

File Ref: S/F(6) in HAB/CR 3/21/7 Pt.5

LEGISLATIVE COUNCIL BRIEF

REVIEW OF THE ROLES AND FUNCTIONS OF DISTRICT COUNCILS

INTRODUCTION

At the meeting of the Executive Council on 3 July 2001, the Council ADVISED and the Chief Executive ORDERED that the proposals made in the report of the Working Group on District Councils Review at Annex should be published for consultation.

BACKGROUND AND ARGUMENT

Background

2. During the resumption of the Second Reading debate of the Provision of Municipal Services (Reorganisation) Bill on 2 December 1999, the Administration undertook to consider the scope for strengthening the roles and functions of the DCs. In response to the motion moved by Professor Hon Ng Ching-fai in January 2000, the Secretary for Home Affairs (SHA) agreed to review the roles and functions of DCs (the Review) after the new DCs had been in operation for some time. An inter-departmental Working Group on DC Review, chaired by Home Affairs Bureau (HAB), was set up in July 2000 to consider the issues and make recommendations. It undertook to complete the Review in 2001.

Present Position

3. The Working Group has recently completed the Review and proposed a number of measures to enhance the roles of the DCs and strengthen the support for DCs. To demonstrate the Government's commitment, an additional \$100 million annual recurrent expenditure has been earmarked in the 2001-02 Budget for implementing the recommendations arising from the Review. The key recommendations of the Working Group are summarized in paragraphs 4 – 15 below.

The Proposals

4. The Working Group accepts that the DCs should and could play an important role in monitoring the provision and delivery of district services and facilities and in advising the Government on matters affecting people's livelihood. At the same time, it is mindful of the need to ensure that the proposed measures to enhance the roles of the DCs would not lead to the proliferation of executive authorities at the district level. In view of the small size of Hong Kong, delegating executive functions to the 18 DCs will run the risk of fragmenting responsibilities and diminishing efficiency. The thrust of the proposed measures is, therefore, to enhance the fundamental role of the DCs as Government's key advisers on district affairs and communication channel with the public, as well as to enhance their participation in and ability to influence the work of departments at the district level.

5. Having considered the views put forward by the relevant parties, including those by members of DCs and the Legislative Council (LegCo), the Working Group considers that the roles and functions of the DCs and support for DC members can be enhanced in five major areas as summarized below.

A. Enhancing the roles and functions of DCs

(a) *Advising and monitoring the provision, delivery and management of municipal services and facilities*

6. To enhance the DCs' ability in monitoring the **provision and delivery** of municipal services and facilities¹, the Working Group proposes to **strengthen the existing DC set-up** to ensure that the two municipal services departments would consult the DCs in advance of the relevant initiatives, measures and projects; and to take on board their advice on the design and layout of district-based municipal facilities which have secured funding approval, provided their proposals do not depart from the territory-wide policies and are broadly within the prescribed budget. To further enhance DC members' ability to monitor the management of local culture and leisure facilities, the Working Group proposes that a **consultative committee** should be set up in each district to advise on the

¹ Municipal services covered by the measures proposed in paragraph 6 include:

- Environmental Hygiene Services/Facilities
 - public hygiene (e.g. public toilets, markets, litter bins, refuse collection points) but excluding food safety and hygiene
 - clearance of environmental black spots
 - street cleaning
- Greening and Beautifying the districts
 - amenity vegetation planting, maintenance, etc.
- Leisure and Cultural Services/Facilities
 - provision of district facilities and the services/programmes provided therein (territory-wide cultural and sports policies and facilities excluded).

usage and management of such facilities, and that DC members be appointed to the committee as members. This is in line with the arrangements adopted by the Food and Environmental Hygiene Department (FEHD) for the management of markets and Home Affairs Department (HAD) for community halls.

7. Separately, to enable DCs to have a direct input on the priorities of district culture and leisure facilities, the Leisure & Cultural Services Department (LCSD) has invited the DCs to draw up a priority list of major cultural and leisure work projects for their respective districts. To take this planning process further, LCSD would, having regard to the input provided by DCs and other factors, draw up a consolidated **Five-year Plan** for culture and leisure work projects. The Five-year Plan will give the DCs an indication as to whether and when a particular project will proceed.

(b) Increasing DCs' Involvement in the promotion of cultural, recreational and community activities and the implementation of local minor works projects

8. Over the years, the DCs have built up the capacity and the ability to promote a wide variety of district activities, for the benefit of the public. The Working Group proposes that an additional \$31 million should be provided to the DCs to organize or sponsor **community building, cultural and recreational activities** in the districts. It also agrees that the DCs should play a more active role in the planning and implementation of **local minor works projects** in the districts. Accordingly, it is proposed that the DCs should be given an additional \$10 million to implement more Minor Environmental Improvement (MEI) projects in their districts; and that the chairmanship of the two Steering Committees on Rural Public Works (RPW) and Urban Minor Works (UMW) Programmes and the relevant District Working Groups should be devolved to the chairmen/members of the DCs. Also, in line with the recommendation made in paragraph 6 above, LCSD would consult the DCs on the design and layout of district-based municipal facilities, including local leisure and recreational projects such as sitting-out areas and playgrounds, as and when funding support has been secured for these projects. As a result of these proposals, the DCs should be able to exercise direct influence over the use of the funding allocated to local minor works projects. We will review these arrangements after their implementation to see if they can be further improved.

(c) Enhancing consultation on major policy initiatives and capital works projects which affect the well-being of the local community

9. The Working Group supports strengthening the consultative role of the DCs in respect of major **policy initiatives** and **capital works projects** which affect the well-being of the people in the districts. It is thus proposed that the bureaux/departments concerned should consult the DCs, as a group or individually, on their proposed policy initiatives and projects that may affect the well-being of the districts. Indeed, some bureaux and departments now regard the DCs as an integral element of their public consultation exercise. To ensure that the DCs' views will be duly considered by the approving authorities (e.g. Chief Executive in Council), it is proposed that the bureaux/departments should include DCs as one of their consultation targets and **report** the DCs' views: their submissions to the approving authority.

B. Enhancing communication between DCs and the Administration

10. One of the concerns of the DCs is about the attendance and level of representation of bureaux and departments at DC meetings. The Working Group appreciates that policy bureaux in particular may find it difficult to send representatives to DCs to discuss territory-wide policy issues given their manpower constraints. To strike a balance between enhancing communication with DC members on policy issues and alleviating the burden on bureaux/departments, it is proposed that Policy Secretaries and Heads of Department who oversee matters directly affecting people's livelihood should meet DC members as necessary and more regularly. Bureau Secretaries and Heads of Departments should in person exchange views direct with DC members at least once within a normal DC term and a list stipulating the **level of departmental representation** at DC meetings should be promulgated (Appendix III to the report). The Working Group also proposes that departments having regular dealings with DCs should assign a sufficiently senior officer to provide "**one-stop**" services to DC members on official business concerning their departments, including the handling of their complaints. Furthermore, the Working Group proposes the establishment of a **feedback mechanism** for collecting DCs' views on the work of the departments. The feedback will be conveyed to the Heads of Department concerned for reference and necessary follow-up action.

C. Enhancing DC members' participation in the policy-making process

11. The Working Group considers it mutually beneficial to appoint suitable DC members, on an ad personum basis, to advisory and statutory bodies, especially those that deal with livelihood matters. The Government will adopt proactive measures with a view to appointing more DC members to bodies which are concerned with livelihood matters. In particular, HAB and HAD will monitor the progress made and nominate suitable DC members for

consideration by bureaux and departments.

D. Strengthening support for DC Members

(a) Reviewing the remuneration package for DC members

12. With the enhancement of the DCs' role in district administration, the Working Group agrees in principle that the resources and financial support for DC members should be increased to enable them to carry out their duties more effectively. In line with the arrangements for reviewing the remuneration for Members of the Executive Council and LegCo, an **independent commission** will be set up shortly to review the system of remuneration for DC members. In making recommendations, the commission will take into account the future roles and functions of the DCs proposed by the Working Group and the public views thereon. We hope the commission would complete its review in Autumn so that its recommendations can be approved and implemented before the end of 2001.

(b) Increasing resources support for DC Secretariats

13. The additional workload to be generated by the recommendations in the Working Group report will require additional manpower support for the DCs. It is therefore proposed that \$12 million be set aside for HAD to employ extra staff to strengthen the secretariat support for the DCs and the works section of HAD.

E. Enhancing DCs' accountability and efficiency

14. The Working Group considers it imperative to enhance the DCs' public accountability especially if they are given more resources and entrusted with greater responsibilities. To enable the public to better understand and scrutinize the DCs' work, the Working Group recommends the publication of **an annual report** by each of the DCs covering, among other things, its specific achievements in the past year, the deployment of public funds and attendance of DC members, etc.

15. To safeguard against possible situations involving conflict of interest and abuse of position, HAD is reviewing the **DC Standing Orders**, taking into account the advice of the ICAC and standing orders and guidelines of other related organisations. Furthermore, it is proposed that the DCs may consider whether a **self-regulatory code** to govern the conduct of DC members should be developed. Separately, HAD will improve the guidelines governing the **conduct of Council business** with a view to improving the efficiency and

effectiveness of DC meetings, and to ensure clear and prompt responses will be provided to departments on matters being consulted.

PUBLIC CONSULTATION

16. A great deal of views on the roles and functions of the DCs have been expressed by the community, primarily LegCo and DC members, in the course of the Review including the District Administration Seminar organized by HAD and the LegCo motion debate moved by the Hon Ip Kwok-him in November 2000. The Working Group has considered these views carefully in drawing up its recommendations.

BASIC LAW IMPLICATIONS

17. The recommendations made in the report are consistent with the Basic Law.

FINANCIAL AND STAFFING IMPLICATIONS

18. The proposed package of measures, excluding the possible adjustment in remuneration to be made by the independent commission, require the allocation of an additional \$58 million per annum to the HAD/DCs. These include \$31 million for the promotion of additional community building, cultural and recreational activities, \$10 million for implementing MEI projects, \$12 million for HAD to employ extra staff and a tentatively estimated \$5 million for DHA to meet other requirements, such as visits and briefings for DC members and their assistants, training for civil servants who have frequent dealings with DCs, etc. The Government has already earmarked \$100 million recurrent funding in the 2001-02 Budget for implementing the recommendations arising from the Review. We will seek the Finance Committee's approval for the funding proposals later this year taking into account DCs' views on the allocation.

ENVIRONMENTAL IMPLICATIONS

19. The proposals to increase the funding for the DCs to undertake more minor environmental improvement projects (e.g. clearance of hygiene black spots, greening and beautification projects) and to promote public awareness in, among other things, clean Hong Kong and environmental protection will bring environmental benefits to the society.

PUBLICITY

20. A press briefing will be held on 9 July to release the Working Group report. A press release will also be issued. We will conduct a special briefing for the DC Chairmen and Vice-chairmen on the same day and forward copies of the report to individual DC members. We will consult the LegCo Home Affairs Panel and the individual DCs as soon as practicable after the release of the report. Public views on the report will also be solicited. A spokesman will be available to handle media and public enquiries.

ENQUIRY

21. Enquiries on this Legislative Council brief may be directed to Mr Parrish Ng, Principal Assistant Secretary for Home Affairs at telephone number 2835 1375.

Home Affairs Bureau
July 2001