input and to address the problem of sectoral interests. The procedure for nominating representatives from the arts sectors and its funds allocation mechanism should be reviewed, with a view to enhancing the representativeness of the nominees; and
 - (b) the membership of the HKSDB should be revamped, with its maximum size raised from 13 to 17, to enhance its representativeness and to bring in more expert advice and community input.
3. The Administration has accepted the above recommendations.

Aims of the Bills

4. The Hong Kong Arts Development Council (Amendment) Bill aims, in respect of arts development, to expand the membership of the HKADC from the existing 22 to a maximum of 27 members and to include Chinese opera (Xiqu) as one of the recognized art groups having a nominated representative on the HKADC. The latter is purely to regularise an existing practice in place since 1995. The current appointments on the Council will expire on 31 December 1999.

5. In respect of sports development, the Hong Kong Sports Development Board (Amendment) Bill aims to expand the membership of the HKSDB from the existing 13 to a maximum of 17 and to enhance the representation for the Sports Federation & Olympic Committee of Hong Kong, China by giving it an additional designated seat. The current appointments on the Board expire on 31 March 2000 but additional members can be appointed with effect from 1 January 2000.

6. The proposed deletion of the membership of chairmen of the Provisional Urban Council and Provisional Regional Council or their representatives from the HKADC and HKSDB has been included in the Provision of Municipal Services (Reorganisation) Bill.

7. Though arising out of the overall exercise to reorganise municipal services, the Bills can be considered independently, since no provision therein is contingent upon the dissolution of the two Provisional Municipal Councils. Our intention is to pursue passage of the Bills in parallel to the Provision of Municipal Services (Reorganisation) Bill, which is now under examination by a Bills Committee. Early passage of the Bills will make it possible for new members to be appointed before 1 January 2000, when the new institutional framework for arts and sports is to come into effect. If, on the other hand, the Provision of Municipal Services (Reorganisation) Bill is delayed, the HKADC and the HKSDB can continue to perform their statutory duties.

THE BILLS

8. **Clause 2** of the Hong Kong Arts Development Council (Amendment) Bill aims to expand the membership of the HKADC by adding -

- (a) the Director of Leisure and Cultural Services or his representative;
- (b) one representative nominated by the organizations of Xiqu; and
- (c) five other members.

9. The Hong Kong Sports Development Board (Amendment) Bill aims to -

- (a) expand the membership of the HKSDB by adding one more representative from the Sports Federation & Olympic Committee of Hong Kong, China, and six other members (**Clause 2**); and
- (b) to change the name of the “Amateur Sports & Olympic Committee of Hong Kong” to the “Sports Federation & Olympic Committee of Hong Kong, China” (**Clause 3**).

PUBLIC CONSULTATION

10. These legislative amendments are straightforward and are in accordance with the Consultant's Report which was published for public information in March 1999. The arts and sports communities generally accepted the proposed expanded membership for the HKADC and HKSDB. On these amendments, we have received no adverse reaction from the public and the LegCo Panel on Home Affairs, the HKADC, HKSDB or the Sports Federation & Olympic Committee of Hong Kong, China during our consultations with them.

BASIC LAW IMPLICATIONS

11. The Department of Justice advises that the Bills are consistent with the Basic Law.

HUMAN RIGHTS IMPLICATIONS

12. The Department of Justice advises that the Bills do not have any human rights implications.

FINANCIAL AND STAFFING IMPLICATIONS

13. The Bills will not give rise to any additional financial or staffing implications.

LEGISLATIVE TIMETABLE

14. The legislative timetable for the Bills will be as follows –

Publication in the Gazette	25 June 1999
First Reading and commencement of Second Reading debate	7 July 1999

Resumption of Second Reading
debate, committee stage and
Third Reading

to be notified

PUBLICITY

15. A press release will be issued on 23 June 1999 and the Bills will be gazetted on 25 June 1999.

ENQUIRIES

16. For any enquiries relating to this Brief, please contact –

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Home Affairs Bureau
Government Secretariat
June 1999

A BILL
To

Amend the Hong Kong Arts Development Council Ordinance.

Enacted by the Legislative Council.

1. Short title and commencement

(1) This Ordinance may be cited as the Hong Kong Arts Development Council (Amendment) Ordinance 1999.

(2) This Ordinance shall come into operation on a day to be appointed by the Secretary for Home Affairs by notice in the Gazette.

2. Establishment of the Council

Section 3 of the Hong Kong Arts Development Council Ordinance (Cap. 472) is amended -

(a) in subsection (3) -

- (i) in paragraph (a), by repealing "16" and substituting "not more than 22";
- (ii) in paragraph (d), by repealing "and";
- (iii) in paragraph (e), by repealing the full stop and substituting "; and";
- (iv) by adding -
 - "(f) the Director of Leisure and Cultural Services or his representative.";

- (b) in subsection (4) -
 - (i) by repealing "16";
 - (ii) by repealing "9" and substituting "10";
- (c) in subsection (5) -
 - (i) by repealing "9" and substituting "10";
 - (ii) in paragraph (i), by repealing the full stop and substituting a semicolon;
 - (iii) by adding -
 - "(j) Chinese opera (Xiqu).".

Explanatory Memorandum

The purpose of this Bill is to amend the Hong Kong Arts Development Council Ordinance (Cap. 472) by expanding the membership of the Hong Kong Arts Development Council by adding -

- (a) the Director of Leisure and Cultural Services or his representative;
- (b) one representative nominated by the organizations of Chinese opera (Xiqu); and
- (c) 5 other members.

A BILL

To

Amend the Hong Kong Sports Development Board Ordinance.

Enacted by the Legislative Council.

1. Short title and commencement

(1) This Ordinance may be cited as the Hong Kong Sports Development Board (Amendment) Ordinance 1999.

(2) This Ordinance shall come into operation on a day to be appointed by the Secretary for Home Affairs by notice in the Gazette.

2. Establishment of the Board

Section 3(2) of the Hong Kong Sports Development Board Ordinance (Cap. 1149) is amended -

- (a) by repealing paragraph (e) and substituting -
 - "(e) 2 representatives (one of whom shall be the President or his representative) of the Sports Federation & Olympic Committee of Hong Kong, China;"
- (b) in paragraph (f), by repealing "7 other members not being public officers" and substituting "13 other members and no more than 3 of whom shall be public officers";
- (c) by repealing paragraph (g).

3. Powers of the Board

Section 5(2)(i) is amended by repealing "Amateur Sports Federation and Olympic Committee of Hong Kong" and substituting "Sports Federation & Olympic Committee of Hong Kong, China".

4. Provisions as respects the Board and its members

Paragraph 7 of the Schedule is amended by repealing "5" and substituting "7".

Explanatory Memorandum

The purposes of this Bill are to amend the Hong Kong Sports Development Board Ordinance (Cap. 1149) -

- (a) to expand the membership of the Hong Kong Sports Development Board by adding -
 - (i) one more representative from the Sports Federation & Olympic Committee of Hong Kong, China; and
 - (ii) 6 other members;
- (b) to change the name of the "Amateur Sports Federation and Olympic Committee of Hong Kong" to the "Sports Federation & Olympic Committee of Hong Kong, China".