

Views and Suggested Options
on the Reform of District Organizations

I have serious reservations over the HKSAR government's proposal of abolishing the two Municipal Councils on the following grounds.

First and foremost, the argument that Hong Kong is a small city which does not need three-tier political institutions is outdated. This argument could be heard in the 1980s and the early 1990s. But it can be said that, with the rapid development and growth of new towns in the New Territories West, the Hong Kong Special Administrative Region (HKSAR) is geographically becoming much larger than ever before. How to establish a caring and a responsive local administrative structure is an urgent task of the HKSAR government. Abolishing the two Municipal Councils does not necessarily mean that the HKSAR government will definitely become more effective in the delivery of services to the Hong Kong people at various districts than the present.

Second, the government puts forward a very weak argument which claims that the two Municipal Councils were responsible for the bird flu incident. The causes of the bird flu incident were very complicated and they should be separated from the implementation of the government's policy-decision to kill the chickens. Above all, the role of government departments, such as the Health Department and the Agricultural and Fisheries Department, should not be swept under the carpet. Putting the blame of the bird flu incident on the two Municipal Councils is an overgeneralization.

Having said that, the Municipal Councillors must admit that some of their colleagues have failed to win the hearts and minds of the public because of their questionable performance as the people's representatives. Some members of the public perceive a minority of Municipal Councillors as abusing their power, as shown in the case of the share distribution scandal and the example of a few members who abused the use of parking tickets. Some members of the public, who called the radio phone-in programme to express their support of the government proposal of abolishing the two Councils, regard the performance of elected Councillors as poor. However, some members of the public may not fully understand that the questionable performance of Municipal Councillors is one thing, the government's proposal of abolishing the two Councils due to the bird flu incident is another. To win the hearts and minds of the people of Hong Kong, the Municipal Councillors must take urgent steps to rescue their tarnished image.

Third, in the event that the government must restructure its departments in such a way as to centralize the management of food security and environmental hygiene, does this imply that the bird flu incident was to some extent a by-product of the failure of government departments to coordinate amongst themselves? The lack of coordination amongst government departments was a crucial factor contributing to the poor implementation of the policy to kill all the chickens in the HKSAR. Indeed, there might be a problem in the coordination between the Urban Services Department and the Urban Council, and between the Regional Services Department and the Regional Council. However, such coordination problem does not really justify the immediate abolition of the two Councils.

Fourth, the government seems to have an assumption that it does not really know. It commissioned a consultancy company which has reportedly suggested a re-centralization of the responsibilities of managing food security and environmental hygiene. If re-centralization would be an inevitable governmental decision, was it necessary to consult public opinion? Government officials who deal with the reform of district organizations may not know that consulting public opinion while at the same time commissioning the consultant to study the reform have created an impression that consultation with the public appeared to be unnecessary, if not necessarily cosmetic.

Fifth, in the era of democratization, there should be a decentralization of the government's responsibilities. Yet, the government proposal of centralizing its responsibilities over food security and environmental hygiene goes against the global tide of democratization and decentralization. A hallmark of public administration in the new era of democratization is decentralization, not centralization.

Sixth, even if the two Councils were abolished, there would be a lack of mechanism that would check the new bureau responsible for food security and environmental hygiene. The government claims that there would be a consultative body supervising food security and environmental hygiene. The crux of the problem is that the government so far does not outline the composition of this consultative body. Will there be an elected component? Will the consultative body be composed of wholly appointed professionals? If the body were composed of some elected members, would it be similar to the existing Municipal Councils although its name would be different? The government so far does not ensure that the new bureau responsible for food security and environmental hygiene will be really accountable to the public.

Seventh, the government seems to be inconsistent in its interpretation of Article 97 of the Basic Law, which says that district organizations are "not organs of political power." The government in the consultative document interpreted Article 97 of the Basic Law as forbidding political decentralization to District Boards. This constitutional interpretation assumes that the drafters of the Basic Law had assumed that the future District Boards would and should continue to play an advisory function. I am not sure whether the Basic Law drafters really had this assumption. But now the government wants to exchange an increase in the power of District Boards for the support of politicians to abolish the two Municipal Councils. Here, the government seems to change its original interpretation of Article 97 of the Basic Law. If District Boards have more political powers as the government is now suggesting, will this violate Article 97 of the Basic Law? Indeed, Article 97 can be interpreted in such a way as to facilitate any reform or dissolution of district organizations. By proposing to abolish the two Municipal Councils, the government seems to interpret Section 5 of the Basic Law loosely. Article 97 says that district organizations may be established in the HKSAR. It does not say whether the two Councils should remain or not. Yet, it is doubtful whether drafters of the Basic Law had an idea of the future direction of the two Councils. Personally, I hope that the LegCo and the government may be able to ask the Basic Law drafters to clarify the motive and their thinking behind Article 97.

Eighth, all of the public opinion polls and surveys have consistently indicated that most of the people support a merger of the two Councils, but the government appears to maximize its bargaining chips by proposing to abolish the two Councils. The government

should seriously study the results of public opinion polls and surveys. Alternatively, a referendum could be conducted to tap the views of the public on the future direction of the local administrative structure. Such referendum will give an opportunity to the people of Hong Kong to express their views on political issues for the first time in the history of the HKSAR.

Ninth, the government so far does not have a concrete plan of how to enhance the power of District Boards. The role of District Officers should be reviewed and the level of government officials attending the District Board meetings should be higher. District Board members have some degree of political status but without substantial political influence. The performance of District Officers and government officials who attend District Board meetings should be assessed by District Board members. In other words, the performance appraisal of government officials can become a task of District Board members. Also, District Board members should be required to hold public and mass meetings with the public regularly. This will bridge the communication gap between District Boards and citizens. Finally, District Boards should have annual meetings with Mutual Aid Committees (MACs) and Owners Corporations (OCs). At present, MACs and OCs have seldom interaction with District Boards. Other district organizations like the District Management Committees and Area Committees should all be reviewed. Some of them may require merger or reorganization in accordance with the size and the needs of different districts. Overall, district administration has long been neglected since the 1980s when the political focus has shifted to the legislature. It is ripe time for the HKSAR government to put forward a comprehensive plan of reforming district administration.

Tenth, any abolition of the two Municipal Councils without increasing or maintaining the number of directly elected seats in District Boards would probably not only reduce the channels of elite participation, but also destabilize the political system of the HKSAR. For a political system to maintain its stability, there should ideally be sufficient channels for the elites and the masses to participate in politics. This was the situation in Hong Kong from 1985 to June 1997, although China and Britain kept arguing over the political reform in Hong Kong. If the HKSAR government reduces the channels of elite participation by abolishing the two Municipal Councils, political elites would be forced to participate in District Board elections. On the other hand, as the HKSAR envisaged a record voter turnout in the 1998 LegCo election, there may be more grassroots citizens and elites who want to participate in local-level elections. Hopefully, District Boards would maintain sufficient seats to absorb these elites. Otherwise, the elites would be forced to look for other channels of political participation, including protests and demonstrations especially when the HKSAR's economic performance is unsatisfactory. In a period when the HKSAR encounters economic challenges, any mishandling of local administrative reform would have the potential of widening the communication gap between the elites and the government, and between the government and ordinary citizens, thus affecting political stability in the long run.

Proposed Options

1. A referendum can be held in order to tap the views of the Hong Kong people on the future direction of district organizations impartially. It will present a golden opportunity for the Hong Kong people to express their views on how to reform the local administrative structure in the HKSAR in the 2000s. Above all, the referendum will really let the Hong Kong people

rule Hong Kong.

2. A merger of the two Municipal Councils is the first step taken by the government, followed by a more comprehensive review of how to reform district organizations in the year 2007, when there will be a review of the HKSAR's political development in accordance with the Basic Law. The comprehensive review of district organizations should have a longer consultation period so that more citizens will be able to give their views.

3. Before the bill concerning the abolition of the two Municipal Councils will be submitted to the LegCo, the government should clarify further its proposals with regard to (1) the composition of the consultative body dealing with food security and environmental hygiene and (2) the details of how District Boards will be reformed.

Submitted by

Lo Shiu-hing
Associate Professor
Department of Politics and Public Administration
The University of Hong Kong