

2 November 1998

To: Mrs. Percy Ma
Clerk to Panel on Constitutional Affairs
FAX 2509 9055
RE: Legco Panel on Constitutional Affairs meeting 9 November

From: Michael E. DeGolyer,
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1.0 The proposal put forward by the Tung Administration in October 1998 to abolish the Urban and Regional Councils is based on several mistaken understandings. These misunderstandings are first, of public opinion; second, of the function of the Municipal Councils in Hong Kong's governance; and three, of the contributing role the Municipal Councils play in developing Hong Kong's ability to exercise "Hong Kong people ruling Hong Kong" and in the development, according to the Basic Law, of fully directly elected government.

2.0 **Public opinion and methods in the report**

2.1 The first serious misunderstanding of public opinion is based on methods used in the "Review of District Organisations Consultation Report" (October 1998). The conclusions rest NOT on a scientifically selected representative sample of public views, nor do they rest on a representative sample of expert views. They rest fully on data collected by one of the most notoriously mistaken means of so-called "research": a self-selected "sample". The results of random sample public opinion surveys are brushed aside rather quickly with little analysis of the questions posed or the results returned by the surveys.

2.2 No one can take views gathered unscientifically seriously, no matter how the write up tries to convey a sense of "balancing" quantitative and qualitative assessment. The sample method used in the consultation report is simply NOT an acceptable one on which to base serious conclusions. This is even more true of the "sample" of academic views which seem to be drawn from only 4 academics. No Masters candidate or even Honours Project at the BA level would be allowed to proceed to graduation on the basis of such research. To base a serious decision of government, with many repercussions and implications, on such weak "research" design and flawed "sampling" is irresponsible. It is also completely unnecessary since many well-known methods for responsibly determining representative views exist, with many practitioners of the same available within Hong Kong. (For example, deliberative opinion polling, Delta method, etc.) The administration needs to reconsider its sadly outdated and poorly conducted methods of consultation with the public.

2.3 Based on random sampling using CATI over 24 Oct to 31 Oct 1998 of 800 respondents by the Hong Kong Transition Project, 80% indicated they had heard of Tung Chee-hwa's proposal to abolish the Urban and Regional Councils. This is a very high indication of public awareness of the proposal. In properly conducted surveys of such issues, finding out who is even aware of the issue is a necessary first step. Of the 80% of those aged 18 and above with permanent right of abode in Hong Kong and who were aware of the proposals, 15% supported abolishing the councils, 8% supported abolishing the councils "but transferring most powers and budgets to the District Boards." 44% supported merging the two councils into one body and 17% wanted to refuse to abolish the Urban and Regional Councils and keep both unchanged. 16% were unsure about the options or had no opinion. *This means that a clear majority, 61% prefer merger or no change in the councils. Only 23%, or about one in four who are aware of the proposals, support the Administration's views.* This scientifically selected and polled sample of Hong Kong opinion serves to point out just how mistaken the Consultation Report is on the state of public opinion about the councils. There is no majority, not even close to a majority, supporting the administration's proposals. The administration should pull together into one room all the researchers on public opinion on the issue, and/or set up a one day seminar conference to explore the results of these surveys. This would more credibly allow academics to detail and explore the various questions posed and perhaps lead to a genuine consensus about the results. Follow up polling might also be undertaken to clarify any issues raised and make the state of public views clearer. Other methods, as alluded to in 2.2, might be used to shore up telephone survey weaknesses and flesh out possible options and likely reactions to such options if presented to experts and the public.

3.0 Structural and functional role of the councils

3.1 The argument that the municipal councils are a burdensome additional layer of politicians in the Hong Kong structure of government is not correct. For a population of 6.7 million people to have only about 600 elected officials serving as the public voice and watchdog over nearly 190,000 civil servants and quasi-government organizations is NOT, by any means, an excessive number compared with other governmental entities of similar level of economic and social development. To abolish an entire layer of representative government and about 100 of the 600 elected representatives of the people is a substantial change in Hong Kong's previous form of government, and thus contravenes the solemn promise of 50 years without change stipulated in the Sino-British Joint Declaration and embodied in the Basic Law. Such drastic moves should be more carefully considered and certainly more publicly discussed, especially as various proposals are made known. One time consultations are ill advised; thus the practice of many governments in issuing preliminary papers with analysis and proposals (green papers) and then later, after further deliberation and discussion, more finalized proposals (white papers). This practice was not followed in the present instance, though it certainly should be.

3.2 Further, given the flaws and powerlessness of the current Legco and District Boards, to abolish the municipal councils is a clear step backward in the development of

representative government in Hong Kong. This proposed move thus is also contrary to the spirit of the Basic Law which projects a step by step forward march toward more representative and accountable government. The municipal council is the oldest elected body of government in Hong Kong, with direct elections, though with a severely limited franchise, taking place since 1952 and with wide franchise elections since 1982. To abolish this entire layer of government is a serious step which requires more careful and prudent consideration. The power of history and long practice should not be so lightly dismissed.

3.3 Structurally, the municipal councils are the ONLY bodies in Hong Kong which incorporate elected representatives of the people debating and setting policy and administering a budget. They are also the only group in Hong Kong which, having set policies and budget allocations, also “supervise” the civil servants implementing their decisions. This “normal” form of government elsewhere in the world is considered, for some strange reason, in Hong Kong a form of blight on “executive led” government. This could not be more untrue. Only the members of the municipal councils have the balanced experience of representativeness and accountability and administrative responsibility to properly learn the skills absolutely necessary for a successful future Chief Executive. If anything, the municipal councils should be given power to set rates. Only then will come the recognition of the public that municipal services come with a cost and that they should hold their representatives strictly accountable for expenditures and rates levels. The councillors should also be given more power over the Urban and Regional services departments so that the representative and accountable views of the public’s chosen representatives may have stronger impact on the efficiency of services to their constituents.

3.4 If the point is to provide more efficient service and satisfy customers of those services more, then representativeness and accountability must be considered along with efficiency. “Efficiently” doing things the public do not want, or worse, resents, is not true efficiency. Nor is efficiently doing 96% of trivial things as important as accomplishing something important—as the October “Progress Report” made plain. Answering phone calls within so many minutes is not on the same scale as ensuring the successful opening of the new airport. The ability of the public to punish its representatives for failures is important as a release of public resentments. Abolishing the councils will eliminate this critical avenue of venting frustrations. Instead, these resentments will focus more on the civil service and the Chief Executive—which is potentially a very dangerous development. The municipal councils thus provide a real means of diminishing the buildup of minor frustrations to dangerous levels.

4.0 Role of the Municipal Councils in better government and democracy

4.1 The proposals to “bureaucratize” the services presently covered by the municipal councils in the name of efficiency totally overlook the role the municipal councils play in teaching Hong Kong people the realities and dynamics of representative and responsible government. The civil service bureaucracy is responsible, at present, but not representative. The Legco is representative, but cannot propose policy and cannot

administer a budget or functionally supervise a department. It is not fully responsible for its actions, and this leads to irresponsible proposals or amendments or blocking of administrative initiatives. The Chief Executive is responsible, but not yet fully representative, and stands alone as the single person outside the civil service trying to bring both representative and accountable pressures on the 190,000 civil servants. This is an impossibly large and difficult task. The District Boards are close to the people (at least the directly elected element) but have little power to actually supervise the various civil service departments affecting their constituents. Further, they cannot by definition settle issues and problems larger than a single district, and these are many and serious.

4.2 The Legco is not sufficiently numerous, nor with only 20 geographically elected members, at all sufficiently equipped and staffed to deal with affairs above the district such as water or air pollution and traffic affairs which impinge on constituents in a district. These require people focused on those issues at those levels. The municipal council could be a very useful representative body to deal with those issues which affect Hong Kong people at the geographic and district levels. In the current Legco, half or more of seats are not even focused on local, geographic based affairs, and they are not suitable to solve issues such as public venue supervision and utilization policies and schedules. But neither is a civil service bureau which has no representative contacts suitable to make decisions between one community group and another if their plans conflict. Only elected representatives who daily monitor community affairs and sentiment and faithfully reflect community values.

5.0 Conclusion and recommendations

5.1 At present, District Boards should be strengthened and given larger budgets for local constituency services, and they should be more closely integrated into a merged single Municipal Council. These bodies should all be directly elected, with members of the community serving on various committees and boards related to the Council and District Boards, as at present. The Municipal Council should be given responsibility for setting rates, up to a certain level, and the accountability of members strengthened by their exercising control over the budget for the Municipal Services Department (a merger of Urban and Regional Services departments). The Municipal Council could be somewhat reduced in number if the District Boards were strengthened and perhaps expanded in number. Ultimately, the administration might look into “municipalizing” districts, with, for example, the election of “mayors” of places like Yuen Long, Tai Po, Sha Tin and other distinctly recognizable urbanized localities. This could be enhanced by privatizing many municipal services currently done by civil servants. (The US holds many examples of the advantages of privatized municipal services.) District boards could take up many of the functions now served by the municipal councils, but the present government proposal does not do this, and hence, unless and until it does, the municipal councils should be merged, not abolished.

5.2 In any case, in principle significant changes in government should be done slowly, with careful steps decided on only after full and lengthy deliberation. This is the model followed in the development of the Basic Law itself, a process of drafting which

took several years of writing and consultation. It sets out a process of change with slow steps taken over several years, and has built in pauses for further consultation. This is a better pattern to follow in introducing significant reform than the current “revolutionary” proposals of Tung Chee-hwa, which in destroying the old forms of government fail to introduce new forms sufficient to the challenges ahead. The present “Consultation Report” should be considered a “green paper” and more scientific and more deliberate consultations should be held over a longer period to map out better and more acceptable district level governance options.

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

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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 1965¹) 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.

¹ 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.”²
- 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

² Norman Miners (1975) *The Government and Politics of Hong Kong*, 1st 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.

4 November 1998

**THE UNIVERSITY OF HONG KONG
FROM THE OFFICE OF CHUNG TING-YIU ROBERT
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To : Panel on Constitutional Affairs, Legislative Council
Subject : Reform of District Organizations
From : CHUNG Ting-yiu Robert
Date : 5 November 1998

In response to your invitation of 22 October 1998 on the captioned topic, I would like to submit my views to be discussed at your special meeting on 9 November 1998. I must stress from the beginning that I have taken dual roles on the matter - that of a social researcher, and that of a political commentator. Because it is important to separate these roles, I have divided my submission into two sections accordingly. It is important to note that although the first part should be rather objective and scientific, different people may draw different conclusions from the data presented.

Analysis of public opinion

1. In my capacity as Head of the Public Opinion Programme (POP) in the Social Sciences Research Centre of The University of Hong Kong, I have designed and conducted a number of opinion surveys on people's view on the reform of district organizations. The following paragraphs highlight the results.
2. Our fairly comprehensive survey conducted between 27-28 July 1998 (Annex 1), near the end of the consultation period, shows that people were basically unfamiliar with the structure of the district organizations and the consultative document. Nevertheless, they were in favour of the government's proposal to centralize the management of food safety and environmental hygiene, and to simplify the structure of district organization. Out of the three tiers of representative government, the municipal councils received the least support, and the distinction between district board members and municipal councillors was not clear to the general public. On district reform, there was a clear demand for decentralization of power and responsibility to the grassroots, and to increase people's direct representation.
3. After the Chief Executive delivered his policy address on 7 October 1998, our instant poll shows that 54% supported C.E.'s proposal to abolish the municipal councils, only 24% disagreed (Annex 2). A follow-up survey conducted on 20 October 1998 did not depict any significant change in opinion (53% agreed, 25% disagreed, sample size=533, result not yet published).
4. The conclusion from these surveys shows that public opinion was rather confused and chaotic during the consultation period, but began to settle in favour of the government's proposal after the policy address.

My personal opinion

5. My view is that district organizations should be reformed with the primary objective of promoting community development, grassroots participation, and bottom-up democracy. Such reform should become an integral part of a reform in the entire constitutional structure. I have written a number of articles and submissions on the topic, which are appended to this document:
 - 5.1. Submission to the Chief Executive Designate on 16 June 1997, outlining how the entire constitutional system should be reformed. The relevant parts on the reform of district organization is given in Annex 3.
 - 5.2. An article published in *South China Morning Post* on 5 May 1998 (Annex 4).
 - 5.3. An article published in *Ming Pao* on 15 May 1998 (Annex 5).
 - 5.4. Submission to the SAR Government on 7 June 1998, subsequently published in *Ming Pao* on 9 June 1998 (Annex 6).
6. My suggestion is that, in the long run, there should only be one level of grassroots representation, called the district councils, and the entire system of representative government should be constructed from community building blocks called *community development units* (CDU). A CDU could be a single or a group of housing estates, a conglomerate of villages, or demarcations resulting from urban redevelopment. Each CDU, depending on the size of their population, shall return a fixed number of district councillors using the 'multiple seats, multiple votes' system. This is to enhance the representativeness of all elected councillors, and to promote their identification with the community they represent. I propose that, in the long run, there should be about five district councils, matching the geographical constituencies of the Legislative Council. Section 2 of Annex 3 explains these concepts in more detail.
7. As for the interim measures, I support the government's proposal to abolish the municipal councils, provided that such a move encourages community participation and democracy on the grassroots level. This means that the new district councils should be given overall responsibility and resources comparable to that of the abolished bodies, that the elements of accountability and direct representation be strengthened, and that the reform be in line with my proposals on CDU development and integration of the entire representation system.
8. The government has not yet laid down the jurisdiction of the new district councils, therefore I cannot say whether I support the proposal. But some counter-proposals suggested by some honourable members, like maintaining the status quo, or simply merging the two municipal councils, also miss the point, and I do not support them either. I think many political groups and figures are more concerned with their vested interest than long-term democratic development.

(CHUNG Ting-yiu Robert)

Revamp Needed to Embrace Electorate

CHUNG Ting-yiu Robert
Research Officer, Social Sciences Research Centre,
The University of Hong Kong.

*Article for the Election Forum of the South China Morning Post,
5 May 1998 (Tuesday), title being supplied by the editor.*

Consensus is growing among political analysts that the turnout rate for the coming election would be a record low. It was 39.1 per cent in 1991 and 35.8 per cent in 1995. Most analysts put this year's likely figure at between 30 and 35 per cent.

Records show that the turnout for district board and municipal council elections since 1982, when the three-tier system was introduced, have settled at around one-third and one-quarter respectively.

District boards, which are consultative bodies with no power, have attracted more voters than municipal councils, probably because their members are often well-connected to constituents through a variety of social and community groups.

Municipal councils enjoy financial independence and control huge resources, their responsibility restricted to the provision of public health, cultural and recreation services. Thus, those with power has no support, and those with support has no power. Reform is long overdue.

Early next month, the Government will release a paper to consult the public on future development of the "district organizations", as they are called in the Basic Law. However, given the Government's recent problems, it is hardly likely to propose anything revolutionary. At its best the report will would probably list a number of open options.

The review exercise, promised by the Chief Executive in his maiden policy address, might well turn out to be another power-balancing game.

For simplicity and efficiency, there is no reason why the two municipal councils, and therefore the two services departments serving them, should still coexist. The distinction was meaningful only in the past, when the colonial administration still claimed the New Territories to be on lease - and needed a very different approach from that in the ceded territory. These distinctions have now become history.

To promote democracy, district organizations should be restructured to give the electorate more say in their own affairs, and the only way to do this is to increase the power of the local councils.

These local councils should comprise councillors directly elected by voters in their own constituency, and the councils should function as miniature local governments, overseeing every important aspect of community life.

The best solution is to merge the existing two tiers of representative government without reducing the overall power of the councils, although there could be some give and take. Policies concerning sports and cultural development, for example, could revert to central policy boards, while policies conducive to community development should be delegated to the district councils.

The number of district councils could remain at 18, but be gradually modified in line with urban and community development.

To co-ordinate large-scale municipal projects, four to five municipal committees should be set up, corresponding to the geographical constituency of the Legislative Council. Members of these committees should be elected among district councillors themselves. In this way, the number of direct elections is reduced, while the line of accountability is clarified.

Only when local councils with strong grassroots support are set up will electors become genuinely interested in the electoral process.

When that happens, the Government will not have to spend millions of dollars simply to boost the turnout rate by a few per cent.

---- *End of article* ----

(Translation of a submission from Professor LEE Ming-kwan on
the review of district organization)

My views on the restructuring of district organization are simple and they are as follows:

1. From the political point of view, it is not opportune to revamp the district organization now. The Hong Kong Special Administrative Region (HKSAR) Government, which has been set up for a year or so and has not yet established its authority, is facing the most serious financial crisis that the territory has ever confronted over the past 30 years. It is imperative that the Government should focus on the ways to revive the economy and alleviate the people's difficulties with a view to easing class contradictions and the many social problems caused by the economic downturn. I am of the opinion that the Government should concentrate its efforts on the recovery of the economy and should avoid undue distractions. It should also avoid creating complications and arousing unnecessary political contradictions and divisions only to pursue the aim of "scrapping the Municipal Councils". To the HKSAR Government and the Chief Executive, particularly when the popularity of both is already at a low ebb, "scrapping the Municipal Councils" is certainly not "a good bargain" at this very critical point in time.
2. It appears that the Government's proposals lack a long-term and forward-looking vision. After a decade or two, Hong Kong will very probably have a population of 10 million. So how to govern such a large city with 10 million people effectively? Will the traditional mode of a highly-centralized administration still be workable? Should the "central" government decentralize some of its powers to "districts" so as to allow more participation from them and give them more decision-making powers on matters relating to their localities, environmental protection and medical care, thereby lightening the policy burden of the "central" government and enabling the policies concerned to respond to the needs of "districts" in a better way? What kind of government does Hong Kong need and how its district organization should be structured in the 21st century? These are all vitally important issues. However, the policy makers do not seem to have taken these into consideration. Reformation in the form of stopgap measures without long-term and overall planning does not seem to be a well-considered proposal.

To sum up, there is no need for the HKSAR Government to reform the district organization in such a hasty manner. Will it not be better if the Government gives itself more time to contemplate the matter in more detail and wait for a more suitable time before proceeding any further?

(signed)

LEE Ming-kwan

LETTERHEAD OF The Hong Kong Transition Project

6 November 1998

Mr. John C.Y. Leung
Constitutional Affairs Bureau
Government Secretariat
Lower Albert Road
FAX: 2840 1976

Re: Reform of District Organizations

Thank you for faxing me your initial response to my submission to Legco's Constitutional Affairs Panel. I appreciate very much the SAR Administration through your efforts showing some serious consideration of academic views in areas in which they have interest and expertise.

I have responded to your initial response on the attached document. I hope this will make some of my earlier comments in the first submission clearer. It's a real shame that the administration's procedures for consultations have been so seriously flawed for so long. I hope that serious consideration will be taken on how to improve such processes. Consultation procedures developed in the 1970s for colonial government of subjects are really not adequate in the 21st century for self-government by citizens. There is quite a bit of new literature on how to develop better local level government and participation, and how to improve communication and consultation with the public. It would do the SAR Administration much good to review this literature systematically and hold a conference or seminar on the subject with local and overseas academics and others working in the area. I will bring a copy of good recent article on this with me Monday.

Thank you very much for the information sent me earlier, which I read with interest. I look forward to meeting you on Monday at the panel session.

Sincerely,

Michael E. DeGolyer
Director, Hong Kong Transition Project
Assoc. Prof. Government & International Studies

6 November 1998

Supplemental to the Legislative Council Constitutional Affairs Panel submission of 2 November 1998

Numbers below refer to numbered paragraphs in the “Administration’s Response” to my views submitted 2 November

1 I apologize for not submitting views in the consultation exercise in June 1998. However, June/July is when most academics are heavily involved in previously arranged research, writing, many conferences (most overseas), and usually, taking vacations during the only time of year academics can take it. I had, for instance, two research papers to prepare, two book chapters to revise from papers delivered in May, three surveys to conduct (two in early June and one early July) and then analyze the results for the research papers, and two conferences, one local and one overseas, in the six weeks between 1 June and 10 July. This is besides 4 briefing/presentations for overseas groups and 51 media, consulate, academic, and business interviews about developments in the first year of the SAR during that time. After 10 July, I took my first vacation in four years, overseas. The lead up to the first anniversary, with visits by President Jiang, President Clinton, and the opening of the new airport, was a very busy time for academics involved in analyzing Hong Kong affairs. Interest overseas as well as local research was most intense precisely during the timeframe of the consultation.

2 If the administration seriously wishes to consult a wide range of academics, in particular, it would be advisable to schedule consultations during the academic term of September through May. They may then be assured that most academics will be here rather than overseas. That may be why Mr. Leung could confer with only about a dozen academics and got submissions from only four. I, and I am sure other academics as well, took the scheduling of the consultation during June-July as a signal the administration did not really want academic views since so many could be certain to be out of Hong Kong during that timeframe or tied up by research tasks only possible between teaching terms. If the administration had better and more regular communication with various groups among the public it would be more aware of such regular variations occasioned by the calendar and how its selection of certain dates and procedures of consultation and other administrative actions may convey unintended messages. It also should not assume that 2 months is long enough to schedule in the considerable time needed to adequately analyze complex issues such as those contained in the Consultation Document released in June. Constitutional affairs are particularly complex and hence need an even longer time for consideration, and perhaps an entirely different series of procedures from regular consultations on issues of less potential impact.

Public Opinion

3.1 Usually in overseas practice “consultation documents” are preliminary to a Green Paper, which contains initial but specific proposals to which the government then wishes to gather responses prior to releasing its specific policy proposals in a White paper which

goes to legislative deliberation. The consultation documents, note, are usually prior to the writing of a Green paper, and are usually general background information and a listing of options presently known. Responses to a consultation document then become a basis for a Green paper, which usually contains more specific proposals and justifications for why those are preferable. Responses to a Green paper are gathered, sometimes if not usually by a public referendum or polling to determine public support or objection to actions as set out in the Green paper. (This is similar to the procedure followed in the notorious “consultation” of 1987 on the “way forward” in 1988. Its flaw was the manner of determining representative responses.) I took the Consultation Document of June 1998 to be a preliminary to a proposal in a Green paper to be issued later, on which truly representative views would be gathered prior to a White or policy paper. Reading the Consultation Document, as I did at the time, showed that it was mostly background material with a number of possible options presented, which is precisely what it was supposed to be as a preliminary document.

3.2 Constitutional changes should call for much more extensive and deliberate processes than usual. Also, many responses to specific proposals depend on what the administration proposes overall. That is, if District Boards were substantially changed in powers and responsibilities, then abolition of the municipal councils might be supportable. However, absent clear proposals on the District Boards, abolishing the municipal councils appears unwise. It is very difficult for specific responses to be given to general proposals. To make a one-time consultation when proposals in the Consultation Document were rather undetailed, especially in the overall framework, is not a good process, and leads inevitably to the sort of public outcry and resentments being evidenced presently.

4.1 I am afraid that Mr. Leung has missed the point entirely. Qualitative research such as he conducted in the interviews of various groups is one thing. This type of research is quite useful in determining ranges of views and possible ideas for further consideration. It should not ever be taken as representative nor treated as quantitative data.

4.2 Calling for submission of views is something else entirely—all such data from such a exercises is by definition “self selected”. That is, response is entirely up to the initiative and interest of the party responding, and all such exercises are notoriously unrepresentative. There is no possibility of random selection or representative response in such exercises. Again, these submissions may be used for gathering a range of views and for obtaining further ideas, but they cannot be used to determine community sentiment. To state as on p. 13 of the Consultation Report that of “some 1,660 completed questionnaires, the majority (almost 70%) supported the Government’s proposal...” is an abuse of such data. One cannot even really speak of a “majority” in this sense supporting anything. One can only say that most who chose to respond to the call for views on the Consultation Document supported the option of abolishing the municipal councils. I would hesitate to even introduce numbers regarding such data. Again, there is no “majority” represented in such self-selected responses.

5 While Mr. Leung may have “taken into account” various views expressed, many such views depend on other actions being taken. That is, I might support abolishing the councils depending on what new powers the District Boards or other new bodies might exercise, and depending on the composition and powers of the Legislative Councils. That is, with a fully directly elected Legco and directly elected Chief Executive, I could support abolishing the municipal councils as presently organized. However, under the present circumstances, I cannot. The administration’s Consultation Document gave only possibilities, not a fully worked out plan. Further, the administration called for responses, possibly even new or different ideas to be put forward. As such, the next step would be to present a more worked out overall framework within which the abolition of the municipal councils would be placed. This would be in a Green paper, to which representative responses could be properly and reliably solicited via a variety of methods.

6.1 Mr. Leung may have “carefully considered” various random survey results, but while carefully, not with sufficient knowledge of how to read survey results. To reject survey results which disagree with one view while accepting others which provide support is to seriously stray from good research practice. One must have very good methodological reasons for accepting or rejecting random survey data. First, for example, when surveys were conducted is very important. Views change over time due to many factors. Second, to reject HKTP results because its respondents “were generally not familiar with the structure, functions and operation of the district organizations” is to ignore the fact that the same is true for the POP (HKU) and HKIAPS (CUHK) surveys. (Though this is actually much less the case for the HKTP survey, see below in 6.2.) Third, the survey results cited as “supporting” the administration’s views seem to evidence poor question framing and methods of conducting a survey.

6.2 Specifically, the POP survey from HKU has several methodological problems. First, on proposals such as this, “filtering questions” should be used. That is, people need to be asked whether they have heard of a particular proposal or issue. This filters out those who might give an uninformed response simply because they feel they should have an opinion about some issue. Secondly, the phrasing of question is especially flawed in light of point one. For example, our survey conducted 24 Oct. to 31 Oct. found that about 20% of people had not heard of the proposal to abolish the councils. These people would tend to defer to phrasing such as “The Chief Executive proposed...” How can they oppose something they didn’t know about when the Chief Executive supports it? Such people would seriously skew the results toward support of the authoritative view, whatever it was. While the POP results show that 19% said “Don’t Know/Hard to say”, the HKTP survey also found about the same amount, 19%, said either “no opinion” or “unsure about the above proposals” after an initial 20% were filtered out. That is, our proportion of people who felt themselves unqualified to respond was considerably larger than the POP surveys. I believe there is good methodological grounds to consider that the POP survey contains a large number of people whose views were swayed by the phrasing of the question, and these would tend to support “the Chief Executive” views. There is a third flaw in the question in that the phrasing “transfer the duties to other decision making agencies” is unclear as to whether these bodies are elected bodies or civil service departments. People clearly differ on what to do depending on who takes up

these responsibilities. The HKTP found that 7% of respondents would support abolishing the councils if the budgets and most powers were transferred to the District Boards. Fourthly, the question asks in terms of whether people “agree to or oppose” the proposal, putting it in terms of personal opinion. This lessens considerably the seriousness with which the response is given. In contrast, the Hong Kong Transition Project chose to phrase its question in specific, instrumental terms: “How do you want your Legco representative to vote on Tung Chee-hwa’s proposal to abolish the Urban and Regional Councils?” This is much better than asking for a personal preference or “how someone feels about” a proposal. It makes respondents consider that they have the power to instruct “their representative” on which way to vote, and lets them know that such instructions matter in determining the fate of the proposal. Finally, the matter of timing again. Such phrasing as above in the HKTP survey followed debate and discussion of the proposals in the Legislative Council during the response to Tung Chee-hwa’s Policy Address. This means that people had time to consider the reasons to reject as well as accept the proposals. The surveys conducted immediately after the Policy Address failed to allow for considered response of other alternatives. I believe that the HKTP survey is, due to timing and phrasing and other methodological issues, a much more reliable indicator of public opinion on the proposals at present, and at present fewer than one in four support abolishing the municipal councils, even if budgets and powers were transferred to the District Boards. Some 60% want their Legco representative to vote for merger or no change in the present structures.

6.3 The Chinese University survey suffers from the same flaws as the HKU survey, in terms of lack of a filtering question, in timing (coming right after the Policy Address without taking into account Legco response—which is like listening to only one side then asking people’s opinion), and in phrasing. The CUHK question: “Do you support the proposal of abolishing the two municipal councils once their terms of office expire in 1999?” asks in terms of personal opinion and, subtly biases particularly less informed and educated listeners toward supporting abolishing the councils since the “terms of office expire in 1999.” Many less educated people may think that the councils will “expire” anyway in 1999 so why not abolish them now and save money? “Terms of office” is a bit of jargon and possibly confuses some respondents. In conclusion, question phrasing for telephone surveys is a difficult mix of art and science and takes great care, skill, and several phases of pre-testing prior to use, and careful interpretation afterwards. The administration needs to develop much more sophistication of analysis of survey methods and results.

7. Even a dozen academics does not comprise a representative sample of academic views. Period. There are ways of gathering representative views from academics and I would be happy to suggest some of them to Mr. Leung.

The Basic Law and the Sino-British Joint Declaration

8. The clear intent of the Basic Law is that “ultimately” both the Legislative Council and the Chief Executive will be directly elected by universal suffrage. (Article 45, Article 68). Clearly, therefore, the Basic Law envisages the principle of “Hong Kong

people ruling Hong Kong” to mean a high degree of citizen participation or what might be called democracy. Our HKTP surveys show that direct election of Chief Executive and Legco is the clear and overwhelming understanding of a vast majority of Hong Kong people themselves of the “Hong Kong people ruling Hong Kong” promise. Democracy depends, is essentially defined as, regular processes of voting, elections, and deliberations in representative bodies. It does not mean turning more and more decisions over to unelected civil servants. The decision to abolish the municipal councils is a considerable reduction in both the number of representatives and representative bodies and thus in the power of citizens to influence and decide issues. I cannot see how this is NOT a contravention of the Basic Law and the Sino-British Joint Declaration since it comprises a step in the opposite direction of the “ultimate aim” of the Basic Law in the articles cited above. If there are to be made changes in the district organizations, they should be toward the ultimate aim of the Basic Law, toward more power for directly elected bodies, not in the opposite direction. The flexibility in the Basic Law should be towards, not away from, democratic development. This is its clear intent. The proposal to abolish the municipal councils is in the opposite direction and abuses the flexibility given in Articles 97 and 98.

Need for Municipal Council(s)

9. All three levels of the representative bodies in Hong Kong have the flaw of being unable to “ensure that government departments are more responsive to the advice of” those bodies. That is because the civil service sees these bodies as advisory, not representative, bodies. That is COLONIAL style thinking, in that one must not give the colonial subjects any real say over their own affairs, and must hammer away that all their complaints and views are ADVICE only. Citizens and their representatives in all other countries which practice democracy have real power, indeed, they are the source of real power, in the community. Civil servants are just that: SERVANTS, not masters. The people and their representatives are the masters. This administration not only thinks backward; it thinks upside down. The municipal councils are the only bodies presently to even come close to “normal” democratic practices in other countries for local bodies.

9 Many of the health issues are not at all the fault of the municipal councils per se. They are the fault of divided councils which can be solved with a merger into one body. Secondly, many of the measures which need to be taken on health issues will need community support and persuasion by respected and known people to generate that support. Abolishing the councils rather than merging them makes generating community support for necessary measures virtually impossible, especially at the grassroots level, and creating in the place of 2 councils whose division is their major flaw, a set of 18 District Councils will not solve the problems of coordination and creating supporting, but complicate them even more. In other words, the proposal to abolish the municipal councils fails to solve the problems described in the consultation documents.

10. There is understandably little support for a practice not experienced yet, nor even explained as a possibility, nor have its advantages and results been explained, especially in public. I think few people in Hong Kong recognize the relationship between their

taxes and decisions by their representatives. This, however, is a fundamental step toward responsible representative government. When representatives collect as well as disburse funds, directly, voters tend to look more closely at what is being done with their money. Hong Kong suffers from a disjunction between tax collection and expenditure, especially since so much of the tax collection is hidden in property sales and land sales. That is a main reason why there seems to be incessantly growing demands for more, more, more to be spent by the SAR government, but also resistance to raising taxes to meet those expenditure demands. Unless and until people learn at a very grassroots level the relationship between the public (them) demanding more to be spent and the necessary raising of taxes by their representatives to meet their demands, there will be unending and unreasonable demands on the government. People now do not see a direct relationship between their rates and the action, or inaction, of the municipal councils. They also do not fully perceive of themselves as citizens with the responsibility to ensure that their representatives, and their civil servants, act carefully and with fullest possible efficiency, with their money. Abolishing the councils doesn't solve this pressing issue; it makes it even worse.

Pace of Reform

11. I would suggest that just as the Legislative Council and the Chief Executive had the power to set the term of expiration of the present Provisional District Boards and Urban and Regional Councils as the end of 1999 that it also has the power to extend the expiration of their terms beyond that date given sufficient reason to do so. Human beings make the calendar, the calendar does not make human beings. If the Legco decided that district level reform needed further consultation and consideration over a longer period, and the administration so proposed, wouldn't that alleviate the sort of artificial urgency which may lead the administration and Legco to make mistakes in its haste? On the roads, excessive speed kills; deliberate speed may not satisfy everyone, but at least one arrives in one piece, even if a little late. I think legislation, especially on fundamental constitutional issues like this, should be taken slowly. It is very peculiar that Mr. Tung and this administration wishes to go very slowly toward expanding democracy, but extremely quickly in shrinking it. I believe you will find that implied in the meaning of reform is progress, not regression. This proposal is not a reform but a retreat, and perhaps that is why it is being done so hastily.

Michael E. DeGolyer
Director, Hong Kong Transition Project
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LETTERHEAD OF The Hong Kong Transition Project

Municipal Councils Survey Results

January-October 1998

Michael E. DeGolyer

The tables below compare the results of three random telephone surveys conducted by the Hong Kong Transition Project in January, July, and the last week of October 1998. The first table shows the results of “filtering” questions, indicating that awareness of plans for changes in the district level organizations rose considerably during the year, from barely a third hearing about them to 8 in 10. The latest survey indicates a considerably more informed public than the situation in the first survey.

Table 1. Have you heard of the proposal to merge Urban Council, Regional Council with the District Boards? (January, July phrasing)

Have you heard of Tung Chee-hwa’s proposal to abolish the Urban and Regional Councils? (October phrasing)

	January 1998	July 1998	October 1998
Yes	35	65	82
No	60	31	14
Refuse/NA	5	4	4
Total cases	700	647	790

The following tables present the results of surveys on the specific aspects of the plans as they became known. The various changes in phrasing reflect these changes.

Table 2 Please indicate your preference for one of the following suggested merger plans. (January 1998, of those who heard of the proposals)

	January 1998
Combine Urbco & Regco into one body	40
Abolish Urbco & Regco & expand power of Dist. Boards	7
Abolish Urbco & Regco, reduce DBs from 18 to between 5-9 districts	2
Retain both but reduce DB numbers to between 5-9	5
Make no changes to present systems	16
Unclear about merger plans	25
Don’t Know/Refuse	5
Total cases	238

Table 3 Please indicate your preference for one of the following suggested merger plans.
(July 1998, of those who heard of the proposals)

	July 1998
Combine Urbco & Regco into one body	43
Abolish Urbco & Regco & redistribute duties to civil services	13
Combine Urbco & Regco with DBs, reorganize into several districts	13
<i>Make no changes to present systems</i>	11
Unclear about merger plans	13
Don't Know/Refuse	7
Total cases	419

Once Chief Executive Tung had actually made proposals to abolish the councils in his Policy Address, we rephrased the question. The phrasing, rather than merely expressing a preference as before, now consists of a direct question on how respondents want their representative to vote on the issue when it comes up for vote in the Legislative Council.

Table 4 How do you want your Legco representative to vote on Tung Chee-hwa's proposal to abolish the Urban and Regional Councils? (of those who had heard)
(*please note changes in response order to avoid question order bias*)

	October 1998
Abolish the Urban and Regional Councils	14
Refuse to abolish and keep both unchanged	17
Merge the Urban and Regional Councils into one council	43
Abolish councils but transfer most powers and budgets to Dist Boards	7
Unclear about all the above proposals	10
No Option	9
Total cases	644

The bottom line conclusions which can fairly be drawn from the results are: 1) More people have become aware of the proposals to reform the district organizations during the past year. 2) As more people became aware of the proposal to abolish the municipal councils, there has been little increase in support of abolition, with only one in five supporting it. 3) Support for retaining the councils either unchanged or in merged form has, if anything, risen from 56% of a very small base of informed respondents in January to 60% of a much larger base the last week of October 1998. Conclusion: a clear majority of the increasingly informed public do not support the administration's proposals to abolish the councils.

The survey results cited as "supporting" the administration's views seem to evidence poor question framing and methods. First, on proposals such as this, "filtering" questions should be used. That is, people need to be asked whether they have heard of a particular proposal. This filters out those who might give an uninformed response simply because they feel they should have an opinion. Secondly, the phrasing of questions is critical. For example, our survey conducted 24 Oct. to 31 Oct. found that about 18% of people

had not heard of the proposal to abolish the councils. These people would tend to defer to phrasing such as “The Chief Executive proposed...” How can they oppose something they didn’t know about when the Chief Executive supports it? Such people would seriously skew the results toward support of the authoritative view, whatever it was. While the HKU POP results show that 19% said “Don’t Know/Hard to say”, the HKTP survey also found about the same amount, 19%, said either “no opinion” or “unsure about the above proposals” after an initial 18% were filtered out. That is, our proportion of people who felt themselves unqualified to respond was considerably larger than the POP surveys. There is good methodological grounds to consider that the POP survey contains a large number whose views were swayed by the phrasing of the question, and these would tend to support “the Chief Executive”. There is a third flaw in the POP question phrasing “transfer the duties to other decision making agencies.” This is unclear as to whether these bodies are elected or civil service departments. People clearly differ on what to do depending on who takes up these responsibilities. The HKTP found that 7% of respondents would support abolishing the councils if the budgets and most powers were transferred to the District Boards. Fourthly, the question asks in terms of whether people “agree to or oppose” the proposal, putting it in terms of personal opinion. This lessens considerably the seriousness with which the response is given.

In contrast, the Hong Kong Transition Project phrased its question in instrumental terms: “How do you want your Legco representative to vote on Tung Chee-hwa’s proposal to abolish the Urban and Regional Councils?” This is much better than asking for a personal preference or “how someone feels about” a proposal. It makes respondents consider that they have the power to instruct “their representative” which way to vote, and lets them know such instructions matter in determining the fate of the proposal. Finally, the matter of timing. The HKTP survey followed debate and discussion of the proposals in the Legislative Council during the response to Tung Chee-hwa’s Policy Address. This means people had time to consider the reasons to reject as well as accept the proposals. The surveys conducted immediately after the Policy Address failed to allow for considered response by Legco members. I believe that the HKTP survey is, due to timing and phrasing and other methodological issues, a much more reliable indicator of public opinion on the proposals at present, and at present only about one in five support abolishing the municipal councils, even if budgets and powers were transferred to the District Boards. Some 60% want their Legco representative to vote for merger or no change in the present structures. The Chinese University survey suffers from the same flaws as the HKU survey, in terms of lack of a filtering question, in timing (coming right after the Policy Address without taking into account Legco response—which is like listening to only one side then asking people’s opinion), and in phrasing. The CUHK question: “Do you support the proposal of abolishing the two municipal councils once their terms of office expire in 1999?” asks in terms of personal opinion and, subtly biases particularly less informed and educated listeners toward supporting abolishing the councils since the “terms of office expire in 1999.” Many less educated people may think that the councils will “expire” anyway in 1999 so why not abolish them now and save money? “Terms of office” is a bit of jargon and possibly confuses some respondents. Question phrasing for telephone surveys is a difficult mix of art and science and takes great care, skill, and several phases of pre-testing prior to use, and careful interpretation

afterwards. The administration needs to develop much more sophistication of analysis of survey methods and results.

Consultation procedures developed in the 1970s for colonial government of subjects are really not adequate in the 21st century for self-government by citizens. Further, constitutional reforms, that is, reforms of the structures of government, are the most important reforms possible in government and differ from consideration of normal issues of the day. They deserve special care and should, of necessity, take longer than usual in order to insure the fullest consultation. In no case should they go forward on the basis of minority support among the community. In the matter of the abolition of the Urban Council and the Regional Council, this administration has failed to persuade a clear majority of the people of Hong Kong to back its proposals. It is most strange that an administration which came into office with the dedicated purpose of reversing what it felt to be ill-considered and over-hasty constitutional reforms should itself engage in precisely the same behavior as its predecessor.

Michael E. DeGolyer
Director, Hong Kong Transition Project
Assoc. Prof. of Government & International Studies

Note: On 20 November the Hong Kong Transition Project will release the full public report of the latest survey results, including breakdown by various party supporters of how they want their representatives to vote on the abolition proposal.