

Legislative Council Panel on Home Affairs

Review of the Role and Functions of Government Advisory and Statutory Bodies

Introduction

The Government relies on a wide range of advisory and statutory bodies to provide advice on its policies and to deliver services. In order to enhance the existing system of advisory and statutory bodies, the Home Affairs Bureau is currently reviewing the role and functions of these bodies.

Approach

2. A two-stage approach is used for this review. As the first stage of this review, the Home Affairs Bureau is conducting an overall review of the existing system of advisory and statutory bodies. The objective is to identify issues and problems. After considering these issues and problems, a set of guiding principles for conducting a detailed review will be recommended.

3. During the second stage, individual bureaux will conduct an in-depth review of the advisory and statutory bodies under their purview on the basis of the recommended guiding principles.

Guiding Principles

4. The issues and concerns under consideration are:

(a) **Accountability of principal officials**

Under the accountability system, principal officials should be responsible for making appointments to (or recommending appointments to) advisory and statutory bodies and for monitoring

their work. They should be accountable for the advisory and statutory bodies under their purview. The role of the Home Affairs Bureau is to provide technical and logistical support to other bureaux and act as the Government spokesman on advisory and statutory bodies in general. As regards advisory bodies, the basic principle is that such bodies should provide independent expert advice and community input into the policy-making process. As regards statutory bodies, the basic principle is that such bodies should not take away from the role, authority, responsibility and accountability of principal officials. The role and responsibilities of principal officials with regard to advisory and statutory bodies is being examined in this review.

(b) Delaying and restructuring

Existing advisory and statutory bodies should be delayed and restructured so as to simplify the system and to avoid duplication of work. Each advisory/statutory body should be reviewed to see whether it should retain its current status or be abolished, reorganized or merged.

(c) Appointment process

As far as practicable, appointment criteria should be set before the appointment process is under way. All candidates put to the appointing authority (e.g. the Chief Executive or the Chief Secretary for Administration) should meet the appointment criteria set down.

(d) Appointment on merit

The overriding principle should be that the candidate most suitable for the post be appointed. However, the selection criteria can take into account the need to maintain a balance of skills and background.

(e) Remuneration for chairmen/
members of advisory and statutory bodies

There is now a set of guidelines on the payment of honoraria/allowances to chairmen/members of advisory and statutory bodies. The basic principle is that the service of non-official members is voluntary and, as a general rule, unpaid. This principle should continue to be used.

(f) Equal opportunities

The principle of equal opportunity should be adopted. Individuals from all sectors of the community should be able to participate in the work of advisory and statutory bodies. When making appointments, care should be taken not to discriminate on the grounds of gender, age, race, disability, religion, marital status, sexual orientation or social background.

(g) Participation of women

Bureaux should take action to ensure that both men and women who are suitable for appointment should have equal opportunities to be appointed to advisory and statutory bodies. The ratio of women members in such bodies is low at present. While no target or quota would be set, at least 25% of either gender has been suggested for the purpose of benchmarking.

(h) Declaration of interests of members

Every advisory or statutory body should put in place a system for its members to declare and register interests, particularly financial interests and membership of societies.

(i) Openness and transparency

In order to gain public confidence, the work of advisory and statutory bodies should be open and transparent. The agenda and papers of advisory and statutory bodies, if not classified, should be made available upon request. More use should be made of the websites of bureaux.

(j) 6-year rule

As a general rule, a member should not serve more than 6 years in an advisory or statutory body.

(k) 6-board rule

As a general rule, a person should not serve as a member on more than 6 advisory/statutory committees.

(1) Proportionality

On the basis of the findings and conclusions of the review, guiding principles would be set. Bureaux should have the flexibility to adopt measures which they consider to be most suitable and effective for the advisory and statutory bodies under their purview. However, any exception to the principles should be proportional to the special circumstances of the case.

Way Forward

5. We plan to complete the first-stage review by June/July. During the second-stage review, individual bureaux will be asked to conduct a review of the advisory and statutory bodies under their purview in accordance with the recommended guiding principles.

Practices overseas

6. The system of advisory and statutory boards in Hong Kong is similar to that in other jurisdictions in some aspects and different in others. This is mainly due to different historical, social and political circumstances. In the course of the first-stage review, we will take reference of good practices in other jurisdictions.

Home Affairs Bureau
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