

LCQ3: Statutory bodies

Following is a question by Dr the Hon Cheng Chung-tai and a reply by the Secretary for Home Affairs, Mr Caspar Tsui, in the Legislative Council today (June 3):

Question:

Recently, the work and decisions of the Hong Kong Examinations and Assessment Authority, the Communications Authority and the Independent Police Complaints Council have given rise to controversies across various sectors of society. Some members of the public have queried that such statutory bodies are only subordinates of the Executive Authorities which are not subject to public monitoring, and that they have not placed the overall interests of Hong Kong above all else in the course of their actions. In this connection, will the Government inform this Council:

(1) whether it will enact legislation to transfer the functions of certain statutory bodies to those bodies with their members elected by members of the public (e.g. District Councils), so that members of the public will have more opportunities to participate in public affairs;

(2) as there are comments that given the resources for operating the statutory bodies being mainly provided by the Government, coupled with the fact that a majority of their members are appointed by the Government, the independency of these statutory bodies is prone to be questioned, how the Government will improve this situation; and

(3) of the ways to avoid controversies being caused in society again by statutory bodies when they discharge their statutory functions?

Reply:

President,

My consolidated reply to Dr the Hon Cheng Chung-tai's question is as follows:

As a key component in public administration, advisory and statutory bodies (ASBs) play an important role of helping the Government in the consultation with stakeholders, formulation of policy objectives and performance of statutory functions. The relevant bureaux/departments (B/Ds) are responsible for the establishment, composition (including the appointment of non-official members) and actual operation of individual ASBs.

At present, there are about 500 ASBs in Hong Kong. Of them, 270 are statutory bodies established in accordance with various ordinances. Given the difference in legislative purposes, the nature and functions of these statutory bodies vary considerably, including:

- (a) advisory boards and committees that advise on policies and public services;
- (b) public bodies that provide services to members of the public;
- (c) appeal boards that resolve disputes between members of the public and the Government / public bodies; and
- (d) regulatory bodies that regulate specific trades.

Statutory bodies perform various statutory functions in accordance with the relevant legislation. In general, these functions involve the handling of territory-wide policies or public affairs. District Councils mentioned in the question, established under the District Councils Ordinance (Cap. 547), are also statutory bodies but their functions target at handling matters in the respective districts. These include advising the Government on district administration affairs and undertaking community activities and environmental improvements within the district. Under the current system, if district-specific matters (such as construction of public facilities in the district) are involved in a bureau's policy formulation or a statutory body's performance of statutory functions, the bureau and/or statutory body concerned will also consult the relevant District Council.

The appointments of individuals by the Government as non-official members to ASBs are based on merits. When making an appointment, the relevant B/D takes into account the candidate's ability, expertise, experience, integrity and commitment to public service, with due regard to the functions and nature of business of the ASB. As for the Hong Kong Examinations and Assessment Authority, the Communications Authority and the Independent Police Complaints Council mentioned in the preamble of the question raised by Dr the Hon Cheng Chung-tai, we have consulted relevant bureaux. We understand that as these statutory bodies are responsible for handling more specialised matters, when making an appointment, the Government needs to consider whether the professional knowledge and experience possessed by the candidate are compatible with the statutory body's performance of its functions. To gauge a wide range of public views, the Government will consider appointing people of various background and experience, such as professionals, academics, businessmen as well as representatives from districts and related sectors. Apart from those appointed directly by the Government, some ASB members are identified through nomination, recommendation, appointment or election by the relevant institutions and professional organisations.

There is no lack of people in the community who have enthusiasm to participate in public services and have the necessary ability and experience. As such, under the principle of appointment by merits, the Government has established internal guidelines to make sure that individuals from various sectors of the community have the opportunity to participate in public services. According to the guidelines, B/Ds, as a general rule, shall not recommend appointment of a member to serve on more than six ASBs at the same time or to serve on the same body for more than six years in the same capacity. This is to ensure a reasonable distribution of workload and a healthy turnover of members. Moreover, the Government has set a gender benchmark target of 35 per cent to enhance the participation of women in

relevant work. To provide more opportunities for young people to participate in policy discussion and debate, the Government has set a target of increasing, within the current-term Government, the overall ratio of appointed youth members aged between 18 and 35 to 15 per cent.

The Government has all along been encouraging the public to participate in the work of ASBs so as to enhance public participation in public affairs. Those who are interested to join ASBs may provide us with basic personal particulars and indicate the policy area(s) which he/she is interested in through a form downloadable from the Home Affairs Bureau (HAB)'s webpage. HAB will put the information received in a centralised database from which B/Ds may draw reference when making appointments. In fact, the Government creates, through various initiatives, a favourable environment for the public (in particular young people) to join different ASBs, which include regularising the Member Self-recommendation Scheme for Youth launched by the current-term Government to regularly recruit young people who aspire to serve the community to join more ASBs involving different policy areas.

The Government has always attached importance to the composition and operation of ASBs, and encourages ASBs to take appropriate measures to enhance transparency and commitment to the public. To this end, ASBs have, in light of their respective functions and nature of business, issued press releases, made available meeting agendas or documents for public access or uploaded suitable information onto the internet, with a view to enhancing transparency as far as practicable.

B/Ds will continue to closely monitor the operation of ASBs under their purview and keep in close view the composition to make sure that it meets the operation need and keeps up with the current situation of society. This is to ensure that ASBs can effectively perform their statutory functions, make decisions that meet the overall interests of Hong Kong, and provide quality public services. HAB will continue to encourage B/Ds to keep identifying more talent from different fields to participate in ASBs, allowing them to give full play to their strengths while helping the Government to have a better grasp of social conditions and public views so as to achieve effective governance.