

立法會
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LegCo Panel on Home Affairs

**Minutes of special meeting
held on Tuesday, 27 November 2001 at 2:30 pm
in the Chamber of the Legislative Council Building**

- Members Present** : Hon IP Kwok-him, JP (Chairman)
Hon Andrew CHENG Kar-foo (Deputy Chairman)
Dr Hon David CHU Yu-lin, JP
Hon Cyd HO Sau-lan
Hon NG Leung-sing, JP
Hon Andrew WONG Wang-fat, JP
Hon LAU Wong-fat, GBS, JP
Hon CHOY So-yuk
Hon Timothy FOK Tsun-ting, SBS, JP
Hon Tommy CHEUNG Yu-yan, JP
Hon Albert CHAN Wai-yip
Hon MA Fung-kwok
- Members Absent** : Hon Albert HO Chun-yan
Hon James TO Kun-sun
Hon Emily LAU Wai-hing, JP
Dr Hon TANG Siu-tong, JP
Hon Henry WU King-cheong, BBS
Hon WONG Sing-chi
Hon Michael MAK Kwok-fung
- Public Officers Attending** : Mrs Betty FUNG
Deputy Secretary for Home Affairs (2)

Ms Grace LUI, JP
Deputy Director of Home Affairs (2)

Ms Doris HO
Principal Assistant Secretary for Constitutional Affairs (4)

Clerk in Attendance : Miss Flora TAI
Chief Assistant Secretary (2)2

Staff in Attendance : Miss Irene MAN
Senior Assistant Secretary (2)9

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I. District Council Review : outcome of consultation and remuneration of District Council members
[LegCo Brief: S/F(6) in HAB/CR 3/21/7 Pt.8]

The Chairman informed members that the Panel on Constitutional Affairs would follow up on the issues relating to the roles and functions of District Council (DC) in the constitutional framework. The meeting would focus its discussion on the content of the DC Review.

2. At the invitation of the Chairman, Deputy Secretary for Home Affairs (2) (DS(HA)2) briefed members on the salient points of the Legislative Council (LegCo) Brief on DC Review. On the final recommendations to enhance the roles and functions of DCs, DS(HA)2 highlighted that instead of setting up a district consultative committee to advise on the usage and management of district-based cultural and leisure facilities, one of the DC's committees (e.g. Cultural, Recreation and Sports Committee) would be invited to advise on the usage and management of district leisure and cultural facilities. The Leisure and Cultural Services Department (LCSD) would take on board the DCs' views so long as they were in line with the territory-wide policies and were broadly within the prescribed budgets.

3. On the recommendations of the Independent Commission on Remuneration for Members of the District Councils of the Hong Kong Special Administrative Region (the Commission), DS(HA)2 highlighted that the Administration had accepted the recommendations as follows -

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- (a) increasing the monthly Accountable Allowance (AA) from \$10,000 to \$17,000 for office rental, salary and other expenses arising from the operation of the ward office;
- (b) expanding the ambit of AA to cover a wider range of office expenditure for the purpose of conducting DC business;
- (c) merging the monthly AA into an annual provision to provide greater flexibility for DC members; and
- (d) providing a one-off reimbursable grant of \$10,000 for each DC member to strengthen the information technology (IT) and other support during the current term. The provision of a full-fledged setting up grant would be reviewed by the Commission in 2003.

4. DS(HA)2 emphasised that the new rate of AA reflected the current market situation and the actual needs of DC members. The Administration had considered carefully the proposed increase in AA and the provision of the IT and other support grant in the current economic climate. It believed that the enhanced support would improve the communication between DC members and the public as well as the quality of services which would ultimately benefit the community.

Powers of DCs

5. Mr Albert CHAN declared interest as a DC member. He expressed disappointment at the outcome of the consultation, saying that the development of district administration had made no progress during the last 20 years. Mr CHAN considered that the Administration had no sincerity to delegate executive power to elected DC members.

6. Ms Cyd HO expressed disappointment that although the Administration had withdrawn the recommendation of setting up the district consultative committee, DCs would remain to be an advisory body only. She sought the Administration's response to the following -

- (a) whether DCs would have the power to reject LCSD's proposals on cultural and leisure management matters;
- (b) whether there would be any central mechanism co-ordinating cross-district discussions among different DCs on cultural and leisure policies; and

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- (c) whether DC members could terminate the employment of Secretariat staff should their services be found unsatisfactory.

7. On cultural and leisure matters, DS(HA)2 emphasised that it was a big step forward for the Administration to undertake in writing that LCSD would take on board the DCs' views on the usage and management of district facilities so long as they did not depart from the territory-wide policies and were broadly within the budget. DCs' ability in monitoring the provision and delivery of district-based municipal facilities and services would also be strengthened. She added that the Administration would always welcome discussions on enhancing the role of DCs on district administration. DS(HA)2 further pointed out that the Director of LCSD had undertaken to hold quarterly meetings with the chairmen of the cultural and leisure committees of DCs and bi-annual meetings with the Chairmen and Vice-chairmen of DCs. These regular meetings would facilitate cross-district discussions among DCs.

8. Ms Cyd HO was not satisfied that the power of DCs in district administration at present was still very limited. In response to Ms HO's query about the scope of cultural and leisure matters on which the DCs could advise, DS(HA)2 explained that DCs might advise on a broad range of usage and management matters regarding district facilities, including issues such as the need to improve existing facilities subject to the availability of resources.

9. On the accountability of DC Secretariats to respective DCs, Deputy Director of Home Affairs (2) (DD/HA(2)) explained that DC Secretariats would not be made independent from the Government. If the services provided by a DC Secretariat was found to be unsatisfactory, DC members could approach the District Officer of the respective District Office. The District Officer would be ready to listen to their views and seek to improve the quality of services. Mr Andrew CHENG declared interest as a DC member. In response to Mr Andrew CHENG's enquiry about the setting up of an independent DC Secretariat, DS(HA)2 said that in view of the dissenting views expressed by DC members, and those expressed by Legislative Council (LegCo) members during the motion debate on "Report of the Working Group on District Councils Review" at the Council meeting on 31 October 2001, the Administration would not pursue the proposal at the present stage.

10. Mr Andrew CHENG expressed dissatisfaction that the Administration had insisted to maintain its policy of not giving powers to DCs to make decision in respect of district affairs. Mr CHENG cited his experience as a member of the Tai Po DC and said that the Transport Department had repeatedly refused to put a bus route on a trial run even though the proposal put forward by the DC as a whole did not depart from the overall transport policies. He therefore doubted whether the

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views of DC would be taken on board. Mr CHENG pointed out that people would be discouraged to participate in the work of DCs if no real decision-making powers in district affairs was delegated.

11. DS(HA)2 reiterated that the Administration would continue to explore ways to further enhance the role and functions of DCs in providing cultural and recreational services.

12. Mr Tommy CHEUNG declared interest as a DC member. He said that upon the dissolution of the former two municipal councils, the Administration had undertaken to delegate their administrative power to DCs. Mr CHEUNG considered that the Administration should honour its undertaking by explaining clearly how the gradual delegation of administrative powers to DCs would be implemented in the long run.

13. Principal Assistant Secretary for Constitutional Affairs (4) advised that during the Second Reading debate of the Provision of Municipal Services (Reorganisation) Bill in December 1999, the Secretary for Constitutional Affairs (SCA) had undertaken that the Administration would work in the direction to promote the development of district organisations and consider ways to enhance the roles of DCs in district affairs and to strengthen their functions. She believed that the recommendations made in the Report were in line with the undertaking given by SCA at that time. Mr Tommy CHEUNG said that he was not satisfied with the slow pace adopted by the Administration in delegating administrative powers to DCs.

Remuneration of DC members

Accountable Allowance (AA)

14. Mr Andrew CHENG pointed out that the public always had a wrong impression about the remuneration package for DC members. Despite the fact that the honorarium for DC members had been reduced by almost 10%, the public still misunderstood that the honorarium was on the rise because the amount of AA had been increased. Mr CHENG considered that it was because the title of AA was very misleading which could easily be mistaken as part of the honorarium for DC members. To avoid further misunderstanding and unfairness to DC members, Mr CHENG requested that AA should be renamed as "work expenses allowance" so as to reflect more accurately the purpose of the allowance. Mr Tommy CHEUNG said that he shared Mr CHENG's view. The Chairman and Miss CHOY So-yuk who declared interest as DC members also expressed support for Mr CHENG's request.

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15. DS(HA)2 responded that when making relevant public announcements, the Administration had emphasised that only AA for DC members would be increased but not the honorarium, and that AA was to be used for providing services for the public. DD/HA(2) said that she appreciated that DC members were under a lot of pressure because of the public's misunderstanding of their remuneration package. She undertook to refer members' request to the Commission for consideration during the next regular review.

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16. Mr Albert CHAN considered that the \$17,000 AA should not only cover the repair and maintenance of equipment and furniture in the DC member's ward office, but also the purchase and installation of the equipment and facilities. He added that purchase of telephone facilities should be included under office accommodation expenses as a reimbursable item on the AA list.

17. DS(HA)2 explained that the \$17,000 AA was to cover the recurrent expenses arising from the operation of the ward office. Office equipment such as telephone set and photocopier could be purchased through the one-off grant of \$10,000. DD/HA(2) supplemented that the Administration would consider including service charges of mobile phone service as a reimbursable item on the AA list.

18. Mr Albert CHAN took the view that the Administration had adopted double standards in providing AA to LegCo members and DC members. He said that it was unfair that LegCo Members could use the AA to purchase office equipment while DC members were not allowed to do so.

19. DD/HA(2) responded that the Administration was not in any way discriminating against DC members. The Commission had made reference to the mechanism adopted for LegCo Members before putting forward its recommendations. DD/HA(2) pointed out that the Commission had actually increased the number of reimbursable items on the AA list. As the Commission would conduct a comprehensive review on the remuneration package of DC members in 2003, including the provision of a full-fledged setting up grant. The reimbursable items under the AA would also be reviewed. DC members might make use of the one-off reimbursable grant to purchase office equipment.

20. Mr Tommy CHEUNG said that the Liberal Party strongly requested the Commission to consider introducing greater flexibility to the ambit of AA. The Chairman and Miss CHOY So-yuk also echoed the view. DD/HA(2) undertook to refer members' suggestion of increasing flexibility to the ambit of the AA to the Commission for consideration during the next regular review.

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21. The Chairman sought the Administration's clarification regarding the reimbursable arrangements for AA as follows -

- (a) whether there were any upper limits for each expenditure item under the \$17,000 monthly AA;
- (b) whether the annual provision of AA could be reimbursed at any time during the year or only at the year end; and
- (c) whether the AA of members with multiple membership would be reduced by one-third automatically.

22. DS(HA)2 clarified that there would be no upper limit for various individual items under the new rate of AA. DD/HA(2) explained that DC members would be able to enjoy the flexibility to reimburse their expenses within the annual budget of \$204,000 AA throughout the year. Merging the monthly provisions into an annual one could also enhance administrative convenience. If a member operated a single ward office for duties relating to his multiple membership, one-third of AA would be reduced; in other words, he/she would be entitled to two-third of AA at most.

23. Mr Tommy CHEUNG asked whether charges for pager service would be reimbursable under AA. DD/HA(2) responded that the charges for pager service would be reimbursable as communication charges under AA.

24. Mr Tommy CHEUNG further suggested that as 19 incumbent LegCo Members were also DC members, arrangement should be made so that expenses incurred for designing and maintaining a website for individual DC member who was also holding a LegCo Membership could be reimbursable on a pro-rata basis. DD/HA(2) undertook to refer members' request to the Commission for consideration.

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25. In view of the difficulties faced by DC members in opening ward offices, Miss CHOY So-yuk suggested that the Administration should provide permanent offices for DC members in each district; in other words, any elected DC members could take up the offices and start working right away once they resumed office. Members of the public would be able to locate the offices easily. She also commented that the estimated office rental of \$7,000 under the revised AA was impracticable for renting offices in private buildings.

26. DD/HA(2) said that a similar proposal of providing permanent offices had been raised by some DC members during the District Administration Seminar on 18 November 2000. However, as DC members were not able to reach a consensus

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on the proposal, the Commission decided not to pursue the matter at this stage. She understood that some DC members preferred setting up ward offices in their own choice of locations. As for office rental, she stressed that the \$17,000 AA could be used flexibly and the amount of \$7,000 was only used for illustration purpose.

One-off reimbursable grant of \$10,000

27. Mr Albert CHAN said that \$10,000 was far from enough for a DC member to set up a ward office. He criticised the Administration for being parsimonious to accept such a small figure.

28. DS(HA)2 clarified that the \$10,000 was a one-off reimbursable grant to enhance IT and other support for each DC member for the purchase of items like computer and printer as listed in Appendix II to the LegCo Brief. Since the current DC term was already half way through and would expire in December 2003, and over 80% of DC members had already set up their ward offices, the Commission considered that there was no urgent need to provide a full-fledged setting up grant during the current term. However, the Commission would examine the need for such provision in its next regular review in 2003.

29. The Chairman noted that DC members who ceased office would be required to return to the DC Secretariats any items costing \$1,000 or more and with a life span of over one year procured with the one-off grant. He asked about the definition of "ceased office" and the returning arrangement.

30. DD/HA(2) explained that "members who ceased office" referred to those whose term of service had expired as well as those whose membership was terminated at any time during their term of office. These members would be required to return any items costing \$1,000 or more to the DC Secretariats or they could purchase them at market value.

Support to individual DCs

31. Miss CHOY So-yuk said that given the differences in geographical size among the 18 DCs, it was not appropriate to distribute evenly the resources and support to each DC. She requested that the Administration should increase the amount of resources and support for bigger DCs, whilst maintaining the existing level of support to smaller DCs.

32. DD/HA(2) responded that the Administration would adjust the amount of resources and support for each district according to their population and other relevant factors. Under the current proposal, the Administration was striving for

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an increase of manpower so that more manpower support could be allocated to the districts in need.

Precedence List

33. In response to the Chairman's enquiry about the expansion of the Precedence List, DS(HA)2 confirmed that at DC members' request, the Administration would include DC Vice-Chairmen and members (as separate categories following the Justices of Peace on the List), in addition to DC Chairmen who were already included.

Implementation schedule

34. In view of members' strong views about the need to change the name of the AA and to increase the flexibility of claiming reimbursement under AA, the Chairman asked whether the Administration could incorporate the proposed changes in implementing the final recommendations of the Commission.

35. DS(HA)2 advised that the Commission had submitted its recommendations to the Administration which were accepted by the Executive Council on 20 November 2001. The Administration intended to submit the funding proposals to the Finance Committee (FC) for approval at its meeting on 7 December 2001 so that the \$100 million set aside for DCs in 2001-02, including the revised package for DC members, could be allocated to DCs and DC members as soon as possible. The proposals to expand the ambit of AA and rename "AA" would require further consultation with DCs and the Commission. In order not to delay the implementation of the recommendations, she hoped members could support the current package first and undertook to convey members' suggestions to the Commission for consideration.

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36. The Chairman said that members of the Panel had raised practical questions about the details of the recommendations and made suggestions for improvements. He did not see that any objection had been raised regarding the financial proposal. In response to the Chairman's enquiry, DS(HA)2 confirmed that the Administration aimed at implementing the modifications to the remuneration package in December 2001 upon the FC's approval. The annualisation of the AA provision, however, would take effect starting from the next calendar year from 1 January to 31 December 2002.

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II. Any other business

37. There being no other business, the meeting ended at 3:35 p.m.

Council Business Division 2
Legislative Council Secretariat
9 January 2002