

Legislative Council Panel on Constitutional Affairs

Guidelines on Public Consultation

Purpose

This paper sets out the existing general guiding principles adopted by the Government in undertaking public consultation.

Government's policy on public consultation

2. It is the Government's established policy to be open, transparent and accountable to the public. To this end, we consider it essential to respond in a timely manner to public demands, and to take public opinion into account when formulating public policies and programmes.

Key principles

3. The decision of when and how to consult the public on any specific public policies and programmes rests with the relevant responsible bureaux and departments. According to existing internal guidelines, the following key principles should be taken into account in order to ensure effective public consultation:

a) Timeliness

The public should be consulted on a subject at as early a stage as possible, so as to give the public a reasonable period of time to air their views during a consultation exercise.

b) Purpose of consultation

The purpose of consultation exercise, the options available and the Government's preferred option (if any) should be set out clearly.

c) **Scope of consultation**

Depending on the nature of the subject, the scope of consultation should be as wide as possible. Special efforts should also be made to ensure that those parties directly affected by a proposal are consulted as far as possible.

d) **Presentation of all relevant information**

The public should be presented with comprehensive information relating to the subject, including the background and all relevant factors considered in drawing up the proposal.

e) **Consultation period**

Sufficient time should be allowed for the public and interested parties to study the consultation document and prepare their submissions.

f) **Publicity**

Adequate publicity should be given to the consultation exercise, including its scope and the deadline by which comments should be made.

g) **Consultation report**

The public should also be informed of the results of the consultation exercise. In cases where the opinion of certain sectors of the community cannot be fully adopted, a clear explanation should be given of the reasons for this.

Means of public consultation

4. The actual methods of gauging public views adopted by individual bureaux and departments should vary according to the nature of the subject under public consultation. The general guidelines on the major

methods available are as follows:

a) **Legislative Council Panels**

It is necessary to seek the views of the relevant Legislative Council Panel on a particular proposal (e.g. a change in existing policy or a Bill) before it is formally introduced into the Legislative Council.

b) **District Councils**

District Councils should be consulted on local matters that are likely to affect the livelihood, living environment or well-being of the residents within a district, and as appropriate on territory-wide issues. When consultative documents are submitted to District Councils on either territory-wide issues or district matters, they should contain as much relevant background information as possible and should set out clearly the options available, the pros and cons of each option, and the points on which the Council's advice is sought. It would also be useful for the officer responsible for the subject to explain the proposal to the District Council.

c) **District Offices**

District Officers and their liaison staff could raise proposals at meetings or in discussions with district personalities or organizations, for the purpose of gauging their reaction to the subject under consultation.

d) **Advisory Boards and Committees**

Where a proposal is likely to affect a particular advisory body's area of responsibility, that body's views should be sought wherever possible.

e) **Other organizations, parties and individuals**

This category includes non-governmental organizations, professional bodies, trade associations, chambers of commerce, Area Committees, owners' corporations, Mutual Aid Committees, school principals, religious leaders, individuals directly or indirectly affected by the proposal, etc. These should be consulted as appropriate and practicable, depending on the nature of the proposal. Particular care should be taken to seek the view of those directly affected by a proposal as far as possible.

f) Public opinion surveys

Public opinion surveys may be carried out to ascertain public views on controversial issues, or public reaction to existing and proposed policies or actions, and to detect changes in public attitudes towards longstanding issues. A properly conducted public opinion survey (i.e. one which uses a probability sample, a carefully designed and tested questionnaire and trained interviewers) may be helpful to the assessment of public opinion on an issue, including the opinion of the "silent majority" who would not otherwise express their views in public.

g) Suitable public functions

Policy issues could also be communicated to the public through various other means, such as a website accessible through the Internet, radio/TV panel discussion, a radio phone-in programme, a media briefing, a luncheon speech etc.

Collating and Analyzing Public Views received from Consultation

5. All comments and representations received from members of the public or interested parties have to be carefully read and collated. Opinions expressed at formal meetings should be recorded for reference. Summaries and reviews should be made on opinions expressed by the general public or through the news media.

Reviews

6. The above key principles and general guidelines are revised from time to time, to ensure that they keep in pace with the latest developments and public expectations in the community. We are also prepared to make reference to any established good practices regarding public consultation in other jurisdictions when reviewing our guidelines.

Constitutional Affairs Bureau
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