

**Legislative Council Panel on Home Affairs**

**Review of Advisory and Statutory Bodies**

**Interim Report No. 4 –  
Gender Balance in  
Advisory and Statutory Bodies**

Purpose

The purpose of this paper is to set out the 25% gender benchmark now used in the appointment of members to advisory and statutory bodies.

Background

2. Advisory and statutory bodies have an important role to play in Hong Kong's public policy-making structure and decision-making process. Women's participation in these bodies has, however, been quite low. Of the 500 or so advisory and statutory bodies in the public sector, women constitute approximately 22% of total membership. Some of these bodies have no women members at all. Of all the entries in the Central Personality Index (the computer database from which nominations for appointment are often drawn), only 21% are women. Given such a low level of women participation, the views and perspectives of women tend to be under-represented on advisory and statutory bodies.

3. While the principle of appointment by merit should be upheld, a balanced gender composition would enable the perspectives and concerns of both men and women to be fully reflected. It would also enable the Government to benefit from all-round advice and to gauge the views of both genders more extensively through advisory and statutory bodies.

## Policy

4. In its current review of advisory and statutory bodies, the Home Affairs Bureau has affirmed the policy that proactive measures should be taken to reach out, identify and cultivate women who are willing and able to contribute to community service. Bureaux have also been asked to encourage women to contribute their curriculum vitae to the Central Personality Index. While no quota has been set, an initial working target of at least 25% for each gender has been suggested for the purpose of benchmarking (the 25% gender benchmark). The benchmark may be raised in the longer term in line with international norms. When asked to nominate candidates for appointment, the Home Affairs Bureau will make an effort to ensure that at least 40% of the candidates are of either sex.

5. In his 2004 Policy Address, the Chief Executive reiterated the importance of supporting the participation of women in advisory and statutory bodies. He said: "In formulating and implementing our policies, we will take into account the gender perspective, and will strive to enhance the participation of women in the work of government advisory and statutory bodies..... We will continue to work hard to create an enabling environment for women in Hong Kong to realize their potential."

## Statistics

6. The gender balance in advisory and statutory bodies is as follows:

### Gender Balance in Advisory and Statutory Bodies

#### Members<sup>(Note)</sup>

<u>Men</u>	<u>Women</u>	<u>Total</u>
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<sup>(Note)</sup> The figures do not represent the actual number of persons serving on advisory and statutory bodies as a person may serve on more than one board or committee.

Statutory bodies	2758(77.3%)	810(22.7%)	3568(100%)
Non-statutory bodies	3724(78.6%)	1012(21.4%)	4736(100%)
Statutory and non- Statutory bodies	6482(78.1%)	1822(21.9%)	8304(100%)

### Initiatives

7. In June 2002, the Home Affairs Bureau issued a circular memorandum to all bureaux and departments to affirm the policy that gender composition should be taken into consideration in making appointments to advisory and statutory bodies.

8. In January 2004, the Home Affairs Bureau issued a further circular memorandum to all bureaux and departments informing them that, while no quota has been set, an initial working target of at least 25% for each gender has been set for the purpose of benchmarking.

### Way Forward

9. The Home Affairs Bureau will monitor progress in enhancing women's participation in advisory and statutory bodies and report progress to the Panel.

Home Affairs Bureau  
February 2004

**Legislative Council Panel on Home Affairs**

**Review of Advisory and Statutory Bodies**

**Interim Report No. 6 –  
The 6-year Rule**

Purpose

This paper gives an account of our review of the "6-year rule" which has long been used as a guiding principle in making reappointments of non-official members to advisory and statutory bodies in the public sector.

Background

2. Changes in the membership of advisory and statutory bodies take place regularly for various reasons, including:
  - (a) performance of individual members during their term of office;
  - (b) availability of members;
  - (c) changes in the Government's/community's expectations of the role and functions of the board or committee;
  - (d) infusion of new blood to ensure a healthy turnover of members;
  - (e) provision of opportunities to more people to serve the community through membership of a board or committee; and
  - (f) positive action to achieve a more gender-balanced composition.

3. As a general rule, a non-official member of an advisory or statutory body should not serve more than 6 years in any one capacity (the 6-year rule). Where a member has been appointed as Chairman or Vice-chairman from among the membership of an advisory or statutory body, it is regarded as a "new" appointment and the 6-year count starts again. Only in special circumstances should a member be reappointed beyond the 6-year limit.

#### Overseas practices

4. In the United Kingdom, a person may not serve more than 10 years on the same board or committee (the 10-year rule). Only in exceptional circumstances will an extension of service beyond the 10-year limit be allowed.

5. In Ontario, Canada, a term of appointment to the boards of government agencies must not exceed 3 years, with a reappointment allowable up to a further 3 years (i.e., a total of 6 years), unless the enabling legislation for the agency dictates otherwise.

#### Present situation

6. As at 31 March 2004, 1,695 non-official members of advisory and statutory bodies (counting the number of posts and not the number of individuals) were serving in the same post for over 6 years. There are about 8,800 posts in public sector advisory and statutory bodies.

7. The detailed figures on non-compliance with the 6-year rule are as follows:

<u>Duration of service</u>	<u>Number of members</u> (cumulative)
over 10 years	272
over 9 years	764

over 8 years	997
over 7 years	1313
over 6 years	1695

Reasons for breach of the 6-year rule

8. It appears the 6-year rule is quite often breached by the appointing authorities. The main reasons for this are:

- (a) some serving non-officials members have particular skills or experience essential to the effective and efficient functioning of the board or committee;
- (b) serving members could provide continuity during a period of change (e.g., when a significant number of appointments are coming to an end at the same time);
- (c) nominating bodies (i.e., organizations which have a right (either statutory or traditional) to have their interests represented on a particular advisory or statutory body) continue to nominate the same individuals for appointment;
- (d) certain office holders are traditionally appointed to a particular committee (e.g., District Council Members are usually appointed to the Area Committees of their constituency); and
- (e) some non-official members are appointed by the bodies themselves in accordance with the enabling legislation (e.g., university councils appoint some of their own members).

9. Despite the reasons set out above, we are of the view that the 6-year rule could be enforced more rigorously.

### Flexibility

10. Given the diverse circumstances of advisory and statutory bodies, bureaux should have the flexibility to adopt measures (including not complying strictly with the 6-year rule) which they consider to be necessary and appropriate for the boards and committees under their purview. However, any exception to the 6-year rule should be reasonable and proportionate to the special circumstances of the case. Bureaux should be prepared to give justifications for not complying fully with the rule.

### Review

11. Having reviewed the 6-year rule, we are of the view that the reasons for setting down the rule remain valid. We therefore propose that the rule should remain a guiding principle in making reappointments of non-official members of advisory and statutory bodies. We also propose that the appointing authorities should take active measures to comply with this rule.

### Way forward

12. To remind appointing authorities of the need to comply as far as practicable with the 6-year rule, the Home Affairs Bureau will issue a circular memorandum to all bureaux and departments on this matter. The Home Affairs Bureau will also write to the bureau responsible for the advisory and statutory bodies which have a significant number of non-official members who have served more than 6 years on the same post in the same board or committee.

Home Affairs Bureau  
April 2004

**Legislative Council Panel on Home Affairs**

**Review of Advisory and Statutory Bodies**

**Interim Report No. 7 –  
The 6-board Rule**

Purpose

This paper gives an account of our review of the "6-board rule" which has long been used as a guiding principle in making appointments of non-official members to advisory and statutory bodies in the public sector.

Background

2. Service as non-official members of advisory and statutory bodies is part-time and voluntary. Most non-official members have full-time jobs and have to spare time from their daily routines to participate in the work of advisory and statutory bodies. It is important not to overburden non-official members with board/committee work.

3. Another reason for establishing the 6-board rule is to provide opportunities to more people to serve the community through membership of a board or committee.

4. As a general rule, a person should not serve as a member on more than 6 boards/committees (the 6-board rule). This long-established guiding principle is to ensure that a non-official member does not take on more than he or she can practically handle. Only in special circumstances should a person be appointed to more than 6 boards/committees.

5. We have not been able to find a similar rule or guideline in other common law jurisdictions, such as the United Kingdom, Australia and Canada.



### Proportionality

6. Appointments to advisory and statutory bodies should, where necessary and appropriate, respect the needs of the body, rather than follow strictly administrative guidelines. Given the diverse needs of such bodies, bureaux should have the flexibility to select members (including the flexibility not to comply fully with the 6-board rule). However, any exception to the 6-board rule should be reasonable and proportionate to the special circumstances of the case. Bureaux should be prepared to give justifications for not complying with the rule.

### Present situation

7. As at 31 March 2004, 45 persons were serving on more than 6 boards/committees. There are at present about 5,500 persons serving on public sector advisory and statutory bodies.

8. The detailed figures on non-compliance with the 6-board rule are as follows:

<u>Number of boards/committees served</u>	<u>Number of persons</u>
7	24
8	13
9	4
10	2
11	0
12	2
Total	<hr/> 45

9. Compared with past figures, it appears that the 6-board rule is now not so widely breached.

### Reasons for breach of the 6-board rule

10. The main reasons given for not complying with the 6-board

rule are:

- (a) some persons have certain skills or experience essential to the effective and efficient functioning of a particular board or committee; and
- (b) some persons could afford more time for voluntary public service.

### Review

11. Having reviewed the 6-board rule, we are of the view that the rationale for setting down the rule remains valid. We therefore propose that the rule should remain a guiding principle in making appointments of non-official members to advisory and statutory bodies. We also propose that the appointing authorities should comply more strictly with this rule.

### Way forward

12. To remind appointing authorities of the need to comply more strictly with the 6-board rule, the Home Affairs Bureau will issue a circular memorandum to all bureaux and departments on this matter. We will also monitor the situation more closely.

Home Affairs Bureau  
April 2004

**Legislative Council Panel on Home Affairs**

**Review of Advisory and Statutory Bodies**

**Interim Report No. 9 –  
Diversity in Appointments to  
Advisory and Statutory Bodies**

Purpose

This paper sets out our proposal to appoint people from a wider range of backgrounds to advisory and statutory bodies in the public sector so as to reflect the rich diversity of Hong Kong society.

Background

2. Non-official members of advisory and statutory bodies play an important role in public life by providing independent advice to Government, resolving disputes between the Government and aggrieved parties and improving the delivery of public services.
3. Appointment on merit is the basic principle. While appointments to advisory and statutory bodies should respect the needs of the body concerned, we are committed to enhancing diversity in advisory and statutory bodies so that these bodies reflect a fair and equitable representation of the population of Hong Kong.
4. The Government recognizes that women, people with a disability, members of ethnic minorities and young persons have a wide range of skills and experience that may be useful to the work of advisory and statutory bodies. They can offer views and opinions that may otherwise be overlooked. They also provide a useful balance to the interests and views of the more traditional decision-makers.

## Proposal

5. In order to improve diversity in appointments to advisory and statutory body, we propose to increase the proportion of appointments held by the following groups:

- (a) women;
- (b) people with a disability;
- (c) members of ethnic minorities; and
- (d) young persons.

## Women

6. There are about 500 advisory and statutory bodies in Hong Kong with more than 5,600 members. Women represent 22.8% of the total number of members. The figures are as follows:

### Advisory and Statutory Bodies - Number of Members

<u>Men</u>	<u>Women</u>	<u>Total</u>
4,363	1,289	5,652
77.2%	22.8%	100%

7. While there has been steady progress in improving the gender balance, women are still under-represented on these bodies.

8. In January 2004, the Home Affairs Bureau issued a policy guideline to all bureaux and departments informing them that, while no quota has been set, an initial working target of at least 25% for each gender has been set for the purpose of benchmarking. This working target will be reviewed from time to time.

### People with a disability

9. We propose that measures should be pursued to identify and encourage suitably qualified people with a disability for appointment to advisory and statutory bodies so that the interests and views of disabled people may be represented.

10. According to a survey conducted in 2000, about 4% of the population of Hong Kong had a form of disability such as hearing difficulty or speech difficulty. People with a disability are generally under-represented in decision-making bodies. Greater opportunities to participate in the work of advisory and statutory bodies should be provided. While no working target will be set at this stage, bureaux and departments should actively pursue measures to target people with a disability for appointment to these bodies.

### Members of ethnic minorities

11. The 2001 Population Census found (by way of self-identification) that there were about 344,000 non-Chinese people in Hong Kong, or about 5% of the population. Nearly half of the population of these non-Chinese groups are permanently settled in Hong Kong. The major settled ethnic minority groups are Indians, Filipinos, Nepalese, Pakistanis and Thais.

12. The Government believes that the membership of advisory and statutory bodies should reflect the ethnic and cultural diversity in our community. At present ethnic minorities are under-represented on these boards and committees. More members of ethnic minorities should be appointed, although no working target will be set at this stage.

### Young persons

13. Young persons should be able to make an input to the community through serving on advisory and statutory bodies. Appointment to public sector boards and committees is, in fact, a form of empowerment. Although there are people in their twenties who are serving as members on advisory and statutory bodies, young persons

(people in their twenties and thirties) are, on the whole, under-represented.

14. We propose that more young persons (people under 40) should be appointed to boards and committee to provide alternative perspectives and opinions in the decision-making process. However, no working target would be set at this stage.

#### Way forward

15. We propose to issue a circular memorandum to bureaux and departments to advise and encourage them to target women, people with a disability, members of ethnic minorities and young persons for appointment to advisory and statutory bodies.

Home Affairs Bureau  
July 2004