

INVITATION FOR PROPOSALS -

**2022/23
YEAR GRANT**

APPLICATION CONDITIONS

**The following grant period will be applicable
to this year's application:**

One-Year Grant: 1 July 2022 – 30 June 2023

Three-Year Grant: 1 July 2022 – 30 June 2025

**Art Forms: Music, Dance, Xiqu, Drama, Visual Arts,
Multi-disciplinary Arts, Film and Media Arts**

Table of Contents

	<u>Page</u>
(1) PREAMBLE	3
(2) OBJECTIVES OF THE GRANT RECIPIENTS	7
(3) CORPORATE, ARTISTIC AND MANAGEMENT STRUCTURE	8
(4) FUNDING LEVEL	9
(5) CONDITIONS OF GRANT	12
(6) MONITORING SYSTEM	12
(7) PROPOSAL REQUIREMENTS	13
(8) PROPOSAL SUBMISSION AND DEADLINE	15
(9) CRITERIA FOR PROPOSAL ASSESSMENT	16
(10) ASSESSMENT PROCEDURES	18
(11) FREEZE POLICY	18
(12) PREVENTION OF BRIBERY ORDINANCE	18
(13) TREATMENT OF PERSONAL DATA /INQUIRY OF PERSONAL DATA	19
(14) INTELLECTUAL PROPERTY	20
(15) REVIEW PROCEDURES	23
(16) ENQUIRIES	23

(1) PREAMBLE

- 1.1 The Hong Kong Arts Development Council (hereinafter referred to as the “HKADC”) established the Year Grant Scheme in 1998. The objective is to provide strategic support and nurture the thriving development of local professional arts organisations and artists. The effect of the Year Grant is to support the operation and production needs of distinguished professional arts organisations or representative groups in different art forms for a fixed period of twelve months and assist their development to their full potential.
- 1.2 To encourage One-Year Grantees with meritorious performance, the HKADC started accepting applications for the One-Year/Two-Year Grant in 2009/10, and considered selecting distinguished arts organisations receiving the “Year Grant” with a view to giving them a pledge in principle of a two-year grant. Starting from 2013/14, the HKADC further set up the Three-Year Grant and selected distinguished arts organisations from Two-Year Grantees with outstanding performance to give them a pledge in principle of a three-year grant.
- 1.3 In order to align with the development needs of various art forms, and to enhance the mobility and flexibility of arts organisations receiving “Year Grant”, so as to allow new distinguished arts organisations with potential and outstanding arts organisations in Hong Kong to apply for “Year Grant” of different grant periods, the HKADC decided to simplify the “Year Grant” scheme from 2019/20 by ceasing to accept applications for the Two-Year Grant and changing the grant period to one year or three years, and adjusting the upper limit of the grant amount and the eligibility of applicants etc, with a view to giving grants to eligible distinguished arts organisations.
- 1.4 The “Year Grant” is divided into two parts and is open for applications by arts organisations. Part I shall be the “Operational Expenses Grant”, with grant amount for one year at HK\$300,000 or above but no more than HK\$1,500,000; and grant amount for three years at such amount of HK\$300,000 or above but no more than HK\$2,000,000. Part II shall be the “Extra Activities Grant” with a maximum grant amount of HK\$500,000. Please note that, eligible applicants for the “Extra Activities Grant” shall be the current Grantees of the “Year Grant” for the year of 2021/22¹. Apart from applying for Part I (“Operational Expenses

¹ 2021/22 Year Grant Recipients: R&T (Rhythm & Tempo) Ltd., Passoverdance Ltd., E-Side Dance Co. (HK) Ltd., Hong Kong Dance Alliance Ltd., Unlock Dancing Plaza Ltd., Y-Space (HK) Ltd., TS Crew Ltd., Alice Theatre Laboratory Ltd., On & On Theatre Workshop Co Ltd., Theatre du Pif Ltd., Cinematic Theatre Ltd., Pants Theatre Production Ltd., Theatre Ronin Ltd., POP Theatre Ltd., Theatre Space Foundation Ltd., The Nonsensmakers Ltd., Hong Kong Drama / Theatre and Education Forum Ltd., Class 7A Drama Group Ltd., iStage Theatre Ltd., Actors’ Family (Hong Kong) Ltd., Drama Gallery Ltd., Jumbo Kids Co. Ltd., We Draman Group Ltd., Artocrite Theater Ltd., Videotage Ltd., Hong Kong Film Critics Society Ltd., v-artist Co. Ltd., Art in Hospital Ltd., Centre for Community Cultural Development Ltd., International Association of Theatre Critics (Hong Kong) Ltd., Hong Kong Arts Administrators Association Ltd., Contemporary Musiking Hong Kong Ltd., Soundpocket

Grant”), an application may also be made for Part II (“Extra Activities Grant”) if necessary.

1.4.1 **Part I: Operational Expenses Grant**

The scope of the grant includes:

General administrative expenses:

- Remuneration of employees (including wages, MPF and other allowances and benefits)
- Overall marketing and promotional expenses for arts organisations
- Capital expenditure (such as equipment and furniture etc.)
- Other administrative expenses (such as postage and stationery, water and electricity charges and sundry expenses etc.)

In relation to specific activities of the year:

- Remuneration of contract personnel for the project
- Project production costs
- Project administrative expenses
- Other project expenses

1.4.2 **Part II: Extra Activities Grant (maximum grant amount: HK\$500,000) – Grantees who receive the “Operational Expenses Grant” may concurrently apply for the “Extra Activities Grant” if they satisfy the eligibility requirements as mentioned in para. 1.4 hereof; however, there is no guarantee that such Grantees would receive the “Extra Activities Grant”.**

The scope of the grant includes:

In relation to the extra activities:

- Remuneration of contract personnel for the project
- Project production costs
- Project administrative expenses
- Other project expenses

1.4.3 The “Operational Expenses Grant” under the “Year Grant” may only be applied towards HKADC-approved projects that fall within the scope of the “Operational Expenses Grant”. An arts organisation shall state in its application proposal its

Ltd., Arts With The Disabled Association Hong Kong, SingFest Ltd., Yat Po Singers Ltd., Windpipe Chinese Music Ensemble Ltd., City Chamber Orchestra of Hong Kong Ltd., Toolbox Percussion Ltd., Hong Kong Composers’ Guild Ltd., Musica Viva Ltd., Hong Kong New Music Ltd., Music Lab Company Ltd., Hong Kong Society For Education In Art Ltd., Lumenvisum Co. Ltd., Art Together Ltd., 1a Group Ltd., Asia Art Archive Ltd., Hong Kong Open Printshop Ltd., Rooftop Institute Ltd., The Cantonese Opera Academy of Hong Kong Ltd., Jingkun Theatre Ltd., Hong Kong Young Talent Cantonese Opera Troupe Ltd.

proposal for allocating the grant within the grant period to general administrative expenses and specific activities of the year (if applicable). Grantees are required to utilise the “Operational Expenses Grant” within the relevant grant year based on the proposed allocation approved by the HKADC. The “Extra Activities Grant” may only be applied towards activities set forth in an application proposal which are approved by the HKADC. Written application should be submitted to the HKADC in advance before changes could be made to the HKADC-approved items in respect of the Grant, namely usage, allocation and activities, whether in relation to the “Operational Expenses Grant” or “Extra Activities Grant”. The HKADC reserves all rights to decide whether to approve an application for such changes.

- 1.5 The HKADC previously awarded a number of organisations with meritorious performance a three-year grant²; such funding commitment will remain unchanged. Arts organisations receiving respective grant should submit an application for Part I (“Operational Expenses Grant”). A separate notice will be issued by the HKADC to these existing Grantees in this connection. These arts organisations may also apply for funding for their extra activities by submitting an application for Part II (“Extra Activities Grant”) which has a maximum grant amount of HK\$500,000. An application for the “Extra Activities Grant” shall be made to the HKADC annually.
- 1.6 The HKADC hereby invites eligible arts organisations to submit their application proposals for the 2022/23 “Year Grant” (hereinafter referred to as the “**Application**”). All applicant organisations shall be subject to a selection process and the HKADC will select the most suitable organisation(s) to receive the grant. This document summarises the expectations of the HKADC for Grantees and the contents which the proposals shall cover.
- 1.7 The “Year Grant” is open for applications by all eligible organisations. If the selected grant period is one year, the grant period, on a 12-month basis, will be from 1 July 2022 to 30 June 2023 (hereinafter referred to as the “**One-Year Grant Period**”). If the selected grant period is three years, the grant period, on a 36-month basis, will be from 1 July 2022 to 30 June 2025 (hereinafter referred to as the “**Three-Year Grant Period**”). The HKADC does not guarantee that a Grantee will continue to receive the “Year Grant” after the expiry of the grant period.
- 1.8 To maintain accountability and encourage meritorious performance, “Year

² 2021/22 Grant Recipients of Three-Year Grant (1st or 2nd grant year) with grant period to be expired on 30 June 2023 or 30 June 2024: R&T (Rhythm & Tempo) Ltd., Passoverdance Ltd., E-Side Dance Co. (HK) Ltd., Yat Po Singers Ltd., Hong Kong Composers’ Guild Ltd., Windpipe Chinese Music Ensemble Ltd., SingFest Ltd., Musica Viva Ltd., Actors’ Family (Hong Kong) Ltd., Class 7A Drama Group Ltd., Soundpocket Ltd., Art in Hospital Ltd., Videotage Ltd., Asia Art Archive Ltd., Hong Kong Open Printshop Ltd., Jingkun Theatre Ltd.

Grant” incorporates an “entry and exit system” whereby new qualified arts organisations may be awarded the grant and those under-performed may cease to receive it. In addition, to encourage arts organisations which have achieved the HKADC standard of outstanding performance, the HKADC will, when considering an application submitted by the arts organisations for first year funding in the “Operational Expenses Grant” under the “Year Grant” with grant period for three years, consider also agreeing in principle to offer second year and third year funding in the “Operational Expenses Grant” to such arts organisations, in order to allow these arts organisations to continue to focus on sustainable artistic development and to formulate long-term development plans. Arts organisations receiving such grants may expect that the funding level for the “Operational Expenses Grant” in their second and third year funding will be comparable to that in the first year. Arts organisations receiving three-year “Operational Expenses Grant” may submit an application for “Extra Activities Grant” annually.

- 1.9 All eligible music, dance, xiqu, drama, visual arts³, multi-disciplinary arts, film and media arts organisations resident in Hong Kong, may apply for the “Year Grant” if they are not on the frozen list of the HKADC.
- 1.10 An arts organisation applicant must be a non-profit company limited by guarantee without a share capital which is registered in Hong Kong, with the aim of promoting the development of the arts. The HKADC will not consider an application for the “Year Grant” submitted in the name of an individual, a sole proprietorship or a partnership. The HKADC also does not accept any application for this scheme from any arts organisations which are the parent company or subsidiary of the arts organisations which are currently receiving “Year Grant” from the HKADC, or the parent company or subsidiary of any new applicant organisations who apply at the same time.
- 1.11 The HKADC will not accept that the key staff (including art administrators and artistic workers) of an arts organisation applicant concurrently act as the key staff of another arts organisation applicant and apply with an application for the “Year Grant” for the same year in the same or different art forms.
- 1.12 In order to avoid duplication of resources, the HKADC will not consider any application submitted by major arts organisations currently funded by the Home Affairs Bureau of the Hong Kong Government, i.e. nine flagship local arts groups. Also, the HKADC will not consider any application submitted by an arts organisation which is receiving funding from the “Springboard Grant” under the Arts Capacity Development Funding Scheme of the Home Affairs Bureau and

³ Scope of visual arts includes: Chinese painting & calligraphy/seal engraving, Western Arts-2D (including painting, print-making, etc.), 3D (including sculptures, ceramics, glass, etc.), design/architecture, photography, mixed media and installation, etc.

which will be receiving funding from the “Springboard Grant” after 30 June 2022. An arts organisation which has obtained approval for the “Springboard Grant” during the grant period of the “Year Grant” must give up the “Year Grant” before entering into any grant agreement with the Hong Kong Government.

- 1.13 The “Year Grant” is not applicable to literary arts as the “Literary Arts Platform Scheme” is available to this art form. Generally speaking, applications for this scheme will be processed in the second half of the year. Please contact the HKADC for details.

(2) OBJECTIVES OF THE GRANT RECIPIENTS

An arts organisation which has successfully received the Grant (hereinafter referred to as the “**Grantee**”) shall increase the community’s knowledge about and support for arts, and establish high artistic standard and good reputation of the arts sector in Hong Kong, through the artistic creation or performances or other various types of artistic activities, such as shooting productions, distribution, critique, forums, courses, seminars, publications, workshops and exhibitions etc. To achieve this vision, a Grantee shall set one or more of the following as its development objectives:

- 2.1 Foster the outstanding artistic development of the Grantee through high performing standard, innovative concepts and good techniques and the exploration of new artistic fields and dimensions; or provide arts practitioners with opportunities to create and exhibit their works, assist in artist-in-residence programmes, and support the creative pursuit for artistic excellence through a series of exhibitions and seminars organised with specific curatorial themes;
- 2.2 Enhance audience building through organising quality education or promotional projects that are beneficial to the community, increase the audience’s knowledge about and ability to appreciate different art forms and styles by providing various types of art activities to audience and participants; or promote and further develop arts education, to nurture students’ and the public’s knowledge in arts and to raise their level of arts appreciation.
- 2.3 Build audience and promote public art and community art; extend the reach of arts to different layers of the society; encourage the public to participate in arts activities; and tighten the relationship between arts and community.
- 2.4 Provide administrative support and marketing services to arts practitioners and improve the environment of artistic creation in Hong Kong;

- 2.5 Serve as an associated or intermediary organisation for the particular arts sector and bring members/member organisations together to organise, promote and support activities that are beneficial to the overall development of the particular arts sector;
- 2.6 Develop training programmes that are conducive to the development of new artistic/arts administration/curatorial talents;
- 2.7 Develop arts criticism, research or archival programmes (e.g. website and documentation) so as to promote the sustainable development of local arts;
- 2.8 Promote local arts, learn new experiences and develop broader artistic vision through organising cultural exchange activities with the Mainland and overseas community and to enhance the professional standard and recognition of local artists; and
- 2.9 Cultivate a good working environment that enables both the Grantee and its individual members to develop to their full potential.

(3) CORPORATE, ARTISTIC AND MANAGEMENT STRUCTURE

- 3.1 The selected Grantee (which is not an existing Grantee) shall be a non-profit company limited by guarantee without a share capital registered in Hong Kong. The HKADC will not consider an application for the “Year Grant” submitted in the name of an individual, a sole proprietorship or a partnership. The HKADC also does not accept any application for this scheme from any arts organisations which are the parent company or subsidiary of the arts organisations which are currently receiving “Year Grant” from the HKADC, or the parent company or subsidiary of any new applicant organisations who apply at the same time.
- 3.2 The Board of Directors of the Grantee (hereinafter referred to as the “**Board**”) shall comprise no less than five members, who are responsible for monitoring the operations of the arts organisation such as the organisation of projects, marketing and promotion, financial and personnel management etc. The Board shall ensure that the grant is used appropriately.
- 3.3 The Board shall hold meetings at least once every six months, and the quorum of the Board meetings must be no less than 50% of the total number of directors.
- 3.4 A paid staff member of the applicant organisation is not allowed to be a member of the Board or of any supervisory/management committee. In other words, a paid staff member shall have no voting rights on the Board, at an annual general meeting or in any other committee under the Board or supervisory/management committee.

- 3.5 The Board shall establish guidelines to prevent conflict of interest, and to ensure that decisions made are free from any conflict of interest (please refer to the HKADC guidelines on “Board Members Accepting Fees”).
- 3.6 The artistic director/curator (or a person holding/having the equivalent office/powers) shall report directly to the Board and be responsible for the artistic direction, programming as well as supervision of the relevant artistic staff members of the Grantee.
- 3.7 The manager/administrative director (or a person holding the equivalent office) shall be responsible for all administrative matters.
- 3.8 The Grantee shall enter into employment contracts with its paid employees and comply with local labour laws.
- 3.9 The Grantee shall comply with the provisions of the Companies Ordinance (Cap 622 of the laws of Hong Kong).
- 3.10 The Grantee shall formulate proper procedures for financial control and the procurement of goods and services in an open, fair and competitive manner to ensure proper utilisation of public moneys.
- 3.11 The Grantee shall formulate appropriate policies and procedures to own and protect the intellectual property rights or copyright derived from the creation and activities of the Grantee.

(4) FUNDING LEVEL

- 4.1 The 2022/23 “Year Grant” with grant period for one year shall be of such amount of HK\$300,000 or above and no more than HK\$1,500,000; the grant with grant period for three years shall be of such amount of HK\$300,000 or above and no more than HK\$2,000,000.
- 4.2 The HKADC encourages Grantees to derive their income from multiple sources, including (but not limited to) box office income, earned tuition fees, earned tutors’ fees, performance fees, advertising revenue, donations and sponsorships. Cash donations or sponsorships from non-Government sources (for which a Grantee shall have no obligation to supply any services or goods to the sponsor/donor as a condition of exchange) shall not be regarded as income and would not be required to be refunded. If an arts organisation intends to apply to the HKADC for the “Matching Fund Scheme” in relation to certain activities, please provide an overview and the intended applied-for amount in the application form for our reference.

- 4.3 When the HKADC makes a decision on the grant amount and the continued awarding of the Grant within the grant period, it will take into account each of the following particular and desirable factors:
- Resources available to the HKADC;
 - Projects/activities that the HKADC considers worthy of support;
 - Previous auditors' reports, financial situation and needs of the applicant;
 - Track record and performance and future development plan of the applicant.
- 4.4 An arts organisation receiving the "Year Grant" who satisfy the eligibility requirements mentioned in para. 1.4 hereof shall not apply for the "Project Grant" of the HKADC (which is available twice a year) during the grant period. However, it may still apply to the HKADC for the "Cultural Exchange Grant" (which is available in four times a year) and the "Matching Fund Scheme". As for other grant schemes of the HKADC (such as the commissioned project, the venue subsidy scheme etc.), whether or not an application for such schemes by One-Year/Three-Year Grantees will be accepted is dependent on whether the relevant Invitation for Proposals has specified the same.
- 4.5 Upon the expiry of a grant year, where there is unutilised fund of the "Operational Expenses Grant" and "Extra Activities Grant", the HKADC reserves the right to demand a refund of the unutilised fund by such Grantee. The amount of refund shall be capped at the amount of the Grant approved by the HKADC. However, in order to encourage the sustainable development of the Grantees, the Grantees may automatically retain such unutilised fund of the Grant representing no more than 25% of its company's total expenditure of that year. The unutilised amount retained by a Grantee shall be applied towards activities that promote the artistic development of such Grantee and the maintenance and upgrading of its equipment.
- 4.6 Generally speaking, the "Operational Expenses Grant" and/or the "Extra Activities Grant" which are approved for the grant year of 2022/23 shall be completed within the grant year of 2022/23, failing which the Grantees shall apply to the HKADC for an extension. This extension arrangement shall not apply to One-Year Grantee and Three-Year Grantee (third year). These arts organisations shall complete all activities funded by the HKADC within the grant year, failing which the HKADC reserves the right to suspend, adjust or cease the Grant for the year in its sole discretion at any time during the grant period. Please note that, generally speaking, the deadline for utilising the approved funding under the One-Year Grant and Three-Year Grant shall be 30 June 2023 and 30 June 2025 respectively. If there is any delay in utilising the approved grant amount beyond the aforesaid applicable deadline, the arts organisations may apply to the HKADC for extension, and the HKADC shall have absolute discretion in deciding the use of the remaining grant amount, and may generally extend the deadline to a year after the completion date of the original plan as the

final deadline of utilisation. The Grantee shall also comply with the principle of “being reimbursed on an accountable and reimbursement basis”, and submit the valid expenditure accounts in relation to the “One-Year/Three-Year Grant” which have been audited by the auditor before utilising the grant. Otherwise, the HKADC may exercise its absolute discretion to demand the return by the Grantee of all the expenses grant in relation to the “One-Year/Three-Year Grant” which have been utilised but have not been audited by the auditors.

- 4.7 The HKADC will follow up on the progress of the approved activities (if any) carried out by a Grantee during the grant period. Should there be any material differences between the activities actually held and the approved yearly programme of the intended activities, such arts organisation is required to provide the HKADC with a reasonable explanation, failing which the HKADC reserves the right to demand full or partial refund of the grant by such Grantee.
- 4.8 If there are material alterations in the staffing of a Grantee during the grant period, and the HKADC considers that such alterations would bring significant impact on the Grantee’s operation, the HKADC shall suspend, adjust or cease the grant for the year in its sole discretion at any time during the grant period.

Arts Organisations receiving “Year Grant” with a grant period of three years

- 4.9 Year Grantees with a grant period of three years shall submit to the HKADC the details of and budget for the “Operational Expenses Grant” for the second year before February 2023, and further submit to the HKADC the details of and budget for the “Operational Expenses Grant” for the third year before February 2024 to facilitate determination by the HKADC of the grant amount for the second and the third year. The grant amount for the second and third year shall in principle depend on the financial situation of the HKADC and the HKADC’s discretionary review of the performance of the Year Grantees receiving the “Year Grant” with a grant period of three years for 2022/23 (i.e. first year) or 2023/24 (i.e. second year). The HKADC anticipates that the funding level in relation to the “Operational Expenses Grant” for the first, second and third year will be on a comparable level. As for the “Extra Activities Grant”, Year Grantees shall make an application for the Extra Activities Grant each year; such application will be reviewed and determined by an assessment panel for that year, and an arts organisation shall not interpret the same as part of the HKADC’s continuous support and shall not assume that its application will be approved.
- 4.10 Grants to Year Grantees with a pledge of grant period for three years are expressly made on an approval-in-principle basis subject to regular review over the grant period. In any case where the performance of a Year Grantee was or is

unsatisfactory in the past or now, the HKADC may at any time during the grant period and in its sole discretion, in addition to or as an alternative to any other remedy available to it, reduce or terminate any then unpaid portion of the grant for the second and third grant year as the case may be.

(5) CONDITIONS OF GRANT

- 5.1 Successful applicants will be notified by the HKADC upon approval of the Application to attend the legal workshop conducted by the HKADC and would be required to sign an agreement which sets forth the conditions of the grant and which incorporates this Invitation for Proposals and its application proposal (hereinafter referred to as the “**Agreement**”). The HKADC will send a sample of the Agreement to a successful applicant for its reference. The Agreement shall constitute the exclusive records of the grant relationship of the HKADC with such arts organisation and be signed by such arts organisation within one month after the notification of results by the HKADC, failing which the selection of such arts organisation shall lapse and be of no effect. Prior to the entering into of the Agreement by the HKADC and an arts organisation, the HKADC shall not be liable to provide any funding to the arts organisation.
- 5.2 The Grantee and every person employed or engaged by it for the purposes of the projects shall comply with the laws of Hong Kong in relation to the conduct of the projects.

(6) MONITORING SYSTEM

- 6.1 The HKADC requires that the Board of the Grantee be committed and should proactively monitor the implementation of the funded activities and perform the following reporting work:
- 6.1.1 Submit no later than the end of the 7th month of the grant year the copies of the minutes of Board meetings carried out in the first six months for each grant year during the One-Year/Three-Year Grant Period.
- 6.1.2 Submit within one month after the end of each year during the grant period a year-end report prepared in a standard form issued by the HKADC, summarising the operating conditions and/or results of each approved and funded programme for each year and providing the relevant data such as the actual number of participants etc.
- 6.1.3 Submit within six months after the end of each year during the grant period an auditor’s report prepared in accordance with the “One-Year/Three-Year Grant Auditing Guidelines” of the HKADC.

- 6.1.4 Proactively liaise with the HKADC to arrange for the assessment of the funded activities and/or the operating conditions. The HKADC shall have the right to invite arts experts in Hong Kong/ other places to attend performances/ activities of Grantees, and to conduct a review based on Grantee's performance for the HKADC's future reference when provide funding to the Grantee.
- 6.1.5 Submit notice of meetings, agenda and discussion papers for each Board meeting at least seven working days before the Board meeting date. The HKADC may arrange for the attendance of its representative(s) at such Board meeting as observers if required by the HKADC.
- 6.1.6 Submit to the HKADC within three months after a Board meeting has been held a copy of the minutes for each Board meeting approved by the Board.
- 6.2 To strengthen accountability in terms of the utilisation of public moneys, if required, the HKADC may appoint its auditors to give recommendations on the internal management and control of a Grantee. Grantees shall allow and assist the auditors appointed by the HKADC to examine all of the financial accounts, as well as the management and control procedures of the Grantees, and act upon any financial management and control recommendations which the HKADC or its auditors may give.
- 6.3 To achieve the above objectives, Grantees shall allow the HKADC, its appointed auditors or their representatives to audit, examine, enquire into and have unhindered access to various types of records and accounts of the Grantees, and to explain to the HKADC, its appointed auditors, or their representatives any matters relating to the receipt, expenditure or custody of any public moneys.

(7) PROPOSAL REQUIREMENTS

Application proposals must include the following specific information:

7.1 Corporate Proof and Board Structure

- 7.1.1 Member list of the Board, details of the rights and responsibilities and the personnel structure of the current and the application year (see **Form #1**).
- 7.1.2 An arts organisation must submit a copy of company registration related papers, its articles of association, business registration certificate, proof of recognition of its charitable status, and registration proof of the Board members.

7.2 **Corporate Structure**

7.2.1 A staff member list and detailed information on the qualifications, skills and experience of the staff as well as their proposed remuneration in respect of the application for the 2022/23 Grant (see **Form #2**).

7.2.2 In general, an arts organisation **must** submit a copy of employment contracts of the key (such as artistic director and administrative director) and/or general employees covered by the “Operational Expenses Grant” awarded by the HKADC.

7.3 **Executive Summary** (see **Form #3**)

Prepare a brief statement in no more than 1,000 words setting out the salient points of the proposal. If the grant year applied for is three years, please highlight and state in detail the number and types of activities for the coming three years, and how the arts organisation will achieve its artistic goals and the effect of its proposal, and how it will develop financial resources effectively to enable the arts organisation to become more mature in its professional development.

7.4 **Corporate Plan** (see **Form #3**)

The mission statement, artistic vision and objectives, a work plan with implementation methods, and details of performance indicators and evaluation mechanisms of the applicant.

7.5 **Marketing Strategy** (see **Form #3**)

Specific marketing strategies for 2022/23 including the target markets, market positioning, and audience development strategies.

7.6 **Specific Activities of the Year under the “Operational Expenses Grant” and the “Extra Activities Grant”**

7.6.1 If you intend to submit an application for specific activities of the year under the “Operational Expenses Grant” for 2022/23 to the HKADC, please complete details including the administration and events for the year and the target audience (see **Form #4**).

7.6.2 New applicants (not being the arts organisations receiving “Year Grant” for the year of 2021/22¹) are required to submit details of its events/activities for 2021/22.

7.6.3 If you satisfy the eligibility requirements mentioned in para. 1.4 hereof and have a need to apply to the HKADC for the “Extra Activities Grant” for 2022/23, please separately complete **Form #6**. An applicant must clearly set out all extra activities in the form, and the “Extra Activities Grant” may only be applied towards the activities set forth in an application proposal which are approved by the HKADC.

7.7 **Financial Structure**

7.7.1 Applicants shall submit to the HKADC their financial budget for 2022/23 (see **Form #5**) in relation to their application for the “Operational Expenses Grant”. Applicants shall complete the application form issued by the HKADC for the proposed financial budget. The HKADC does not accept any financial budget submitted in any other form.

7.7.2 New applicants (i.e. not being arts organisations receiving the “Year Grant” for the year of 2021/22¹) are required to submit their financial statements for 2020/21 or the most recent financial statements (including the balance sheet and the income and expenditure accounts). The HKADC also encourages new applicants to submit their latest audited accounts at the same time.

7.8 **Documentation of Past Performances or Activities**

Applicants should provide audio/video recordings/publications (7 copies) of their past major performances or activities or a website containing the records of and an introduction to their past important events.

7.9 The HKADC will not be liable for any loss/damage of the aforesaid information submitted and the HKADC will keep such information for filing purposes.

(8) PROPOSAL SUBMISSION AND DEADLINE

8.1 Application forms are now available at the HKADC Administration Office or can be downloaded from the HKADC’s website (<http://www.hkadc.org.hk>). Applicants should deposit the proposals and completed application forms, together with all supporting documents and materials, marked with “Year Grant” on the envelope, into the grant application collection box at the office of the HKADC (10/F, 1063 King’s Road, Quarry Bay, Hong Kong) **before 6:00pm on 15 February, 2022 (Tuesday)**. Postal submissions postmarked on or before this date will be acceptable. Submission by courier is also acceptable 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, email, other digital form, or postal applications with insufficient postage, or applications which do not fully meet and comply with the conditions of this Invitation, or any change of information on the applications after the aforesaid deadline shall not be accepted or processed by the HKADC.

- 8.2 The HKADC will acknowledge receipt of the applications within six weeks from the date of the application deadline.
- 8.3 The 2022/23 “Year Grant” is offered as a single and non-recurrent grant. The grant for one year is offered on a 12-month basis **from 1 July 2022 to 30 June 2023**. The grant for three years is offered on a 36-month basis **from 1 July 2022 to 30 June 2025**. In order to preserve the mobility of “Year Grant”, the HKADC does not guarantee that an arts organisation will continue to receive the “Year Grant” after the expiry of the grant period.
- 8.4 Successful applicants will be notified by the HKADC before the end of June 2022. The HKADC reserves the right to postpone the giving of such notice.
- 8.5 Applicants shall bear any of their own costs or expenses incurred in respect of their applications, and the HKADC shall not assume any liability therefor.

(9) CRITERIA FOR PROPOSAL ASSESSMENT

The HKADC will assess whether a proposal is able to manifest the characteristics of the arts organisation in various aspects, including its contribution to arts development, level of quality/creativity, and economic and operating capabilities. Hence, the proposal will be assessed based on but not limited to the following criteria:

Part 1: Artistic Value, Professionalism and Influence of Proposal (45% of total marks)

- 9.1 Artistic Level and Professional Experience (15 marks)
- Artistic level and value of proposal
 - Professional experience of applicant organisation, participating artist(s) or partner(s)
 - Whether the Board includes any legal/financial management professional; whether the Board includes any director/management personnel of a former/current government subvented arts organisation
- 9.2 Creativity and Originality (20 marks)
- Creativity and originality of arts project(s) in the proposal
 - Creativity and originality of implementation of the proposal
 - Creativity in strategy for promotion and publicity of the proposed project(s)
- 9.3 Enhancement of Artistic Standards, Audience Building and Promotion of Art in the Community (10 marks)
- Ability to enhance standard of arts practitioners, arts administrative staff, and industry professionals; ability to build audience
 - Effectiveness and influence in promoting community arts development

Part 2: Feasibility of Proposal (45% of total marks)

9.4 Technical Feasibility (15 marks)

- Venue and support services required
- Concrete human resources and production planning required for implementation of proposed project including legal awareness towards Hong Kong legislation (such as intellectual property), important professional knowledge, pursuit of partnerships, time and resources required

9.5 Financial Planning and Management (15 marks)

- Pragmatic market analysis, quality and comprehensive publicity strategy as well as promotion plan
- Having a reasonable and realistic estimate of income and expenditure
- Prudent and effective budget control, capability and/or track record in increasing revenue
- Past performance in financial management. Whether the arts organisation achieve budget balance; whether it has long-term debt and/or lack of awareness and ability in improving its debt level.

9.6 Management Capabilities of Applicant Organisation and Team (15 marks)

- Ability and/or track record in project execution and management
- Having critical risk assessment, practical and feasible risk control/backup plan
- Having devised practical evaluation methods and performance indicators for the proposed project

Part 3: Additional Factors of Consideration (10% of total marks)

9.7 Achievement and Feedback (10 marks)

Examples include:

- Proposal fully meets the expectations of “Year Grant” towards the applicant organisation; outstanding performance with concrete outcomes in previous “Year Grant” (such as having received awards/honours in the arts sector within the last three years, funding from other organisations such as the Jockey Club, Hong Kong Arts Festival, etc.)
- Received concrete positive feedback towards the applicant organisation from other funding organisations/organisers (including the arts and cultural/social welfare sector)
- Received concrete positive feedbacks towards the applicant organisation in terms of artistic level/creativity from local and/or overseas peers including publicly published arts reviews/assessment reports about organisations previously funded by the HKADC, and general positive words of mouth from the audience, etc.

(10) ASSESSMENT PROCEDURES

- 10.1 The HKADC and its assessment panel will be responsible for the assessment of applications.
- 10.2 The HKADC may **not** require the applicant organisations to attend the meeting of the “Year Grant” assessment panel. If the HKADC or its assessment panel considers it necessary to meet the applicant organisations, such organisations will be notified in advance. Unless the HKADC requests the applicant organisations to provide further information or documents, the HKADC will generally **not** accept any submission of supplementary information or any change in the application proposal after the application deadline. Applicant organisations should fully understand how to complete the application form and prepare the financial budget before submission, otherwise any missing of information and miscalculation may affect the assessment of the application.
- 10.3 The HKADC reserves the right not to accept/consider any application which fails to meet all or some of the above assessment criteria.
- 10.4 Subject to competition, the HKADC reserves the right to set additional assessment criteria to those set out above in order to facilitate the processing of applications. These additional criteria are those which the HKADC determines to be objective and not contradictory with the existing ones. Review of such additional objective criteria will not be accepted by the HKADC.
- 10.5 The HKADC’s decision on the arrangement for assessment is final.

(11) FREEZE POLICY

If the applicant or its chairman, artistic director or administration manager (or a person holding the equivalent office) is on the frozen list of the HKADC, an application submitted by this organisation for the “Year Grant” will not be accepted.

(12) PREVENTION OF BRIBERY ORDINANCE

- 12.1 The HKADC is a “public body” under the Prevention of Bribery Ordinance (Cap. 201). All HKADC members, HKADC arts advisors, examiners/assessors and employees must abide by the regulations in relation to the acceptance of advantages.

- 12.2 Pursuant to Section 4 of the Prevention of Bribery Ordinance (Cap. 201), the offering of any advantage to, or the soliciting or acceptance of any advantage by the HKADC members, art advisors, examiners/assessors and employees is strictly prohibited. Arts organisations should be aware of, and should require their Boards and employees to follow, the relevant regulations and without limitation, the HKADC Guidelines on “Board Members Accepting Fees” annexed hereto.
- 12.3 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.

(13) TREATMENT OF PERSONAL DATA /INQUIRY OF PERSONAL DATA

Treatment of Personal Data

- 13.1 According to paragraph 2.3.3 of the Code of Practice on the Identity Card Number and Other Personal Identifiers issued by the Personal Data Privacy Commissioner (“The Code”), the HKADC may collect the ID card number of the authorized signatory of an arts organisation to correctly verify the identity of an arts organisation and/or to identify its funding applications.
- 13.2 Personal data contained in the application documents will be used by the HKADC to facilitate the processing and assessment of grant applications. Failure to provide such data may affect the assessment and result of the application.
- 13.3 If there is any amendment to the personal data on the application documents, the applicant should inform the HKADC in writing to ensure that the personal data held by the HKADC is correct at all times. To help promote arts development and to be transparent, the applicant shall agree that the HKADC may publish information concerning successful grant applications (e.g. name of organisation, approved amount, project nature and project summary, etc.) 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. If an applicant does not wish to receive any publicity materials from the HKADC or related organisations, please state so in the application form in order to allow the HKADC to make proper arrangements.

- 13.4 To facilitate the process of grant assessment and to handle the enquiries / complaints of related application, an applicant must agree to allow that the HKADC to keep and publish/make copies of the personal data contained in the application and the audio/video recordings/publications of its performances/activities for reference and case follow-up if needed to the HKADC members, advisors, examiners, the Home Affairs Bureau, other Government departments, and any persons participating in the assessment of its application.
- 13.5 An arts organisation will submit itself to the comments to be made and a report to be prepared by the HKADC members, examiners/assessors or external consultants. Such arts organisation must accept that the details of such comments/reports will be made public and published.
- 13.6 The HKADC will use its reasonable endeavors not to release any information that may cause losses to the individual or business activities to be carried out by an arts organisation applicant/individual. The HKADC reserves the right to outsource and engage a data processor in accordance with the applicable provisions of the Personal Data (Privacy) Ordinance to process any personal data.

Inquiry of Personal Data

- 13.7 Pursuant to Sections 18 and 22 and Principle 6 contained in Schedule 1 to the Personal Data (Privacy) Ordinance, an arts organisation shall have the right to enquire about whether the HKADC holds the personal data relating to a person making an application and to the participants of a project, and may obtain a copy of such data from the HKADC and to correct any inaccurate information contained therein. Such requests in writing should be addressed to the Chief Executive, Hong Kong Arts Development Council, 10/F, 1063 King's Road, Quarry Bay, Hong Kong.

(14) INTELLECTUAL PROPERTY

- 14.1 To facilitate the assessment of grant applications and to handle enquiries/ complaints of related application, 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 and case follow-up. The applicant also agrees to authorise the HKADC to possess, process and archive application documents submitted by the applicant.

- 14.2 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 14.1 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.
- 14.3 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.
- 14.4 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 14.

- 14.5 As a measure to promote art developments, the 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 the HKADC, successful applicants who receive the grant from the HKADC generally will retain and own intellectual property (including but not limited to the trademark or copyright) in any work*, deliverable, report or material arising out of the approved project (each a "**Work**"). 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 and/or copyright) in its Works*. 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 Works* 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 Works* are free from all liens and encumbrances.
- 14.6 (a) Successful applicants shall grant unconditionally to the HKADC, its authorised users, assigns and successors-in-title a non-exclusive, perpetual, irrevocable, royalty free, worldwide and sub-licensable license to do the acts restricted by copyright that are stipulated in sections 23 to 29 of the Copyright Ordinance (Cap. 528) in relation to any Works* arising out of the approved project.
- (b) In relation to any part of the Works* to which the successful applicant is not empowered to grant the aforesaid licence, the successful applicant undertakes to procure at its sole cost and expense (but such cost shall not be paid out of the grant) the grant of such rights for the benefit of the HKADC, its authorised users, assigns and successors-in-title by the relevant third party Intellectual Property Rights owners, including without limitation, any collaborating party. 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.

* "Work" refers to the work in its original format and/ or being broadcasted/ displayed/ exhibited through digital media or other technologies/ media forms.

(15) REVIEW PROCEDURES

- 15.1 The decision of the HKADC is final. However, the HKADC reserves absolute discretion to accept or refuse a review application made by an unsuccessful applicant of the decision of the assessment panel and such review application will be handled by a review committee assigned by the HKADC. An applicant requesting for a review must complete a specified form provided by the HKADC and return the same to the HKADC within 30 calendar days from receipt of the application result.
- 15.2 The HKADC will not accept a review application against artistic evaluation and judgement. The review committee will only review cases on grounds of improper processing procedures and/or rejection of a proposal due to the decision made based on inaccurate information. These claims must be substantiated with concrete reasons.
- 15.3 Subject to the competition among applications and availability of resources, the HKADC reserves the right to set other objective assessment criteria (which do not contradict the current grant criteria) to facilitate the assessment procedure. A review application made on the ground of dissatisfaction with those additional objective assessment criteria will not be considered.

(16) ENQUIRIES

- 16.1 For enquiries, please call 2827 8786.

The Hong Kong Arts Development Council reserves the absolute right and discretion not to accept any proposal submitted in response to this Invitation. The HKADC also reserves the right to amend or to supplement or to cancel this Invitation at any time without further notice.

Hong Kong Arts Development Council
30 December 2021

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

Guidelines on “Board Members Accepting Fees”

1. The responsibilities of the Board of Directors (the “**Board**”) of a corporate applicant/an arts organisation being a limited company (“**the Company**”) which is a Grantee of the HKADC grant are to make decisions and to monitor the operation of the Company. Accordingly, the HKADC expects the directors of the Board of the Company receiving the “Year Grant” to avoid having monetary benefits due to their personal involvement in the work of the Company. However, if there is a practical need for the Company to pay remuneration to its directors (or companies/organisations related to the directors) in providing services only of an auxiliary nature to the Company (such as drafting of documents), the following rules should be observed :
 - a. Prior official approval should be obtained from the Board of the Company. The director having a conflict of interest shall withdraw from the meeting where the matter is being considered; and the consent of more than half of the directors of the Board (not counting the absent director due to conflict of interest) should be sought when voting takes place. The relevant minutes should be submitted to the HKADC for information.
 - b. The Company should observe proper financial monitoring procedures set forth in the guidelines of the Independent Commission Against Corruption, for example, three quotations should be obtained for comparison, among which the most suitable and cheapest one should be engaged.
2. The Company should avoid taking “his/her services may be employed” as an advantage in the consideration of candidates for the directors of the Board.
3. The Company should ensure that all appointments which may be considered by the public as having a conflict of roles/interest are reported to the HKADC with reasonable explanations.
4. For a charitable institution or trust of a public character which is exempt from tax under Section 88 of the Inland Revenue Ordinance, its written governing instrument shall generally explicitly provide that the members of its governing body (e.g. directors, trustees etc.) shall be prohibited from receiving remuneration. Based on this principle, if the HKADC’s “Year Grant” Grantees are charitable institutions or trusts with tax-exempt status under Section 88 of the Inland Revenue Ordinance, the relevant directors of the Board shall not receive any remuneration under any circumstances.