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**GOVERNMENT SECRETARIAT
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11 May 2021

Clerk to the Panel on Home Affairs
Legislative Council Secretariat
Legislative Council Complex
1 Legislative Council Road
Central, Hong Kong
(Attn: Mr Raymond SZETO)

Dear Mr SZETO,

Panel on Home Affairs of the Legislative Council

**Response to Questions Raised by Hon Elizabeth QUAT on
the Organisation Structure and the Funding Mechanism of
the Hong Kong Arts Development Council**

In her letter dated 18 March 2021, Hon Elizabeth QUAT raised questions concerning the organisation structure and the funding mechanism of the Hong Kong Arts Development Council (“HKADC”). A consolidated response of the Home Affairs Bureau and HKADC is set out below.

Under section 3 of the Hong Kong Arts Development Council Ordinance (Cap. 472) (“the Ordinance”), HKADC comprises 27 members, of which Chairman, Vice-chairman and not more than 22 other members shall be appointed by the Chief Executive (“CE”). Pursuant to subsections (4) and (5) of that provision under the Ordinance, of the 22 other members, CE may appoint up to ten members nominated by

specified arts interests, namely arts administration, arts criticism, arts education, Chinese opera (Xiqu), dance, drama, film arts, literary arts, music and visual arts. CE will appoint appropriate candidates as HKADC members in accordance with the law. As a statutory body, HKADC Chairman and all members of HKADC must duly observe the law. Its operation must also comply with the laws of Hong Kong, including the Hong Kong National Security Law.

On funding approval, HKADC has established an approval system in the spirit of “peer assessment”. Since 1999, it has appointed through open recruitment and selection arts professionals and veterans as examiners to assist in assessing applications for various grants and effectiveness of funded programmes and make funding recommendations for endorsement of HKADC. Conforming to the spirit of fairness and impartiality, the “peer assessment” system and the funding mechanism achieve the following objectives:

- (1) minimising the chance for conflict of interests;
- (2) enhancing professionalism of “peer assessment”; and
- (3) ensuring that HKADC members exercise their monitoring power and shoulder the final gate-keeping responsibility through passing funding recommendations made by examiners to the committee/council for endorsement.

HKADC regularly recruits arts workers and professionals in various arts sectors via voluntary nominations and open invitations in newspapers to serve as examiners, and select appropriate persons in accordance with established procedures for various assessment exercises. HKADC currently has 103 arts consultants and 602 examiners. HKADC reviews the implementation of the examiners’ system from time to time to ensure the quality of examiners and will refine the mechanism. HKADC will review the performance of examiners on a regular basis, for example, taking into account their past attendance records and records of assessments as one of the references in considering service extension.

Moreover, HKADC has established respective approval mechanisms for applications of “year grants” and “project grants” to ensure that assessments are conducted in a professional and impartial manner and the approvals are given stringently. The assessment panels are composed of examiners and HKADC members of the relevant art

form groups, and they have in place a system for declaration of interests. HKADC will also invite outside experts to assist in adjudication if necessary. In order to ensure professionalism and credibility of assessment, the professional backgrounds and qualifications of examiners will be taken into account when selecting examiners for appointment to assessment panels and decisions will be made by drawing lots.

All along, HKADC requires all arts groups receiving its grants, including “year grants” and “project grants” to undertake that they will fulfil the terms of the contract entered into with HKADC, including compliance with the laws of Hong Kong during the grant period. HKADC also issues letters from time to time to remind all the arts groups receiving “year grants” to comply with the laws of Hong Kong and other contract terms. The last occasion when HKADC issued such a letter was in January 2021. If arts groups receiving grants breach contract terms in any respect as confirmed by law, including advocating independence of Hong Kong and overthrowing the Government under the current laws of Hong Kong, HKADC may exercise its rights to postpone, adjust or suspend grant disbursement for the funded arts groups for the grant year.

Yours sincerely,



(Frederick YU)
for Secretary for Home Affairs

c.c. Chief Executive, Hong Kong Arts Development Council