

**Extract from the minutes of meeting between  
Legislative Council Members and Central & Western District  
Council members on 1 February 2007**

**Members present** : Hon Tommy CHEUNG Yu-yan, JP (Convenor)  
Hon Martin LEE Chu-ming, SC, JP  
Hon CHOY So-yuk, JP  
Hon Vincent FANG Kang, JP  
Hon Jeffrey LAM Kin-fung, SBS, JP  
Hon CHIM Pui-chung

**Attendance by invitation** : **Central & Western District Council**

Mr CHAN Tak-chor, MH, JP (Chairman)  
Mr CHAN Chit-kwai, Stephen, JP  
Mr CHAN Chi-hi  
Ms CHENG Lai-king  
Mr CHUNG Yam-cheung  
Ms HO Sau-lan, Cyd  
Dr LAI Kwok-hung  
Mr Mark LIN, JP  
Mr TAI Cheuk-yin  
Mr YUEN Bun-keung

**Staff in attendance** : Miss Erin TSANG  
Chief Council Secretary (1)3

Ms Guy YIP  
Council Secretary (1)1

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**IV. Attendance of policy bureaux/departments and consultation with District Councils**

20. Mr CHAN Tak-chor, Chairman of C&WDC, remarked that on the one hand, the Administration conducted a review on the functions and role of District Councils and indicated that it would strengthen the role of District Councils in district administration and its communication with them; yet on the other hand, the papers prepared by policy bureaux and government departments for meetings of District Councils were not informative enough to enable an effective discussion on the matters concerned by the District Councils. Some bureaux and departments even refused to attend meetings of District Councils on various grounds, revealing that policy bureaux and government departments had not paid due regard to District Councils. For example, EMB had agreed, without

consulting C&WDC, to a land grant application in respect of an extension plan made by the University of Hong Kong and refused to attend the relevant meetings of the District Council. Besides, C&WDC had so far been unable to discuss matters on food safety because the Centre for Food Safety under the Food and Environmental Hygiene Department had indicated twice that it would not send representatives to attend C&WDC's meetings. The Environmental Protection Department (EPD) had habitually refused to send representatives to attend the relevant meetings of the District Council on the ground that there was no need to conduct environmental impact assessment for the development projects concerned. He pointed out that as policy bureaux and government departments refused to send officials to attend meetings of the District Council or the representatives attending meetings in general had too limited power to facilitate effective exchanges with C&WDC members on behalf of their departments at the meetings, much difficulty was encountered by C&WDC in conducting its council business. In his view, it was doubtful how the Administration would implement its policy directive on enhancing the functions and role of District Councils. In this connection, he called on LegCo Members, while scrutinizing the District Councils Ordinance in the future, to urge the Home Affairs Bureau to encourage all policy bureaux and government departments to actively assist District Councils in carrying out their council work effectively.

21. Mr TAI Cheuk-yin also considered that there were cases in which policy bureaux and government departments paid no regard to District Councils. He pointed out that the Central and Western District was troubled by rats in September 2006. Although rats were seen running around in the district, the authorities concerned failed to catch them. Not until he called the Office of the Chief Executive urging the Chief Executive to handle the problem that hundreds of rats were successfully caught in joint actions taken by the authorities concerned. He also pointed out that, in the above incident, the Centre for Health Protection under the Health Department had refused to send its staff to help catch the rats on the ground that a plague had not yet been caused. In this connection, he queried whether it was reasonable for the Centre to refuse to take action so as to provide early protection for the health and safety of the public before an outbreak of plague. He also said that only after repeated requests from C&WDC did the Centre send representatives to attend the meetings of the District Council, which once again showed government departments' disrespect for the District Council. In this connection, he considered that as the Administration had proposed to expand the functions and role of District Councils, policy bureaux and government departments should adhere to the policy directive and establish partnership with District Councils to solve local problems in a concerted manner.

22. In this regard, Mr Mark LIN pointed out that representatives from the Administration, irrespective of the seniority of their ranks, were all welcomed by C&WDC to attend its meetings. However, as the matters discussed at the District Council always involved grey areas in existing statutes, it would be

conducive to the effective discussion of the matter concerned if officials of higher ranks were sent by policy bureaux and government departments to attend the meetings of the District Council, as these officials had greater authority and could provide substantial comments/proposals for the District Council on whether the Administration could plug the grey areas through legislative amendments. Often, these officials could also exercise appropriate discretion on individual cases raised by the District Council. In addition, he was concerned that when issues relating to the local transport service were discussed at C&WDC meetings, the representatives from the Transport Department (TD) attending these meetings often took the position of operators and refused to consider the comments/suggestions made by the District Council. Ms CHEUNG Lai-king agreed with Mr LIN's views. She also considered that TD often disregarded the views of C&WDC and did not prepare sufficient information for the relevant meetings. When the committees under C&WDC intended to discuss matters concerning food safety, as mentioned above, HWFB also did not send its representatives to attend the meetings concerned. In her view, such cases indicated that the authorities concerned neglected the role of the District Council in reflecting local views. As such, she urged the relevant policy bureaux to partner with the District Council actively to deal with local affairs and hoped that the LegCo could provide relevant assistance.

23. Hon Martin LEE noted the concerns of C&WDC members and considered that the problems rooted from the lack of accountability on the part of government officials and their disinterest in the work of the District Council. In this respect, he recalled that when the Administration dissolved the two Provisional Municipal Councils in 2000, it undertook to transfer the power of these Municipal Councils to District Councils but so far such undertaking had not yet been fulfilled. It was in fact a common problem of all District Councils in the territory that policy bureaux and government departments did not regard District Councils highly. As the election of the Chief Executive was now underway, he suggested that the chairman of C&WDC should, together with the chairmen of all other District Councils, consider requesting the Chief Executive, as a candidate, to undertake openly that the relevant power would be transferred to District Councils.

24. Although it appeared that Hong Kong adopted the system of separation of powers among the Executive, the Legislature and the Judiciary, Hon CHIM Pui-chung considered that in fact it was executive-led with the Government possessing enormous power. Under Article 97 of the Basic Law, District Councils were not organs of political power. However, he considered that District Councils should strive to seek benefits for electors and reflect their views. As such, he suggested that C&WDC members should seek benefits for local residents in a co-ordinated manner. For example, they could consider exerting pressure on the Government by taking such actions as demonstration. In addition, he considered that so long as officials attending the meetings of District Councils could help solve problems, they could represent their policy bureaux/departments and hold effective discussion with District Council

members at the meetings irrespective of the seniority of their ranks.

25. In this regard, Ms Cyd HO said that C&WDC members had always been united in a non-partisan manner on topics of livelihood. As regards the lack of respect of government officials towards District Council meetings, she considered that the problem was the same for District Councils and the LegCo. For example, directors of bureaux always failed to attend LegCo meetings. However, she added that the LegCo could still exercise power conferred by Article 64 of the Basic Law which stipulated that the Executive had to be accountable to the LegCo and order officials of the Executive to attend LegCo meetings. Nevertheless, District Councils, being advisory organizations, had no statutory power to order the Executive to be accountable to them. Therefore, even though the authorities concerned consulted District Councils on certain matters, they often adopted a one-way communication approach, i.e. the purpose of government officials attending meetings was to brief District Councils on government's proposals, rather than sincerely listening to the public opinions collected by District Councils on such proposals. In this connection, she urged LegCo Members to consider amending the District Councils Ordinance to stipulate that District Councils were two-way advisory organizations the views of which the Executive should observe.

26. Hon CHOY So-yuk also said that according to her experience as a LegCo Member and a District Council member, it was insufficient to make the Administration take satisfactory actions merely by convening meetings even if they were attended by officials and Members have arrived at a consensus on a subject matter. Members had to follow up the matter persistently after the meeting and take various actions through different channels (such as accompanying members of the public to meet with the relevant officials) to effectively force the Administration to put forward feasible options. In this regard, she noted that C&WDC had set up various working groups on specific issues and considered these working groups an effective channel through which C&WDC could actively follow up those issues with the authorities concerned.

27. The Convenor said that both he and Hon CHOY So-yuk were members of the Eastern District Council. He concurred that the Government disregarded the views of LegCo Members and District Council members. In the case of the LegCo, for example, he pointed out that even though LegCo Members were opposed to the implementation of the education voucher scheme in the kindergarten, EMB still insisted on its implementation. Therefore, he considered that Members had to actively follow up the outstanding problems with the Government through different channels and methods. District Council Chairmen and members as well as LegCo Members all had responsibility to monitor the Government's performance of duties and responses to public expectations. As regards the functions and role of the District Council, he considered that although the Government had not fulfilled its undertaking made when the two Provisional Municipal Councils were dissolved to transfer all the power of the two Provisional Municipal Councils to District Councils, the role of

the District Council in its own district had been increasingly strengthened and the situation had also been improved since the Chief Executive undertook in his Policy Address published in October 2005 that the Administration would enhance work in districts and strengthen the role of district officers.

28. In this respect, Hon CHOY So-yuk pointed out that, under the proposal of the Government, the functions of the District Council would be extended to cover the management of some district facilities (such as the opening hours and fees and charges of cultural and recreational facilities). However, she considered that it was insufficient to transfer the power of facility management without transferring the power of staff management at the same time such that the staff would comply with the decisions of the District Council. She also indicated that the Government could in fact consider transferring more power of the former Municipal Councils to District Councils. As the Chairman of the LegCo Panel on Home Affairs, she hoped that C&WDC members would give more views on such aspects for her to follow up with the Panel.

29. Ms Cyd HO responded that she personally considered that to better strengthen the functions and role of the District Council, in the medium term, one of the feasible ways was to allow District Councils to examine and approve the work plans and financial expenditures of government departments for the coming year. In the long run, the District Council should be developed into a city council responsible for all matters concerning district planning and administration.

30. In addition, Dr LAI Kwok-hung pointed out that currently the District Council Secretariat was under the Home Affairs Department (HAD) whereas the LegCo Secretariat was independent of the Government structure. He considered that the Administration should review the role of HAD in district council and explore ways to make it independent from the Government and become an executive arm of the District Councils for the purpose of further enhancing the quality of service provided for District Councils.

31. Mr CHAN Choi-hi considered that apart from requesting the Government to decentralize power to promote the functions of District Councils comprehensively, District Council members should also keep on learning and strive for improvement themselves, with a view to achieving greater community participation, establishing strategic partnership and utilizing community capacity. As there were many successful cases on community participation and the utilization of community capacity in countries such as New Zealand, Australia and Singapore for the reference of Hong Kong, he suggested that the LegCo Panel on Home Affairs should consider conducting a relevant study to explore how these countries strengthened community participation and how learning organizations developed etc. In addition, he also suggested that the communication mechanism between the LegCo and District Councils should be strengthened so that the views of District Councils (especially dissatisfaction with individual policy bureaux/departments) could be more speedily referred to

the relevant panels for information.

32. The Convenor responded that currently there was an established communication mechanism between the LegCo and the 18 District Councils. When dealing with specific issues, the LegCo would also invite the relevant District Councils to attend its meetings. Besides, the LegCo often requested the Administration to consult District Councils on specific matters. The Administration would also consult District Councils when it intended to introduce legislative amendments.

LegCo  
Secretariat

33. In concluding the discussion of this item, the Convenor instructed the Secretariat to refer the concerns and suggestions of C&WDC members to the LegCo Panel on Home Affairs for consideration and follow-up.

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