

立法會
Legislative Council

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**Paper for the House Committee meeting
on 14 January 2000**

**Report of the Bills Committee on
Hong Kong Arts Development Council (Amendment) Bill 1999**

Purpose

This paper reports on the deliberations of the Bills Committee on the Hong Kong Arts Development Council (Amendment) Bill 1999.

Background

2. The Administration commissioned a consultancy study in late 1998 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. The report of the study published in March 1999 recommended, inter alia, that the membership of the Hong Kong Arts Development Council (HKADC) should be revamped, with its maximum size raised from 22 to 27, to bring in more expert advice and community input. It also recommended that the procedure for nominating representatives from the arts sector and its funds allocation mechanism should be reviewed.

The Bill

3. The Bill seeks 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 Chinese opera (Xiqu) organizations; and
 - (c) five other members

The Bills Committee

4. The House Committee agreed at its meeting on 9 July 1999 to form a Bills Committee to study the Bill. Activated on 7 October 1999, the Bills

Committee first met on 26 October 1999 and Hon Timothy FOK Tsun-ting was elected Chairman. The membership of the Bills Committee is in the Appendix.

5. At the first meeting of the Bills Committee on 26 October 1999, members noted that there was a technical link between this Bill and the Provision of Municipal Services (Reorganization) Bill in that the post of Director of Leisure and Cultural Services would only exist in the proposed new structure. As there was as yet no decision on the other Bill at that point in time, members decided to hold consideration of the Bill in abeyance until the Council had made a decision on the Provision of Municipal Services (Reorganization) Bill. Following the passage of the Provision of Municipal Services (Reorganization) Bill in early December, the Bills Committee was reactivated on 17 December 1999 and concluded its deliberations at the second meeting held on 6 January 2000.

Deliberations of the Bills Committee

6. The main deliberations of the Bills Committee are set out in the following paragraphs.

Policy on culture and arts

7. Initially some members were in favour of meeting representatives from the arts community to hear their views on various issues relating to the policy on arts and culture and the proposed funds allocation arrangements. In this connection, members noted that the issues had largely been covered by the former Subcommittee on Long-term Cultural Policy of the Panel on Home Affairs and representatives from the sector had already presented their views to the Subcommittee. After discussion, members agreed that the Bills Committee should focus on the subject matter of the Bill and matters relating to the cultural policy should be discussed by the Panel on Home Affairs.

New measures for the HKADC nomination exercise in November 1999

8. Members note that the electorate base has been broadened by including teachers of arts subjects of secondary schools and the eligibility criteria of voters have been reviewed with more stringent requirements imposed. In order to make the returned nominees less susceptible to the pressure of succumbing to narrow sectoral interests, eligible voters will be allowed to elect not only the representatives of their own arts groups, but also those of the other specified interest groups.

The funds allocation mechanism of HKADC

9. Members note that in accordance with the Consultant's proposal, a high level Culture and Heritage Commission will be set up to advise the Government on the overall cultural policy and to advise on broad funding priorities.

10. Responding to members' questions on the future arrangements for the allocation of funds, the Administration has informed members that the HKADC has indicated that it would like to concentrate on handling discretionary grants. The future Culture and Heritage Commission will advise on broad funding allocations to those well established culture and arts organizations while the HKADC will continue to examine funding applications from smaller arts groups and project-based grants based on the relative artistic merits of the projects.

11. In response to the Bills Committee's request, the HKADC has provided further information on the membership of its Board and committees. It has also provided for members' reference a copy of its Conflict of Interest Rules, which have been drawn up upon the advice of the Independent Commission Against Corruption, as well as information on the examiners system in assessing grant applications and the appeals mechanism.

Membership of the HKADC

12. A member has queried why it is proposed to increase the number of other members of the HKADC from "16 to a maximum of 22" instead from "16 to 22". The Administration has explained that the proposed wording allows the Administration some flexibility in the appointments and the Administration does not need to appoint members immediately to fill vacancies that may arise. The member is also of the view that the Administration should specify in the Bill the number of members to be appointed from the Legislative Council and District Councils to ensure continued community representation in the formulation of cultural policies. The Administration has explained that the Administration generally does not specify the membership source in law in order to allow flexibility in the appointments but it will ensure a balanced and fair representation of various parties.

Recommendation

13. The Bills Committee supports the Bill and recommends that the Second Reading debate on the Bill be resumed on 26 January 2000.

Advice sought

14. Members are invited to note the recommendation in paragraph 13 above.

Legislative Council Secretariat

12 January 2000

**Bills Committee on
Hong Kong Arts Development Council (Amendment) Bill 1999**

Membership List

Hon Timothy FOK Tsun-ting, SBS, JP (Chairman)

Hon Cyd HO Sau-lan

Prof Hon NG Ching-fai

Hon MA Fung-kwok

Hon Ambrose CHEUNG Wing-sum, JP (up to 31 December 1999)

Hon Christine LOH Kung-wai

Hon CHAN Yuen-han

Hon Gary CHENG Kai-nam, JP

Hon CHOY SO-yuk

Hon Andrew CHENG Kar-foo

Dr Hon TANG Siu-tong, JP

Total: 11 Members