

For discussion on
20 October 2021

Legislative Council Panel on Home Affairs

Revising the Arrangements for Implementing Community Involvement Programme and District Minor Works Programme

PURPOSE

This paper outlines the Government's proposal to suspend the role of District Councils (DCs) in implementing projects under the Community Involvement Programme (CIP) and the District Minor Works Programme (DMWP) in light of the latest situation of the Sixth Term DCs.

BACKGROUND

The Role and Functions of DCs

2. Chapter IV of the Basic Law of the Hong Kong Special Administrative Region (HKSAR) of the People's Republic of China sets out the political structure of the HKSAR. Section 5 of that Chapter contains two Articles on district organisations:

Article 97

“District organizations which are not organs of political power may be established in the Hong Kong Special Administrative Region, to be consulted by the government of the Region on district administration and other affairs, or to be responsible for providing services in such fields as culture, recreation and environmental sanitation.”

Article 98

“The powers and functions of the district organizations and the method for their formation shall be prescribed by law.”

3. According to section 61 of the District Councils Ordinance (Cap. 547), the functions of a DC are:

- (a) to advise the Government:
 - (i) on matters affecting the well-being of the people in the District; and
 - (ii) on the provision and use of public facilities and services within the District; and
 - (iii) on the adequacy and priorities of Government programmes for the District; and
 - (iv) on the use of public funds allocated to the District for local public works and community activities; and
- (b) where funds are made available for the purpose, to undertake:
 - (i) environmental improvements within the District;
 - (ii) the promotion of recreational and cultural activities within the District; and
 - (iii) community activities within the District.

Review of the Role, Functions and Composition of DCs in 2006

4. The Government reviewed the role, functions and composition of DCs in 2006. Following public consultation, the Government strengthened the role of DCs in district administration and enhanced their functions, including the provision of additional resources to implement the CIP and the DMWP.

Community Involvement Programme

5. The CIP was introduced to provide funding for community involvement initiatives in the districts to promote community building. Currently, an annual provision of \$461.6 million is made available to the 18 DCs by the Government for implementing CIP initiatives to meet the needs of the respective districts. Such initiatives include district sports activities, arts and cultural programmes, signature district and celebratory events, greening activities and volunteer activities, etc. DCs are responsible for identifying suitable projects for implementation or sponsorship and examining funding applications. However, the funding responsibility and accountability remain with a Government official, with the Director of Home Affairs (DHA) made the Controlling Officer of CIP funds under Head 63: Home Affairs Department in the annual Estimates approved by the Legislative Council (LegCo). DHA has to ensure that funds are spent in compliance with the ambit and the Manual on the Use of DC Funds (the Manual), and that funding applications are handled fairly. In handling the funding process, DC members should strictly follow the Manual and the Code of Conduct for Members of a District Council or its Committees, and deliberate funding projects in a fair, objective and reasonable manner.

District Minor Works Programme

6. The DMWP was introduced in 2007 in four districts on a pilot basis and rolled out to all the 18 districts in 2008 to fund district-based minor works projects led by the Home Affairs Department (HAD) and Leisure and Cultural Services Department (LCSD) for improving local facilities, living environment and hygienic condition. The DMWP is funded under a dedicated block vote, Head 707 Subhead 7016CX¹, of the Capital Works Reserve Fund (CWRP). The annual provision under Subhead 7016CX has been around \$340 million since 2013-14.

7. Under the DMWP, DC members and the relevant departments (i.e. HAD and LCSD) may propose works projects in compliance with its ambit and objective. Typical works projects funded include rain shelters,

¹ The existing ambit of Subhead 7016CX is “district-based works projects implemented by District Councils costing up to \$50 million each to improve local facilities, living environment and hygienic conditions in the territory. It covers minor building works, fitting out works and minor alterations, additions and improvement works including furniture and equipment replacement incidental to such works, and slope inspections and minor slope improvement works in respect of all the district facilities under the purview of the District Council. It also covers all costs to be incurred in the planning of the above projects, such as consultants’ fees, feasibility studies, site investigations and other studies”.

benches, walkway cover, sitting-out areas, planting and horticultural maintenance for planters, beautification works, and improvement works in parks/community halls etc. It has been the practice for projects, irrespective of whether they are proposed by DC members or departments, to be submitted to the respective DCs for funding endorsement. For projects endorsed by DCs for implementation, funding approval will be sought from DHA, being the Controlling Officer of Head 707 Subhead 7016CX, or officers under delegated authority.

CONSIDERATIONS

8. Both the CIP and the DMWP have been conducive to promoting community building and improving the environment/facilities for the benefit of the community. As an indication, during the Fifth Term DC, the CIP sponsored 140 744 activities with around 74 million participants, while a total of 1 907 works projects were completed under the DMWP.

9. With the latest development in the DC landscape, the total number of serving DC members has reduced to 189 and 14 DCs have their membership size more than halved as at 4 October 2021. With a significant proportion of DC seats remaining vacant, the current arrangement of having to seek DCs' endorsement for all such projects has become untenable. In addition, there are DCs which do not have sufficient members to proceed with the election of Council Chairman and for that matter unable to convene DC meetings. The public may also consider it unfair and unreasonable to leave the interest of their community to a very small minority of DC members.

10. Having regard to the missions of the two Programmes, we see a continuing need to make good use of them to promote the well-being of the community. Under the DMWP, the Government has the responsibility to take forward minor works project that have been desired by the community for a long time, in addition to undertaking regular and essential maintenance works such as landscaping and horticultural services for maintaining a clean environment and decent cityscape. Some of these works projects may soon be delayed or even held in abeyance due to problems in seeking DC endorsement for the reasons outlined in paragraph 9 above. Facilitating the projects' delivery would be in the community's interest. It is also important for the CIP to continue to provide the essential funding for district activities under its ambit.

PROPOSAL

11. To ensure proper use of public money, we therefore propose to suspend the role of DCs in endorsing projects under the CIP and the DMWP during the Sixth Term. Instead, HAD/District Offices (DOs) and LCSD will be tasked to propose worthwhile initiatives for funding under the two Programmes having regard to the community's views. The scopes and funding criteria of the two Programmes will remain unchanged, and DHA will continue to oversee funding applications and ensure prudent use of public funds in accordance with the established funding mechanisms.

REVISED OPERATIONAL ARRANGEMENTS

Community Involvement Programme

12. Under the revised arrangement, DOs, the HAD and the LCSD will either allocate the relevant funds direct to relevant organisations, or will organise projects featuring local characteristics and popular festival celebrations as well as cultural, artistic and recreational activities to promote district harmony. Initiatives to be funded will include specified celebratory events (i.e. the anniversary of Hong Kong's Reunification, the National Day and the Chinese New Year reception) and other district signature events (such as dragon boat races, temple gatherings, district festivals, etc.). As for other activities being funded by the CIP, the funds required will be allocated by the respective DOs to district organisations (i.e. Area Committees, District Fight Crime Committees and District Fire Safety Committees). A small amount of funds will also be reserved for special activities that may need to be organised.

District Minor Works Programme

13. Under the revised arrangement, DOs will proactively collect views from the community through different channels such as consultation with local organisations, area committees and DC members, with a view to identifying minor works projects for the benefit of the local community. Worthwhile projects will be put forth for feasibility studies and local consultation as appropriate. Following the established mechanism, funding approval will be sought for feasible and worthy projects from DHA or officers under delegated authorities.

14. As the DMWP is currently funded under a dedicated block vote of the CWRP (i.e. Head 707 Subhead 7016CX) which expressly provides for the advisory role of DCs, technical amendment to the ambit of the block vote will be necessary to reflect the revised and more flexible arrangement of allowing district-based works projects to be pursued as considered necessary by HAD and LCSD after factoring into account views from relevant stakeholders. Subject to Members' support of the proposal, we will proceed to seek the agreement of the LegCo Finance Committee (FC) to introduce the technical amendment to the ambit of Head 707 Subhead 7016CX² before expiry of its current term.

15. Under the existing arrangement, unlike those applicable to other block vote allocations, the list of new projects to be funded by Subhead 7016CX is not available in the annual submission to the FC on CWRP block allocations, as the project list will be subject to DCs' initiation and endorsement. Upon revision in ambit and in line with the arrangement for other CWRP block votes, we will include project lists to be funded by Subhead 7016CX in future submissions to the FC for transparency and accountability.

ADVICE SOUGHT

16. Members are invited to note and support the above proposal.

**Home Affairs Bureau
Home Affairs Department
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² Specifically, we propose to revise the ambit of Subhead 7016CX to become "district-based works projects costing up to \$50 million each to improve local facilities, living environment and hygienic conditions in the territory. It covers minor building works, fitting out works and minor alterations, additions and improvement works including furniture and equipment replacement incidental to such works, and slope inspections and minor slope improvement works in respect of all the district facilities under Home Affairs Department and Leisure and Cultural Services Department. It also covers all costs to be incurred in the planning of the above projects, such as consultants' fees, feasibility studies, site investigations and other studies".