

立法會
Legislative Council

LC Paper No. CB(2)1712/05-06
(These minutes have been seen
by the Administration)

Ref : CB2/PL/CA

Panel on Constitutional Affairs

Minutes of meeting
held on Monday, 20 February 2006 at 2:30 pm
in the Chamber of the Legislative Council Building

Members present :

Dr Hon LUI Ming-wah, SBS, JP (Chairman)
Hon Jasper TSANG Yok-sing, GBS, JP (Deputy Chairman)
Hon James TIEN Pei-chun, GBS, JP
Hon Albert HO Chun-yan
Ir Dr Hon Raymond HO Chung-tai, S.B.St.J., JP
Hon LEE Cheuk-yan
Hon Martin LEE Chu-ming, SC, JP
Dr Hon David LI Kwok-po, GBS, JP
Hon Margaret NG
Hon Mrs Selina CHOW LIANG Shuk-ye, GBS, JP
Hon CHEUNG Man-kwong
Hon Bernard CHAN, JP
Hon CHAN Kam-lam, SBS, JP
Hon Mrs Sophie LEUNG LAU Yau-fun, SBS, JP
Hon LEUNG Yiu-chung
Dr Hon Philip WONG Yu-hong, GBS
Hon WONG Yung-kan, JP
Hon Howard YOUNG, SBS, JP
Dr Hon YEUNG Sum
Hon LAU Kong-wah, JP
Hon Miriam LAU Kin-ye, GBS, JP
Hon Emily LAU Wai-hing, JP
Hon CHOY So-yuk, JP
Hon TAM Yiu-chung, GBS, JP
Hon Abraham SHEK Lai-him, JP
Hon LI Fung-ying, BBS, JP
Hon Audrey EU Yuet-mee, SC, JP
Hon LEE Wing-tat
Hon MA Lik, GBS, JP
Hon LEUNG Kwok-hung

Dr Hon KWOK Ka-ki
Hon CHEUNG Hok-ming, SBS, JP
Hon WONG Ting-kwong, BBS
Hon Ronny TONG Ka-wah, SC
Hon CHIM Pui-chung
Hon Patrick LAU Sau-shing, SBS, JP
Hon KWONG Chi-kin
Hon TAM Heung-man

**Members
absent** : Hon LAU Chin-shek, JP
Hon LAU Wong-fat, GBM, GBS, JP
Hon Timothy FOK Tsun-ting, GBS, JP
Hon Daniel LAM Wai-keung, BBS, JP
Hon Alan LEONG Kah-kit, SC
Dr Hon Fernando CHEUNG Chiu-hung

**Public Officers
attending** : Item IV

Mr Stephen LAM
Secretary for Constitutional Affairs

Mr Clement MAK
Permanent Secretary for Constitutional Affairs

Ms May CHAN
Principal Assistant Secretary for Constitutional Affairs

Item V

Mr Stephen LAM
Secretary for Constitutional Affairs

Mr Clement MAK
Permanent Secretary for Constitutional Affairs

Ms May CHAN
Principal Assistant Secretary for Constitutional Affairs

Mrs Pamela TAN
Director of Home Affairs

Mr Isaac CHOW
Deputy Director of Home Affairs

Ms Kitty CHOI
Deputy Director of Leisure & Cultural Services

Clerk in attendance : Mrs Percy MA
Chief Council Secretary (2)3

Staff in attendance : Mr Arthur CHEUNG
Senior Assistant Legal Adviser 2

Mrs Eleanor CHOW
Senior Council Secretary (2)4

Mrs Fanny TSANG
Legislative Assistant (2)3

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I. Confirmation of minutes of meeting
(LC Paper No. CB(2)1140/05-06 – Minutes of meeting on 19 December 2005)

The minutes of the meeting held on 19 December 2005 were confirmed.

II. Information papers issued since the last meeting

2. Members noted that the following papers had been issued since the last meeting –

- (a) LC Paper No. CB(2)921/05-06(01) – Letter dated 14 January 2006 from the Kwai Tsing District Council relating to constitutional development; and
- (b) RP03/99-00 – RP10/99-00 – Research Reports on Systems of Government in Some Foreign Countries.

III. Items for discussion at the next meeting

(LC Paper No. CB(2)1138/05-06(01) – List of outstanding items for discussion)

3. Members noted that the next meeting would be held on 20 March 2006. Secretary for Constitutional Affairs (SCA) proposed to discuss “Amendments to subsidiary legislation for 2006 Election Committee Subsector Elections” at the

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next meeting. Members agreed. The Chairman invited members to give views on other discussion items for the next meeting.

Universal suffrage

4. Dr YEUNG Sum referred to his letter tabled at the meeting (issued to members vide LC Paper No. CB(2)1191/05-06(01) on 21 February 2006) and said that the Democratic Party (DP) had proposed five issues relating to universal suffrage for discussion by the Panel. They were –

- (a) a summary of past research findings on methods for electing the executive and legislature in some foreign countries;
- (b) method for selecting the Chief Executive (CE) by universal suffrage and the establishment of a broadly representative nominating committee;
- (c) review of the Chief Executive Election Ordinance (CEEO), e.g. whether the requirement that CE must relinquish his political affiliation should be abolished;
- (d) the future of functional constituencies in moving towards the ultimate aim of forming the Legislative Council (LegCo) by universal suffrage; and
- (e) method for the election of Members of LegCo and systems of voting.

5. Some members, including Ms Emily LAU, Mr TONG Ka-wah, Dr KWOK Ka-ki, Ms Margaret NG and Mr Martin LEE supported DP's proposal. Mr TONG Ka-wah added that the Panel should consider whether universal suffrage should be introduced for both the elections of CE and LegCo at the same time, or one after the other.

6. Ms Emily LAU said that Article 25 of the International Covenant on Civil and Political Rights (ICCPR) provided that every citizen should have the right and the opportunity to vote at elections by universal and equal suffrage. She doubted whether the Committee on Governance and Political Development under the Commission on Strategic Development (CSD), which was tasked by the Administration to study the issue of universal suffrage, was exploring models that would suit the purpose of the Administration, instead of making recommendations to meet the requirements of Article 25. She further said that CSD did not have the mandate of the people and its meetings were held behind closed door. She expressed dissatisfaction that the Administration was attempting to use CSD to override LegCo in dealing with the issue of universal suffrage.

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7. Mr CHIM Pui-chung said that he had warned Members who were invited to join CSD that they should refuse to do so, given their constitutional status under the Basic Law. He considered it futile for LegCo to discuss the models for universal suffrage, as the Central Authorities would have the final say on the matter.

8. SCA said that members of CSD were drawn from a broad spectrum of the community including professionals, academics, politicians, etc. The task of CSD was to canvass views from a wide spectrum of the community in response to calls for new Government policy initiatives. The first stage of its work would focus on principles and concepts relating to universal suffrage, with a view to concluding discussions by the first half of this year. The second stage would focus on the design of a universal suffrage system for CE and LegCo, with a view to concluding discussions by early 2007. The conclusions of CSD would be relayed to the Central Authorities and LegCo.

9. Mr TAM Yiu-chung considered that the issue of universal suffrage could be discussed by both the Panel and CSD. Mr CHAN Kam-lam said that there were other more urgent issues to be discussed by the Panel, for example, amendments to CEEA and the review of District Councils (DCs). He pointed out that DP's proposed issues for discussion were based on the assumption that there was a timetable for universal suffrage. In his view, a timetable for universal suffrage could only be derived when favourable conditions were created and supporting measures were ready. It was therefore inappropriate to discuss DP's proposed issues at this stage.

10. SCA said that at this stage, the Administration had not taken a view on when and how universal suffrage could be attained. It was gathering views from the community on issues such as models for forming LegCo (e.g. unitary or bicameral systems) and implementing universal suffrage (e.g. by direct or indirect elections), and electoral systems for electing CE and LegCo (e.g. "one person, one vote" or proportional representation system), etc. As a roadmap for attaining universal suffrage remained to be explored, the Administration was not in a position to provide any proposal for members' discussion. The Administration intended to discuss the issue with members after CSD had concluded its study. Meanwhile, the Administration was prepared to listen to members' views at Panel meetings. He would assign an appropriate officer to attend these meetings.

11. The remark of SCA that he would not attend Panel meetings when the issue of universal suffrage was discussed sparked off objections from some members, including Dr YEUNG Sum, Ms Emily LAU, Mr CHEUNG Man-kwong, Ms Margaret NG, Mr LEUNG Kwok-hung, Mr TONG Ka-wah, Mr Martin LEE, Mr LEE Cheuk-yan and Dr KWOK Ka-ki. They pointed out that as the principal official in charge of constitutional affairs, it was his duty to listen to the views of the Panel. The refusal of SCA to do so showed that he had no

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respect for his job and Members. They pointed out that in attending meetings of CSD but not those of the Panel, SCA was trying to sideline LegCo. Mr CHEUNG Man-kwong said that he would again move a motion to abolish the post of SCA in the context of the Appropriation Bill 2006 as there was no justification for its existence. Mr TONG Ka-wah asked SCA to explain why it was not necessary for him to attend Panel meetings when universal suffrage was discussed. Mr Martin LEE asked SCA to clarify whether it was his own decision or a directive from his supervisor and the Central Authorities.

12. SCA responded that he had due respect for the Panel, as evidenced by the fact that he had attended almost all the meetings of the Panel since he assumed the post of SCA. The reason for him not to attend Panel meetings when universal suffrage was discussed was that the Administration had not taken a view on the issue. The presence of a government official to listen to members' views and relay them to the Administration would be sufficient. He further said the Central Authorities would not be involved in any decision regarding attendance of government officials at LegCo meetings.

13. Dr YEUNG Sum said that he would move a motion to reprimand SCA for his intended non-attendance, as the refusal of a principal official to participate in Panel's discussion on an issue under his policy portfolio was totally unacceptable. Mr CHEUNG Man-kwong asked SCA to reconsider his position.

14. Ms Miriam LAU expressed concern about moving a motion of censure against the responsible principal official even before the Panel had started discussing the issue. She said that such a course of action would only strain the relationship between the Executive and the Legislature. She would not support the motion.

15. SCA said that he had already explained at the Panel meeting on 19 December 2005 that at this stage, the Administration had no proposal to offer on attaining universal suffrage. The issue was being dealt with by CSD and copies of the relevant papers discussed by CSD were made available to the Panel for reference. In the light of members' views regarding his attendance at Panel meetings, and as the five issues proposed by DP were different from those discussed by CSD, SCA said that he would attend Panel meetings to listen to members' views.

16. Dr YEUNG Sum said that given that SCA had changed his position, he would not proceed with moving the motion. Mr Albert HO expressed regret that SCA would only attend Panel meetings on the premise that the issues to be discussed by the Panel would not overlap with those of CSD. He held the view that the Administration was belittling the role of LegCo, in revenge for LegCo's rejection of the package of proposals put forth in the Fifth Report of the Constitutional Development Task Force. He pointed out that such a move would not help improve the relationship between the Executive and Legislature.

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Mr LEUNG Yiu-chung supported Mr HO's view.

17. SCA responded that the Administration hoped to encourage discussion on universal suffrage both inside and outside LegCo, with a view to achieving consensus on the issue.

Private Member's Bill (PMB)

18. Mr LEUNG Kwok-hung said that according to Articles 2 and 25 of the ICCPR which was applicable to Hong Kong pursuant to Article 39 of the Basic Law (BL 39), all Hong Kong citizens had the right to vote at elections. In this connection, he would introduce the Referendum Bill for the purpose of implementing BL 39. He expressed dissatisfaction that the Administration had tried to stop him from introducing the Bill on the ground that it did not comply with BL 74. The Administration held the view that the Bill was related to public expenditure, political structure, operation of the government and government policies. Mr LEUNG questioned whether BL 74 could override BL 39 and suggested that the Panel should discuss this issue at the next meeting.

19. Mr TAM Yiu-chung disagreed that the issue should be discussed by the Panel. He pointed out that it was for the President to decide whether a PMB was in order for introduction into LegCo.

20. SCA said that in response to LegCo's request, the Administration had already given its views on the Referendum Bill. It was for the President of LegCo to make a ruling on the matter.

21. Having listened to members' views on the items for discussion at the next meeting, the Chairman said that he would, in consultation with the Deputy Chairman, work out the agenda for the next meeting after this meeting.

(Post-meeting note : The Chairman decided that apart from the item proposed by SCA on "Amendments to subsidiary legislation for 2006 Election Committee Subsector Elections", the first issue proposed by DP, i.e. methods for electing the executive and legislature in some foreign countries, should be included in the agenda for the next meeting.)

IV. 2007 District Councils Election – Population Changes in Districts
(LC Paper No. CB(2)1137/05-06(01) – Paper provided by the Administration on "Composition of the Third Term District Councils – Addition of Elected Seats for New Towns")

22. SCA introduced the paper which set out the Administration's preliminary proposal to increase the number of elected seats on the Islands DC and Sai Kung DC in view of the projected rates of population growth in the two districts

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between the last DC election in 2003 and the coming DC election in 2007. The number of elected seats on the Islands and Sai Kung DCs would be increased by two and three respectively.

23. Mr CHEUNG Man-kwong said that the Islands DC at present composed of 8 elected members, 8 ex-officio members and 4 appointed members. Although the Administration proposed to increase the number of elected seats to 10, the total number of ex-officio and appointed seats still outnumbered the elected seats. He pointed out that it was unfair for elected members who represented some 100 000 registered voters to be the minority in the composition of the Islands DC. He suggested that the Administration should consider abolishing the appointment system.

24. SCA explained that the Administration's proposal was to address the rapid population growth in some new towns. The issues of appointed seats and the functions of DCs would be considered in the context of the review of DCs.

25. Mr CHAN Kam-lam said that according to the projection, the population of Hong Kong would be increased by 195 000 in 2007. Based on the population quota of 17 483 for 2007, there should be an addition of 11 DC seats. The Administration, however, had only proposed to increase two and three seats on the Islands and Sai Kung DCs respectively. He pointed out that while the percentage increase in population in the Islands and Sai Kung districts appeared to be high, their increase in real term was similar to that of the Kwai Tsing and Kwun Tong districts. However, no new elected seats were proposed for the latter districts. He requested that the Administration should review the situation in Kwun Tong in particular, where a constituency area had experienced rapid growth of population following the occupancy of a residential complex made up of five high-rise buildings.

26. SCA explained that section 20(1) of the Electoral Affairs Commission Ordinance required that the population sizes of DC constituency areas (DCCAs) should be as close to the population quota as possible, and that deviation from the population quota should be within 25%. Following the development of new towns in Tung Chung and Tseung Kwan O, the Islands and Sai Kung districts had respectively experienced rapid population growth and the trend was expected to continue in the coming years. If additional seats were not provided for the two districts, the population-to-seat ratio in Tung Chung and Tseung Kwan O South in 2007 would exceed the population quota by over 25%. There was hence a need to increase the elected seats in the two districts. As regards the remaining 16 districts, the population growth was quite even and the average population size of their constituency areas in 2007 was expected to stay within the statutory deviation limit of 25% of the population quota. There should be room to address the issue of certain constituency areas exceeding the 25% limit in the demarcation of constituency boundaries. The Administration had therefore proposed to increase the number of DC seats in Islands and Sai Kung

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only. If members knew of other areas showing a similar extent of population growth as Tung Chung and Tseung Kwan O, they were welcome to raise the matter with SCA.

27. Mr LEE Wing-tat pointed out that there was great variation on the population-to-seat ratio among the 18 DCs, e.g. the ratio in the Wan Chai DC was 13 000 and that in the Kwai Tsing DC was 19 000. In his view, new DC seats should be provided to districts with overall population growth, and not just districts with population growth in new towns.

28. Mr Howard YOUNG asked whether the Administration had considered other means to address the rapid population growth, apart from creating additional seats in the two districts, for example, to redefine the boundaries of DCCAs.

29. Mr Albert HO said that the existing demarcation of boundaries for DCCAs was far from ideal, for example, the same residential estate could be grouped under three different DCCAs. As a result, residents were confused as to which DC member represented their interest. He suggested that the deviation limit of 25% of the population quota should apply flexibly so that there would be clear delineation of DCCAs. In addition, new seats could be added as and when necessary with a view to maintaining the cohesiveness and identity of local communities.

30. SCA explained that if seats were not increased in Islands and Sai Kung, major changes to the boundaries of many existing DCCAs in the two districts would likely be unavoidable. In this regard, DCCAs in rural areas might have to be merged to free up seats for the new towns. These changes would disrupt the cohesiveness and identity of the local communities. In addition, even with substantial changes to the boundaries of DCCAs, the population of some DCCAs might still be more than 25% over the population quota. SCA further said that while it was the duty of the Administration to propose the number of DC seats having regard to the population sizes of the 18 DCs, it was for the Electoral Affairs Commission (EAC) to decide on the boundaries of DCCAs. If EAC considered a departure from the 25% rule to be necessary having regard to such factors as the preservation of local ties, community identities and physical features of the relevant areas, section 20(5) of the Electoral Affairs Commission Ordinance allowed EAC to depart from the strict application of the rule.

31. Members belonging to the DP and Liberal Party expressed support for the Administration's proposal to increase DC seats. SCA said that the Administration would consult DCs on the proposal in late March/early April 2006 and introduce the legislative proposal into LegCo in May 2006.

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V. Review of District Councils

(LC Paper No. CB(2)1116/05-06(01) – Background brief prepared by the LegCo Secretariat on "Review of the Role, Functions and Composition of the District Councils"

LC Paper No. CB(2)1138/05-06(02) – Paper provided by the Administration on "Review on the Role, Functions and Composition of District Councils")

32. SCA briefed members on the Administration's paper. Members noted that a working group consisting representatives of the Home Affairs Bureau (HAB) and the Constitutional Affairs Bureau (CAB) (the Working Group) had been tasked to prepare for the review of the role, functions and composition of DCs and the formal public consultation would be conducted in the first half of 2006.

33. Dr YEUNG Sum said that when the Panel received public views on 18 February 2006, SCA had affirmed that there would not be any major revamp on the structure of DCs, for instance, the number of DCs and their elected membership would remain unchanged. Some academics, however, had suggested that to facilitate DCs to enhance their role and functions, the DC structure should be reformed with the number of DCs and their membership substantially reduced. He asked the Administration to consider including this suggestion as one of the proposals for public consultation.

34. SCA responded that the proposal not to reduce the number of elected DC members was to ensure adequate democratic representation. As the 18 DCs had established their local ties and community identities over the years, the Administration considered it inappropriate to conduct a major operation on the DC structure at this stage.

35. Dr YEUNG Sum said that according to his understanding of BL 97, the duties of DCs were described in the first part of the Article, i.e. district organisations "to be consulted by the government of the Region on district administration and other affairs". The duties of the former municipal councils were described in the latter part of the Article, i.e. district organisations "to be responsible for providing services in such fields as culture, recreation and environmental sanitation". Dr YEUNG held the view that with the dissolution of the municipals councils, DCs could perform the whole range of duties set out in BL 97. In this connection, apart from preserving the advisory role as stated in the first part of the Article, DCs should also enjoy a high degree of autonomy in setting policies and utilising resources in the provision of district services and facilities in such areas as culture, recreation and environmental sanitation as stated in the latter part of the Article.

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36. Dr YEUNG suggested that the Working Group should clarify in the consultation document the constitutional status of DCs under the Basic Law. It should also study the need to amend section 61 of the District Councils Ordinance with a view to enhancing the functions of DCs. In the view of DP, the functions of DCs could be enhanced by the following measures –

- (a) involving DCs on the provision and management of district services and facilities;
- (b) increasing the funding limit for DCs to carry out district-based services and facilities;
- (c) consulting DCs on district policies, and provision of district services and facilities;
- (d) improving the remuneration package of DC members; and
- (e) providing an independent secretariat for DCs.

37. Mr LEE Wing-tat said that in the past 20 years, there had been discussions on the question of giving executive powers to DCs in district administration. He suggested that the Administration should consider devolving powers to DCs and the following issues should be included in the consultation document –

- (a) whether the power of district administration should no longer be centralised within the Government and should be shared between the Government and DCs;
- (b) whether the power to approve public works projects which amounted to less than \$10 million should be devolved to DCs; and whether DCs should be empowered to decide on the priorities for local projects and community activities;
- (c) whether DCs should be given financial autonomy;
- (d) whether the secretariat for DCs should be made independent from the Government and be accountable to DCs; and
- (e) whether all DC members should be allowed to participate in the work of the District Management Committee.

38. Ms Emily LAU said that the two former municipal councils had substantive power on staff establishment matters, budget and allocation of resources. In the 2005-06 Policy Address, CE had said that the executive departments would be asked to follow the decisions of DCs in managing some district facilities within the limits of the departments' existing statutory powers and resources available. At the last Panel meeting, some deputations disagreed with the arrangements. They expressed concern that DCs would only be given the responsibility but not the power on matters of district administration.

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Ms LAU urged that the Administration should devolve concrete powers to DCs for the purpose of grooming political talents. She disagreed that DCs should only serve as advisory bodies. She said that the views of members and deputations should be included in the consultation document. Mr LEE Cheuk-yan concurred with Ms LAU. He expressed concern that the Administration would only entrust DCs with advisory and consultative functions.

39. SCA said that the policy initiative regarding expansion of the role of DCs as set out in the 2005-06 Policy Address sought to address the concerns raised by Members over the years. The district facilities proposed to be managed by DCs included libraries, community halls, leisure grounds, sports venues and swimming pools. To assume responsibility for management of these facilities was not an advisory or consultative role. As stated in the Policy Address, executive departments should co-ordinate with DCs in managing these facilities within the limits of the departments' statutory powers and resources available. The Administration would discuss with Members and DCs on how these facilities could be effectively managed. A trial scheme would be carried out to explore how the executive departments and DCs could co-operate with each other to optimize efficiency. As regards DCs' request to have more financial autonomy so as to provide better and more facilities and services to the district, the Administration would consider the request. On members' suggestion of including the views of members and deputations in the consultation document, SCA advised that the consultation document to be issued by the Administration would provide details of the proposals for discussion by the public. Members of the public would be welcome to offer their views. Even if they were on matters not covered in the consultation document, the Administration would give due consideration.

40. Director of Home Affairs (D of HA) said that the Administration agreed that DCs should be consulted on the priorities of public works projects, as DC members were familiar with local needs and problems. In fact, since the review of DCs in 2001, the Government had prioritised public works projects taking into account the advice of DCs. As regards minor works items (with capital cost not exceeding \$15 million), the Administration would consider DC's views on the priority, and an explanation would be given to the DC concerned in the event that its request could not be acceded to.

41. D of HA further said that at present, the secretariat support for DCs was provided by the Home Affairs Department. It was undesirable to provide an independent secretariat for DCs, as the small staff establishment could not provide much opportunity for advancement and as a result staff morale might be affected. Ms Emily LAU considered the explanation unacceptable. SCA responded that Members and the public could give their views on the issue of an independent DC secretariat during the public consultation on the review of DCs.

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42. Miss CHOY So-yuk said that she did not support the suggestion of some academics that DCs should be established on a regional basis with their membership largely reduced. She considered that the existing structure would enable DCs to provide prompt response to district needs and problems. Ms CHOY suggested that the Administration should consider devolving more power to DCs on matters relating to district planning, transport, food safety and environmental hygiene. She also urged the Administration to improve the remuneration package for DC members by providing retirement benefits so that more political talents would be attracted to take part in district affairs.

43. SCA explained that even the former municipal councils did not have power over matters relating to district planning and transport. As regards retirement benefits, D of HA said that the Administration would first of all consider arrangements for LegCo Members.

44. Mr CHAN Kam-lam said that he had been involved in the work of DC for over 20 years. There had been calls for devolution of power to DCs all along and Members had the impression that the Administration had undertaken to do so. The fact was, however, DC members had hardly had the chance to directly manage district facilities for all these years, although they could be members of some consultative committees. Mr CHAN pointed out there could be different understanding between DCs and the Administration on the extent of devolution of power. In his view, devolution of power should be progressive in order to avoid confusion. In addition, any changes to the role and functions of DCs should comply with the Basic Law. He asked about the considerations of the Administration in implementing the policy initiative relating to the expansion of role of DCs as set out in CE's 2005-06 Policy Address.

45. D of HA responded that the Administration had to consider factors such as the relationship and co-ordination between the executive departments and DCs, the structure of DCs, the committees to be set up under DCs and their terms of reference, etc.

46. Mr James TIEN said that the level of officials attending DC meetings were at junior rank and were not authorised to make an official response, not to mention commitments. In view of the lack of substantive response to the motions moved by DCs, some of these motions were carried without discussion or debate. Mr TIEN also doubted whether the existing statutory framework and resources were adequate to provide for the expansion of the role of DCs as put forth in CE's Policy Address. Mr TIEN further enquired why the Working Group consisted of only HAB and CAB representation.

47. D of HA responded that measures had been taken to improve the communication between departments and DCs in recent years, e.g. Principal Officials and heads of Departments had met with chairmen of DCs at their monthly meetings, and the core departments had designated an officer to specifically deal with the concerns raised by DCs. The Administration would

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continue to make improvements in this area. As regards the level of officials attending DC meetings, the relevant departments would assign the appropriate officials to attend these meetings based on the issues to be discussed.

48. SCA said that the policy initiative put forth in CE's Policy Address would first be taken forward as a trial scheme. Subject to the outcome of the trial scheme, the Administration would review whether the existing statutory framework and resources were sufficient for DCs to handle the expanded role. The Working Group consisted of HAB and CAB representatives only because the two bureaux had a good understanding of the overall structure and functions of DCs and their electoral procedures.

49. Mr TONG Ka-wah asked how the Administration would take forward concrete proposals put forth by DC members during the consultation on the review of DCs. He pointed out that the Administration had often responded to the requests of DCs for the provision of certain local facilities with apathy. He cited the example that the Tai Po DC had requested for a heated swimming pool for the past three years and the Administration had recently undertaken to provide one only in 2013 at the earliest.

50. Deputy Director of Leisure and Cultural Services (DD/LCS) responded that where resources were not a problem, LCS projects would be provided to the DC concerned as expeditiously as possible. As regards Tai Po DC's request for a heated swimming pool, DD/LCS said that a feasibility study had been conducted on the conversion of the existing open air swimming pool into a heated one. Having regard to the utilization rate of the existing facilities, the technical difficulties in the provision of a cover, and the substantial amount of public money involved, it was concluded that the conversion was not cost-justifiable. However, an indoor heated swimming pool would be provided in the new sports centre to be constructed in Area 33 of the Tai Po district.

51. Mr WONG Yung-kan expressed concern about the amount of financial resources to be given to each DC after delegating to DCs the responsibility to manage district facilities. He asked whether the resource allocation was based on the size of DCs.

52. SCA said that the concern raised by Mr WONG would be addressed in the public consultation on the review of DCs. According to CE's Policy Address, resources for LCS facilities would remain under the control of executive departments, although DCs would be involved in managing these facilities. In further response to Mr WONG, D of HA said that the Administration would consult the 18 DCs during the public consultation and would take the views of the 18 DCs into account in the DC review.

53. Mr Howard YOUNG said that section 61 of the District Council Ordinance provided that where funds were available, DCs could carry out various activities "within the district". He asked whether under the

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Administration's proposal, DCs would be responsible for managing all LCS facilities within their respective districts, or whether the delineation of the management responsibility would depend on the nature of the facilities concerned.

54. DD/LCS said that LCS facilities could be district or territory-based, for example, the Central Library was a territory-based facility while the Lockhart Road Library was district-based. Other cultural facilities such as the Hong Kong Coliseum, Hong Kong Space Museum and civic centres were territory-based facilities. Parks and swimming pools were district-based facilities. The scope of the DC empowerment exercise as set out in paragraph 20 of the Policy Address covered only district facilities.

55. Mr LEE Cheuk-yan asked whether the Administration would consult the public on the abolition of the appointment system in the review of DCs. SCA responded that in the past two years, due to an increase in the number of elected seats the proportion of appointed DC seats had been reduced. The Administration would listen to views on the future of the appointment system during the public consultation.

VI. Report of the Subcommittee on Application of Certain Provisions of the Prevention of Bribery Ordinance to the Chief Executive
(LC Paper No. CB(2)1149/05-06(01) – Report of the Subcommittee on Application of Certain Provisions of the Prevention of Bribery Ordinance to the Chief Executive)

56. Dr YEUNG Sum, Chairman of the Subcommittee on Application of Certain Provisions of the Prevention of Bribery Ordinance to the Chief Executive, briefed members on the deliberations of the Subcommittee as set out in the report. Members did not raise any questions on the report.

57. Members noted that the Administration intended to introduce an amendment bill into LegCo by May 2006. As the Subcommittee had completed its work and made a report to the Panel, members agreed that the Subcommittee should be dissolved.

58. The meeting ended at 5:40 pm.