

立法會
Legislative Council

LC Paper No. CB(2)85/06-07
(These minutes have been seen
by the Administration)

Ref : CB2/PL/CA

Panel on Constitutional Affairs

**Minutes of special meeting
held on Tuesday, 11 July 2006, at 9:00 am
in the Chamber of the Legislative Council Building**

- Members present** :
- Dr Hon LUI Ming-wah, SBS, JP (Chairman)
 - Hon Jasper TSANG Yok-sing, GBS, JP (Deputy Chairman)
 - Hon James TIEN Pei-chun, GBS, JP
 - Ir Dr Hon Raymond HO Chung-tai, SBS, S.B.St.J., JP
 - Hon LEE Cheuk-yan
 - Hon Margaret NG
 - Hon CHEUNG Man-kwong
 - Hon Bernard CHAN, GBS, JP
 - Hon CHAN Kam-lam, SBS, JP
 - Hon Mrs Sophie LEUNG LAU Yau-fun, SBS, JP
 - Hon LEUNG Yiu-chung
 - Hon Howard YOUNG, SBS, JP
 - Dr Hon YEUNG Sum
 - Hon LAU Kong-wah, JP
 - Hon Miriam LAU Kin-ye, GBS, JP
 - Hon Emily LAU Wai-hing, JP
 - Hon TAM Yiu-chung, GBS, JP
 - Hon LI Fung-ying, BBS, JP
 - Hon Audrey EU Yuet-mee, SC, JP
 - Hon LEE Wing-tat
 - Hon Alan LEONG Kah-kit, SC
 - Dr Hon KWOK Ka-ki
 - Dr Hon Fernando CHEUNG Chiu-hung
 - Hon Ronny TONG Ka-wah, SC
 - Hon CHIM Pui-chung
 - Hon Patrick LAU Sau-shing, SBS, JP
 - Hon TAM Heung-man
- Members absent** :
- Hon Albert HO Chun-yan
 - Hon Martin LEE Chu-ming, SC, JP

Dr Hon David LI Kwok-po, GBS, JP
Hon Mrs Selina CHOW LIANG Shuk-ye, GBS, JP
Dr Hon Philip WONG Yu-hong, GBS
Hon WONG Yung-kan, JP
Hon LAU Chin-shek, JP
Hon LAU Wong-fat, GBM, GBS, JP
Hon CHOY So-yuk, JP
Hon Timothy FOK Tsun-ting, GBS, JP
Hon Abraham SHEK Lai-him, JP
Hon Daniel LAM Wai-keung, SBS, JP
Hon MA Lik, GBS, JP
Hon LEUNG Kwok-hung
Hon CHEUNG Hok-ming, SBS, JP
Hon WONG Ting-kwong, BBS
Hon KWONG Chi-kin

Public Officers : Item I
attending

Mrs Carrie LAM CHENG Yuet-ngor
Permanent Secretary for Home Affairs

Mrs Pamela TAN KAM Mi-wah
Director of Home Affairs

Ms Anissa WONG Sean-ye
Director of Leisure and Cultural Services

Mr Ivanhoe CHANG Chi-ho
Principal Assistant Secretary for Constitutional Affairs

Attendance by : Kowloon City District Council
invitation

Mr K K WONG, JP
Chairman, Kowloon City District Council

Hong Kong Democratic Development Network

Mr MA Ngok
Representative

Mr CHENG Cho-kwong
Member of Sha Tin District Council

The Democratic Party

Mr LAM Tsz-kin
Deputy Spokesman on Constitutional Affairs

Mr Gary FAN

Member of Sai Kung District Council

District Councils Review Concern Group

Mr CHAI Man-hon, Henry
Representative of the District Councils Review Concern
Group

Young Civics

Mr YU Kwun-wai, Thomas
Chairman

The Civic Party

Mr LAY Yan-piau, Bill
Member of Executive Committee

Association of Engineering Professionals in Society

Mr NG Man-kwong
Honorary Treasurer

Assistant Leisure Service Manager Association

Mr FUNG Chuen-chung
Chairman

Dr CHAN Yan-chong

Member of Sham Shui Po District Council

Mr WONG Kwong-mo

Member of Kwai Tsing District Council

Leisure Society (Asia-Pacific)

Mr SIN Sai-min
Chairman

Leisure and Cultural Services Department, Leisure
Services Staff Association

Mr LUI Man-hong
Vice Secretary

SynergyNet

Dr YEP Kin-man, Ray
Research Director

Union of Leisure and Cultural Service Department
Contract Staff

Mr CHAN Wang-sang
Council Member

Mr CHUNG Yam-cheung
Member of Central & Western District Council

Association of Managers, Cultural Services

Mr IP Ka-ri, Gray
Chairman

Government Librarians Association

Mr TSE Wun-shuen
Chairman of Government Librarians Association

The Hong Kong Institute of Surveyors

Mr CHEUNG Tat-tong
Immediate Past President

Hong Kong Curators Association

Mr CHAN Ki-hung
Chairman

East Kowloon District Residents' Committee

Mr HO Ki-keung
Vice-Chairman

Kowloon Federation of Associations

Ms SO Lai-chun
General Committee Member

East Kowloon Youth Society

Mr CHEN Wei-shing
Vice-President

The Hong Kong Institute of Architects

Mr Tony TANG
Representative

- Clerk in attendance** : Mrs Percy MA
Chief Council Secretary (2)3
- Staff in attendance** : Mr Arthur CHEUNG
Senior Assistant Legal Adviser 2
- Mrs Eleanor CHOW
Senior Council Secretary (2)4
- Mrs Fanny TSANG
Legislative Assistant (2)3
-

Action

- I. Consultation Document on "Review on the Role, Functions and Composition of District Councils"**
(LC Paper Nos. CB(2)2645/05-06(01)-(12), CB(2)2684/05-06(01)-(02), CB(2)2712/05-06(01) and CB(2)2721/05-06(01)-(09) – submissions from deputations)

Meeting with deputations

The Chairman said that the purpose of this meeting was to receive views from the public on the package of proposals set out in the Consultation Document on "Review on the Role, Functions and Composition of District Councils" (the Consultation Document).

Action

2. At the invitation of the Chairman, representatives of the deputations made oral presentation on their submissions on the Consultation Document. A summary of the major views of the deputations and written submissions received by the Panel is in the **Appendix**.

Response of the Administration

3. Permanent Secretary for Home Affairs (PSHA) informed members that since the publication of the Consultation Document, the Administration had conducted the following activities to solicit views from the public –

- (a) the Consultation Document had been distributed at District Offices and posted on a webpage set up to invite views from the public. A leaflet highlighting the package of proposals had been distributed to the public with a view to increasing awareness of the work of District Councils (DCs) and to stimulate discussion on the package of proposals;
- (b) representatives of the Administration had visited 18 DCs. While DC members had different views on the magnitude of the proposed DC reform, there was a consensus that the package of proposals was a positive step towards democratic development. The motions passed by the 18 DCs had indicated unanimous support for the overall direction of the Review in strengthening the role and functions of DCs. Among all the DC members, only 7 had voted against the motions. Seven DCs had volunteered to participate in the pilot scheme. There were queries on the need for a pilot scheme and whether undesirable outcome of the pilot scheme would put a stop to the proposed reform. The Administration had explained that the pilot scheme was meant to ensure smooth interface with departmental operations and to pave the way for its full launch. The pilot scheme would last for about 10 months, tentatively starting from January 2007. The Administration would identify areas for improvement (e.g. manpower deployment, rationalization of work between DCs and executive departments, etc.) before finalizing and implementing the package of proposals across the board at the commencement of the third term DC;
- (c) two public forums had been organized with some 400 people attending. Another public forum would be held in Sha Tin Town Hall this evening with 300 people registered to attend;
- (d) PSHA and her colleagues had attended meetings organized by the Commission on Strategic Development, political parties, and some sports associations to explain the package of proposals; and

Action

- (e) the Director of Leisure and Cultural Services had met with 19 staff associations on two different occasions and conducted nine briefing sessions on the package of proposals for some 580 staff members from the Leisure and Cultural Services Department (LCSD).

4. PSHA said that so far, the Administration had altogether received 45 submissions since publication of the Consultation Document. There were dissenting views on the following issues –

- (a) composition of DCs – there were views to abolish appointed seats in one go or gradually. There were also views to retain appointed seats. The Administration considered that appointed members had made important contribution to the work of DCs and it was desirable to retain appointed seats for the next term DC in 2008;
- (b) devolution of power – many former members of the two municipal councils (MCs) considered that the powers devolved to DCs were inadequate. There were views that not all the powers of the former MCs should be devolved to DCs and that the transfer of such power to DCs should be gradual and on a trial basis. There were also views that DCs should also be responsible for the management of street cleaning, advertisement signboards, transport matters, etc;
- (c) constraints of the DC reform – there were views that the Consultation Document had laid down too many constraints to impede DCs from enhancing their role, functions and powers. Many staff members of LCSD, however, had expressed concern that the enhanced role and functions of DCs would lead to interference with operational matters and undermine their professionalism in the provision of district services;
- (d) pilot scheme – there were views that the package of proposals should be implemented across the board without undergoing any trial scheme. There were also views that a pilot scheme should be implemented in selected districts;
- (e) funding provisions – there were views that DCs should have the financial autonomy to decide on how the annual provision of \$300 million should be allocated to minor works projects costing up to \$15 million each. There were also views that a portion of the provision should be kept centrally in executive departments for projects of a larger scale and the remaining portion be allocated to smaller projects based on the priorities set; and

Action

- (f) remuneration package – the Administration intended to implement the proposed remuneration package in the next term DC except for the Winding-Up Allowance. There were views that the new remuneration package should be implemented as soon as possible. There were also views that the remuneration package needed to be improved further.

PSHA said that the Administration would consider all the views received before drawing its conclusions. The Administration intended to invite academic institutions to study and evaluate the result of the pilot scheme at selected districts.

5. PSHA gave a preliminary response to the deputations' views as follows –

- (a) in addressing some deputations' concerns that the Consultation Document laid down too many constraints to impede DCs from enhancing their role and functions, and the package of proposals sought to centralise the control of district management issues in the hands of the Government, PSHA explained that problems arising from a district usually involved the work of a few departments. It was the duty of these departments to act in accordance with the statutory powers and obligations as well as the financial authority conferred to them. They had to make sure that their work complied with the relevant international professional or safety standards, and prevailing government policies on staff and resources management. As several departments would be involved, the setting up of the Steering Committee on District Administration (SCDA) would help provide a forum for top management in various departments to exchange views on issues of mutual concern and resolve inter-departmental district management issues. There was no question of the Administration using SCDA to centralise control of district management issues. SCDA would also formulate strategies and provide a steer to District Officers and District Management Committees on enhancing district work;
- (b) the Administration was making preparation to implement the pilot scheme in several selected districts in January 2007. The preparatory work included –
 - (i) the drawing up of guidelines on the use of DC funds for minor works and community improvement projects, and guidelines on the reimbursement of the DC members' remuneration package;

Action

- (ii) assessment on manpower requirements in DC secretariats following the enhanced role and functions of DCs; and
- (c) in addressing some deputations' comment that the role of DCs remained advisory under the package of proposals, PSHA said that DC members would be required to handle substantive administrative work in future. These included, among others, prioritising district projects and monitoring the use of DC funds. Some deputations had also suggested that DCs should also monitor outsourcing work of government departments in the district.

Discussion

Role, functions and powers of DCs

6. Ms Emily LAU said that the Administration did not receive too many submissions because the Consultation Document had laid down too many constraints on the DC reform. She further said that many staff associations of LCSD had expressed grave reservation on the package of proposals from the perspective of public interest. They expressed concern that their professionalism would be undermined with DCs interfering with the operational aspects of their work, and hence adversely affecting service quality. They also expressed concern about problems arising from the proposed enhanced role and functions of DC, such as unclear demarcation of duties between executive departments and DCs, abuse of power by some DC members, political parties wrangling over power to manage the additional district facilities, rivalries between political parties at the risk of mis-allocation or waste of resources, and staff of executive departments becoming the scapegoat of political conflicts of DCs and their members. Ms LAU sought the deputations' views on how to overcome these problems.

7. The representative of Democratic Party said that he disagreed with PSHA that the package of proposals was a step towards democratic development. Given that the provision of district facilities was a form of public service, allowing DC members to participate in the management of such facilities was only natural. As many public health problems such as the SARS epidemic and food poisoning incidents had only surfaced after the abolition of the two MCs, there was a need to enhance the role and functions of DCs to prevent further blunders.

8. Mr CHENG CHO-kwong, member of Sha Tin DC, appreciated the concerns of staff associations. He held the view that the powers devolved to DCs should be progressive.

Action

9. Mr CHAN Kam-lam noted the concerns of staff associations that DCs would become a place of political wrangling, and rivalries between DC members could put staff of executive departments in a difficult and invidious position. He sought deputations' views on the extent of power that should be devolved to DCs.

10. The Chairman of Hong Kong Curators Association said that his major concern was whether a proper system was in place to ensure smooth provision of leisure and cultural services to the public. In his view, DCs should be given power on policy matters and not on operational matters. Matters such as the types of books kept in a library should be left to professionals.

11. Mr CHAN Kam-lam agreed that it was inappropriate to task DCs with responsibilities of a technical/professional nature. He considered that DCs, however, could play a monitoring role on operational matters.

12. Mr TAM Yiu-chung said that it was important to delineate the duties between DC members and staff of executive departments in order not to affect service quality. He asked about the measures to be taken by the Administration.

13. PSHA said that as explained in paragraph 5(a) and (b) above, executive departments could not depart from prevailing Government policies and statutory requirements in discharging their duties. The Administration would issue guidelines to make clear the different roles of DCs and executive departments. As the Secretary for Home Affairs had explained on another occasion, DC members played the role of a director and not an executive officer.

14. Dr YEUNG Sum said that as Hong Kong was moving towards democracy, professionals should no longer perceive themselves as lording over the general public. As professionals were also accountable to the public, they should enhance the transparency of their work. He asked the Administration about the next stage of work after the DC review, e.g. whether it would further devolve power to DCs in the areas of health and environmental hygiene.

15. PSHA responded that at this stage, the Administration had to ensure that the package of proposals would be implemented smoothly. To this end, it had to balance the interests of various parties, namely DCs, LCSO staff, the public and users of the leisure and cultural services. Subject to the outcome of this stage of work, the Administration would consider further steps to enhance the functions of DCs if there was a need to do so.

Appointed membership

16. Mr Ronny TONG said that some deputations had expressed the view that appointed members had made a lot of contribution to the work of DCs. While he would not doubt the ability of appointed members, the crux of the issue was that

Action

a system should be in place to ensure that DCs members had the mandate of the people. Appointed members could seek to return as DC members by direct election. He expressed dissatisfaction that the Administration was short-sighted about the issue. Mr TONG further said that the Administration had proposed the phased abolition of appointed membership but then called it off because the proposed methods for selecting the Chief Executive in 2007 and for forming LegCo in 2008 could not receive the support of a two-thirds majority of LegCo Members. If the Administration considered that the appointment system had its value, it should not have put forth the proposal in the first place. Given that the DC appointment system was not a requirement in the Basic Law and the public had called for its abolition, Mr TONG urged the Government to reconsider its position.

17. Dr YEUNG Sum concurred with Mr TONG. He said that an elected member was required to state his political agenda during election. If he failed to honour his pledge or did not discharge his duties effectively after elected, he would lose in the next election. Although a democratic system of election could not guarantee that only capable persons would be elected as DC members, it could at least prevent incapable persons from being re-elected in the next election. Under the appointment system, the general public did not have the power to remove a DC member from office if he failed to perform his public duties.

18. Mr WONG Kwong-mo, member of Kwai Tsing DC, concurred with Mr TONG and Dr YEUNG. He pointed out that in past DC elections, many professionals such as lawyers and social workers had been successfully returned as DC members after election. On the other hand, not many candidates from grass-roots had won in elections. He said that appointed members might not always represent the interests of the people as they tended to vote in favour of Government's proposals.

19. The representative of District Councils Review Concern Group said that unless a system was in place, there was no guarantee that each and every appointed member would perform his role in district affairs. In his view, people should have the right to decide who should represent them in a DC.

20. Mr CHENG CHO-kwong, member of Sha Tin DC, held the view that the appointment system would not affect democratic development.

21. The representative of Kowloon Federation of Associations said that there were different avenues for individuals to serve the community. It was wrong to assume that only elected members could represent the interests of the people. It was a fact that appointed members not only maintained a high attendance rate at DC meetings, but were also capable of handling district work effectively. She noted that many appointed members were elected chairmen of the relevant DCs, with the support of elected members. In her view, it was desirable to retain

Action

appointed seats for the next term DC. She expressed disagreement with the comment that appointed members always voted in favour of the Government's proposals.

22. Principal Assistant Secretary for Constitutional Affairs said that in considering the enhancement in the role of DCs, it was necessary to ensure that the composition of DCs could continue to represent the views of different sectors. Over the years, appointed members had made useful and constructive contribution to the work of DCs. The Administration had proposal in the Consultation Document to allow DCs to have greater involvement in the management of certain district facilities. To ensure the continuation of smooth delivery of district services, the Administration considered it prudent to retain appointed seats for the next term DC in 2008 when the role and functions of DCs would be enhanced. The Administration, however, welcomed views on the future composition of DCs.

23. The representative of District Councils Review Concern Group queried why the Administration considered that DCs could not deliver district services smoothly in the absence of appointed members. He pointed out that DCs were once composed of elected members only and there was no problem with service delivery then.

24. Mr LEE Wing-tat said that while the phased abolition of appointed seats could be considered a progressive approach, any suggestion to retain appointed seats was clearly against the wish of the public. Mr LEE sought information on the ratio of professionals being elected in past DC elections.

25. The representative of Hong Kong Democratic Development Network informed members that in the 1999 and 2003 DC elections, about 30% to 40% of DC elected members were professionals. This was higher than the percentage of DC appointed members who were professionals. While he considered that DCs should obtain expert advice when handling district work, it was not necessary to appoint professionals as DC members. They could be advisors to various DC committees and did not need to be given any voting right.

26. Dr CHAN Yan-chong, member of Sham Shui Po DC, said that depending on the definition, professionals might not include the business sector. To his understanding, not many businessmen were willing to participate in direct election because of the slim chance of winning. They found it not cost-effective to conduct electioneering activities with the small geographical coverage of DC constituency area. Some of them therefore preferred to wait for appointment by the Government. He expressed concern that the diametrical stance of different parties on appointed membership, i.e. either to abolish or to retain it, would not lead to fruitful discussion. He urged all parties to explore means to attract professionals and businessmen to participate in direct elections. In his view, if the coverage of each constituency was enlarged, there was better chance for

Action

professionals and businessmen to be elected as DC members by a proportional representation system.

27. The representative of Democratic Party said that it was interesting to find out that the ratio of elected members who were professionals was higher than that of appointed members who were professionals. He pointed out that the drawback of the appointment system was that the performance of appointed members, such as their attendance and capability, was not assessed by an objective electoral system.

28. Mr WONG Kwong-mo, member of Kwai Tsing DC, said that under a democratic electoral system, there was no free lunch for candidates. Elected members had to visit different areas in the district in order to canvass support from the people and understand their needs. Elected members served as a bridge between the executive departments and the community. They were aware of the difficulties faced by staff of executive departments in carrying out certain duties and would explain the situation to the community when required. He advocated the abolition of appointed membership.

29. The representative of Civic Party said that registered voters of Hong Kong were of high quality and knew who they should vote for in an election. He hoped that the staff associations of LCS D would have confidence in the ability of DC elected members in effective management of district facilities.

30. Mr LEE Cheuk-yan said that the principle that DCs, which represented the people, should be run by members returned by direct election should be upheld. He recognised the contribution of professionals in district work and considered that they could continue to do so by giving expert advice in the committees of DC. Regarding staff associations' concern that DC's enhanced role and functions in district affairs might interfere with operational matters, he said that there could be opportunities for co-operation between the two parties on certain issues.

31. Dr KWOK Ka-ki said that the review of DCs had taken a long time to materialise. While he did not oppose the package of proposals in the Consultation Document, he expressed disappointment about the limited functions and powers of DCs. He questioned whether the package of proposals would attract political talents to participate in district work. He also urged the Administration to abolish appointed membership.

32. The Chairman thanked the deputations for their views. There being no other business, the meeting ended at 12:15 pm.

**Summary of major views of deputations / individuals on the
Consultation Document on the Review on the Role, Functions and Composition of District Councils
Special meeting on 11 July 2006**

Deputations / Individuals (Legislative Council Paper Nos.)	Role, functions and power of District Councils (DCs)	Financial / staffing issues	Composition of DC / other issues raised
Oral Presentation			
1. Kowloon City District Council (KCDC) [LC Paper No. CB(2)2721/05-06(01)]	<ul style="list-style-type: none"> • KCDC supported the package of proposals put forth in the Consultation Document. • Some KCDC members suggested that powers conferred on former Municipal Councils (MCs) should be devolved to DCs. 		<ul style="list-style-type: none"> • KCDC members had divergent views on whether appointed seats of DCs should be retained.
2. Hong Kong Democratic Development Network [LC Paper No. CB(2)2721/05-06(02)]	<ul style="list-style-type: none"> • The Review failed to address the long-term development of DCs in the context of constitutional reform. • DCs' advisory role remained unchanged under the package of proposals. DCs would not be given financial autonomy or the power to make policy decisions. The Administration should consider the possibility of devolving to DCs the power to manage environmental hygiene services. • The proposed formation of the Steering Committee on District Administration (SCDA) to resolve 		<ul style="list-style-type: none"> • The Review had not addressed issues such as the number of DCs and their membership, and the abolition of appointed seats. • The package of proposals failed to offer incentives to attract political talents.

Deputations / Individuals (Legislative Council Paper Nos.)	Role, functions and power of District Councils (DCs)	Financial / staffing issues	Composition of DC / other issues raised
	differences in opinions between executive departments and DCs at a higher level contradicted the demand for devolution of power to DCs. Any differences in opinions should be resolved by the District Officers (DOs) who should be given substantive power in district administration, or by a body dedicated to handle disputes at the district level.		
3. Mr CHENG Cho-kwong, Member of Sha Tin District Council	<ul style="list-style-type: none"> The direction set out in the Consultation Document was supported. 		
4. The Democratic Party (DP) [LC Paper No. CB(2)2721/05-06(03)]			<ul style="list-style-type: none"> Expressed disappointment that the Consultation Paper had not provided a timetable for election of DC members by universal suffrage. Poll conducted in May 2006 by DP indicated that over 70% of the respondents favoured all DC members to be returned by direct election. The Government was urged to abolish all appointed and ex-officio seats as soon as possible.

Deputations / Individuals (Legislative Council Paper Nos.)	Role, functions and power of District Councils (DCs)	Financial / staffing issues	Composition of DC / other issues raised
5. Mr Gary FAN, Member of Sai Kung District Council [LC Paper No. CB(2)2645/05-06(01)]	<ul style="list-style-type: none"> • The Consultation Document had imposed too many constraints on the functions and powers of DCs. Powers in relation to financial management, staffing matters and policy making in district affairs should be devolved to DCs. • DCs' remit in managing district facilities should be expanded to cover environmental hygiene services such as street cleansing and market management. • The Government was urged to amend the law to transfer the functions and powers of the two MCs to DCs in areas relating to culture, recreation and environmental hygiene. 		<ul style="list-style-type: none"> • The Government's unwillingness to establish an independent secretariat for DCs and to abolish appointed seats would impede the development in district administration. • All DC members should be returned by direct election, and each DC should elect a District Commissioner (區政專員) or a "mayor" by universal suffrage who would be responsible for planning, coordinating and managing district facilities and services.
6. District Councils Review Concern Group [LC Paper No. CB(2)2721/05-06(04)]	<ul style="list-style-type: none"> • DCs' role remained advisory under the package of proposals. Restrictions laid down in the Consultation Document should be removed to enable DCs to have more powers in financial management, policy making and district administration. • Recent poll conducted by DP in May 2006 indicated that about 60% of the respondents considered that the powers of the two MCs should be 	<ul style="list-style-type: none"> • An independent secretariat should be provided for each DC. 	<ul style="list-style-type: none"> • Appointed seats should be abolished. • More powers should be devolved to DCs so as to attract political talents to participate in the work of DCs.

Deputations / Individuals (Legislative Council Paper Nos.)	Role, functions and power of District Councils (DCs)	Financial / staffing issues	Composition of DC / other issues raised
	transferred to DCs. The Government was urged to consider the views of the public in the context of the review.		
7. Young Civics [LC Paper No. CB(2)2721/05-06(05)]	<ul style="list-style-type: none"> DCs' role was still limited under the package of proposals. Powers of the former MCs should be devolved to DCs. 	<ul style="list-style-type: none"> The proposed increase of 10% in DC members' honorarium and accountable allowance was inadequate. More resources should be provided to DC members to facilitate policy research work in districts. 	<ul style="list-style-type: none"> Appointed seats should be abolished. The package of proposals was not conducive to grooming of political talents.
8. The Civic Party (CP) [LC Paper No. CB(2)2684/05-06(01)]	<ul style="list-style-type: none"> The Consultation Document lacked vision of the long term development of district administration. The package of proposals sought to centralize the control of district management issues in the hands of the executive branch, through the work of DOs, SCDA and the District Administration Summit hosted by the Chief Executive, instead of devolving more powers to DCs. 	<ul style="list-style-type: none"> An independent secretariat should be provided for each DC. 	<ul style="list-style-type: none"> All appointed seats should be abolished in the 2007 DC election. The Consultation Document had not stipulated how the pilot scheme would be assessed. DCs should assess the performance of executive departments by objective criteria and publish periodic assessment reports.

Deputations / Individuals (Legislative Council Paper Nos.)	Role, functions and power of District Councils (DCs)	Financial / staffing issues	Composition of DC / other issues raised
	<ul style="list-style-type: none"> DCs should play a pivotal role in administering district affairs and formulating strategies for district development. 		<ul style="list-style-type: none"> LegCo to set up a panel on DC to facilitate closer liaison between the two institutions. DCs should employ means (e.g. organizing different forums and making available information and advice from experts) to encourage the participation of the community and enhance their awareness in district affairs, such as matters relating to environmental protection, as well as design, planning and prioritizing projects and facilities.
<p>9. Association of Engineering Professionals in Society [LC Paper No. CB(2)2645/05-06(02)]</p>	<ul style="list-style-type: none"> A number of organizations were involved in district administration, e.g. DCs, District Management Committees (DMCs) and others. A comprehensive review of district administration should cover the role, functions and relationship of these organizations. The proposal to devolve more powers to DCs in managing libraries, community halls, leisure grounds, sports venues, swimming pools was supported. A corresponding increase in 		<ul style="list-style-type: none"> Appointed members should be phased out gradually until all members are returned by direct election. Meanwhile, greater transparency in the appointment system was necessary, e.g. prospective candidates should indicate in writing their commitment to serve the community, and the list of candidates for appointment should be vetted by a selection committee prior

Deputations / Individuals (Legislative Council Paper Nos.)	Role, functions and power of District Councils (DCs)	Financial / staffing issues	Composition of DC / other issues raised
	the funding in these areas was also supported.		to submission to the Chief Executive, etc.
10. Assistant Leisure Service Manager Association	<ul style="list-style-type: none"> Expressed concern on the management, service quality and manpower problems arising from the proposal to allow DCs to participate in the management of district facilities. 	<ul style="list-style-type: none"> The Government was urged to assess the additional manpower required for frontline staff under the package of proposals. 	
11. Dr CHAN Yan-chong, Member of Sham Shui Po District Council [LC Paper No. CB(2)2645/05-06(04)]			<ul style="list-style-type: none"> The Administration should find ways to encourage professionals to participate in DC elections such as by expanding the geographical coverage of DC constituency areas (DCCAs). Proposed that the existing 400 DCCAs be reduced to 250 which would each return a DC member on a “one seat, one vote” basis, and the remaining 250 DC members be returned from 18 DCs by the proportional representation system.
12. Mr WONG Kwong-mo, Member of Kwai Tsing District Council	<ul style="list-style-type: none"> The proposals in the Consultation Document would not provide DCs with substantive powers in district management and financial autonomy. 		<ul style="list-style-type: none"> Appointed seats should be abolished as appointed members tended to concur with the Administration rather than reflect community needs.

Deputations / Individuals (Legislative Council Paper Nos.)	Role, functions and power of District Councils (DCs)	Financial / staffing issues	Composition of DC / other issues raised
13. Leisure Society (Asia-Pacific) [LC Paper No. CB(2)2645/05-06(05)]	<ul style="list-style-type: none"> • The proposal to allow DCs to participate in the management of district facilities, which were currently managed by the Leisure and Cultural Services Department (LCSD), was inconsistent with the Government's policy of tasking LCSD with the management responsibility in district facilities after dissolution of the two MCs. • In implementing the proposal, it was necessary to consider its implications on the continuity and development of policies and resources allocation, and whether professional judgment would be affected by political considerations. • All parties were urged to consider the proposal cautiously and in the overall interest of the community. 		
14. Leisure and Cultural Services Department, Leisure Services Staff Association (LSSA) [LC Paper No. CB(2)2645/05-06(06)]	<ul style="list-style-type: none"> • Expressed reservation on the proposal to allow DCs to assume responsibility in the management of leisure and cultural services. • The serious mistakes in the implementation of policies by the LCSD had resulted in the provision of poor services to the public, had 	<ul style="list-style-type: none"> • Expressed concern that professional staff would be managed by laymen, i.e. DCs. The Government was urged to address LSSA's concern and accord greater respect to the profession. 	

Deputations / Individuals (Legislative Council Paper Nos.)	Role, functions and power of District Councils (DCs)	Financial / staffing issues	Composition of DC / other issues raised
	<p>adversely affected the professional image and operational efficiency of LCSD, and had damaged staff morale.</p> <ul style="list-style-type: none"> Expressed concern that the enhanced role of DCs in district administration would undermine the professionalism of LCSD. 		
<p>15. SynergyNet [LC Paper No. CB(2)2645/05-06(07)]</p>	<ul style="list-style-type: none"> DC reform was only one part of a wider process of the reinvention of Hong Kong's district administration and governance structure. In order to streamline district governance, DOs (or district Commissioners under SynergyNet's proposal) should be empowered. The Government should devolve powers to "District Commissioners" and the core departments at the local level. DMC should be revamped to include elected DC members, appointed professionals, and representatives of core departments. DCs should play an active role in policy formulation through more effective linkage to the central policy advisory committees of the Government as well as the policy Panels of LegCo. 	<ul style="list-style-type: none"> An independent secretariat should be established for each DC. More resources should be allocated to support the work of elected DC members. 	<ul style="list-style-type: none"> Advocated the reduction of DCs from 18 to 6 and the abolition of all appointed seats. Objected to the proposed pilot scheme since only limited power would be devolved to DCs. Advocated the political appointment of DOs (to be renamed as "District Commissioners"). The future relationships among DCs, the executive and the legislature would need to be further reviewed.

Deputations / Individuals (Legislative Council Paper Nos.)	Role, functions and power of District Councils (DCs)	Financial / staffing issues	Composition of DC / other issues raised
<p>16. Union of Leisure and Cultural Services Department Contract Staff [LC Paper No. CB(2)2712/05-06(01)]</p>	<ul style="list-style-type: none"> • Expressed serious doubt whether the package of proposals would provide a policy on the long-term development of the leisure and cultural services in Hong Kong. • Expressed concern that with the implementation of the proposals, the quality of book collection and the standard of professional services provided by libraries might be affected. • Given the political nature of DCs, staff might be caught in a difficult position when faced with requests from DCs which were unreasonable or against professional judgment. 	<ul style="list-style-type: none"> • Contract staff of LCSD objected to the direct recruitment of staff by DCs for the purpose of extending the opening hours of libraries. LCSD currently had both civil service and non-civil service staff performing similar duties with different remuneration packages. Creating another tier of staff could create confusion and disparity. 	
<p>17. Mr CHUNG Yam-cheung, Member of Central & Western District Council (CWDC) [LC Paper No. CB(2)2645/05-06(08)]</p>	<ul style="list-style-type: none"> • Majority of the CWDC members supported the direction set out in the Consultation Document. • The proposal for DCs, through DFMCs, to initiate and prioritize projects to be funded directly from a dedicated capital works block vote for district facilities was supported. • Some members considered that DCs should also be allowed to manage 	<ul style="list-style-type: none"> • The reimbursement of setting-up and winding-up expenses of a DC office should be based on the actual costs incurred. 	<ul style="list-style-type: none"> • CWDC members held divergent views on appointed seats. Those in favour of their retention advocated greater transparency in the appointment system.

Deputations / Individuals (Legislative Council Paper Nos.)	Role, functions and power of District Councils (DCs)	Financial / staffing issues	Composition of DC / other issues raised
	environmental hygiene services. They also considered that DCs' functions and powers were still limited under the package of proposals, e.g. they had no power in manpower allocation, financial management and policy making for leisure and cultural services.		
18. Association of Managers, Cultural Services [LC Paper No. CB(2)2645/05-06(09)]	<ul style="list-style-type: none"> • There should be a clear delineation of responsibilities and duties between DCs and Government departments in managing district facilities, e.g. DCs should give directions on the policy level and should not be involved in professional and operational matters. • With the enhanced role in district administration, DCs should pay regard to the needs of the community, and ensure that diversified and quality services would be provided to the community. 		<ul style="list-style-type: none"> • A monitor mechanism should be established to ensure that resources allocation was fair and just. • The Government should involve professionals to assist in the formulation of long-term policies for leisure and cultural services in districts.
19. Government Librarians Association (GLA) [LC Paper No. CB(2)2645/05-06(10)]	<ul style="list-style-type: none"> • Expressed grave reservation on the proposal to involve DCs in the management of libraries. The proposal had not addressed the long-term development for library services and the needs of Hong Kong people as a whole. The policy for 		

Deputations / Individuals (Legislative Council Paper Nos.)	Role, functions and power of District Councils (DCs)	Financial / staffing issues	Composition of DC / other issues raised
	library services had all along been planned on a territorial basis and in accordance with international standards. GLA was concerned that implementation of the proposal would lead to competition and conflicts among DCs and hence affect the quality of library services.		
20. The Hong Kong Institute of Surveyors [LC Paper No. CB(2)2645/05-06(11)]	<ul style="list-style-type: none"> • The proposal to enhance the role of DCs in district management was supported. • In addition to design and execution of district minor works, DCs could also be involved in the future maintenance of these works. • The proposal that DCs, through DFMCs, might initiate and prioritise projects to be funded directly from a dedicated capital works block vote for district facilities was supported. 	<ul style="list-style-type: none"> • DC funding should be increased to cover the preservation and maintenance of district facilities. 	<ul style="list-style-type: none"> • The appointment system was not a retrograde step to democracy. Appointed seats should be retained to facilitate professionals' participation in district work. However, greater transparency in the appointment system was necessary. • DCs should introduce measures to attract and recruit professionals such as surveyors as co-opted members of DFMCs to provide the necessary expertise.
21. Hong Kong Curators Association [LC Paper No. CB(2)2645/05-06(12)]	<ul style="list-style-type: none"> • The changes on the mode of management of district facilities, proposed to be introduced only six years after the abolition of MCs, reflected that the Government lacked 		<ul style="list-style-type: none"> • There should be a mechanism to monitor the performance of DCs if the package of proposals was to be implemented, in terms of the

Deputations / Individuals (Legislative Council Paper Nos.)	Role, functions and power of District Councils (DCs)	Financial / staffing issues	Composition of DC / other issues raised
	<p>planning and commitment in long-term development of leisure and cultural services in Hong Kong.</p> <ul style="list-style-type: none"> • Expressed great reservation about the proposal to allow DCs to participate in the management of leisure and cultural services. • Expressed concern about the unclear responsibilities between DCs and Government departments in the management of leisure and cultural services, and the lack of a mechanism to safeguard against unreasonable interference in professional autonomy from DCs and to balance the interests of the community with that of individual DCs. 		<p>use of funds, allocation of resources, and operational efficiency, etc.</p> <ul style="list-style-type: none"> • Expressed concern that competition for resources among DCs would lead to mis-allocation or waste of resources. Also expressed concern how the Government could ensure that the planning of leisure and cultural programmes and advance booking of facilities would not be influenced by political considerations.
<p>22. East Kowloon District Residents' Committee [LC Paper No. CB(2)2721/05-06(06)]</p>	<ul style="list-style-type: none"> • The package of proposals in the Consultation Paper was supported. • DCs' functions should cover environmental hygiene services. • DCs should not become organs of political power. 		

Deputations / Individuals (Legislative Council Paper Nos.)	Role, functions and power of District Councils (DCs)	Financial / staffing issues	Composition of DC / other issues raised
23. Kowloon Federation of Associations [LC Paper No. CB(2)2721/05-06(07)]	<ul style="list-style-type: none"> The package of proposals in the Consultation Paper was supported. 	<ul style="list-style-type: none"> To enhance the autonomy and independence of the DC secretariats would improve their efficiency. To cope with the enhanced role of DCs, the DC secretariats should be provided with more resources and staffing. 	<ul style="list-style-type: none"> Appointed seats should be retained to facilitate professionals' participation in the work of DCs. The Government should promote the role of DCs to increase public awareness and stimulate public interest in the work of DCs.
24. East Kowloon Youth Society [LC Paper No. CB(2)2721/05-06(08)]	<ul style="list-style-type: none"> The direction in the Consultation Document was supported. Professional/technical staff and representatives of frontline staff should be invited to provide expert advice to the DFMC where necessary. The role of DFMC should gradually be expanded to cover the management of other community facilities /services and employment matters concerning services contracted out by the Government. DFMC's terms of reference and composition should be reviewed every four years. The proposal to set up SCDA was supported. SCDA's members should also include professionals and academics etc. 	<ul style="list-style-type: none"> There should be transparency in the allocation of the Capital Works Reserve Fund and the process of prioritizing improvement works. 	

Deputations / Individuals (Legislative Council Paper Nos.)	Role, functions and power of District Councils (DCs)	Financial / staffing issues	Composition of DC / other issues raised
25. The Hong Kong Institute of Architects (HKIA) [LC Paper No. CB(2)2721/05-06(09)]	<ul style="list-style-type: none"> • The proposal to involve DCs in the design and execution of improvement works was supported. Professionals might be nominated to join relevant DC committees to provide advice in the initial conception, planning and preparation of the works. • The current arrangement of having various sources of funding was not effective in meeting district need in a timely manner, and would not cater for larger scale of minor environmental improvement works. 	<ul style="list-style-type: none"> • The creation of a dedicated capital works block vote to implement DFMCs' decisions was supported. 	<ul style="list-style-type: none"> • Members of HKIA held divergent views on the appointment system. • HKIA supported pioneer projects in some districts to be carried out on a pilot basis.
Written Submission Only			
26. Tai Po District Council (TPDC) [LC Paper No. CB(2)2645/05-06(13)]	<ul style="list-style-type: none"> • The direction set out in the Consultation Document was supported. 		
27. 11 Civil Servants Trade Unions and Professional Organizations of the Leisure & Cultural Services Department [LC Paper No. CB(2)2645/05-06(14)]	<ul style="list-style-type: none"> • Expressed reservation on the devolution of management power of leisure and cultural services to DCs, from the public interest and professional perspectives. 		

Deputations / Individuals (Legislative Council Paper Nos.)	Role, functions and power of District Councils (DCs)	Financial / staffing issues	Composition of DC / other issues raised
28. Association of Government Cultural Services Assistants [LC Paper No. CB(2)2645/05-06(15)]	<ul style="list-style-type: none"> The enhanced role of DCs in the management of library services should exclude territory-based libraries. 	<ul style="list-style-type: none"> Expressed concern about the adequacy of support to be provided to DCs in managing libraries, as the manpower in libraries was already very tight. 	
29. Sha Tin District Council [LC Paper No. CB(2)2684/05-06(03)]	<ul style="list-style-type: none"> The package of proposals put forth in the Consultation Document was supported. 		
30. The Democratic Alliance for the Betterment and Progress of Hong Kong [LC Paper No. CB(2)2712/05-06(02)]	<ul style="list-style-type: none"> The package of proposals put forth in the Consultation Document was supported. DCs should play a more active role in monitoring the quality of outsourced services by the Government. It was not appropriate to devolve all the powers of the former MCs to DCs. Powers conferred on DCs should comply with the Basic Law. 		<ul style="list-style-type: none"> Views on the process to consult DCs on infrastructural projects.
31. Wan Chai District Council [LC Paper No. CB(2)2645/05-06(03)]	<ul style="list-style-type: none"> The direction set out in the Consultation Document was supported. 		

Deputations / Individuals (Legislative Council Paper Nos.)	Role, functions and power of District Councils (DCs)	Financial / staffing issues	Composition of DC / other issues raised
32. Mr HO Man-kit, Member of Sai Kung District Council [LC Paper No. CB(2)2684/05-06(02)]	<ul style="list-style-type: none"> • Expressed concern that the powers of the former MCs had not been devolved to DCs. • DCs' functions should cover environmental hygiene services. 		<ul style="list-style-type: none"> • Appointed seats should be abolished, and a review on the composition of DCs should be conducted.
33. Kwun Tong District Council (KTDC) [LC Paper No. CB(2)2721/05-06(10)]	<ul style="list-style-type: none"> • The direction set out in the Consultation Document was supported. • DCs should be given substantive power in managing district facilities. • Care should be taken to avoid overlapping of powers and responsibilities of DFMCs with existing DC committees. • SCDA should give a performance pledge in handling requests from DCs. 	<ul style="list-style-type: none"> • The Government should establish a mechanism to allocate the \$300 million among DCs for district minor works. • The level of DC members' allowance should be increased to more than the proposed 10% to make the remuneration package more attractive. • The proposal to strengthen the role of DOs was supported, and the manpower of the DC secretariats should be enhanced to cope with additional responsibilities. 	

Council Business Division 2
Legislative Council Secretariat
16 October 2006