

立法會
Legislative Council

Ref : CB2/BC/4/12

LC Paper No. CB(2)1756/12-13
(These minutes have been seen
by the Administration)

**Bills Committee on Hong Kong Arts Development Council
(Amendment) Bill 2013**

**Minutes of the first meeting
held on Friday, 24 May 2013, at 10:45 am
in Conference Room 1 of the Legislative Council Complex**

- Members present** :
- Hon IP Kwok-him, GBS, JP (Chairman)
 - Hon Cyd HO Sau-lan
 - Hon Claudia MO
 - Hon Steven HO Chun-yin
 - Hon WU Chi-wai, MH
 - Hon YIU Si-wing
 - Hon MA Fung-kwok, SBS, JP
 - Dr Hon Kenneth CHAN Ka-lok
 - Hon CHAN Yuen-han, SBS, JP
 - Hon LEUNG Che-cheung, BBS, MH, JP
 - Hon Christopher CHEUNG Wah-fung, JP
 - Dr Hon Helena WONG Pik-wan
 - Hon IP Kin-yuen
 - Dr Hon CHIANG Lai-wan, JP
- Members absent** :
- Hon Mrs Regina IP LAU Suk-yeet, GBS, JP
 - Hon WONG Yuk-man
 - Hon Christopher CHUNG Shu-kun, BBS, MH, JP
- Public Officers attending** :
- Mrs Avia LAI WONG Shuk-han
Deputy Secretary for Home Affairs (3)

 - Ms Elaine MAK Tse-ling
Principal Assistant Secretary for Home Affairs (Culture) 1

 - Miss Betty CHEUNG Yuet-wah
Senior Assistant Law Draftsman
Department of Justice

Clerk in attendance : Ms Joanne MAK
Chief Council Secretary (2) 3

Staff in attendance : Mr YICK Wing-kin
Assistant Legal Adviser 8

Miss Cindy HO
Senior Council Secretary (2) 3

Ms Wendy LO
Council Secretary (2) 3

Mrs Fanny TSANG
Legislative Assistant (2) 3

Ms Avil MA
Clerical Assistant (2) 3

Action

I. Election of Chairman

Mr IP Kwok-him was elected Chairman of the Bills Committee. Members agreed that election of a deputy chairman was not necessary.

II. Meeting with the Administration

[SF(1) to HAB/CR 6/5/210, LC Paper Nos. LS50/12-13 and CB(2)1189/12-13(01)-(03)]

2. The Bills Committee deliberated (index of proceedings attached at **Annex**).

Admin 3. The Administration was requested to provide a written reply on whether the Bill would entail any consequential amendments to the Legislative Council Ordinance (Cap. 542) or any other legislation.

(Post-meeting Note: The Administration provided supplementary information on 7 June 2013 vide LC Paper No. CB(2)1301/12-13(01).)

4. Ms Claudia MO, Mr YIU Si-wing, Ms CHAN Yuen-han, Mr WU Chi-wai and Dr Helena WONG expressed various views and concerns about the proportion of the nominated membership and the arts interests to be

specified in the Hong Kong Arts Development Council Ordinance (Cap. 472). At the suggestion of the Chairman, the Bills Committee agreed that the views and suggestions made by members on the relevant issues should be referred to the Panel on Home Affairs for follow-up discussion.

Clerk

III. Any other business

Meeting schedule

5. Members agreed to schedule the next two meetings as follows -
 - (a) 13 June 2013 (Thursday) from 8:30 am to 10:30 am; and
 - (b) 24 June 2013 (Monday) from 10:45 am to 12:45 pm.

Invitation for public views

6. Members agreed to receive public views on the Bill at the next meeting on 13 June 2013. Members further agreed to post a general notice on the Legislative Council's website to invite views from the public and invite the 18 District Councils to submit their views on the Bill.
7. There being no other business, the meeting ended at 12:20 pm.

Council Business Division 2
Legislative Council Secretariat
2 September 2013

**Proceedings of the first meeting of the
Bills Committee on Hong Kong Arts Development Council
(Amendment) Bill 2013
held on Friday, 24 May 2013, at 10:45 am
in Conference Room 1 of the Legislative Council Complex**

Time Marker	Speaker(s)	Subject(s)	Action required
000033 - 000239	Ms Cyd HO Mr YIU Si-wing Mr LEUNG Che-cheung Mr Christopher CHEUNG Mr IP Kwok-him	Election of Chairman	
000240 - 001254	Chairman Ms Cyd HO Administration Miss CHAN Yuen-han Ms Claudia MO	Opening remarks Discussion on the need to hold a meeting to receive public views on the Bill and date of the meeting. Briefing by the Administration on the Hong Kong Arts Development Council (Amendment) Bill 2013 ("the Bill") - the Legislative Council ("LegCo") Brief [Ref. SF(1) to HAB/CR 6/5/210].	
001255 - 001531	Chairman Ms Claudia MO Administration	Ms Claudia MO's suggestion of raising the proportion of the members of Hong Kong Arts Development Council ("HKADC") who were appointed on nomination by the arts community from the existing proportion (i.e. 10 out of 27) to at least half of its composition. The Administration responded that apart from the 10 members nominated by the arts sector, other members of HKADC also included members from the arts and cultural sector.	
001532 - 002003	Chairman Mr Wu Chi-wai Administration	While expressing support for the Bill, Mr WU Chi-wai agreed that the proportion of the members appointed on nomination should be raised so as to enhance the representativeness of HKADC. The Administration responded that the existing composition was considered appropriate to enable members from various background and with different expertise to advise on HKADC's work which covered a wide spectrum of matters relating to arts development. While there was no plan to review the number of HKADC members who were appointed on nomination at present, the Administration agreed to consider the suggestion in the next review.	

Time Marker	Speaker(s)	Subject(s)	Action required
002004 - 003104	Chairman Mr MA Fung-kwok Administration	Mr MA Fung-kwok's declaration of interest that he had been the former Chairman of HKADC. In response to Mr MA's concern about the implication on the nomination exercise in 2013 if the Bill could not be passed by LegCo in time within the current legislative session, the Administration advised that the arrangement for specifying individual arts workers and organizations by notice in the Gazette would be done only after the Bill had been passed. Meanwhile, the list of eligible organizations and individual arts workers for participation in the nomination exercise would be promulgated by administrative arrangements.	
003105 - 003325	Chairman Dr CHIANG Lai-wan Administration	Dr CHIANG Lai-wan's enquiry on the number of members from the arts sector and that from other sectors. The Administration responded that apart from the 10 members appointed on nomination, some of the appointed members were also from the arts sector.	
003326 - 003752	Chairman Dr Helena WONG Administration	Dr Helena WONG's enquiry on the number of members from the arts sector and that from other sectors, and the relevant criteria and mechanism for appointment. The Administration responded that in the current term of members of HKADC, the Chief Executive had appointed 25 members (not the maximum of 27) of whom 15 were from the arts and cultural sector, while the rest included persons in professional fields such as business and the legal sector.	
003753 - 005042	Chairman Dr Kenneth CHAN Administration Assistant Legal Adviser 8 ("ALA")	Dr Kenneth CHAN was concerned about the implications on the nomination exercise if the Bill could not be passed within the current legislative session. He also expressed concern about the exclusion of winners of overseas honours/awards and graduates having equivalent qualifications conferred by recognized overseas institutions from the nomination exercise. ALA's advice that administrative arrangements could not be used to circumvent the statutory requirements on the nomination mechanism under section 3 of the Hong Kong Arts Development	

Time Marker	Speaker(s)	Subject(s)	Action required
		<p>Council Ordinance (Cap. 472) ("HKADCO"). He advised that as long as the Bill had not yet been passed, the Administration should adhere to the relevant provisions of the HKADCO in making arrangements for the specifications and nominations under section 3 of the HKADCO.</p>	
005043 - 005602	<p>Chairman Mr YIU Si-wing Administration</p>	<p>Mr YIU Si-wing's enquiry about the procedure for reviewing the 10 specified arts interests so as to include new one(s).</p> <p>The Administration responded that HKADC conducted a review in 2011 on the arrangements for the 2013 nomination exercise. To add any new arts interest on top of the 10 specified arts interests required further consultation and legislative amendments in a separate exercise.</p>	
005603 - 010410	<p>Chairman Miss CHAN Yuen-han Administration ALA</p>	<p>Miss CHAN Yuen-han's expression of concern about the deviation from the statutory requirements for the past nomination exercises without making corresponding legislative amendments by the Administration.</p> <p>ALA's agreement with the Administration that on the basis of section 51(b) of Cap. 1, the validity of the acts done by HKADC in the exercise of its powers under the HKADCO would not be affected despite any irregularities in the previous nomination exercises for appointments of members to HKADC.</p>	
010411 - 010844	<p>Chairman Ms Claudia MO Administration</p>	<p>Ms Claudia MO's enquiry on whether visual arts activities on the Internet would fall within any one of the 10 arts interests and the Administration's response that it would depend on the forms of arts engaged irrespective of the medium of conducting the arts activities.</p>	
010845 - 011203	<p>Chairman Dr Helena WONG Administration</p>	<p>Dr Helena WONG's suggestion of reviewing the 10 arts interests to be specified in the HKADCO in the current legislative exercise.</p> <p>The Administration responded that before introducing such amendments, a consultation would need to be conducted to thoroughly collect the sector's views in this regard. Besides, after reporting to the Panel on Home Affairs in January 2013 on arrangements for the 2013 nomination</p>	

Time Marker	Speaker(s)	Subject(s)	Action required
		exercise, Phase 1 of the nomination exercise was already conducted from March to April 2013.	
011204 - 011435	Chairman Miss CHAN Yuen-han Administration	Miss CHAN Yuen-han's view on the propriety of moving Committee Stage amendments to amend the 10 arts interests specified in the HKADCO.	
011436 - 011548	Chairman Mr YIU Si-wing ALA	Mr YIU Si-wing's suggestion of establishing a mechanism for review of the arts interests to be specified in the HKADCO.	
011549 - 011959	Chairman Dr Kenneth CHAN Administration	Dr Kenneth CHAN was concerned about the scope of individual arts workers to take part in the nomination exercise. In response to Dr Kenneth CHAN, the Administration advised on the details of the different stages of the nomination exercise in 2013 and the respective timeframe.	
012000 - 012506	Chairman Mr MA Fung-kwok Administration Dr Kenneth CHAN Miss CHAN Yuen-han	Mr MA Fung-kwok pointed out that section 20V(1)(d) of the Legislative Council Ordinance (Cap. 542) ("LCO") provided that the Sports, Performing Arts, Culture and Publication functional constituency comprised, inter alia, bodies listed in a Gazette notice currently in force made under section 3(5) of the HKADCO as organizations for the purpose of section 3(4) of the HKADCO. Mr MA's enquiry about whether the Bill, if enacted, would necessitate consequential amendments to LCO and the Administration's response. The Administration's agreement to provide a written reply to Mr MA's enquiry.	Admin (paragraph 3 of the minutes)
012507 - 012821	Chairman Miss CHAN Yuen-han ALA Administration	Miss CHAN Yuen-han's suggestion of reviewing the 10 specified arts interests in the context of the Bill and ALA's advice in this regard.	
012822 - 013217	Chairman Miss CHAN Yuen-han Dr Kenneth CHAN Dr Helena WONG	Closing remarks Schedule of meetings	