



香港藝術發展局
Hong Kong Arts Development Council

INFORMATION FOR PROJECT GRANT APPLICANTS

This information booklet is valid for application submitted
between 4 January 2023 and 2 January 2024

To help you complete the Project Grant application form, please read the following information in detail before you fill in the form. HKADC will be pleased to answer any questions you may have.

For the Chinese version, please download at HKADC website.

如欲參閱中文版本，請於本局網頁內下載。

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1 Introduction

- 1.1 The Hong Kong Arts Development Council (hereinafter, "HKADC") was founded in June 1995. It is the only statutory organisation set up by the government responsible for the overall development of the arts in Hong Kong. Members of HKADC include representatives from the arts community and community members who are enthusiastic about arts development.
- 1.2 The principal role of HKADC is to plan, promote and support arts development (including literary, performing, visual as well as film and media arts) in Hong Kong. It also aims to advocate arts education, encourage creativity, promote arts appreciation and enhance quality of life in the community.
- 1.3 The Council, with up to 27 members, plans and manages the operation of HKADC. HKADC strives for closer ties with strategic partners and an all-round strategy with an aim to shape the broad direction for Hong Kong arts development.
- 1.4 The aim of HKADC grants is to support the development of the arts in Hong Kong, to foster public understanding and appreciation of cultural diversity in Hong Kong, and to support an environment which emphasises artistic diversity and freedom of artistic expression.
- 1.5 The submission of an application to HKADC construes that the applicant accepts that the award of grant is solely discretionary by HKADC and the decision of HKADC is final.

2 Purpose, Scope, Assessment Guidelines and Grant Period

Purpose

- 2.1 To support individual artists or arts organisations in the participation or organisation of non-profit making activities that contribute directly to the promotion and development of the arts in Hong Kong.

Scope of Grant

- 2.2 Arts activities which meet the objectives of HKADC (see '1 Introduction') can submit a grant application to HKADC. Project types may include: performance, exhibition, publication, educational activity, community / promotional project, creation of artwork, research / archiving, arts criticism, training, conference / seminar / talk, cultural exchange, video/ film production, etc.



2.3 Activities listed below **do not** fall within the scope of support:

- i. **Profit-making activities**, such as commercial activities or training classes, that equate to any project which has total projected income, including sponsorship or other sources of support, exceeding its total projected expenditure. Such projects will not be considered.
- ii. Activities that are **not open to the public**, such as networking activities, courses and training activities not opened to the public.
- iii. Activities that are **presented / sponsored by the Leisure and Cultural Services Department (LCSD)**. This refers to an activity for which the LCSD provides the arts group with a fee and the performance venue without charge, and may / may not take the box office income.
- iv. To avoid **double subsidy**, any project which is within the funding ambit of the applicant's parent organisation or other grant organisations will not be considered. Hence, HKADC does not accept applications submitted by universities that are directly related to their formal curricula. Due to resource constraints, priority will not be given to applications from tertiary institutions.
- v. **Fund-raising activities** and activities presented by foundations established for fundraising purposes.
- vi. **For social welfare and charity projects**, HKADC suggests the applicants to seek financial support from other charitable groups and voluntary organisations.

Assessment of the nature of the activities and decision on processing the application is in HKADC's sole and final discretion.

2.4 Unless under special circumstances, the applicant must be the presenter / co-presenter of the project.

Assessment Guidelines

2.5 The Council will assess Project Grant applications based on the relevant **art form's Project Grant Assessment Guidelines**. Please refer to the relevant Assessment Guidelines when completing the application form.

2.6 HKADC has full discretion to decide, based on the contents of the application, the specific art form *Assessment Guidelines* to be used in assessing the application.



Grant Period

- 2.7 Under normal circumstances, successful applicants should complete the signing of agreement with HKADC and commence the project within one year after result is notified, and the project should be completed within one year after commencement of project. If the signing of agreement could not be completed within the stipulated period, successful applicants may be considered as no longer interested to accept the Grant and HKADC reserves the right to withdraw the Grant.

3 Eligibility Criteria

- 3.1 Organisations which are registered and conducting arts activities in Hong Kong are eligible as applicants. Those that are registered non-profit making organisations or non-profit distributing bodies by constitution are also eligible to apply. The organisation must submit proof of official registration, its constitution and a name list of its key members. For limited company, a copy of its current year Annual Return filed at the Companies Registry and a copy of its valid business registration certificate must also be submitted.
- 3.2 Profit making or commercial organisations must provide sufficient and acceptable proof that the arts project is non-profit making to be eligible for consideration. Proof of official registration, Articles of Association, a name list of directors and a copy of business registration certificate must also be submitted as supporting documents to the application.
- 3.3 HKADC does not accept applications:
- i. submitted by organisations that have not completed the registration procedure before the application deadline;
 - ii. submitted by sole proprietorship and partnership;
 - iii. jointly submitted by more than one applicant or one organisation.
- 3.4 Subsidiaries or departments of registered organisations applying for Project Grant must submit an authorisation letter issued by the parent organisation officially delegating authority to the subsidiary or department to apply for the grant and to sign the application and relevant documents on behalf of the parent organisation. They must also submit proof of official registration of the parent organisation, a copy of its constitution, and a name list of its key members.
- 3.5 Individual artists holding a Hong Kong identity card are eligible to apply as individuals. He/she must have reached the age of 18 at the time of application. For details, please refer to the Assessment Guidelines of the relevant art form.



- 3.6 Any first time Project Grant grantee (whether individual or organisation) must complete the subvented project (except for "Cultural Exchange Grant") and submit a satisfactory Project Report before HKADC will accept its next Project Grant application.
- 3.7 Unless otherwise specified, this Project Grant scheme is not applicable to current HKADC grantees of Year Grant Scheme / Eminent Arts Group Scheme at the time when the Project Grant is made to the applicant and major arts organisations currently funded by the Culture, Sports and Tourism Bureau, i.e. nine major performing arts groups.
- 3.8 Individual applicant / organisation applicant (with the same author) is only allowed to submit one Project Grant application for each application period, except "Cultural Exchange Grant" applications.
- 3.9 HKADC will not accept any application which does not meet the above criteria.

4 Notes on Making An Application

Application Form

- 4.1 HKADC will only process applications submitted on a valid and appropriate application form. There are three types of application forms:
 - i. Project Grant Application Form
 - ii. Emerging Artists Scheme Application Form
 - iii. Cultural Exchange Grant Application Form
- 4.2 Information about the applicant, the project, and the project budget must be completed succinctly in the application. Failure to provide details of the content of the project and the project expenditure items may adversely affect the application's chance of approval.
- 4.3 The applicant must agree that, if necessary, HKADC may solicit verbal or written confirmation of information contained in the application from the applicant or other relevant sources.
- 4.4 Applicants should fully understand how to complete the application form and prepare the financial budget before submission. Any missing of information or miscalculation may affect the assessment of the application. Applicants should note the following guidelines when supplying information for the following items:



Contact Information of Applicant

- 4.5 The applicant's residential address or the office / registered address of the organisation in Hong Kong must be provided. A Post Office Box number is not acceptable.
- 4.6 Applicants must provide valid contact information, including address, telephone and email address, in their applications. HKADC shall not be held liable for any situations that hindered the progress of application processing caused by failing to contact the applicant due to incorrect information provided.

Estimated Size of Audience/ Readership

- 4.7 Estimated audience for performances / screening venues generally should not be less than 60% of the total available seating capacity for ticket sales of the venue. For publication projects, distribution should not be less than 30% of the print-run.

Estimated Expenditure

- 4.8 Estimated expenditure should be realistic and follow the principle of effective utilisation of public funds. Applicants should take into consideration the project's scale, venue capacity and the expected income from ticket sales.
- 4.9 For expenses like printing and publication, recording of performances, production of storage media, air-tickets, travel, accommodation and venue rental, please submit **at least one quotation**.

Basic Principles of Grant

- 4.10 When preparing the budget and implementing the project, please note the following general grant principles:
- i. **Reporting the Actual Costs:** Grantees should use the grant reasonably on expenditure items recognised by HKADC. Upon completion of the project, the actual costs of all expenditure items should be reported to HKADC. HKADC reserves the right not to support any expenditure item which is considered not reasonable and to recover the amount paid to the grantee.
 - ii. **Venue Rental:** HKADC does not support any venue-related expenses if the venue used in the project that is owned, leased or managed by the applicant.
 - iii. **Registration Fees:** HKADC does not support formation expenses and registration fees of organisations.



- iv. **General Overhead Costs:** HKADC does not support fixed and operational costs such as office rental, warehouse rental, cleaning services, water bills, electricity bills and professional membership fees.
- v. **Purchase of Equipment:** HKADC normally does not support the purchase of equipment (e.g. computer / computer accessories / computer software / computer applications, hard disk, instrument / music accessories, sound equipment, etc.). Applicants should possess or hire the necessary basic equipment. HKADC does not support any equipment rental if the equipment is owned by the applicant. If the equipment is part of the work showcased, the applicant should state clearly in the application form for HKADC's consideration.
- vi. **Souvenirs:** HKADC normally does not support expenditure on souvenirs and flowers except the costs for the purchase of souvenirs for guests of honour in large-scale cultural exchanges, competitions, and educational/ community and promotional activities. Souvenirs could be in the form of brocade flags, trophies and other small memorabilia. The total expenditure on souvenirs should not exceed \$2,000.
- vii. **Complimentary Tickets, Gifts, Cash Prizes and Prizes:** HKADC will give nil support to expenses of complimentary tickets, cash prizes and gifts. If expenditure on prizes, such as trophies and medals, is necessary for the activity, detailed explanation should be provided in the Application Form for HKADC's consideration. The total expenditure on souvenirs should not exceed \$2,000.
- viii. **Basic Meal Allowance for Personnel:** HKADC does not support meal allowance in general. For performance or film production project, HKADC will consider subsidising necessary basic meals for personnel involved (meals per head per performance / formal rehearsal day / dismantling or shooting day). Applicants must specify this cost under the 'Budget' column in the application form.
- ix. **Entertainment Expenses:** HKADC does not support entertainment expenses, e.g. celebratory meals, meals at restaurants.

Audit and the Relevant Fee

- 4.11 For grants of or above HK\$100,000, its audited report must be prepared by the registered public accountant appointed by HKADC after the project is completed. It is the responsibility of the grantee to co-operate with, and provide necessary information punctually to, the appointed auditor. In addition, it is the grantee's responsibility to submit the Project Report and Auditor's Report within the stipulated timeframe after the project is completed. HKADC will directly pay the audit fees to the auditor.



Estimated Income

- 4.12 Income should include information on any pending / confirmed sponsorship, donation, and financial support, venue rental subsidy from the Leisure and Cultural Services Department or other organisations, as well as the estimated box office or book sales revenue. For performances, estimated box office income should generally be based on at least 60% of the total available seating capacity for ticket sales of the venue. If box office income is projected at less than 60% of the venue capacity, the applicant must provide valid justification.

Leisure and Cultural Services Department Rental Subsidy

- 4.13 HKADC advises applicants to apply to the Leisure and Cultural Services Department's (LCSD) venue management for rental subsidy if they hire LCSD venues for their projects and are eligible for applying the relevant subsidy.

Personnel Involved

- 4.14 Professional training and relevant experience of personnel involved in the project will be taken into consideration in the assessment of the application. The applicant should provide such information in the application. Before submitting the application, the applicant should ensure that key personnel is made aware of the application and the content of the information booklet.
- 4.15 If the personnel involved in the project are not Hong Kong resident(s), the responsibility rests with the applicant to ensure that such persons' participation in the project in Hong Kong is legal.

Declaration and Guarantee

- 4.16 This section must be signed by the applicant to declare and guarantee that all information contained in the application form is true and correct to the best knowledge of the applicant. Where the applicant is not an individual (e.g. a registered society or corporation), the statement must be signed by the head of the organisation (i.e. Chairman or President) and the official chop must be affixed. **For registered societies, the most senior person-in-charge (such as the chairman or head of the organisation) must sign the application form and the Agreement on a personal capacity, assuming responsibility for the project's implementation.** If there is only a Board of Directors in the organisation, the Board has to assign a representative to sign the application form and the agreement. HKADC does not accept the applicant to delegate authority to an agent/ representative to sign the application or the Grant Agreement. Any false statement made in the application will render the application invalid and any subsequent



agreement null and void, and any person who knowingly makes a false statement is liable to prosecution.

5 Application Submission and Deadline

5.1 If the Project Grant application deadline falls on a Saturday or a public holiday, the closing date for application will be postponed to the next working day. The closing dates for applications in 2023 are as follows:

Project Type	Closing Date for Application	Notification Date*	Performance / Project Commencement Date
Performance, Publication, Exhibition, Film/Media Arts Production, Multi-discipline Project and other activities	30 June 2023	by the end of November 2023	on / after 1 December 2023
	2 January 2024	by the end of May 2024	on / after 1 June 2024
Cultural Exchange Grant	31 March 2023	by the end of June 2023	after signing of agreement
	30 June 2023	by the end of September 2023	
	3 October 2023	by the end of December 2023	
	2 January 2024	by the end of March 2024	

*HKADC reserves the right to postpone the notification of result.

5.2 Applications submitted in person must be deposited into the collection box at Hong Kong Arts Development Council, by **6 p.m. on the closing date for application**. Submission by post is accepted if it is postmarked no later than the deadline. Please note HKADC will not process the application and its related documents with insufficient postage and pay for the relevant postage. Email submission is accepted if the electronic date and time printed is no later than the deadline. 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. Please mark "Project Grant" / "Cultural Exchange Grant" on the envelope.

5.3 The applicant should submit completed application forms and supporting documents / information. Unless HKADC takes the initiative to request the applicants to provide further information or documents, HKADC generally will not accept any submission of supplementary information or any change in the application form after the application deadline.



- 5.4 Applicants should ensure that all submitted electronic files, CD-ROMS, USB and online links are accessible. If the information supplied on the application form is insufficient or if the requisite supporting documents are missing, HKADC reserves the right not to process the application.
- 5.5 HKADC will issue an acknowledgement letter to notify the applicants within six weeks of receipt of the applications.
- 5.6 HKADC will provide the completed Application Form and the proposal and distribute them to the Examiners for assessment. Other reference materials or publicity or promotional materials (e.g. newspaper cuttings and promotional leaflets) will be provided to the Examiners at the discretion of HKADC.
- 5.7 HKADC may review the arrangement in Paragraphs 5.1 and 5.2 above in a timely manner. Applicants are advised to check HKADC's website regularly for the latest announcements.



6 Application Processing Flow Chart

HKADC reserves the right to amend the following procedures if necessary.

- Submission of Application**
- Applicants should fill in the relevant application form and submit their applications to HKADC on or before the deadline.
 - HKADC will issue an acknowledgement letter within six weeks after receiving the application.



- Assessment of Application**
- Applications that meet the eligibility criteria will be assessed by HKADC Members and Examiners.
 - When assessing projects, HKADC has the final discretion to determine the final grant result in consideration of the Council's grant policy, available resources and the needs of different art forms.



- Notification of Result**
- A written notification of application result will generally be sent to the applicant.
 - The successful applicant must sign an Agreement with HKADC and commence the project within one year of result notification, and attend the legal workshop conducted by HKADC before signing of agreement.
 - The first installment is released within one month after signing of Agreement.



- Project Execution**
- The Grantee carries out the project in accordance with details and budget as set out in the application.
 - HKADC arranges Assessor(s) to assess project results.



- Project Completion**
- Documentation / materials showing completion of the project must be submitted when the project is completed.



- Submission of Project Report**
- Depends on the grant amount, a Project Report with original receipts or audited accounts must be submitted within the stipulated period.
 - The final installment will be released within one month after reviewing the Project Report by HKADC.



7 Grant Conditions

7.1 Successful applicants will be notified by HKADC and will be required to sign an Agreement which lays down the conditions of grant. While grant conditions may vary between different projects, they generally include the basic principles listed in the agreement as follows:

- i. the grantee has to send the person identified as the Project-in-charge and/or other representatives of similar rank or position to attend workshops conducted by HKADC related to any legislation, rules, regulations and/or statutory requirements existing in Hong Kong as notified to the grantee from time to time.
- ii. the grantee must conform with all legislation, rules, regulations and statutory requirements existing in Hong Kong at any time.
- iii. the grantee by act or omission directly or indirectly causes damage to or adverse inference upon the assets or reputation of HKADC will be regarded as events of default.
- iv. the grantee agrees to use the grant solely for the purpose of carrying out the activities set out in the Agreement.
- v. if required, HKADC will ask the grantee to submit by the specified date a revised budget for the grant amount proposed.
- vi. the grantee must make sure the grant be used in reasonable items of the supported projects.
- vii. prior notification in writing must be made to 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. 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.
- viii. 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, television and radio commercial, and advertisement in electronic media), in the production, digital dissemination on social media and in any publication connected with the project. Materials or publications containing the acknowledgement and HKADC logo must be submitted to HKADC for verification before it can be put in print.



- ix. the grantee must provide 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. HKADC reserves the right to send representatives to attend the activity and its promotional activities.
- x. to facilitate the assessment of the project outcome, HKADC requires the grantee to supply, on a voluntarily basis, HKADC with four complimentary tickets for each production or 10 copies of each publication.
- xi. grants under HK\$100,000 require the grantee 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.
- xii. grants of or above HK\$100,000 require the grantee to submit the Project Report, which includes a statement of accounts prepared by a qualified auditor recognised by HKADC, within six months of the actual completion of the project.
- xiii. any net surplus/ unspent balance of the grant as determined by HKADC must be refunded to HKADC on demand; such refunds to HKADC shall not exceed the grant approved.
- xiv. 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.
- xv. 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.
- xvi. the grantee shall provide HKADC with a detailed Project Report on the outcome of the project, which covers the project's artistic, audience development and arts development achievements.
- xvii. upon request, the grantee should provide HKADC with information, photos or writings related to the subvented project for use in HKADC's website, annual report or other publicity material.



8 Disbursement of Grant by Installment

8.1 The grant is paid by installment by cheque.

8.2 Grants of or above \$100,000 are generally allocated by three installments.

After Agreement is signed	50%
When completion of the project is assured*	30%
After a satisfactory Project Report and audited accounts are submitted	20%

*Submission of venue booking document, publicity material, publication, research report, etc. as proof of project completion

8.3 Grants under \$100,000 are generally allocated by two installments.

After Agreement is signed	80%
After a satisfactory Project Report is submitted	20%

8.4 Payment for literary arts platform/ magazine/ periodical publications is as follows:

After Agreement is signed	Payment for the first issue
After the first issue is submitted	Payment for the next issue (and so on)

8.5 Payment for film / video production projects with grants of or above \$100,000 is as follows:

Progress	Conditions for Release of Funds	Funds Released
Preproduction Preparatory work	After signing the agreement and submitting documents that confirms the following: a) Filming Dates b) Filming Locations c) Filming Equipment d) Film Crew	20%
Production	After submission of written confirmation which indicates the commencement of Film Shooting / Post-production	60%
Completion of whole production	To submit the A-copy VCD / DVD and a written confirmation that the work submitted is the complete / final version (stating length)	10%
Submission of project report	After a satisfactory Project Report and audited accounts have been submitted	10%



- 8.6 For grants of or above \$100,000, the grantee can submit a cash flow statement as justification for HKADC's consideration, if other grant payment arrangement is requested.
- 8.7 Changes to the schedule of payment are at HKADC's discretion.

9 Freeze Policy

- 9.1 The project must be implemented in accordance with details and dates set out in the grant 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 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 (i.e. the person stated in Section I on the application form), will be listed in HKADC Freeze List immediately when the project / project report is overdue. If the grantee applied for and received HKADC grant on account of its status as described in Paragraph 3.4 in this *Information for Project Grant Applicants*, the grantee's parent organisation will also be listed on HKADC Freeze List.
- 9.2 All persons and organisations whose name is on 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 HKADC Freeze List, the application will not be accepted by HKADC for consideration during the period that the person/ organisation in question is on HKADC Freeze List.
- 9.4 Grantees who failed to complete the project/ submit the project report and were listed on HKADC Freeze List for three times or more, HKADC reserves the right to extend their frozen period to one year.

10 Review Procedures

- 10.1 The decision of HKADC is final. However, 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 HKADC. Review applications to the examiners' decision must be made in writing by completing a standard form obtainable from HKADC and submitted within 30 calendar days from result notification.
- 10.2 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.

- 10.3 Depending on the competition and Council's resources, 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.

11 Project Surplus

- 11.1 Grantee must refund the unutilised grant or project surplus. Such refunds to HKADC shall not exceed the grant approved. The grantee should return any surplus by cheque to HKADC within 30 calendar days from the date of project completion notification letter. If the grantee fails to refund the surplus in due course, HKADC will immediately not accept or process any new applications from the grantee, and may consider undertaking legal action to recover the outstanding amount.
- 11.2 To encourage the grantee to actively explore other funding resources, HKADC allows grantee, either individuals or non-profit making organisations, to retain any surplus over and exceeding the stipulated box office sales (for performances) or estimated sales income / tuition fee / participation fee level for other project types (referencing to the guidelines on income of the Project Grant Assessment Guidelines of relevant art form or the estimated income provided in the application proposal), and excludes the sales income of publication. Also, cash donation from non-public sources and advertisement income related to the project will not be included in the calculation of project surplus.
- 11.3 Grantee, either individuals or non-profit making organisations, who wishes to retain the surplus of the project should submit a reasonable proposal suggesting ways on using the surplus in enhancing the original subsidised project (e.g. supplementary / extended activities or promotion) within 30 calendar days of receiving the 'Project Completion Notification Letter' to HKADC for consideration. Grantee could only reserve the unutilised surplus when the proposal is accepted by HKADC in writing. Such a proposal must not include the purchase of any fixed asset, unless the fixed asset plays a key role in facilitating the implementation of the proposal (and prior approval has been granted by HKADC).
- 11.4 All profit-making organisations must return the unutilised project surplus to HKADC.
- 11.5 For a project which receives financial support from HKADC as well as other public sources / fundings, the proportional portion of the surplus should be returned to HKADC.



12 Receipt Verification

Receipts

- 12.1 HKADC will spot-check receipts periodically to verify expenses stated in the project report. HKADC will contact the company which issued the receipt to verify the authenticity of the receipt.

Double Subsidy

- 12.2 To avoid double subsidy, i.e. the same item of the approved project receives repeated subsidy from other organisations, HKADC reserves the right to verify the approved projects with the relevant organisations (e.g. LCSD, QEF, etc.)

13 Treatment of Personal Data

- 13.1 According to Paragraph 2.3.3 of the Code of Practice on Identity Card Number and Other Personal Identifiers ("the Code"), 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.
- 13.2 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.
- 13.3 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 HKADC is correct at all times. To help promote arts development and transparency, 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; HKADC may also use such information for its own research or policy development purposes. The applicant must agree to allow HKADC to publish and use such information. If the applicant does not wish to receive any publicity material from HKADC or related organisations, please notify HKADC in writing.
- 13.4 To facilitate the process of grant assessment and to handle the enquiries / complaints related to applications, the applicant must allow HKADC to keep personal data contained in the application and reveal to Examiners, Council Members, Arts Advisors, the Culture, Sports and Tourism Bureau, other Government departments and external consultants for their reference and case follow-up if needed.



- 13.5 Subvented projects will be assessed by the Council Members, Arts Advisors, Examiners or consultants. The applicant must accept that the contents of such reports can be disclosed to the public.
- 13.6 HKADC will make reasonable efforts not to 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.

Inquiry of Personal Data

- 13.7 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 HKADC holds personal data related to oneself and to the participants of the project, and may obtain a copy of the data from 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.



14 Intellectual Property

- 14.1 To facilitate the assessment of Project Grant applications and to handle enquiries / complaints of related application, the applicant agrees to authorise HKADC to duplicate and distribute application documents to Examiners, Council Members, Arts Advisors, the Culture, Sports and Tourism Bureau, other Government departments and external consultants for reference and case follow-up. The applicant also agrees to authorise 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 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. 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. HKADC reserves the right to request certified copies of such prior written consent.
- 14.4 The applicant must ensure that 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 HKADC, its respective directors, officers, employees, representatives, advisers, authorised users and / or agents (including Council Members, Arts Advisors, Examiners, the Culture, Sports and Tourism 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 HKADC, its respective directors, officers, employees, representatives, advisers, authorised users and/or agents (including Council Members, Arts Advisors, Examiners, the



Culture, Sports and Tourism 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 development, 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) in any work[#], deliverable, report or material arising or generated out of the supported project or activities (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 HKADC, their Work[#] 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 unconditionally grant to HKADC, its authorised users, assigns and successors-in-title a non-exclusive, perpetual, irrevocable, royalty free worldwide and sub-licensable licence 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 Work[#].
- (b) In relation to any part of any Work[#] 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 and expense shall not be paid out of the Grant) the grant of such rights for the benefit of HKADC, its authorised users, assigns and successors-in-title by the relevant third-party Intellectual Property Rights owners, including without limitation, any collaborating party.

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



15 The Prevention of Bribery Ordinance

- 15.1 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.
- 15.2 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.
- 15.3 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.

16 Revisions and Updates

- 16.1 This information booklet is only valid for applications submitted between 4 January 2023 and 2 January 2024.
- 16.2 HKADC periodically revises this information booklet and the application forms. Applicants should look out for the latest version. HKADC reserves the right to amend the *Information for Project Grant Applicants* (including applications processing procedures and *Project Grant Assessment Guidelines*) whenever it sees fit. Please look out for the Council's announcement on HKADC's website or contact HKADC for further information.

17 Enquiries

- 17.1 Applicants may address enquiries to: The Hong Kong Arts Development Council

By phone: 2827 8786
By fax: 2824 0585
By email: hkadc@hkadc.org.hk
Website: www.hkadc.org.hk

For enquiries in person, you are welcome to make an appointment with HKADC prior to the visit.



- 17.2 This information booklet, the application forms and the Assessment Guidelines of different art forms can be downloaded from HKADC's website (<http://www.hkadc.org.hk>).
- 17.3 Any comments on this information booklet or HKADC's grant policy are welcome. Please submit your suggestion in writing, they will serve as reference material when HKADC revises its grant policy periodically.

Hong Kong Arts Development Council

Updated in January 2023

