

## 2012 Legislative Council “Sports, Performing Arts, Culture and Publication” functional constituency election

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2012 was the election year of the Legislative Council (LegCo) of the Hong Kong Special Administrative Region (HKSAR), through which interested individuals could run for membership of the LegCo. 35 of the 70 LegCo members were returned by functional constituencies (FC). Fok Tsun-ting Timothy had been the member of “Sports, Performing Arts, Culture and Publication” FC for the past 14 years. According to the report released by the “Catholic Monitors on Legislative Councillors” in February, Fok had not initiated any motion or amendment for 10 years. There was no interrogation from him in 2010, and he was absent in 23 of the 52 meetings in 2011. A group of culture practitioners thus suggested that this FC needed a new member. The group also encouraged its fellow practitioners to register as voters. Three people ran for the FC membership, namely ex-ADC president Ma Fung-kwok, visual artist Chow Chun-fai, and solicitor Siu Sze-kong. Ma won and would hold the membership for 4 years.

Information:

- Local newspaper. For details of newspaper coverage please see Chinese version.
- Press releases of the Information Services Department, Hong Kong Special Administrative Region

2012/03

• On 28 March

A group of artists, including Adrian Chow, Pak Sheung-chuen, Tang Wai-kit Desmond, and Liao Wei-tang, publicly expressed their disappointment with the lack of contribution by Timothy Fok, the “Sports, Performing Arts, Culture and Publication” FC member. They found him unconcerned with Hong Kong’s arts development, and did not explain to other LegCo members the impact on artists when the Factory Revitalisation Policy was put into effect in (the LegCo calendar) 2010-2011.<sup>1</sup>

2012/04

• On 1 April

A press conference was held by “Factory Artists Concern Group” (FAC) and a group of culture practitioners. They expressed their disappointment with Timothy Fok, while being the member of “Sports, Performing Arts, Culture and Publication” FC for the past 14 years, did not fight for the rights of the culture sector. They were also frustrated with Fok being the member with the lowest show-up rate and zero interrogation in the LegCo.

There were 2,367 registered voters in the “Sports, Performing Arts, Culture and Publication” FC and 432 of them were culture organisations. FAC appealed to the qualified organisations to register as voters before 16th May. A number of independent artists tried to register as voters with the Registration and Electoral Office, knowing that individual registration would not be accepted. They felt that it should be within their rights to register as individual voters. Pak Sheung Chuen submitted his registration to the Registration and Electoral Office on 14 March and received a rejection notice on the 28th. He found this rejection ridiculous. He participated in overseas exhibitions as the HK-representing artist but was ineligible to vote in the FC that covered his profession. FAC also appealed to culture practitioners to run for LegCo election so as to establish representation of the sector’s interest in LegCo.<sup>2</sup>

- On 6 April

The *Hong Kong Economic Journal* reported that about 60 artists of various art-forms came together on the previous Sunday (1 April) to attend the press conference held by FAC. They got together to defend their voting rights. One of the criteria for culture practitioners to become eligible voters was to be an organisation that has received grant subsidy from the Home Affairs Bureau, Leisure and Cultural Services Department, or Arts Development Council. This criterion did not apply to independent artists. However individual voters were accepted for the Performing Arts and Publication sectors under the same FC. Such a difference was incomprehensible to culture practitioners. Daniel Yeung, a dance soloist, told the *Hong Kong Economic Journal* that being a soloist meant working on his own. Yet under the current system his mode of arts creation was the reason for his voting rights to be deprived.<sup>3</sup>

- On 13 April

Chow Chun-fai, Leung Po-shan Anthony and Lee Hoi-yin Joanna from FAC were interviewed by *Apple Daily*. FAC suggested three actions concerning the LegCo election in September: 1. it demanded that the Registration and Electoral Office should accept individuals to register as voters of the “Sports, Performing Arts, Culture and Publication” FC and that the Office should accept the 7,000 plus ADC voters as eligible voters of the said FC; 2. it appealed to culture practitioners including artists to take the initiative to register as voters; and 3. it encouraged practitioner to run for the LegCo membership.<sup>4</sup>

## 2012/05

- On 14 May

Ma Fung-kuok revealed to *Sing Pao Daily* that he was considering the likelihood of running for the “Sports, Performing Arts, Culture and Publication” FC membership in September. To him, the most important thing with a cultural policy was to encourage the citizens to respect and appreciate one another, and to be accommodating. “People conduct high-level communication through arts appreciation. We express and we learn to respect other’s expression through arts. It is an important training for us all to learn to differentiate a good piece of arts from a bad one. People’s quality improves if arts could be popularised in the community.”<sup>5</sup>

## 2012/07

- On 7 July

Chow Chun-fai told *Ming Pao Daily* that “Fotanian” has successfully registered as a voter of the “Sports, Performing Arts, Culture and Publication” FC. “Fotanian” was considering to nominate Chow to run for the “Sports, Performing Arts, Culture and Publication” FC membership. Registered voters of the “Sports, Performing Arts, Culture and Publication” FC increased from 2,367 last year to 2,591, an increase of 9.5%.<sup>6</sup>

- **On 16 July**

The 4th LegCo calendar ended this week. Timothy Fok's attendance rate was the lowest among all members in LegCo meetings, Finance Committee meetings and House Committee meetings. Fok had only attended 30% of the 155 Finance Committee meetings over the course of four years. The Finance Committee was responsible for reviewing and approving the Government's funding and new headcount applications. Professor Ma Ngok of the Department of Government and Public Administration, The Chinese University of Hong Kong, said that the nil-attendance, nil-motion performance of some of the FC members had invited criticism for many years. A number of "lazy bones" would be advised to refrain from running for subsequent LegCo membership. That could be regarded as a message from Beijing to improve the image of LegCo and the pro-establishment camp.<sup>7</sup>

- **On 18 July**

Nomination for the new LegCo membership commenced. Liza Wang, CPPCC member, was asked of her opinion on Timothy Fok. She said that in her opinion, Fok had his focus more on sports-related matters.<sup>8</sup>

*Hong Kong Economic Journal* reported that the Beijing Government was finding ways to ensure the continuance of FC membership in LegCo even after general election took effect in Hong Kong, to prevent the dominance of LegCo by pan-democratic members. A major change-over of FC members began two years ago. It was reported that Timothy Fok, member of the "Sports, Performing Arts, Culture and Publication" FC, was requested to step down while Ma Fung-kwok has been appointed as Fok's successor.<sup>9</sup>

- **On 19 July**

*Sing Tao Daily News* reported that there was a high chance for Timothy Fok to withdraw from the upcoming election should he be appointed a standing committee member of CPPCC.<sup>10</sup>

- **On 26 July**

Ma Fung-kwok and Chow Chun-fai registered as the candidates running for the "Sports, Performing Arts, Culture and Publication" FC membership. Local news also reported that Timothy Fok had agreed not to compete for subsequent membership.

Ma Fung-kwok said that he had been planning for the election for a long time, and his registration was not in response to him not being appointed the Secretary for Cultural Bureau. He stressed that he did not belong to the "Leung" camp and he did not discuss his decision to run for the LegCo membership with Leung Chun-ying. He said he would only publish his election platform after consulting the practitioners, and that he would like to change the LegCo culture should he had the chance to become one of the members. A group of practitioners from movie industry, performing arts, publication, culture and sports sectors, supported Ma's registration.

In the meantime, Chow Chun-fai gained his support from a group of visual artists and local art groups.

Ma Fung-kwok expressed his support for FC as he believed it was a meaningful system, whereas Chow Chun-fai demanded for the abolition of FC as soon as possible.<sup>11</sup>

2012/08

- **On 2 August**

Ma Fung-kwok told the press that the rights of copyright holders should be protected. He didn't think there was any problem with the existing Copyright (Amendment) Bill. He found it very difficult to distinguish derivative work from copyright infringement. Chow Chun-fai, on the other hand, did not support the existing Bill and disagreed with Ma equating derivative work with copyright

infringement. Chow said that in many European countries and in the US, derivative work was exempted from the scope of those countries’ respective copyright bills. He believed Ma had been approaching the issue from an economic perspective instead of from a cultural perspective.

Siu Sze-kong’s eligibility to run for FC membership was confirmed. Siu said that he decided to run for the election because he doubted Ma’s impartiality, being a current board member of the West Kowloon Cultural District Authority and the ex-chairman of Hong Kong Arts Development Council (HKADC).<sup>12</sup>

- **On 8 August**

*Apple Daily* reported that Ma Fung-kuok had been respectively the vice-president of operation last year, and president this year, for the “Hong Kong University Students Military Experience Summer Camp.” The organising committee sent, at no fee required, 250 local university students, to the Liberation Army’s camp. Activities of the Summer Camp included learning songs of the Communist Party. Ma denied this camp as a brainwash event when asked by *Apple Daily*. He stressed that the purpose of the camp was for students to experience lives as soldiers. Rick Wong, Assistant Professor of the Department of Government & International Studies, Hong Kong Baptist University, pointed out that under democratic systems such as those of Japan and Taiwan, military experience camps did exist, but solely for life experience instead of being means to nurture sovereignty affinity. The Hong Kong camp, on the other hand, put its emphasis on the students’ responsibility to their home country rather than on their civil rights. Ger Choi, a HKADC council member said that Ma’s denial of the Camp being a brainwash event was “just a play of words.” She was apprehensive that Ma would push for more brainwashing activities should he become (the LegCo FC) member. She appealed to the culture sector practitioners to voice out their concerns.<sup>13</sup>

- **On 13 August**

Ma Fung-kuok, Chow Chun-fai and Siu Sze Kong attended the election debate for LegCo “Sports, Performing Arts, Culture and Publication” FC organised by “RTHK”.

Siu suggested that there was a conflict of interest for Ma to run for the election, him being a board member of the West Kowloon Cultural District Authority. Ma disagreed and said that he has been appointed (as a board member) because the Government found him capable. There would be no conflict of interest. He did not find any contradiction between running for the election and serving the community.

Chow Chun-fai pointed out that the Copyright (Amendment) Bill allowed room for creators of derivative work to be prosecuted and this would narrow the freedom to create. Ma said that he would not make any comments on the details. He reiterated that the Amendment ensured respect for the original creators. There was room for improvement for the Government to further clarify and explain the details of the Amendment. He disagreed with the trend of politicising the Amendment discussion. Chow also said that he found the FC members just a group of “rubber stamps” and their main role was to agree with the Government. He therefore requested the abolition of FC. Ma, on the contrary, said that there were certain functions the FC could play and disagreed with abolition. Siu did not agree with abolition either and agreed with expanding the coverage of eligible voters. Siu would not support any radical means for the purpose of destroying the FC system. Chow expressed his support for general election of both the Chief Executive and all LegCo members.

Ma said that it was required by the Basic Law to implement Article 23. He found the Central Government taking a relaxed attitude towards this issue. It was the responsibility of the HKSAR to implement the legislation but the Government should listen to the community on implementation details. He also said that his election platform had been completed and would be distributed to voters in a few days.<sup>14</sup>

- **On 25 August**

*Ming Pao Daily* reporters found out that, among the registered voters of the “Sports, Performing Arts, Culture and Publication” FC, 13 organisation voters had their addresses on the 14th, 15th or 16th floor of Silver Commercial Building in Mongkok. According to the record with the Company Registry, Yu Yun-hing, Chairman of the Hong Kong Table Tennis Association and the Vice-president of the South China Athletic Association, and his children, namely Yu Kwok-leung, Yu Kwok-yin, Yu Wing-sze, either owned or served as board members of these 13 companies. In other words, the Yu family held 13 votes in the FC. The main businesses of these companies were either investment or construction. It was also discovered that a number of entertainment companies registered their subsidiaries as individual voters. For example, the Emperor Group has registered for eight subsidiaries, the Universe Films Distribution Co. Ltd. four, and bma five.

There were 2,591 registered voters in “Sports, Performing Arts, Culture and Publication” FC for this election, 224 more than last election.<sup>15</sup>

- **On 30 August**

It was reported in the press that the Hong Kong Publishing Professionals Society, with over 100 members but only one eligible vote in “Sports, Performing Arts, Culture and Publication” FC, wrote to all members on 27 August, informing that its Executive Committee had decided to vote for Ma Fung-kwok if less than half of its members raised their objection within the same day. Some members of the Society criticised that that was an unfair arrangement because there had not been any election forum for the candidates to present their election platforms to members. The time allowed for members to weigh among the candidates was also too short. Tse, the Society’s Volunteer Secretary, disagreed with the criticism. She said that only Ma requested a visit to the Society, and that his platform served the interest of the publication sector. Chow Chun-fai pointed out that he had requested in writing for meeting with all voters at the beginning of August but the Society did not respond to his request.<sup>16</sup>

## 2012/09

- **On 4 September**

Ma Fung-kwok visited the art practitioners in Fatan area.<sup>17</sup>

- **On 10 September**

Ma Fung-kwok was voted the “Sports, Performing Arts, Culture and Publication” FC member by 1,106 voters. Chow Chun-fai received 477 votes. Siu Sze-kong received 109.<sup>18</sup>

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<sup>1</sup> News coverage, *Hong Kong Economic Journal* A11, 28 March 2012

<sup>2</sup> News coverage, *Metro HK* P04, 2 April 2012

News coverage, *Sing Tao Daily* A12, 2 April 2012

News coverage, *Hong Kong Economic Journal* A15, 2 April 2012

<sup>3</sup> News coverage, *Hong Kong Economic Journal* C01, 6 April 2012

Artistic Impressions, *South China Morning Post* R11, 8 April 2012

- <sup>4</sup> News coverage, *Apple Daily* E08, 13 April 2012
- <sup>5</sup> News coverage, *Sing Pao Daily* A01, 14 May 2012
- <sup>6</sup> News coverage, *Ming Pao Daily News* A02, 5 July 2012
- <sup>7</sup> News coverage, *Oriental Daily* A27, 16 July 2012
- <sup>8</sup> News coverage, *Oriental Daily* A16, 18 July 2012
- <sup>9</sup> News coverage, *Hong Kong Economic Journal* A17, 18 July 2012
- <sup>10</sup> News coverage, *Sing Tao Daily News* A09, 19 July 2012
- <sup>11</sup> News coverage, *Apple Daily* A06, 27 July 2012  
News coverage, *Ming Pao Daily News* A08, 27 July 2012  
News coverage, *Hong Kong Daily News* A03, 27 July 2012  
News coverage, *Hong Kong Economic Times* A22, 27 July 2012  
News coverage, *Wen Wei Po* A10, 27 July 2012  
News coverage, *Tai Kung Pao* A13, 27 July 2012  
News coverage, *Hong Kong Commercial Daily* A13, 27 July 2012
- <sup>12</sup> News coverage, *Hong Kong Daily News* A04, 3 August 2012
- <sup>13</sup> News coverage, *Apple Daily* A06, 8 August 2012  
News coverage, *Sharp Daily Hong Kong version* V08, 8 August 2012
- <sup>14</sup> News coverage, *Hong Kong Economic Times* A28, 14 August 2012  
News coverage, *Apple Daily* A08, 14 August 2012  
News coverage, *Hong Kong Economic Journal* A09, 14 August 2012  
News coverage, *Sing Tao Daily News* A12, 14 August 2012  
News coverage, *Ming Pao Daily News* A15, 14 August 2012  
News coverage, *Tai Kung Pao* A21, 14 August 2012  
News coverage, *Wen Wei Po* A21, 14 August 2012  
News coverage, *Sharp Daily Hong Kong version* V13, 14 August 2012
- <sup>15</sup> News coverage, *Ming Pao Daily* A06, 25 August 2012
- <sup>16</sup> News coverage, *Sharp Daily Hong Kong Edition* V13, 30 August 2012  
News coverage, *Apple Daily* A04, 30 August 2012
- <sup>17</sup> News coverage, *Tai Kung Pao* A05, 5 September 2012  
News coverage, *Wen Wei Po* A07, 5 September 2012
- <sup>18</sup> News coverage, *Ming Pao Live News*, 10 September 2012  
“LegCo Election Overall Results”, Press release of Information Services Department, HKSAR, 10 September, <http://www.info.gov.hk/gia/general/201209/10/P201209100352.htm>