

## *Cultural Services – 2007 Liberalization Measures*

### **1. Under Supplement IV to CEPA , what privileges will the performing arts sector enjoy?**

According to Supplement IV to CEPA, the performing arts sector can enjoy the following privileges-

- (1) Hong Kong Service Suppliers may set up wholly-owned performing arts agencies in the Mainland.
- (2) Hong Kong performing arts agencies and performing arts groups may organise commercial performances in the Guangdong Province and the Shanghai Municipality by way of cross-border supply on a pilot basis upon approval of the relevant authorities of these two places. Performing arts agencies and performing arts groups organising performances in the Mainland should seek the prior approval of the Ministry of Culture.

### **2. What is meant by “Hong Kong Service Suppliers”?**

In accordance with the ‘Mainland and Hong Kong Closer Economic Partnership Arrangement (CEPA)’, a Service Supplier who provides service in the form of a juridical person should first obtain a Certificate of Hong Kong Service Supplier from the Trade and Industry Department (TID) before it applies to the relevant Mainland authorities to provide services in the Mainland with preferential treatments under CEPA. For details, please visit TID’s website:

[www.tid.gov.hk/english/cepa/tradeservices/trade\\_services.html](http://www.tid.gov.hk/english/cepa/tradeservices/trade_services.html) ◦

### **3. What is “commercial performance”?**

“Commercial performance” refers to live performing activities organised for the public with a view to profit making, which includes the following modes-

- (1) with tickets sold or exclusive booking of venue;
- (2) the performing unit or individual being remunerated;
- (3) performance as a medium to advertise or promote a product;
- (4) with sponsorship or donation;
- (5) performance organized in other business modes.

Such performance covers music, drama, dance, acrobatics, magic performance, circus, Quyi, puppet show, shadow play, recital, folk art and other live forms of arts and cultural programmes.

**4. The two types of approval mentioned under Supplement IV to CEPA are prior approval by the Ministry of Culture as well as the approval by the authorities concerned in the Guangdong Province and the Shanghai Municipality as pilot areas. What are the details of the two types of approval?**

We understand that the prior submission and approval procedure imposed by the Ministry of Culture is a prior record filing arrangement. Performance arts agencies or performing arts groups from Hong Kong may, prior to their performances in the Guangdong Province or the Shanghai Municipality, submit simple information on the agency /group (including identification documents of the Hong Kong Service Supplier status, personal particulars of the person-in-charge and brief description of the agency, etc.) to the Ministry of Culture through the cultural authorities of the Guangdong Province or the Shanghai Municipality. The Ministry of Culture holds the preliminary view that the submitted and approved information of the agency/group concerned from Hong Kong will be valid for 12 months and will have to be submitted at the beginning or the end of the year for the year or the following year by the performing arts agencies or the performing arts groups staging performances in Guangdong and Shanghai.

As regards the arrangements for individual commercial performances, performing arts agencies or performing arts groups are required to submit specific plans and detailed information on each occasion to apply to the relevant authorities in the pilot places, that is, Guangdong Province or Shanghai Municipality, for approval.