

Hong Kong Arts Development Council

Venue Subsidy Scheme (Pilot Scheme) Application Guidelines

Applicable for applications submitted between 1 January 2019 and 31 December 2019

1. Preamble

The Venue Subsidy Scheme (“the Scheme”) by the Hong Kong Arts Development Council (“HKADC”) aims to subsidise arts groups and independent artists in hiring venues for arts activities and rehearsals in order to create and publicly present their art works. The Scheme covers a wider range of venue choices for hirers so as to promote more arts venues that meets the needs of the art sector.

2. Eligibility

- 2.1 Applicants have to be either Hong Kong registered arts organisation or independent artists and shall be the applicants of HKADC “Project Grant” within the same year and application period.
- 2.2 Applications must be submitted in the same name of and by an individual or organisation.
- 2.3 The Scheme is not applicable for arts organisations currently receiving “Year Grant Scheme” and “Eminent Arts Group Scheme” from HKADC (except for Cultural Exchange projects) or major performing arts groups which are receiving funding from the Home Affairs Bureau, namely the “nine major performing arts groups” of Hong Kong, and the Hong Kong Arts Festival Society.

3. Scope of Subsidy

3.1 Venue Subsidy for Performances, Exhibitions, and Activities

Applicants shall be the applicants of HKADC “Project Grant” within the same year and application period, who plans to hire local venues for performances, exhibitions, and activities, in order to publicly present artistic creations.

Venues that applicants intend to hire for performances, exhibitions, and activities shall either be managed by the government or other legally eligible non-government local venues (meaning already in possession of and entitled under or able to successfully apply for necessary associated licenses, or equipped with relevant documents) for public performances, exhibitions, or other arts activities that are in compliance with safety regulations.

Applicants may refer to the “Reference List of Venues” (Appendix 1) provided by HKADC on some local arts venues suitable for public performances, exhibitions, and activities in compliance with relevant ordinances and regulations. Venues not included in the list are accepted in the Scheme if their associated license(s) and relevant document(s) (such as the Places of Public Entertainment License) are submitted together with the application to ensure that the venues are proper arts venues suitable for public performances, exhibitions, and activities in compliance with relevant ordinances and regulations.

3.2 Venue Subsidy for Rehearsals

Rehearsal venues that applicants intend to hire shall be restricted for rehearsal purposes only. The concerned programmes must be **performance-based activities**.

4. Application Guidelines

- 4.1 The maximum subsidy for performances, exhibitions, and activities venue hiring is HK\$80,000. The maximum subsidy for rehearsals venue hiring is HK\$15,000.
- 4.2 Applications **must be** submitted together with “Project Grant” applications.
- 4.3 Applicants are restricted from applying for their own venues for presentations and rehearsals. Application for rehearsal venue subsidy will not be processed if the person-in-charge/ head of organisation of the rehearsal venue is a relative of the applicant.
- 4.4 The Scheme only covers basic cost of venue hiring and basic services for the presentation and rehearsal of work. **Under no circumstances can the subsidy provided under the Scheme be transferred to other expenditure items (such as production, administration, and promotion) within the Project.**
- 4.5 Successful applicants should use the subsidy reasonably on the specified expenditure items. Upon the Project’s completion, the actual costs of all expenditure items should be reported to HKADC, and the subsidy will be disbursed on a reimbursement basis.
- 4.6 HKADC will not be responsible to refund any unsuccessful applicant who has already paid a venue hiring deposit before the application result is announced.
- 4.7 If the information provided is insufficient or if the requisite supporting documents are missing, HKADC reserves the right not to process the application.

5. Implementation Schedule

- 5.1 The closing dates for applications in 2019 for the Scheme are as follows:

Project Type	Application Deadline	Result Announcement	Date of commencement for performance / programme
Performance, Publication, Exhibition, Film/Media Arts Production, Multi-discipline Project and other activities	2 July 2019	by the end of November 2019	on/after 1 December 2019
	31 December 2019	by the end of May 2020	on/after 1 June 2020
Cultural Exchange Grant	1 April 2019	by the end of June 2019	on/after 1 July 2019
	2 July 2019	by the end of September 2019	on/after 1 October 2019
	30 September 2019	by the end of December 2019	on/after 1 January 2020
	31 December 2019	by the end of March 2020	on/after 1 April 2020

The above result announcement dates are expected dates only. HKADC reserves the right to postpone the result announcement.

- 5.2 Application forms are available at HKADC Administration Office or can be downloaded from HKADC’s website (www.hkadc.org.hk). For submissions in person, applicants should deposit two identical copies of the completed “Venue Subsidy Scheme” and “Project Grant” application forms, together with all required supporting documents, into the application collection box placed at HKADC office, 10/F, 1063 King’s Road, Quarry Bay, Hong Kong, before 6:00pm on the application deadlines. Postal submissions postmarked on or before this date will be acceptable.

Submission by courier is also accepted if the pickup date shown on the bill issued by the courier service provider is on or before the deadline. Late applications or applications by fax, e-mail, other digital form, or postal applications with insufficient postage shall not be accepted or processed by HKADC.

5.3 The Scheme is a pilot scheme and should not be considered as recurrent.

6. Application Process

- 6.1 Applicants should complete the application form for the “Venue Subsidy Scheme” and submit together with “Project Grant” application form and proofs of relevant venues hiring. If the applicants wish to hire venues not included in the “Reference List of Venues” or performances, exhibitions and, activities venues not managed by the government, the venue’s associated license(s) and relevant document(s) (such as Places of Public Entertainment License) should be provided to ensure that the venue is a proper arts venue suitable for public performances, exhibitions, and activities in compliance with relevant ordinances and safety regulations.
- 6.2 HKADC will take reference to the application results of “Project Grant” to determine the final result of the Scheme. If the applicant’s “Project Grant” application is successful, the subsidy under the Scheme will be approved concurrently in general. HKADC may determine the final result and grant amount based on the recommendations of the assessment panel and availability of resources. Application results will be submitted to the mid-level committee of HKADC to seek endorsement.
- 6.3 HKADC reserves the right not to accept/consider applications and proposals that fail to meet the above criteria.
- 6.4 Depending on the competition, HKADC reserves the right in its entire discretion to set assessment criteria additional to those above which HKADC deems objective and do not contradict existing ones to facilitate the processing of applications; applicants shall not be entitled to review such additional objective criteria.

7. Grant Conditions

- 7.1 Successful applicants will be notified by the HKADC and will be required to sign an Agreement which lays down the subsidy conditions. The basic principles in the Agreement are briefly described below. While subsidy conditions may vary between different projects, they are normally as follows:
 - a) the grantee agrees to use the subsidy solely for the purpose of carrying out the activities set out in the Agreement;
 - b) if required, HKADC will ask the grantee to submit by the specified date a revised budget for the grant amount proposed;
 - c) the grantee must make sure the grant be used in reasonable items of the supported projects;
 - d) prior notification in writing must be made to the HKADC for approval on material project change(s), such as postponement of the project, major changes to the content and budget of the project, etc. The HKADC reserves the right to vary the grant or to handle the case in a manner it sees fit should there be unauthorised changes to the proposal;
 - e) the HKADC’s support must be acknowledged in the prescribed format set out in *Guidelines to Acknowledge the Support of Hong Kong Arts Development Council* in all promotional materials (e.g. poster, handbill, press release, pamphlet, house programme, newspaper and advertisement, magazine, display board, and television and radio commercial), in the production and in any publication connected with the project. Materials or publications containing the acknowledgement and the HKADC logo must be submitted to the HKADC

for verification before it can be put in print;

- f) the grantee must provide the HKADC with the schedule of the project and its related promotional activities (including press conferences and press releases), at least four weeks before the date of the first performance or the start of the activity. The HKADC reserves the right to send representatives to attend the activity and its promotional activities;
- g) the grantee is required to submit a statement of accounts with all supporting original receipts and a set of photocopy of those receipts, together with the Project Report within three months of the actual completion of the project. If HKADC only receives the original receipts, no receipt will be returned to the grantee;
- h) any net surplus/ unspent balance of the grant as determined by HKADC must be refunded to the HKADC on demand; such refunds to the HKADC shall not exceed the grant approved;
- i) the HKADC or the Government's Director of Audit or their representative(s) shall have the right to examine the records and accounts of the grantee;
- j) the Commissioner of the Independent Commission Against Corruption shall have the right to examine the grantee's management and control procedures. The grantee must provide full and prompt assistance;
- k) upon request, the grantee should provide the HKADC with information, photos or writings related to the subvented project for use in the HKADC's website, annual report or other publicity material.

7.2 HKADC will notify successful applicants in writing.

8. Disbursement of Grant by Installment

8.1 HKADC will disburse the subsidy in installments by cheque.

8.2 The subsidy will be disbursed by the following method :-

Submission of supporting documents of venue hiring confirmation and signing of the subsidy Agreement	80%
Completion of Project together with the submission of Project completion proof and Project Report	20%

9. Freeze Policy

9.1 The project must be implemented in accordance with details and dates set out in the application and the Agreement. The grantee has the responsibility to take initiative to submit by the stipulated dates, proof of project completion and the Project Report, failing which the HKADC reserves the right to recover the amount paid to the grantee. The grantee, its head of organisation (if the grantee is an organisation), and the project-in-charge, will be listed in the HKADC Freeze List immediately when the project/project report is overdue. If the grantee applied for and received the HKADC grant on account of its status as subsidiaries or departments of registered organisations, the grantee's parent organisation will also be listed on the HKADC Freeze List.

9.2 All persons and organisations whose name is on the HKADC Freeze List will not be eligible to apply for and receive any HKADC grant during the overdue period and the six-month frozen period after the overdue item is completed/submitted.

9.3 If a key participant in an application is a person/organisation whose name is on the HKADC Freeze List, the application will not be accepted by the HKADC for consideration during the period that the person/organisation in question is on the HKADC Freeze List.

- 9.4 Grantees who failed to complete the project/submit the project report and were listed on the HKADC Freeze List for three times or more, the HKADC reserves the right to extend their frozen period to one year.

10. General

By agreeing to receive and/or by responding to this Application Guidelines, each applicant accepts and undertakes to comply with the following terms and conditions :

- 10.1 Nothing in this Application Guidelines or any communications made by HKADC or its representatives, agents, employees, or advisers shall constitute an offer of a contract or a binding contract between HKADC and any prospective applicant nor shall it be taken as constituting any representation that a grant will be made in accordance with this Application Guidelines.
- 10.2 HKADC reserves the right at any time during the selection procedure to change any aspect of this Application Guidelines, to issue an amended Application Guidelines, or to refuse to consider any applicant (or prospective applicant). All applicants acknowledge that HKADC may decide to organise the Project on its own or without officially appointing any third party.
- 10.3 HKADC has taken all reasonable care to ensure that this Application Guidelines is accurate in all material respects. This Application Guidelines is provided by way of explanation of the requirements of HKADC in relation to the Project and neither HKADC nor any of its representatives, agents, employees, or advisers make any representation or warranty or accept any responsibility for the accuracy or completeness of the information contained in this Application Guidelines nor shall they be liable for any loss or damage suffered by any prospective applicant, the applicant and/or any third party in reliance on this Application Guidelines or any subsequent communication with HKADC.
- 10.4 No prospective applicant or applicant is entitled to making any announcement relating directly or indirectly to this Application Guidelines and, in particular, to its proposal. Each applicant acknowledges and agrees that HKADC shall have the sole right to make any announcement in relation to this Application Guidelines and/or the selection of the successful applicant.
- 10.5 Each applicant is responsible for all costs, expenses, and liabilities incurred by the preparation of its Proposal, any responses to requests for further information by the HKADC, and any negotiations with HKADC following receipt by HKADC of the Proposal of the Applicant (whether or not an Agreement is entered into with such Applicant) and irrevocably and unconditionally waives any rights it may have to bring a claim in any court of competent jurisdiction in relation to the appointment or manner of appointment of any applicant, the selection procedure or otherwise in relation to the Proposal or this Application Guidelines.
- 10.6 All Proposals and related materials or documents submitted therewith shall be retained by HKADC for such period as it may in its entire discretion decide and shall not be returned to any applicant and may, in the like discretion of HKADC, be destroyed.

11. Treatment / Inquiry of Personal Data

- 11.1 According to Paragraph 2.3.3 of the Code of Practice on Identity Card Number and Other Personal Identifiers ("the Code"), the HKADC may collect the ID card number of the grantee (or of the authorised signatory if the grantee is an organisation) to verify the grantee's identity and to identify grants related to the grantee.
- 11.2 Personal data contained in the application documents are used by HKADC to facilitate the processing and assessment of grant applications. Failure to provide such data may affect the assessment and result of the application.
- 11.3 If there is any amendment to the personal data on the application documents, the applicant must inform HKADC in writing to ensure that the personal data held by the HKADC is correct at all

times. To help promote arts development and transparency, the HKADC may publish information (e.g. organisations name, approved amount, project nature and project summary, etc.) concerning successful grant applications in its annual report, website, newsletter and other publicity materials; the HKADC may also use such information for its own research or policy development purposes. The applicant must agree to allow the HKADC to publish and use such information. If the applicant does not wish to receive any publicity material from the HKADC or related organisations, please notify the HKADC in writing.

- 11.4 To facilitate the process of grant assessment, the applicant must allow the HKADC to reveal personal data contained in the application to Council Members, Arts Advisors, Examiners/Assessors, the Home Affairs Bureau, other Government departments and external consultants.
- 11.5 The HKADC will not release information that would harm the grantee's personal or business activities. HKADC reserves the right to subcontract processing of any personal data to a data processor consistent with the applicable provisions of the Personal Data Privacy Ordinance.
- 11.6 According to The Personal Data (Privacy) Ordinance Paragraphs 18 and 22, and point 6 in annex 1 of the Code, the applicant has the right to know if the HKADC holds personal data related to oneself and to the participants of the project, and may obtain a copy of the data from the HKADC and to amend any inaccurate information contained therein. Such requests in writing should be addressed to the Chief Executive, Hong Kong Arts Development Council.

12. Intellectual Property

- 12.1 To facilitate the assessment of applications, the applicant agrees to authorise the HKADC to duplicate and distribute application documents to Council Members, Arts Advisors, Examiners, the Home Affairs Bureau, other Government departments and external consultants for reference. The applicant also agrees to authorise the HKADC to possess, process and archive application documents submitted by the applicant.
- 12.2 If the application documents submitted by the applicant contain material (including but not limited to any written, verbal, graphic / image production or other format), in which intellectual and industrial property rights belonging to other parties/ organisations subsist, it is the applicant's responsibility to obtain prior written consent from the holder of such intellectual and industrial property rights for their use and exploitation so to (a) enable the HKADC to carry out the assessment under Paragraph 12.1 hereof and to (b) enable that the project can be implemented successfully without infringement or claims from third parties. The HKADC reserves the right to request certified copies of such prior written consent.
- 12.3 If the contents of the application incorporate the duplication, distribution or publishing of works and materials, etc (including but not limited to any written, verbal, graphic/ image production or other format), in which intellectual and industrial property rights belonging to other parties/ organisations subsist, it is the applicant's responsibility to obtain prior written consent from the holder of such intellectual and industrial property rights to ensure that the project can be implemented successfully without infringement or claims from third parties. The HKADC reserves the right to request certified copies of such prior written consent.
- 12.4 The applicant must ensure that the HKADC will not violate the Copyright Ordinance (Chapter 528) of the laws of Hong Kong or other relevant ordinances or infringe in any way any intellectual and industrial property rights of any nature whatsoever of any person due to the receipt, examination, possession, processing or archiving or otherwise use or exploitation of any documents, information, project contents of application submitted by the applicant. The applicant shall indemnify and keep indemnified the HKADC, its respective directors, officers, employees, representatives, advisers, authorised users and/or agents (including Council Members, Arts Advisors, Examiners, the Home Affairs Bureau, other Government departments and external consultants), on a full indemnity basis, from and against any and all losses, damages, claims, liabilities, actions, demands, fees, costs and expenses (including but not limited to legal fees,

costs and expenses) which the HKADC, its respective directors, officers, employees, representatives, advisers, authorised users and/or agents (including Council Members, Arts Advisors, Examiners, the Home Affairs Bureau, other Government departments and external consultants), may incur or suffer in connection with, or arising out of the failure of the applicant to comply with the duties or requirements set out in this Paragraph 12.

- 12.5 As a measure to promote art developments, HKADC supports the autonomy and independence of arts practitioners/ arts organisations and encourages arts practitioners/ arts organisations to maintain ownership of and manage its own intellectual property. As such, unless specified as conditional requirements by HKADC, successful applicants who receive the Grant from HKADC generally will retain and own intellectual property (including but not limited to the trademark or copyright) of its creative works or activities. The successful applicants shall take all necessary steps and adopt appropriate policies to own, ensure, protect and promote the intellectual property (including but not limited to trademark, patents, design or/and copyright) deriving from its creation or activities. Successful applicants shall ensure that their provision of any work or material in performing the activities, the use or possession of the same by the HKADC, their deliverables or creation or any part thereof are original works and that the same does not and will not infringe, in any way intellectual and industrial property rights or other rights of any nature whatsoever of any person. Successful applicants shall also ensure that their creation or activities are free from all liens and encumbrances.
- 12.6 Successful applicants, however, shall unconditionally grant to the HKADC a royalty free, fee-free, irrevocable perpetual non-exclusive worldwide and sub-licensable license exercisable at any time by the HKADC in its sole and entire discretion to use, reproduce, publicise, upload, store, distribute and broadcast to the public, post and in any way exploit for all purposes the contents, whether in full or in part, of the work or publication of or materials relating to the activity of the successful applicants, on any website, annual report, publication, or other publicity material, platform or media (regardless of the existing one, or the one to be launched or created) owned, managed, engaged or published by the HKADC. Where it is not legally possible for the successful applicant to grant the above license to the HKADC, the successful applicant shall at its own cost and expense (which shall not be paid out of the grants) procure that the relevant intellectual and industrial property rights owner shall grant identical rights to the HKADC. Successful applicants must ensure that they have full rights and authority to grant all the rights granted to the HKADC hereunder.

13. The Prevention of Bribery Ordinances

- 13.1 Hong Kong Arts Development Council is a "public body" under the Prevention of Bribery Ordinance Cap 201. All HKADC members (including Committee members, Examiners, and Arts Advisors) and staff must abide by the regulations related to the acceptance of advantages.
- 13.2 Under Section 4 of the Prevention of Bribery Ordinance Cap 201, the offering of any advantage to, or the soliciting or acceptance of any advantage from, any HKADC member (including Committee members, Examiners and Arts Advisors) and staff is strictly prohibited. Applicants should be aware of, and abide by, the regulations.
- 13.3 It is an offence for any person to, without lawful authority or reasonable excuse, while having dealings of any kind with a government department/office or a public body, offer any advantage to any government officer employed in that department/office or public servant employed by that public body.

14. Review Procedures

- 14.1 The decision of the HKADC is final. However, the HKADC reserves the exclusive discretion to receive review applications over the decision of the examiners by unsuccessful applicants, which would be reviewed by the Review Committee in the HKADC. Review applications to the examiners' decision must be made in writing by completing a standard form obtainable from the HKADC and submitted within 30 calendar days from result notification.

- 14.2 Review applications against artistic appreciation and judgement will not be accepted. The Review Committee will review cases only on grounds of improper processing procedures and/or rejection of proposal due to the decision being based on inaccurate information. These claims must be substantiated by the unsuccessful applicant by concrete reasons.
- 14.3 Depending on the competition and Council's resources, the HKADC reserves the right to set additional assessment criteria which are objective and do not contradict existing ones to facilitate the processing of applications; appeals against such additional objective criteria are not accepted.

15. Declaration

By the submission of the Proposals by way of the application, the applicant declares and warrants:

- 15.1 The applicant has obtained, read, and understood the Application Guidelines and the draft Agreement and the Annexes thereto and confirms that the applicant fully understands, will comply with and be bound by them.
- 15.2 The applicant declares and warrants that all information given in the Proposals is fully comprehensive and is correct at the stated date when given and will not be amended without the prior written approval of HKADC.
- 15.3 The applicant hereby list out all current Council Members, Arts Advisors, Examiners, and staff who will be involved in this application (if any).

16. Revision and Update

- 16.1 The Application Guidelines are only valid for applications submitted between 1 January 2019 and 31 December 2019.
- 16.2 The HKADC periodically revises the Application Guidelines and the application forms. Applicants should look out for the latest version. The HKADC reserves the right to amend the Application Guidelines (including applications processing procedures and Assessment Guidelines) whenever it sees fit. Please look out for the Council's announcement in HKADC's website or contact the HKADC for further information.

17. Enquiries

For enquiries, please contact 2827 8786.

The Hong Kong Arts Development Council reserves the right in its absolute discretion not to accept any Application submitted for the Scheme. HKADC also reserves the right to amend or to supplement or to cancel the Scheme at any time without further notice before entry into a full Agreement with the applicant. HKADC will not indemnify any losses or expenses that might be incurred by the applicants from such situations.

Hong Kong Arts Development Council
Updated in January 2019

In case of discrepancy between the Chinese and English versions, the Chinese version shall prevail.

(The list does not include all available venues)

	Organisation	Venue & Nature
1	Hong Kong Arts Centre	McAulay Studio (Performance) Shouson Theatre (Performance) Louis Koo Cinema (Screening) Pao Galleries (Exhibition)
2	Fringe Club	Anita Chan Lai-ling Gallery (Exhibition) Colette's (Exhibition) Fringe Dairy (Performance) Fringe Underground (Performance) Fringe Upstairs (Performance, Screening) Fringe Vault (Multi-function)
3	Y Square	Y Theatre (Performance) Y Studio (Performance) Plaza (Performance) Y Platform (Exhibition)
4	On and On Theatre Workshop	Cattle Depot Theatre (Performance)
5	HKICC Lee Shau Kee School of Creativity	Multi-media Theatre (Performance) Gallery (Exhibition)
6	The Hong Kong Polytechnic University	Chiang Chen Studio Theatre (Performance) Jockey Club Auditorium
7	Hong Kong Baptist University	Academic Community Hall (Performance)
8	Jockey Club Creative Arts Centre	Jockey Club Black Box Theatre (Performance) Central Courtyard (Exhibition) L0 & L1 Galleries (Exhibition)
9	Sunbeam Theatre	Theatre 1 (Performance) Theatre 2
10	The Hong Kong Academy for Performing Arts	The Hong Kong Jockey Club Amphitheatre (Performance) Exhibition Area (Exhibition)