

**Submission to the LegCo Panel on Constitutional Affairs**  
**on the Reform of District Organizations**

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**1. The future of district organizations in Hong Kong is more a political question than an administrative issue**

**Revisiting the past**

- 1.1 **The history of district organizations in Hong Kong has essentially been a political one.** As we all know, the Urban Council began as a Sanitary Board with only 3 officials in 1883. As a result of bitter local opposition to new public health measures proposed to be introduced by the Sanitary Board, the colonial government in concession agreed to include 2 ‘unofficial’ members on the board to be elected by those rate-payers on the jurors’ roll, thus marking the beginning of local elections in Hong Kong. The Board was renamed the Urban Council in 1936 with its supervisory functions extended to cover a wider range of public health matters.
- 1.2 Shortly after World War II the Urban Council was reconstituted with 5 officials and 6 appointed members, but *without* any elected members. **Elected members (first 2 in 1952 and 2 more in 1954) were only reintroduced after the abortion of the Young Plan for more extensive constitutional reforms at the municipal level.** The gradual expansion of the role and elected elements (10 by 1965<sup>1</sup>) of the Urban Council was therefore entirely politically motivated, to provide an institution where some limited political participation could be allowed. New functions subsequently entrusted to the Urban Council included low-cost public housing, parks and playgrounds, libraries, multi-storey car parks and even street-naming.
- 1.3 **By the late 1960s there was a new round of enthusiasm for local government reform.** Two sets of reform proposals emerged in 1966. The Urban Council’s ad hoc committee recommended a 3-tier structure with an enlarged municipal council based on the then Greater London Council model with a wide scope of responsibilities for housing, education, social welfare, transport, medical and health, and town planning, to be underpinned by new district councils. The government’s own working party (the Dickenson Report) proposed a less ambitious 2-tier system with the central government at the top left much as before and the lower tier being made up of a number of local authorities, resulting in the dismemberment of the Urban Council whose functions would be devolved to the new local bodies, with the addition of housing estate management, the provision and management of schools and certain social welfare services.

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<sup>1</sup> But these 10 elected members were out-balanced by 6 officials and 10 appointed members.

- 1.4 **The outbreak of the 1967 riots, however, had put an end to such drastic political reform innovations under either model. Sensing a crisis of governance, the colonial government was now not prepared to devolve powers to elected local authorities, and the reform was scaled down to a reorganization of the Urban Council as announced in the 1971 White Paper.** The essence of the reorganization was to redefine the functions of the Urban Council so that it was to be restricted to environmental public health, recreation and amenities, markets, libraries and certain cultural services. To compensate for the loss of involvement in public housing and transport functions, the Urban Council was granted financial autonomy and made completely detached from the government with the withdrawal of all officials from its membership, though half of the members would remain to be government-appointed. The 1971 reorganization of the Urban Council marked the end of the whole idea of devolution of powers to local representative bodies and as Professor Norman Miners remarked, “implicitly condemned the intellectual effort of the past five years as a waste of time.”<sup>2</sup>
- 1.5 Since 1971 there has been no major changes to the Urban Council except the enlargement of its electorate in the early 1980s to accord with the introduction of universal franchise for the election of District Board members under the new District Administration scheme. A parallel body (Regional Council) was set up in 1986 to cover the New Territories which previously were outside the jurisdiction of the Urban Council. **The two municipal councils were subsequently rationalized as the middle layer of the 3-tier representative government system by the 1987 Government Green Paper on the *Review of Developments in Representative Government*.** Appointed membership on the two councils was gradually reduced until totally abolished in 1994.

### Contemplating the future

- 1.6 To revisit the above history of the development of municipal institutions in Hong Kong is important because it clear points to past changes being dominated largely by political considerations and design rather than by any so-called rational constitutional or management logic. **But this is not to deny the presence of a *political logic* which was to avoid any opening up of the top level of the political structure (e.g. LegCo) and any real devolution of powers.**
- 1.7 **The current so-called Review of District Organizations falls into the same trajectory of the past, which is to try to implement political agendas through administratively-wrapped arrangements.** The review, as practised now, is not about the rationalization of the whole district level institutional framework. The government’s reform logic is simply that the government must take back the food and environmental hygiene functions (a management move to centralize relevant policymaking and service delivery activities in the name of better coordination), and that if this is done, then what is left behind in the original range of functions of the

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<sup>2</sup> Norman Miners (1975) *The Government and Politics of Hong Kong*, 1<sup>st</sup> edition, Hong Kong: Oxford University Press, p. 171.

municipal councils (namely libraries, sports facilities and cultural services) would not make the councils' continuation viable. However the impact of the so-called reform is certainly to reduce the room for representative institutions and for political participation.

- 1.8 If the government wants to alter the existing 3-tier structure it should openly confront the full constitutional question. In theory Hong Kong can adopt either a 2-tier representative system (LegCo + local councils) or a 3-tier one (LegCo + municipal councils + district councils). In either model, the role and functions of each layer need to be clearly set out and to synchronize well with the other layer(s). One cannot look at the municipal councils without bringing in the LegCo and the District Boards. **The problem now is the government has refused to review political development in Hong Kong and has not announced any plans to reconstitute and strengthen the district level institutions even along the lines of a 2-tier system.** In these circumstances one can only conclude that the whole exercise in reviewing district organizations is not really about a genuine and comprehensive review, but simply about getting rid of the municipal councils.

## 2. **The government has not answered the administrative/management questions it poses**

- 2.1 If the government really believes that we do not need politically constituted organizations to perform administrative functions (or as some supporters of the government view argue, that we should not have elected municipal councils to look after environmental hygiene and cultural services while we do not have similarly elected statutory bodies to look after public housing and public hospitals), then **why has it so readily accepted the retention of elected District Boards?** Afterall, purely from a management point of view, why should we 'elect' these boards to be merely advisory? We have not introduced election in the other 400-odd statutory and non-statutory consultative bodies. This anomaly, surprisingly, does not seem to have bothered senior government officials in any way!
- 2.2 **The view that we should not have elected municipal councils since we do not have elected housing and hospital authorities is problematic.** The question should rather be posed in the reverse manner: Why can't we have elected housing and hospital authorities? In some countries, elected regional or local authorities look after public health and hospital services, public housing and even town planning. To put it this way is not to suggest that I necessarily favour an elected Hospital Authority or an elected Housing Authority. My point here is that the government owes the public a sound and consistent persuasive logic.
- 2.3 On the matters of value for money and efficiency & effectiveness, which government supporters claim are found lacking in the services managed by the Urban Council and Regional Council, where is the evidence that the Sports Development Board and Arts Development Council have managed their government-allocated funds and have gone about their statutory responsibilities more efficiently and effectively than the two municipal councils? Just for the sake of

argument, **why can't elected municipal councils take over fully the recreation and sports services if the objective is to avoid fragmentation and overlap in the provision of such services and facilities?**

2.4 The existing Urban Services Department and Regional Services Department may have become too bloated or insufficiently efficient. They need to be critically examined with a view to streamlining them. The Urban Council and Regional Council may not have supervised these two executive arms as effectively as the public would have expected and thus deserve some criticism. But can one suggest that the Chief Secretary can be relieved of any supervisory responsibility for the under-performance of the two departments? The Director of Urban Services has in the past repeatedly stated that she is accountable to the Chief Secretary. If so, the government is also failing in its supervisory role. How can the public be sure that when food and environmental hygiene functions are recentralized by the government, things will be better? **There is no necessary logic that elected members must be inferior to civil servants in supervising food and hygiene functions, or for that matter that elected members must be inferior to appointed members (as in the case of Hospital Authority) in supervising public services.**

### **3. Waste of resources to retain municipal councils for the purpose of political training?**

3.1 There is the suggestion that it is wrong to retain the municipal layer of representative institutions as the training ground for elected politicians. Of course I would not advocate such a narrow instrumental approach. However, one must also ask the more fundamental question: **What is wrong with the municipal councils acting as a political training ground?** Throughout the period of colonial administration, the Urban Council had been the training ground for higher-level appointed politicians who were then elevated by the government into the higher offices of the Legislative and Executive Councils. The most notable example is Sir S Y Chung who started his political career as an appointed Urban Councillor. In other countries, local elected authorities also provide good training grounds for future national political leaders. A good example is John Major, the previous British Prime Minister who began his political life as a London local councillor. **One must not view the function of political or public-office training as though it was evil or sinister in any sense. Such function should be recognized as a very legitimate element, though not a sufficient condition, in the formation of representative institutions.**

3.2 Government supporters may argue that with the LegCo and District Boards, there are already sufficient grounds for political training. This is problematic. In the LegCo, until the year 2007 no more than 30 seats will be available for direct election. In the District Boards, elected members are not given any executive powers or responsibilities and are not provided with the kinds of experience and training which can replace those at the municipal council level where elected councillors through the select committee system do actively involve in the making of policy decisions and rules and regulations.

#### **4. Concluding remarks**

To conclude, the government has failed to make a persuasive case for abolishing the two municipal councils. What it has done is far away from a proper and comprehensive review of district organizations within the context of Hong Kong's constitutional and political development. Much of the argument for abolishing the municipal councils rests on the assumption that we do not need such politically constituted bodies. But as this submission argues, the municipal councils have always been 'political' institutions rather than pure management machineries and quite logically so because of the constraints on proper political development. Politics are not bad but instead need to be properly nourished. To get rid of the municipal councils without any corresponding constitutional initiatives for strengthening and developing Hong Kong's representative system is short-sighted at the least, and may result in a retrogressive direction in political participation.

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