

Legislative Council Panel on Constitutional Affairs

Review on the Role, Functions and Composition of District Councils

Purpose

At the last Panel meeting held on 16 January 2006, Members requested to discuss the review on the role, functions and composition of District Councils (DCs) at the next meeting. This paper sets out the background information relating to the review to facilitate Members' discussion.

District Administration Scheme

2. The District Administration Scheme was introduced in 1982 with the following objectives:

- (a) to achieve a more effective coordination of government activities in the provision of services and facilities at the district level;
- (b) to ensure that Government is responsive to district needs and problems; and
- (c) to promote public participation in district affairs.

3. Under the Scheme, District Boards (renamed "District Councils" in 2000) were set up in the 18 districts of Hong Kong. There were also 18 District Management Committees, chaired by District Officers, set up to coordinate the efforts of government departments in districts. Since their establishment in 1982, District Boards (as DCs were called at the time) have been playing an important advisory role in reflecting public opinion and monitoring the delivery of public services at district level and promoting government initiatives.

Legal Provisions Relating to District Councils

Basic Law

4. Chapter IV of the Basic Law sets out the political structure of the Hong Kong Special Administrative Region. Section 5 of that Chapter contains two Articles on district organisations. Article 97 of the Basic Law provides:

“District organizations which are not organs of political power may be established in the Hong Kong Special Administrative Region, to be consulted by the government of the Region on district administration and other affairs, or to be responsible for providing services in such fields as culture, recreation and environmental sanitation.”

Article 98 provides:

“The powers and functions of the district organizations and the method for their formation shall be prescribed by law.”

District Councils Ordinance

5. The District Councils Ordinance (Cap. 547) provides for the number, composition and functions of DCs. Schedule 2 to the Ordinance specifies that there shall be 18 DCs. As regards the composition of DCs, section 9(1) of the Ordinance (Cap. 547) stipulates that a DC is to consist of:

- (a) elected members;
- (b) appointed members; and
- (c) ex-officio members, if it is a DC established for a District in which there is one or more Rural Committees, with the Chairman of each Rural Committee serving as ex-officio members of the DC while holding office as Chairman of Rural Committee.

6. The number of elected, appointed and ex-officio members on each DC is specified in Schedule 3 to the Ordinance.

7. According to section 61 of the Ordinance, the functions of a DC are:

- (a) to advise the Government-
 - (i) on matters affecting the well-being of the people in the District;
 - (ii) on the provision and use of public facilities and services within the District;
 - (iii) on the adequacy and priorities of Government programmes for the District; and
 - (iv) on the use of public funds allocated to the District for local public works and community activities;
- (b) where funds are made available for the purpose, to undertake-
 - (i) environmental improvements within the District;
 - (ii) the promotion of recreational and cultural activities within the District; and
 - (iii) community activities within the District.

Policy Address

8. In the 2004 Policy Address, the then Chief Executive undertook to further strengthen the cooperation between the Administration and DCs and to review the functions and composition of DCs at a suitable time. In January 2005, a working group was set up jointly by the Home Affairs Bureau (HAB) and the Constitutional Affairs Bureau (CAB) to make preparations for the review.

9. In his Policy Address of 2005-06, the Chief Executive announced an initiative to allow DCs to participate in the management of district facilities, such as libraries, community halls, leisure grounds,

sports venues and swimming pools, within the limits of the framework of the existing statutory provisions and resources allocations. The Chief Executive also announced that the Administration would strengthen the role of District Officers and enhance the coordination function of District Management Committees.

Way Forward

10. The working group set up jointly by HAB and CAB is making final preparations for the review. We expect that public consultation on the review will commence in the first half of 2006. We welcome DC members and the general public to offer their views on the role, functions and composition of DCs during the public consultation period, having regard to, amongst other things, the relevant legal provisions set out in paragraphs 4 to 7 above, and the original rationale for introducing the district administration scheme.

Constitutional Affairs Bureau
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