

**Extract from the minutes of meeting of the
Panel on Home Affairs held on 8 November 2002**

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V. Briefing on Culture and Heritage Commission Consultation Paper 2002

[Consultation paper entitled "Diversity with Identity Evolution through Innovation" issued vide LC Paper No. CB(2)289/02-03(02) on 6 November 2002]

39. The Chairman welcomed Professor H K CHANG, Chairman of Culture and Heritage Commission (the Commission Chairman), and Secretary of the Commission to the meeting. At the invitation of the Chairman, the Commission Chairman briefed members on the Culture and Heritage Commission Consultation Paper 2002. He highlighted that the Commission had put forward six strategies in its previous Consultation Paper issued in 2001 and a majority of responses received during the consultation period agreed with these strategies. The Commission therefore had drawn up its Consultation Paper 2002 on the basis on the six strategies, and the two most important strategies were "people-oriented" and "community-driven".

Composition of the Commission

40. Mr LEE Cheuk-yan noted that the Commission emphasised the importance of and recommended the Government to adopt a "community-driven" strategy in the promotion of culture in Hong Kong. He expressed concern on how such a strategy could be implemented with when all members of the Commission were appointed by the Government instead of returned by election. In response, the Commission Chairman clarified that of the 17 members of the Commission, only 2 were government officials appointed as ex-officio members. Other members were appointed in their personal capacity including the Chairmen of 4 statutory bodies. The notion of community-driven had therefore been reflected in the membership of the Commission.

Cultural facilities

41. Ms Emily LAU noted that the Commission had put forward its policy recommendations on cultural facilities in Chapter 4 of the consultation paper. She asked whether the Commission, in making these recommendations, had made reference to the report of the consultation study on the provision of regional/district cultural and performance facilities in Hong Kong which would be discussed by the Panel shortly under agenda item VI of the meeting. She

Action

also remarked that efforts should be made to improve the design of cultural facilities.

42. Mr Albert CHAN expressed concern on the lack of suitable venues for performance and training for arts groups, especially in new towns. He asked how this problem could be solved.

43. To address the concerns of Ms Emily LAU and Mr Albert CHAN, the Commission Chairman informed members that the Commission had examined the functions of cultural facilities, in particular, the role they play in cultural development, and set out its policy recommendations on libraries, museums and cultural and performance venues in Chapter 4 of the consultation paper. In the course of deliberations, the Commission was aware that the Government had commissioned consultancy studies on these cultural facilities. The relevant working groups of the Commission had participated in the process. It had also made reference to the report of the consultation study on the provision of regional/district cultural and performance facilities in Hong Kong which was completed recently. He added that he agreed with Ms LAU that the design of cultural facilities should be improved.

Review on resource deployment and institutional framework

Partnership with the business sector

44. Mr Henry WU declared interest as Chairman of the Hong Kong Dancing Company Limited. He informed members that the Company supported the adoption of a pluralistic approach in cultural development and enhancement of arts education to encourage the appreciation of, and participation in, the arts by members of the public. In fact, the Company had been working diligently towards this end. Mr WU added that the Company had also tried to cultivate partnership with the business sector. However, amid the economic downturn, most arts groups had experienced difficulties in securing commercial sponsorship. He asked whether the Commission had taken into consideration such difficulties when drafting its recommendations on the promotion of partnership with the business sector.

45. The Commission Chairman responded that community involvement would be encouraged and enhanced with the implementation of the Commission's policy recommendations, and would become the impetus of cultural development. He was confident that the quality of cultural programmes would be improved and private sponsorships would be attracted.

Community involvement

46. Ms Emily LAU expressed support for the policy of encouraging community involvement in the promotion of culture. She asked how this would be achieved. The Commission Chairman replied that District Councils (DCs) and district bodies had a crucial role in motivating citizens to participate

Action

in cultural activities. The Commission recommended that the Government should deploy resources to improve district venues and to support district cultural and arts organisations.

Establishment of "Libraries Board" and "Museums Board"

47. Mr LEE Cheuk-yan noted that the Commission had recommended in Chapter 4 of the consultation paper that to encourage community involvement in the development and management of libraries and museums, the Government should establish a "Libraries Board" to manage public libraries and a "Museums Board" to coordinate the overall development of museums. He queried whether the establishment of these statutory bodies would be tantamount to corporatisation of the facilities. He expressed concern that it might result in a reduction in Government allocations for these facilities hence necessitated the increase in and introduction of charges on the use of the facilities. The remuneration package of the employees concerned might also be adversely affected after corporatisation.

48. In response, the Commission Chairman assured members that it had never been the intention of the Commission to impose charges on the use of public library facilities. The purpose of the establishment of the two statutory bodies was to streamline the operation of library and museum facilities, and to raise the professional standard as well as increase community involvement in the management of these facilities. Mr LEE Cheuk-yan, however, remained of the view that in order to reduce expenditure, the Government would make use of this opportunity to corporatise the facilities concerned.

Establishment of the "Culture Foundation"

49. Ms Cyd HO pointed out that the Commission had recommended in Chapter 5 of the consultation paper the establishment of a statutory body, the "Culture Foundation", in 2004 so as to replace the Arts Development Council (ADC) by 2005. She remarked that the limited degree of democracy currently enjoyed by the arts groups concerned in the election of members of ADC would be diminished with ADC being dissolved and replaced by an appointed "Culture Foundation". She considered such a move contradictory to the notion of "community-driven".

50. Sharing the concern of Ms Cyd HO, the Chairman echoed that the dissolution of public bodies with elected membership such as the former Municipal Councils had become a recent trend which would be construed by the public as steps taken by the Government towards centralisation of powers. He said that this was not the right path for the Government to take in future. Echoing the views of the Chairman, Mr Albert CHAN pointed out that the Government had promised to transfer some of the powers and responsibilities of the former Municipal Councils to DCs before the dissolution of the former. However, it had not yet honoured its pledge and tried to delay the review of the roles and functions of DCs until after the 2003 DC elections. He said that the

Action

Government had conducted several large-scale policy reviews such as the recent sports policy review and the current cultural policy review, both of which had recommended the restructuring of the relevant institutional frameworks. Mr CHAN was concerned that by the time of the DC review in 2003, all the decisions regarding redistribution of powers and responsibilities in culture and sports would be finalised. He opined that the review on resource deployment and institutional framework for cultural development should be deferred and conducted together with the DC review in 2003.

51. As regards the position of the Commission in the new institutional framework, Ms Cyd HO opined that it should not be dissolved after submitting its final recommendations to the Government as recommended in paragraph 5.40 of the consultation paper. She considered that the Commission should continue to monitor and review the implementation of its policy recommendations.

52. In response to members' concerns about the future institutional framework, and the question from Ms CHOY So-yuk about the merits of the Commission's proposals on resource deployment and institutional framework, the Commission Chairman explained that under the new structure, government bodies would be restructured to form the "Culture Foundation" so as to streamline operation and increase community involvement. The establishment of the Foundation would eliminate duplication of functions among Home Affairs Bureau, Leisure and Cultural Services Department (LCSD) and ADC. The new structure would also facilitate the application for subsidies by arts groups as a single source funding mechanism would be adopted by the Foundation, which would allow for broad-based and effective deployment of resources. Such mechanism also provided a level-playing field and encouraged diversity. The Commission Chairman added that community involvement in cultural development would be enhanced since the authority of funding allocation would be shifted from the Government department to the Foundation. He also opined that the majority of the members of the Foundation should come from the private sector and that the number of representatives elected by the arts groups concerned to the Foundation should not be smaller than that in ADC.

Spiritual pursuit and freedom of expression

53. Ms Cyd HO noted that the Commission had recommended in the consultation paper that spiritual pursuits should be encouraged and freedom of expression be protected. She expressed concern on the impact of the recent Government's proposal to legislate under Article 23 of the Basic Law (BL) on these aspects, including freedom of cultural exchange with other places such as Taiwan. Ms HO added that she was disappointed that there was no mention of the need for striking a balance between the free flow of information and prevention of circulation of pornographic and indecent materials on the Internet, as well as the protection of children against the adverse influence of these materials.

Action

54. Expressing a similar concern, Mr Albert CHAN pointed out that the promotion of culture in Hong Kong had been hindered by Government policies. He quoted as an example the Government's refusal to approve the application from Falun Kong for renting a venue for the organisation of cultural activities. He was concerned that after the legislation under BL 23, similar restrictions imposed by the Government on cultural activities would be increased significantly.

55. The Commission Chairman reiterated that freedom of expression and spiritual pursuit had been much emphasised by the Commission in the consultation paper. The Commission had recommended that cultural exchange between Hong Kong and other cities should be encouraged and that restrictions should not be imposed on these activities.

Way forward

56. Mr MA Fung-Kwok declared interest as the member of the Culture and Heritage Commission. He informed members that most of their concerns had been considered by the Commission and addressed already in the consultation paper. He said that as a member of the Commission, he would be pleased to clarify the content of the paper with members, if needed, on other occasions. Moreover, he would sponsor a motion debate on the consultation paper at a future Council meeting during which members would have the opportunity to express their views on the paper again.

57. Members agreed that as the consultation paper contained recommendations of great significance to the cultural development in Hong Kong, a special meeting would be held to receive views from deputations on the consultation paper and to continue discussion with the Commission and the Administration.

(Post-meeting note: the special meeting was scheduled for Tuesday, 17 December 2002 at 2:30 pm)

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Council Business Division 2
Legislative Council Secretariat
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