

**立法會**  
**Legislative Council**

Ref : CB2/BC/4/12

LC Paper No. CB(2)1757/12-13  
(These minutes have been seen  
by the Administration)

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

**Minutes of the second meeting  
held on Thursday, 13 June 2013, at 8:30 am  
in Conference Room 3 of the Legislative Council Complex**

- Members present** : Hon IP Kwok-him, GBS, JP (Chairman)  
Hon Cyd HO Sau-lan  
Hon Mrs Regina IP LAU Suk-ye, GBS, JP  
Hon Claudia MO  
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 IP Kin-yuen  
Dr Hon CHIANG Lai-wan, JP  
Hon Christopher CHUNG Shu-kun, BBS, MH, JP
- Members absent** : Hon WONG Yuk-man  
Hon Steven HO Chun-yin  
Hon WU Chi-wai, MH  
Hon Christopher CHEUNG Wah-fung, JP  
Dr Hon Helena WONG Pik-wan
- 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
- Ms Leonora IP Wan-yok  
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

Mrs Fanny TSANG  
Legislative Assistant (2) 3

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Action

**I. Meeting with the Administration**

[LC Paper Nos. CB(3)539/12-13, CB(2)1188/12-13(01), CB(2)1189/12-13(02) to (03), CB(2)1301/12-13(01) to (02), and CB(2)1366/12-13(01) and (02)]

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

2. The Chairman advised that a total of three submissions had been received from members of the public in response to the Bills Committee's notice for invitation of public views on the website of the Legislative Council [LC Paper Nos. CB(2)1301/12-13(02), CB(2)1366/12-13(01) and (02)]. He informed members that after the application deadline, one organization had requested to make oral representations to the Bills Committee. This organization had been requested to provide a written submission, which was tabled at the meeting.

**Admin**

3. The Bills Committee requested the Administration to provide the following supplementary information –

- (a) statistics on applications from individual arts workers under the respective 10 arts interests during Phase 1 of the nomination exercises in 2010 and 2013, with breakdown by different categories of eligibility criteria for individual arts workers for applying for membership of the nominating bodies as detailed in Annex (items (i) to (x)) to the Administration's letter to the Bills Committee dated 7 June 2013; and

- (b) statistics on unsuccessful applications from individuals during Phase 1 of the nomination exercise in 2013 (including applicants who possessed sub-degree qualifications) to facilitate evaluation of the present scope of the eligibility criteria.

*(Post-meeting Note: The Administration provided supplementary information on 18 June 2013 vide LC Paper No. CB(2)1399/12-13(01).)*

- Clerk 4. The Bills Committee agreed that issues relating to the eligibility criteria for arts organizations and individual arts workers applying for membership of the nominating bodies should be referred to the Panel on Home Affairs for follow-up discussion.
5. The Bills Committee completed the clause-by-clause examination of the Bill.
6. The Bills Committee agreed that unless members requested discussion of the supplementary information to be provided under paragraph 3 above, no further meeting would be held. In response to the Chairman's enquiry, the Administration advised that it intended to resume the Second Reading debate on the Bill at the Council meeting of 10 July 2013. No members raised objection. Members agreed that the Bills Committee would report its deliberations to the House Committee at its meeting on 21 June 2013. Members noted that the deadline for giving notice to move Committee Stage amendments to the Bill was 29 June 2013.

*(Post-meeting Note: With the concurrence of the Chairman, as no members requested to convene another meeting for discussion of the supplementary information provided by the Administration, the meeting originally scheduled for 24 June 2013 was cancelled.)*

## **II. Any other business**

7. There being no other business, the meeting ended at 10:35 am.

**Proceedings of the second meeting of the  
Bills Committee on Hong Kong Arts Development Council  
(Amendment) Bill 2013  
held on Thursday, 13 June 2013, at 8:30 am  
in Conference Room 3 of the Legislative Council Complex**

Time Marker	Speaker(s)	Subject(s)	Action required
000200 - 000649	Chairman Administration	Opening remarks  Briefing by the Administration on its response to issues raised by members at the meeting on 24 May 2013 [LC Paper No. CB(2)1301/12-13(01)].	
000650 - 001310	Chairman Mr MA Fung-kwok Administration	Mr MA Fung-kwok's enquiry on the progress of the nomination exercise in 2013 and the Administration's response.  The Administration advised that after reporting to the Panel on Home Affairs ("HA Panel") in January 2013 on arrangements for the 2013 nomination exercise, Phase 1 of the exercise (i.e. registration of eligible arts organizations and individual arts workers for participation in the nomination exercise) was already conducted from March to April 2013.  The Administration advised that a list of organizations and individual arts workers of the specified arts interests eligible to take part in the nomination exercise for the 10 arts interests would be published in the gazette in accordance with the amended section 3(5) once the Bill was passed by Legislative Council.	
001311 - 001906	Chairman Mr Christopher CHUNG Administration	Mr Christopher CHUNG's enquiry and the Administration's explanation of the eligibility of members/employees of the nominating organizations.  The Chairman pointed out that some graduates of the Hong Kong Academy for Performing Arts did not have a bachelor's degree as only higher diploma and advanced diploma were awarded in the early days. These graduates were not qualified for taking part in the nomination exercise. The Administration responded that arts workers without an arts degree might qualify for taking part in the nomination exercise under other conditions. Nevertheless, the Administration was willing to consider members' suggestions in the next review.	

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		<p>Mr Christopher CHUNG's concerns that arts workers including amateur ones who engaged in artistic creation performances, but did not fall into any of the recognized categories of individual arts workers and were neither members nor employees of the specified arts organizations, were excluded from taking part in the nomination exercise.</p> <p>The Administration explained that graduates awarded with a bachelor's degree in the arts subjects had attained high levels of academic competence in the subjects and had taken part in arts creation and performance during their studies.</p>	
001907 - 002547	Chairman Ms Claudia MO Administration	<p>Ms Claudia MO expressed concern that there were cases of arts veterans not being qualified under any of the stipulated conditions, e.g. a piano teacher who had obtained a diploma in pianoforte performance but was not a member or an employee of the nominating organizations would be regarded ineligible in accordance with the existing criteria. Ms MO was also concerned that the academic competence of associate degree programme had not been given due recognition by the Administration.</p> <p>The Administration advised that the eligibility criteria for individual arts workers had already been relaxed after the review in 2012. The eligibility criteria had to be objective, clear and verifiable.</p>	
002548 - 003133	Chairman Mrs Regina IP Administration	<p>Mrs Regina IP's enquiry regarding the definition of an individual arts worker, and whether a manager of a musical group who did not have an arts degree might also qualify.</p> <p>The Administration advised that it had stepped up publicity to promote understanding of the arts community towards the nomination exercise through press releases/websites with a view to encouraging participation.</p>	
003143 - 003449	Chairman Miss CHAN Yuen-han Administration	<p>Miss CHAN Yuen-han called on the Administration to step up its publicity efforts through the District Offices to facilitate the small and budding arts groups and those in non-mainstream arts interests to take part in the nomination exercise.</p> <p>The Administration responded that it had distributed publicity leaflets and placing posters at numerous</p>	

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		venues including the offices of Home Affairs Bureau, the Public Enquiry Services Centres of the 18 District Councils, and venues managed by Leisure and Cultural Services Department. It had also placed advertisements of the nomination exercise on a number of newspapers and arts magazines, and radio broadcast.	
003450 - 004242	Chairman Dr Kenneth CHAN Administration	<p>Dr Kenneth CHAN requested the Administration to further consider relaxing the eligibility criteria for individual arts workers, with a view to enabling more members of the arts community, including the following categories, to take part in the nomination exercise: (a) students currently undertaking an arts degree programmes; and (b) graduates of advanced diploma and professional diploma from the Hong Kong Academy for Performing Arts as raised by a deputation in its written submission. He also highlighted the concern raised in the written submission that an arts group had failed to qualify as a nominating agent under the 10 arts interests.</p> <p>In response to Dr CHAN's enquiry on the statistics on the number of applications received from individual arts workers during Phase 1 of the nomination exercise in 2010 and 2013, the Administration advised on the number of applications received under the new category of arts degree graduates and that of other new categories under the relaxed criteria.</p> <p>At the request of Dr Kenneth CHAN, the Administration undertook to compile statistics on applications received from individual arts workers, with breakdown by different categories of eligibility criteria under the 10 arts interests.</p>	<b>Admin</b> (paragraph 3 of the minutes)
004243 - 004837	Chairman Mr LEUNG Che-cheung Administration	Mr LEUNG Che-cheung's concern that arts veterans who lacked the formal academic qualifications or were not able to qualify under other stipulated conditions would be excluded from taking part in the nomination exercise.	
004838 - 005834	Chairman Mr MA Fung-kwok Administration	Mr MA Fung-kwok called on the Administration to review the role and functions of Hong Kong Arts Development Council. The Administration proposed that the relevant issues should more appropriately be followed by the relevant Panel.	

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		The Administration explained that for the past nomination exercises, the organizations and individual arts workers, once gazetted, would continue to be valid in subsequent nomination exercises without the need for re-registration unless the arts organizations/individual arts workers concerned wished to update their particulars or change the arts interests they had registered. This year, however, all the registered organizations would be required to submit a self-declaration to reaffirm that they would continue to "aim at promoting the development of the arts".	
005835 - 011000	Chairman Miss CHAN Yuen-han Administration	At the request of Miss CHAN Yuen-han, the Administration undertook to provide statistics on unsuccessful applications from individuals during Phase 1 of the nomination exercise in 2013, including applicants who possessed sub-degree qualifications.	<b>Admin</b> (paragraph 3 of the minutes)
011001 - 011726	Chairman Mr YIU Si-wing Administration	Mr YIU Si-wing's view that the criteria should be able to accommodate those in non-mainstream arts interests, for example, street performers and small music bands. His suggestion that a mechanism should be put in place for cancellation of the membership of individual arts workers who had long ceased to participate in any arts performances or activities.	
011727 - 012514	Chairman Ms Cyd HO Administration	Ms Cyd HO requested that the statistics on applications by individual arts workers (including rejected applications) should include a breakdown by the 10 arts interests and different categories of eligibility criteria for applying for membership of the nominating bodies as set out at Annex (items (i) to (x)) to the Administration's letter to the Bills Committee dated 7 June 2013. The Administration undertook to provide the requisite information after the meeting.	<b>Admin</b> (paragraph 3 of the minutes)
012515 - 013223	Chairman Mr IP Kin-yuen Administration	Mr IP Kin-yuen requested the Administration to consider further relaxing the eligibility criteria to include graduates of associate degree in the relevant disciplines. The Administration agreed to consider members' suggestions in the next review.	
013224 - 013755	Chairman Mr MA Fung-kwok Administration	Mr MA Fung-kwok's suggestion of engaging a well established arts organization to consider appeals lodged by individual arts workers whose	

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		<p>applications had been rejected based on the existing eligibility criteria. His concern that graduates having equivalent qualifications conferred by recognized overseas institutions, however, were not allowed to take part in the nomination exercise.</p> <p>The Administration responded that the relaxed eligibility criteria had been drawn up in consultation with some advisors/experts from the sector to include other categories of individual arts workers as far as practicable, citing the inclusion of instructors/tutors of arts-related subjects and winners and open finalists of recognized local arts competitions and awards as examples. As regards overseas qualifications, the Administration considered that it would be difficult to verify the qualifications obtained overseas.</p>	
013756 - 014010	Chairman Assistant Legal Adviser 8 ("ALA")	<p>At the Chairman's invitation, ALA advised that the eligibility criteria for "individual arts workers" applying for membership of nominating bodies were not spelt out in the Bill.</p> <p>In the light of members' concerns, the Chairman suggested that issues relating to the eligibility criteria for membership of the nominating bodies should be followed up by the HA Panel.</p>	<b>Clerk</b> (paragraph 4 of the minutes)
014011 - 015250	Chairman Ms Cyd HO ALA Administration	<p>Ms Cyd HO's expression of concern about the lack of a definition for "individuals" in the Hong Kong Arts Development Council Ordinance (Cap. 472) ("HKADCO"). The Administration explained its current arrangement of setting out the relevant eligibility criteria by way of administrative arrangements.</p> <p>The Chairman's suggestion that this issue should be considered in the context of an overall review of the HKADCO (if necessary), which should be referred to the HA Panel for consideration.</p>	<b>Clerk</b> (paragraph 4 of the minutes)
015251 - 015600	Chairman Administration Ms Cyd HO	Discussion on the need to hold a further meeting.	
015601 - 020354	Chairman Administration Ms Cyd HO	<p>Extension of meeting</p> <p><u>Clause-by-clause examination of the Bill</u></p>	



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		Ms HO considered that the lack of a statutory definition for "individuals", which were important stakeholders of the sector, in the HKADCO was far from satisfactory. The Chairman's remark that her view would be included in the Bills Committee report to the House Committee.	
020355 - 020558	Chairman Clerk Administration	Legislative timetable  The Bills Committee's agreement that it would report its deliberations to the House Committee on 21 June 2013.	

Council Business Division 2  
Legislative Council Secretariat  
2 September 2013