

For information on
12 May 2023

**The Legislative Council House Committee
Subcommittee to Study the Proposals for
Improving District Governance and Related Matters**

Improving Governance at the District Level

Purpose

This paper outlines the Special Administrative Region (“SAR”) Government’s proposals on improving governance at the district level.

Background

2. Since the start of the sixth-term District Councils (“DCs”), a large number of DC members acted against and grossly beyond the functions of DCs as district advisory bodies. Some DC members undermined national security; advocated the so-called “independence” of Hong Kong; supported the black-clad violence; objected to the National Security Law; unscrupulously interfered with and obstructed the administration of the Government; whipping up confrontation; ignored the livelihood of people; harmed the well-being of Hong Kong residents and undermined the interest of Hong Kong. Some 300 DC members refused to take oath and hence resigned with various excuses, or were disqualified for making invalid oaths. Of the 479 seats, only one-third, equivalent to 146 seats are still filled by serving members. It is utterly unacceptable that a large number of DC members did not accept the sovereignty and the exercise of sovereignty of the People’s Republic of China over Hong Kong. We must restore the institution to the right track. Apart from reforming the DCs, we also need to fundamentally improve the district governance structure.

3. The Government announced the proposals on improving governance at the district level at a press conference on 2 May 2023, and issued a Legislative Council (“LegCo”) brief¹ (hereafter referred to as the “**Brief**”) on the same day. The LegCo Panel on Home Affairs, Culture

¹ See: https://www.legco.gov.hk/yr2023/english/brief/hyab20230502_20230502-e.pdf.

and Sports and Panel on Constitutional Affairs held a joint meeting on 4 May to discuss the proposals. On 5 May, the LegCo House Committee agreed to form a special committee to discuss the proposals in detail, with a view to facilitating the subsequent scrutiny by the relevant Bills Committee.

The Proposals

Guiding principles

4. The proposals on improving governance at district level adhere to three guiding principles: first, according top priority to national security. We must fully, faithfully and steadfastly implement the principle of “One Country, Two Systems”, as well as ensure the effective and sustained implementation of the systems prescribed by the Constitution and the Basic Law, including the district advisory bodies which are not organs of political power formed in accordance with Article 97 of the Basic Law; second, fully implementing the principle of “patriots administering Hong Kong”; third, fully practising executive-led governance.

Highlights of the proposals

5. The proposals comprise **two main elements**:
- (1) Reform the DCs, enhance their functions and reform their composition and selection methods with a view to restoring the institution back to the positioning under Article 97 of the Basic Law as district advisory bodies which provide services and are not organs of political power; and
 - (2) Strengthen the district governance structure with coordination strengthened at the central level, thereby raising the capability and strengthening the efficacy in district governance.
6. There are **six key points** in the proposals:
- (1) **Functions of the DCs**: Improve DCs’ advisory and services functions. DCs should be depoliticised and restored to their positioning as district advisory bodies which are not organs of political power in accordance with Article 97 of the Basic Law, thereby fully manifesting executive-led governance (see paragraphs 15 to 17 of the **Brief**);

- (2) **Composition of the DCs:** The total number of members in the seventh-term DCs will be 470, which is comparable to 479 seats in the current sixth-term DCs. DCs will be composed of appointed members, members returned at the District Committees Constituency (“DCC”) election and members returned at the District Council Geographical Constituency (“DCGC”) election at a ratio of 4:4:2, plus 27 ex-officio members. The requirement of nomination by “the three district committees”² (“three committees”) will be introduced to DCC and DCGC elections. DCGC candidates should also obtain the nomination from 50 electors in the relevant constituency (see paragraphs 20 to 23, 25 to 32 of the **Brief**);
- (3) **Eligibility review mechanism:** To safeguard national security and fully implement the principle of “patriots administering Hong Kong”, an eligibility review mechanism will be introduced to the DCs. To become a DC member through any of the above channels, a person’s eligibility must be confirmed through the eligibility review mechanism (see paragraph 24 of the **Brief**);
- (4) **Remuneration package for DC members:** To support DC members to perform various district duties, DC members will receive a remuneration package comparable to the current level (see paragraphs 33 to 36 of the **Brief**);
- (5) **Performance monitoring mechanism for DC members:** To ensure that DC members have duly discharged their duties, a monitoring mechanism for DC members’ performance would be introduced to conduct investigations on DC members whose behavior has allegedly failed to meet the public expectation and the case will be handled as appropriate according to the severity (see paragraphs 37 to 42 of the **Brief**); and
- (6) **Strengthening the District Governance Structure:** To enhance the Government’s senior leadership and coordination efforts at district governance. There are two measures: first, establishing a “Steering Committee on District Governance” (“SCDG”) which will be chaired by the Chief Secretary for Administration to take a leading role on the overall strategies, policies and measures of district governance; second, repositioning the

² They are the District Fight Crime Committees, the District Fire Safety Committees and the Area Committees.

“District Matters Co-ordination Task Force” chaired by the Deputy Chief Secretary for Administration and renaming it as “Task Force on District Governance” (“TFDG”) to coordinate and steer district work of various policy bureaux and departments, in place of the existing “Steering Committee on District Administration” (see paragraphs 44 to 50 of the **Brief**).

Advantages

7. Implementing the proposals can bring about the following advantages:

- (1) **Optimising the functions of DCs:** The reformed DCs will play the role of complementing the Government, so that the Government can plan and implement district services more effectively; at the same time, since they no longer have the function to manage or approve funding, it can prevent any DC member from abusing the relevant authority and obstructing the administration of the Government. With the respective DOs being the DC Chairmen, there will be better coordination among DCs, “the three committees” and Care Teams, so that they can complement each other to generate synergy and serve the people more effectively, thereby fully manifesting executive-led governance;
- (2) **Enhancing the composition and the methods for selection of DCs:** There will be multiple methods for the selection of DC members. Persons who are patriotic, have an affection for Hong Kong and are dedicated to district services can **participate in the work of DCs through multiple channels**. Collecting views from various means will allow the Government to consider problems in a multi-dimensional way, which should be conducive to formulating more appropriate policies. The introduction of appointed and DCC members can effectively rectify the problems of politicisation and populism brought about by DCGC members under the existing system, thereby overcoming silos of constituency interests. With enlarged geographical constituencies, members are **encouraged to have a more holistic and comprehensive perspective** and to attend to district problems in a more macro way. The requirement of nomination by “the three committees” for DCC and DCGC elections can ensure that the elected members truly understand district affairs and can strengthen the connection between the

district committees and DCs, which is **conducive to their close collaboration**;

- (3) **Introducing the eligibility review mechanism:** To ensure **“patriots administering Hong Kong”** and that DCs will no longer be a platform to advocate the so-called “independence” of Hong Kong or undermine national security but will return to their livelihood-oriented positioning;
- (4) **Performance monitoring mechanism:** People can **continuously monitor** the performance of members during their terms of office. This can ensure that **every DC member delivers due diligence** and meets the public expectation; and
- (5) **Strengthening the district governance structure:** SCDG can ensure that the policies and measures formulated by the various parties in the district governance structure are well **coordinated and complementary with each other**. It will consider various district problems from a holistic and more comprehensive perspective to effectively **address the demand of the citizens in a timely manner**. TFDG can effectively facilitate the **coordination and collaboration** of district work among government departments for **enacting corresponding measures promptly**.

Conclusion

8. Members are invited to note the content of this paper.

**Constitutional and Mainland Affairs Bureau
Home and Youth Affairs Bureau
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